

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



**Nacogdoches, Texas
April 28-30, 2019
Volume 325**

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**Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
April 28, 29 and 30, 2019
Austin Building 307
Meeting 325**

Sunday, April 28, 2019

The regular meeting of the Board of Regents was called to order in open session at 2:37 p.m. on Sunday, April 28, 2019, by Chair Brigettee Henderson.

PRESENT:

Board Members: Mrs. Brigettee Henderson, Chair
 Dr. Scott Coleman
 Mr. Alton Frailey
 Mr. Bob Garrett
 Mr. Tom Mason
 Mr. Ken Schaefer
 Ms. Kate Childress, student member

Interim President: Dr. Steve Westbrook

Vice-Presidents: Dr. Steve Bullard
 Dr. Danny Gallant
 Dr. Adam Peck
 Ms. Jill Still

General Counsel: Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regents Alders, Blair and Gantt joined the meeting after the call to order.

The chair called for an executive session to consider the following items:

Deliberations Regarding Security Devices or Security Audits (Texas Government Code, Section 551.076)

- Report from chief information officer
- Safety and Security Audit

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations (Texas Government Code, Section 551.073)

- Possible Naming Opportunities

Deliberations Regarding the Purchase, Exchange, Lease, Sale or Value of Real Property (Texas

Government Code, Section 551.072)

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the head men's basketball coach, the head women's basketball coach, the vice presidents, and the president (Texas Government Code, Section 551.074)

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints; evaluations; intellectual property; *Geralyn Franklin v. Stephen F. Austin State University*; *Pamela Clasquin v. Stephen F. Austin State University*; and *John Doe v. SFASU, et al.* (Texas Government Code, Section 551.071)

The executive session ended at 7:57 p.m. The Board of Regents meeting returned to open session and recessed to Monday, April 29, at 8:00 a.m.

Monday, April 29, 2019

The regular meeting of the Board of Regents was called to order in open session at 8:03 a.m. on Monday, April 29, 2019, by Chair Brigettee Henderson.

PRESENT:

Board Members:	Mr. Brigettee Henderson, Chair
	Mr. David Alders
	Mrs. Nelda Blair
	Dr. Scott Coleman
	Mr. Alton Frailey
	Mrs. Karen Gantt
	Mr. Bob Garrett
	Mr. Tom Mason
	Mr. Ken Schaefer
	Ms. Kate Childress, student member

Interim President:	Dr. Steve Westbrook
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Vice-Presidents:	Dr. Steve Bullard
	Dr. Danny Gallant
	Dr. Adam Peck
	Ms. Jill Still

General Counsel:	Mr. Damon Derrick
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Other SFA administrators, staff, and visitors

The president introduced as guests the newly appointed members of the Board of Regents who will take office in May, Judy Olson and Jennifer Winston, and congratulated David Alders, who has been reappointed for a second term on the board.

The board recessed at 8:10 a.m. for committee meetings. The Building and Grounds Committee convened at 8:10 a.m. and adjourned at 8:41 a.m. The Finance and Audit Committee convened at 8:41 am and adjourned at 11:20 a.m. for lunch and to attend dedication ceremonies of the Bush Mathematical Sciences Building and the ROTC Obstacle Course. The Academic and Student Affairs Committee convened at 3:28 p.m. and adjourned at 4:28 p.m.

The Board of Regents meeting returned to open session and recessed for the evening with no further action.

Tuesday, April 30, 2019

The regular meeting of the Board of Regents was called to order in open session at 9:01 a.m. Tuesday, April 30, 2019, in the Austin Building Board Room by Chair Brigettee Henderson.

PRESENT:

Board Members: Mr. Brigettee Henderson, Chair
 Mr. David Alders
 Mrs. Nelda Blair
 Dr. Scott Coleman
 Mr. Alton Frailey
 Mrs. Karen Gantt
 Mr. Bob Garrett
 Mr. Tom Mason
 Mr. Ken Schaefer
 Ms. Kate Childress, student member

Interim President: Dr. Steve Westbrook

Vice-Presidents: Dr. Steve Bullard
 Dr. Danny Gallant
 Dr. Adam Peck
 Ms. Jill Still

General Counsel: Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Chair Henderson welcomed those present and Dr. Westbrook introduced Judy Olson and Jenn Winston as special guests. SFA ROTC Cadet Samantha Stalnaker led the pledges to the flags and Regent Alton Frailey provided the invocation.

RECOGNITIONS

Ryan Ivey introduced Coach Phil Olson and the SFA Women's Indoor Track and Field Team, Southland Conference Champions. He recognized the 2019 national collegiate champion SFA Women's Bowling Team. Dr. Peck introduced the winning spirit teams who are national champions in their division. He also recognized student journalist award winners at the recent Texas Intercollegiate Press Association. Dr. Bullard recognized the SFA Sylvans who were recent winners of the Association of Southern Forestry Clubs Conclave and also winners of the peer-chosen Sportsmanship Award. He also recognized the SFA student chapter of the Wildlife Society who recently won a regional quiz bowl. The third group he recognized was the National Collegiate Landscape Competition. Dr. Bullard then recognized faculty members who will be recommended for development leave to pursue scholarly interests and those being recommended for promotion to full professor rank and to professor emeritus. Dr. Westbrook introduced and recognized recent graduates of Leadership SFA. Dr. Westbrook recognized graduate student Josue Gonzales for his outstanding efforts in response to the recent area storms that impacted the university community.

APPROVAL OF MINUTES

BOARD ORDER 19-32

Upon motion by Regent Frailey, seconded by Regent Alders, with all members voting aye, it was ordered that the minutes of the January 27, 28, and 29, 2019; February 22, 2019; and April 8, 2019 meetings be approved as presented.

PERSONNEL

BOARD ORDER 19-33

Upon motion by Regent Alders, seconded by Regent Frailey, with all members voting aye, it was ordered that the following personnel items be approved.

FACULTY APPOINTMENTS

The following faculty appointments were approved.

COLLEGE OF EDUCATION

Maria Betancourt-Smith, Ph.D. (Texas AandM University), Visiting Assistant Professor of Secondary Education and Educational Leadership, at a 4.5-month salary of \$26,500 for 100 percent time, effective January 1, 2019.

STAFF APPOINTMENTS

The following staff appointments were approved:

ATHLETICS

Mark Kellogg, Head Women's Basketball Coach. The president was authorized to negotiate and executive Amendment No. 2 to the Head Coach Employment Contract, upon review for legal form and sufficiency by the Office of the General Counsel.

JaMarkus McFarland, Assistant Football Coach, at an annual salary of \$42,000 for 100 percent time, effective January 16, 2019.

Tomas Rodriguez, Facilities and Equipment Supervisor, at an annual salary of \$40,000 for 100 percent time, effective March 26, 2019.

Joshua Stoner, Assistant Coach and Director of Sports Performance, at an annual salary of \$85,000 for 100 percent time, effective January 7, 2019.

Philip Vigil, Coordinator of Football Team Operations, at an annual salary of \$45,000 for 100 percent time, effective January 9, 2019.

Nathan Young, Assistant Football Coach, at an annual salary of \$71,000 for 100 percent time, effective January 6, 2019.

COLLEGE OF FORESTRY AND AGRICULTURE

Cassandra Montesano, Equine Supervisor, at an annual salary of \$40,300 for 100 percent time, effective January 21, 2019.

INFORMATION TECHNOLOGY SERVICES

Bryan Nelson, Network Support Specialist II, at an annual salary of \$48,000 for 100 percent time, effective January 14, 2019.

INSTITUTIONAL RESEARCH

Morgan Smith, Senior Analyst, at an annual salary of \$57,400 for 100 percent time, effective February 25, 2019.

RESIDENCE LIFE

Arnulfo Hernandez, Hall Director, at an annual salary of \$30,330 for 100 percent time, effective January 21, 2019.

Christopher Ruth, Hall Director, at an annual salary of \$30,330 for 100 percent time, effective January 28, 2019.

STUDENT AFFAIRS SUPPORT SERVICES

Prici Arizmendi, Counselor, at an annual salary of 42,000 for 100 percent time, effective January 7, 2019.

CHANGES OF STATUS

The following changes of status were approved:

ACADEMIC AFFAIRS

Alison Reed, from HR Representative at an annual salary of \$46,696 for 100 percent time, to Learning Experience Design Specialist II in Center for Teaching and Learning at an annual salary of \$50,500 for 100 percent time, effective January 14, 2019.

ADMISSIONS

Janet McLeroy, from Assistant Director of Admissions at an annual salary of \$50,887 for 100 percent time, to Associate Director of Admissions at an annual salary of \$55,387 for 100 percent time, effective February 1, 2019.

Monique Nunn, from Coordinator of Student Success Center at an annual salary of \$61,133 for 100 percent time, to Enrollment Coordinator (Transfers) at an annual salary of \$61,133 for 100 percent time, effective January 1, 2019.

ATHLETICS

Freddie Banks, from Assistant Football Coach at an annual salary of \$45,000 for 100 percent time, to Assistant Coach with a change in job assignment at an annual salary of \$50,000 for 100 percent time, effective January 1, 2019.

Jeffrey Byrd, from Interim Head Football Coach at a monthly salary of \$8,000 for 100 percent time for three months, to Interim Head Football Coach at a monthly salary of \$8,000 for 100 percent time for one month, effective December 1, 2018.

COLLEGE OF BUSINESS

Robert McDermid, from Associate Director of Athletic Academic Services at an annual salary of \$64,404 for 100 percent time, to Senior Lecturer of Management and Marketing at an academic year salary of \$75,000 for 100 percent time, effective January 18, 2019.

Keith New, from Adjunct Faculty in Business Communication and Legal Studies at a 4.5-month salary of \$10,500 for 75 percent time, to Lecturer of Business Communication and Legal Studies at an academic year salary of \$49,000 for 100 percent time, effective January 1, 2019.

COLLEGE OF LIBERAL AND APPLIED ARTS

Kenneth Untiedt, from Professor of English and Creative Writing at an academic salary of \$70,750 for 100 percent time, to Professor and Interim Chair of English and Creative Writing at an academic salary of \$70,750 for 100 percent time with an additional stipend of \$1,000 per month for eight months for interim duties, effective January 1, 2019.

FINANCE AND ADMINISTRATION

Ginger Walker, from Accountant I in Development at an annual salary of \$42,500 for 100 percent time, to Senior Budget Analyst at an annual salary of \$70,000 for 100 percent time, effective January 14, 2019.

HUMAN RESOURCES

Barbara Hunter, from Senior Representative for Benefits at an annual salary of \$49,628 for 100 percent time, to Lead Senior Representative at an annual salary of \$55,628 for 100 percent time, effective March 1, 2019.

INFORMATION TECHNOLOGY SERVICES

James Egner, Technical Support Specialist at an annual salary of \$54,223 for 100 percent time, to Client Services Manager at an annual salary of \$60,000 for 100 percent time, effective February 25, 2019.

Henry Wiederhold, from Programmer Systems II at an annual salary of \$55,250 for 100 percent time, to Specialist Security ITS II at an annual salary of \$60,000 for 100 percent time, effective April 1, 2019.

LIBRARY

Edward Iglesias, from Librarian III at an annual salary of \$59,160 for 100 percent time, to Librarian III with a change in job responsibilities at an annual salary of \$69,160 for 100 percent time, effective February 1, 2019.

SCHOOL OF NURSING

Kelley McDonald, from Clinical Instructor at an academic year salary of \$45,000 for 100 percent time, to Clinical Instructor with a change in job assignment at an academic year salary of \$54,000 for 100 percent time, effective January 1, 2019.

UNIVERSITY AFFAIRS

Ryan Brown-Moreno, from Admissions Counselor at an annual salary of \$35,411 for 100 percent time, to Career Coordinator in the Center for Career and Professional Development at an annual salary of \$36,000 for 100 percent time, effective January 3, 2019.

Lacey Folsom, from Director of Student Engagement at an annual salary of \$61,400 for 100 percent time, to Interim Assistant Dean of Students at an annual salary of \$61,400 for 100 percent time with an additional stipend of \$1,000 per month for three months, effective February 1, 2019.

Hollie Gammel Smith, from Assistant Dean of Student Affairs Programming at an annual salary of \$82,742 for 100 percent time, to Interim Dean of Students at an annual salary of \$82,742 for 100 time with an additional stipend of \$1,500 per month for three months, effective February 1, 2019.

Adam Peck, from Dean of Students and Assistant Vice President of University Affairs at an annual salary of \$121,245 for 100 percent time, to Interim Vice President of University Affairs at an annual salary of \$121,245 with an additional stipend of \$2,500 per month for three months, effective February 1, 2019.

PROMOTIONS

The following individuals were granted promotion to the academic rank indicated:

To Assistant Professor, effective fall semester 2019

Jeffrey Forsse	Kinesiology and Health Science
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To Associate Professor, effective fall semester 2019

Marcus Cox	Management and Marketing
Gina Harden	Management and Marketing
Jason Reese	Management and Marketing
Susan Reily	Elementary Education
Vicki Thomas	Elementary Education
James Rowe	Kinesiology and Health Science
Ali Hachem	Secondary Education
Mary Olle	Human Sciences
Paula Griffin	Elementary Education
Nieberding, William	Art
Shaun Roberts	Art
Carrie Kennedy Lightsey	Languages Cultures and Communication
Robert Polewan	Psychology
Lynn Greenleaf	Mathematics and Statistics
Jonathan Mitchell	Mathematics and Statistics

To Professor, effective fall semester 2019

Stephen Kosovich	Economics and Finance
Mark Schaub	Economics and Finance
Kimberly Welsh	Elementary Education
Chay Runnells	Human Sciences

Christina Sinclair	Kinesiology and Health Science
Heather Olson-Beal	Secondary Education and Educational Leadership
Pat Stephens Williams	Forestry
Jeremy Stovall	Forestry
Perky Biesel	History
Leslie Cecil	Anthropology Geography and Sociology
Stephen Cooper	Social Work
Wilma Cordova	Social Work
Linda Levitt	Languages Cultures and Communication
Thomas Judson	Mathematics and Statistics
Walter Trikosko	Physics Engineering and Astronomy

To Associate Professor Emeritus, effective fall semester 2019

Mary Nelle Brunson	Elementary Education
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To Professor Emeritus, effective fall semester 2019

Tim King	Music
Karen Embry Jenlink	Secondary Education and Educational Leadership

TENURE

Academic tenure was awarded to the following individuals, effective fall semester, 2019.

Marcus Cox	Management and Marketing
Gina Harden	Management and Marketing
Jason Reese	Management and Marketing
Susan Reily	Elementary Education
Vicki Thomas	Elementary Education
Deborah Williams	Elementary Education
Ting Ting, Xu	Elementary Education
Hyunsook Kang	Human Sciences
James Rowe	Kinesiology and Health Science
Ali Hachem	Secondary Education and Educational Leadership
William Nieberding	School of Art
Shaun Roberts	School of Art
Christopher Turner	School of Music
Carrie Kennedy-Lightsey	Languages Cultures and Communication
Robert Polewan	Psychology
Lynn Greenleaf	Mathematics and Statistics
Jonathan Mitchell	Mathematics and Statistics
Jodene Pappas	Library

FACULTY DEVELOPMENT LEAVE

The faculty members listed below were awarded faculty development leave for the semester indicated:

Fall 2019	Piero Fenci	Professor of Art
Spring 2020	Brook Poston	Associate Professor of History

RETIREMENTS

The following retirements were accepted:

Ellen Caplan, Librarian III, effective January 31, 2019, with 9 years of service.

Shirley Dickerson, Director of Library, effective May 31, 2019, with 20 years of service.

Matthew Fenley, Associate Director of Compliance in Athletics, effective February 28, 2019, with 36 years of service.

Susan Jennings, Professor of Business Communications and Legal Studies, effective January 31, 2019, with 18 years of service.

Gary Mayer, Professor of Mass Communications, effective August 31, 2019, with 27 years of service.

Gregory Payne, Intercollegiate Athletics, Supervisor of Athletic Facilities and Equipment, effective February 28, 2019, with 40 years of service.

K. L. Roberts, Associate Professor of Secondary Education and Educational Leadership, effective January 31, 2019, with 9 years of service.

Peggy Scott, Director of Student Rights and Responsibilities, effective April 30, 2019, with 38 years of service.

Van Sellars, Information Technology Services Programmer/Analyst III, effective March 31, 2019, with 34 years of service.

Deborah Sellman, Budget Director, effective February 28, 2019, with 27 years of service.

Samuel Smith, Director of Student Center, effective August 31, 2019, with 19 years of service.

Wini Turner, Assistant to the President/Budget Analyst, effective August 31, 2019, with 27 years of service.

Susan Williams, Special Assistant to the President, effective August 31, 2019, with 38 years of service.

ACADEMIC AND STUDENT AFFAIRS

BOARD ORDER 19-34

Upon motion by Regent Alders, seconded by Regent Blair, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

CURRICULUM CHANGES FOR 2019-20

The Board of Regents approved the undergraduate and graduate curriculum changes listed in Appendix 1 to be effective for fall 2019.

BOARD ORDER 19-35

Upon motion by Regent Alders, seconded by Regent Blair, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 2:

Academic Accommodation for Students with Disabilities 6.1
Administrative Systems Software Changes 16.2
Email for University Communications 15.1
Emergency Operations Plan 13.8
Employee Enrolling for Courses 12.4
Family and Medical leave 12.9
Financial Conflicts of Interest in Sponsored Activities 8.2
Grievance and Appeals 11.15
Guest Speakers 16.12
Interlibrary Loan 4.11.1
Library Borrowing 4.11.2
Misconduct in Federally Funded Research 8.7
New Employee Orientation 11.17
News Releases 15.3
Parking and Traffic Regulations 13.14
Reproduction of Copyrighted Works by Educators and Librarians 9.2
Small-Size Classes 7.26
University Letterhead 15.5
University Publications 15.8

BUILDING AND GROUNDS

BOARD ORDER 19-36

Upon motion by Regent Garrett, seconded by Regent Schaefer, with all members voting aye, it was ordered that the following building and grounds affairs item be approved.

PARKING LOT CONSTRUCTION

WHEREAS, the board members considered the following: There is a large student demand for parking near the main campus. The university owns a house located at 1521 Baker Street that has been planned for demolition in order to create additional student parking space. Adjacent to that location is an asphalt parking lot on Feazell Street lot that was temporarily paved in 2017. The asphalt parking lot is heavily utilized, and requires extensive maintenance.

The university has also planned to demolish a house located at 310 Starr Avenue in order to provide additional parking. Current parking space on Starr Avenue that is adjacent to 310 Starr Avenue is also planned to be resurfaced. The additional parking spaces and stronger surfaces will enhance student parking.

THEREFORE, it was ordered that the houses at 1521 Baker Street and 310 Starr Avenue be demolished, that concrete parking lots be constructed on those sites, and the current parking lot on Starr Avenue be resurfaced. In addition, a concrete parking lot will be constructed on an existing asphalt lot on Feazell Street. Total demolition and parking lot construction costs were approved at a cost not to exceed \$425,000. Auxiliary funds will be used for the project. The president was authorized to sign purchase orders and contracts of \$100,000 or more.

ONCOR ELECTRIC AND CENTERPOINT ENERGY EASEMENTS

WHEREAS, the board members considered the following: To construct the new basketball practice facility, it is necessary to reroute exiting utility distribution lines. Underground electrical and natural gas lines are located near the intersection of University Drive and East College Street. Utility rerouting requires an easement agreement with Oncor Electric for electrical distribution and Centerpoint Energy for natural gas distribution.

THEREFORE, it was ordered that utility easement agreements with Oncor Electric and Centerpoint Energy near the intersection of University Drive and East College Street be approved. The president was authorized to sign the easement agreements with Oncor Electric and Centerpoint Energy.

APPROVAL OF BUILDING AND GROUNDS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 2:

Campus Programs for Minors 13.5

Skating and Skateboarding 13.20

FINANCIAL AFFAIRS

BOARD ORDER 19-37

Upon motion by Regent Frailey, seconded by Regent Blair, with all members voting aye, it was ordered that the following financial affairs items and committee of the whole item be approved.

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

The Board of Regents acknowledged receipt of the audit services report as presented including the following:

- Procurement and Property Services Departmental Audit
- Environmental Sciences Departmental Audit
- Career and Professional Development Departmental Audit
- Tuition and Exemptions Audit
- TAC 202 Information Security Audit
- Follow - Up Audit
- Internal Projects or Investigations
- Annual Risk Assessment Survey Results
- Quality Assurance Review Self-Assessment Report
- Update on Audit Plan

ADOPTION OF FISCAL YEAR 2018-19 SUMMER BUDGET

WHEREAS, the board members considered the following: The fiscal year 2018-19 summer budget contains two regular summer semesters and a mini-semester. The 2018-19 annual budget includes summer reserve funds of \$2,280,447 that are used to support summer school salaries and benefits. In addition, salary savings and designated funds that total \$1,200,984 are needed to support summer budget salaries and initiatives.

THEREFORE, it was ordered that the fiscal year 2018-19 summer budget that totals \$3,481,431 be approved. Funding sources include budgeted summer reserve funds, salary savings and designated support funds.

CHANGES IN COURSE FEES FOR FY 2019-20

Changes in course and lab fees for fiscal year 2019-20 were approved as shown in the following chart.

Course Fee Deletions Effective Summer 2019						
Department	Course	Course #	Section	Description	From	To
College of Education						
Secondary Ed and Ed Leadership	AED	678	All	Special Topics	\$20	\$0
Secondary Ed and Ed Leadership	AED	650	All	Synthesis Seminar I	\$20	\$0
Secondary Ed and Ed Leadership	AED	651	All	Synthesis Seminar II	\$20	\$0
College of Business						
Business Communication and Legal Studies	GBU	461	Online	Professional Development and Integration	\$50	\$0

MOBILE SUITE UNITS

WHEREAS, the board members considered the following: The Intercollegiate Athletics Department has a long-term plan of providing additional premium fan experience opportunities at SFA athletic events with the strategic goal of increasing revenue. In line with this plan, the department requests the purchase of up to five specialized mobile suite units that can be used for premium seating at football and other athletic events. The units are essentially shipping containers that have been especially outfitted to serve as game event venues for donors and their guests.

THEREFORE, it was ordered that the university purchase up to five athletic event pod units at a cost of \$50,000 per unit, for a total not to exceed \$250,000. Designated funds will be used for the purchase with the rental revenue from these units used to repay the cost of the units over a four-year period. The president was authorized to sign associated contracts and purchase orders.

BOOKSTORE CONTRACT RENEWAL

WHEREAS, the board members considered the following: The current contract with Barnes and Noble College Booksellers, Inc. for the purpose of providing bookstore operations and management for the university expires on July 15, 2019. The terms of the current contract provide for a five-year renewal upon mutual agreement between the parties.

THEREFORE, the board authorized the president to sign a renewal of the bookstore services contract with Barnes and Noble College Booksellers, Inc. with a term that expires on July 16, 2024, and include the substantive elements outlined in the following Bookstore Contract Renewal Report.

Barnes and Noble Booksellers, Inc.
Major Substantive Elements
For Renewal Contract

Renewal Term:
July 15, 2019 until July 16, 2024

Annual Commission to University:
Tier 1 10.5% of all gross sales from \$0 – \$4,000,000
Tier 2 12% of all gross sales from \$4,000,000 – \$5,000,000
Tier 3 13.5% of all gross sales over \$5,000,000

Minimum Guaranteed Annual Commission:
\$320,000

The guaranteed annual commission in years 2 - 5 of this agreement will be an amount equal to ninety percent (90%) of the calculated commission on gross sales of the immediately preceding year.

Additional Payments above Commission:
Annual Scholarships Funded \$ 6,000
Annual Marketing Fund \$10,000
Annual Facilities Investment \$10,000
Annual Unrestricted Donation \$50,000

One-Time Payment upon Renewal:
\$350,000 (\$150,000 paid at signing and \$200,000 paid in the 2021 contract year)

CONTRACT EXTENSION FOR WATERMARK INSIGHT, LLC

WHEREAS, the board members considered the following: The current five-year contract with Watermark Insight, LLC (Watermark) will end during fiscal year 2019. The university requests approval of a new three-year contract with Watermark that will begin on September 1, 2019 and extend through August 31, 2022.

The product LiveText, provided by Watermark, supports continuous program improvement and is used for centralized data collection, generation of reports, and program assessment to maintain 67 program accreditations with 20 different accrediting agencies, all maintained by the James I. Perkins College of Education (PCOE) Office of Assessment and Accountability. Additionally, LiveText provides a secure web-based portal designed to help centrally manage assessment requirements while engaging both students and faculty in the process. With this system student assignments are submitted, reviewed or scored, with feedback immediately available to the student. The PCOE Office of Assessment and Accountability summarized usage of the product for the 2017-18 academic year indicating: (a) 86% of PCOE programs use LiveText; (b) 4,528 students completed at least one assessment in LiveText; (c) there were 344 courses/field

experiences with a LiveText assessment; (d) and each student with an account completed an average of 11.69 assignments in LiveText.

The LiveText cost is based on the number of students taking a course with a LiveText assessment. The cost will be assessed only once per student, regardless of the number of courses a student takes. Further, the service is available to students for seven years for academic and personal data collection. The university projects that approximately 1,100 student licenses are needed for the 2019/20 Academic Year and approximately 1,100 are needed for the 2020/21 and 2021/22 academic years.

The administration negotiated a license cost of \$117 per student using a projection model of approximately 3,000 licenses. Using this model, the total projected cost would be \$348,587 for a three-year contract. The negotiated payment schedule would begin with \$109,333 in fiscal year 2020, \$116,083 in fiscal year 2021, and \$123,171 in fiscal year 2022.

THEREFORE, it was ordered that a three-year contract with Watermark for the LiveText hosted service from September 1, 2019 through August 31, 2022, be approved at an amount not to exceed \$348,587. Designated funds will be used for the contractual payments. The president was authorized to sign the contract and associated purchase orders.

CONTRACT FOR WATERMARK LIVETEXT HOSTING SERVICE

WHEREAS, the board members considered the following: In fiscal year 2014, the Board of Regents approved a five-year contract with LiveText for e-portfolio hosted services at a cost not to exceed \$1,600,000. Subsequent to that original contract, LiveText merged with Watermark Insight, LLC (Watermark).

The assignment and assumption agreement between Watermark and SFA was executed on November 5, 2018. The original five-year contract term will expire on May 31, 2019. The university requests approval to extend the term of the original contract from June 1, 2019 through August 31, 2019 at no additional cost. Consideration of a new contract with Watermark will be presented to the Board of Regents for the period from September 1, 2019 through August 31, 2022.

THEREFORE, the Board of Regents approved a contract extension with Watermark from June 1, 2019 through August 31, 2019 at no additional cost. The president was authorized to sign the contract amendment and associated documentation.

STUDENT PRINTING SOLUTION

WHEREAS, the board members considered the following: Information Technology Services has been piloting a service with the goal of making student printing more convenient. This solution is Wēpa (We Print Anywhere), and it is deployed in the Baker Pattillo Student Center, Steen Library, and three residence halls.

There are no costs associated for SFA to provide the Wēpa printing solution. Wēpa provides the printers, software, paper and toner. SFA resources are required to refill the printer supplies as

needed. The students can print at any time from any device such as a computer, laptop, tablet, or smartphone. Students can pick up their documents at the Wēpa print kiosk that is most convenient to them.

Although there are no costs to SFA, the value of each Wēpa print kiosk is \$7,500. This includes the printer valued at \$3,500 and the paper, software, and toner at valued at \$4,000. We currently have 10 printers in the pilot. We would like to move from a pilot project to a campus wide solution expanding to 25 print kiosks at a contract value of \$187,500. Since this is a no-cost to SFA service, there are no price breaks on multiple year agreements.

THEREFORE, the Wepa campus student printing solution was approved at a value not to exceed \$187,500. No university funds will be used for the solution. The president was authorized to sign purchase orders and contracts greater than or equal to \$100,000.

UNIVERSITY BAND STORAGE AND TRANSPORT TRUCK

WHEREAS, the board members considered the following: The SFA Marching Band rehearses marching routines in a portion of the commuter parking lot on University Drive. Transportation and storage is required for certain band instruments and equipment. The current box truck used for this purpose is not climate controlled and is therefore not suitable for music equipment storage. In addition, the current box truck used for equipment storage and transport is more than 25 years old.

THEREFORE, the purchase was approved for a new university band climate controlled box truck with necessary accessories and artwork at a cost not to exceed \$115,000. Designated funds will be used for the purchase. The president was authorized to sign associated purchase orders that total \$100,000 or more.

GRANT AWARDS

WHEREAS, the board members considered the following: In fiscal year 2019, the university received multi-year grant awards totaling \$10,149,359. Of that total, grants awarded allocable to fiscal year 2019 were \$5,305,940, an increase of \$366,604 since the last report.

The grant awards result from extensive faculty research and service engagement across many academic disciplines. The grants include direct federal, federal pass through, state and private awards.

THEREFORE, it was ordered that the grant awards for fiscal year 2019 that total \$366,604 be approved and ratified. The grant awards are detailed in Appendix 3.

APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 2:

Discretionary Use of University Funds 3.10

Distribution of Payroll 12.3

Gifts, Loans, Endowments and Bequests 3.17

Institutional Reserves Fund 3.19
Items Requiring Board of Regents Approval 1.4
Moving Expenses 3.23
Payment Card Acceptance and Security 14.8

APPROVAL OF THE 2019-20 MARKETING CAMPAIGN CONTRACT

WHEREAS, the board members considered the following: Richards Carlberg has presented the proposed 2019-2020 marketing campaign concept and budget (including website development) for the board's approval.

THEREFORE, it was ordered that the 2019-2020 marketing campaign concept and budget (including website development) be approved as presented by Richards Carlberg at a cost not to exceed \$930,792 and the president be authorized to sign associated contracts or agreements. The source of funds is designated funds.

ADOPTION OF REVISIONS TO THE BOARD RULES AND REGULATIONS

WHEREAS, the board members considered the following: The *Rules and Regulations of the Board of Regents* provide guidelines for the performance of duties which are delegated to the board by the Texas Legislature. Regular updates are necessary to reflect needed changes. The general counsel has reviewed the proposed updates that follow.

Section 11 has been revised to address the naming of an acting and interim president. Further revisions were made to reflect applicable law with regards to the naming of a finalist for president, and limitations on the length of any employment contract.

THEREFORE, it was ordered that the Board of Regents adopt the revisions to the *Rules and Regulations of the Board of Regents* in Appendix 4.

REPORTS

Dr. Steve Westbrook, interim president, reported to the regents on the following topics:

- Spring Update
- Upcoming Events and Dates
- Update on Legislative Session
- Capital Campaign
- SFA Envisioned Strategic Plan

Dr. Westbrook recognized the outgoing student regent, Kate Childress, and thanked her for her service.

Dr. Jason Reese, faculty senate chair, gave a report on the following topics:

- Faculty Senate Activities and Academic Year in Review
- Faculty Accomplishments

Mr. Jeffrey Agouna Deciat, SGA president, gave a report on the following topics:

- SGA Elections Results
- Introduction of President-Elect
- Spring Accomplishments
- Appreciation and Recognition

Regent David Alders presented a report from the Nacogdoches-SFA Joint Economic Development Committee.

Chair Henderson announced the appointment of Board of Regents Committees for 2019-20:

Academic and Student Affairs Committee

Karen Gantt, Chair

David Alders

Jennifer Winston

Student Member

Building and Grounds Committee

David Alders, Chair

Nelda Blair

Alton Frailey

Finance and Audit Committee

Tom Mason, Chair

Scott Coleman

Judy Olson

Athletic Advisory Committee

Scott Coleman, Chair

The remaining members of the committee and a charge to the committee will be announced at another time.

The meeting was adjourned by Chair Henderson at 11:44 a.m.

Undergraduate Curriculum Additions FY20					
Submitted	Year	Course/Program	Name	Department	Type
College of Education					
12/7/2018	Fall 2019	EDU 101	Introduction to Teaching	Elementary Education	Course
10/30/2018	Fall 2019	BS	Construction Management	Human Sciences	Program
10/19/2018	Fall 2019	HMS 217	Sketching and Rendering for Interior Design	Human Sciences	Course
10/19/2018	Fall 2019	HMS 225	Mobile Food Management	Human Sciences	Course
10/19/2018	Fall 2019	HMS 225L	Mobile Food Management Lab	Human Sciences	Course
10/31/2018	Fall 2019	HMS 380L	Lodging II Lab	Human Sciences	Course
10/28/2018	Fall 2019	HMS 404L	Advanced Culinary Planning and Prep Lab	Human Sciences	Course
10/30/2018	Fall 2019	Coaching minor	Dance Team	Kinesiology and Health Science	Program
10/31/2018	Fall 2019	HSC 375	Health and Aging	Kinesiology and Health Science	Course
10/29/2018	Fall 2019	KIN 138	Physical Fitness Concepts and Wellness	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 321	Choreography for Dance Teams 1	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 322	Choreography for Dance Teams 2	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 323	Theory and Practice fo Dance Team Coaching I	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 324	Theory and Practice fo Dance Team Coaching 2	Kinesiology and Health Science	Course
10/25/2018	Fall 2019	KIN 377	Orthopedic Assessment for the Upper Body	Kinesiology and Health Science	Course
10/25/2018	Fall 2019	KIN 377L	Orthopedic Assessment for the Upper Body Lab	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 452	Clinical Exercise Testing and Prescription	Kinesiology and Health Science	Course
10/29/2018	Fall 2019	KIN 453	Advanced Topics in Physiology of Exercise	Kinesiology and Health Science	Course
10/29/2018	Fall 2019	KIN 480	Exercise Science Internship	Kinesiology and Health Science	Course
College of Fine Arts					
10/22/2018	Fall 2019	MUP 432	SFA Opera Theater	Music	Course
10/22/2018	Fall 2019	MUP 435	Wind Ensemble University Concert Bands	Music	Course
10/22/2018	Fall 2019	MUP 439	Chamber Music Practicum	Music	Course
10/29/2018	Fall 2019	THR 472	Topics in Theatre Performance	Theatre	Course
10/29/2018	Fall 2019	THR 472L	Topics in Theatre Performance Lab	Theatre	Course
College of Liberal & Applied Arts					
10/15/2018	Fall 2019	CJS Minor	Minor in Private Security and Asset Prot.	Government	Program
10/12/2018	Fall 2019	CJS Certificate	Private Security and Asset Prot.	Government	Certificate
10/12/2018	Fall 2019	CJS 211	Police Systems and Practice	Government	Course
10/12/2018	Fall 2019	CJS 317	Emergency Management	Government	Course
10/12/2018	Fall 2019	CJS 373	Criminal Investigation	Government	Course
10/12/2018	Fall 2019	CJS 377	Interview and Interrogation	Government	Course
10/12/2018	Fall 2019	CJS 379	Survey of Cybercrime and Cybersecurity	Government	Course
10/12/2018	Fall 2019	CJS 427	Security Risk Management	Government	Course
4/1/2019	Fall 2019	CJS Minor	Minor in Legal Studies	Government	Program
12/7/2018	Fall 2019	w/minor, BA	Social Media Conc.	Mass Communication	Program
12/7/2018	Fall 2019	w/minor, BS	Social Media Conc.	Mass Communication	Program
12/7/2018	Fall 2019	w/o minor, BA	Social Media Conc.	Mass Communication	Program
12/7/2018	Fall 2019	w/o minor, BS	Social Media Conc.	Mass Communication	Program
11/16/2018	Fall 2019	BA/BS	Medical Humanities	Multi-disciplinary Programs	Program
10/24/2018	Fall 2019	Certificate	Applied Ethics	Multi-disciplinary Programs	Certificate
12/4/2018	Fall 2019	Certificate	Womens Gender Studies	Multi-disciplinary Programs	Certificate
11/18/2018	Fall 2019	LBA 400	Internship in Liberal Studies	Multi-disciplinary Programs	Course
11/19/2018	Fall 2019	MHU 300	Introduction to Medical Humanities	Multi-disciplinary Programs	Course
10/29/2018	Fall 2019	PSY BA/BS Distance Ed		Psychology	Program
10/31/2018	Fall 2019	PSY 331	Professional Development and Marketable Skills in Psychology	Psychology	Course
10/17/2018	Fall 2019	PSY 480	Forensic Psychology	Psychology	Course
10/18/2018	Fall 2019	PSY 481	Clinical Interviewing and Counseling	Psychology	Course
10/18/2018	Fall 2019	PSY 482	Drugs and Behavior	Psychology	Course
10/29/2018	Fall 2019	PSY 483	Comparative Psychology	Psychology	Course
College of Sciences & Mathematics					
11/1/2018	Fall 2019		Geoscience Conc.	Geology	Program
10/24/2018	Fall 2019	GOL 243	Sedimentary Petrology	Geology	Course
10/24/2018	Fall 2019	GOL 243L	Sedimentary Petrology Lab	Geology	Course
10/24/2018	Fall 2019	GOL 342	Planetary Geology	Geology	Course
10/25/2018	Fall 2019	GOL 423	Aqueous Geochemistry	Geology	Course
10/23/2018	Fall 2019	GOL 432	Petroleum Geology and Fossil Fuels	Geology	Course
10/23/2018	Fall 2019	GOL 432L	Petroleum Geology and Fossil Fuels Lab	Geology	Course
10/24/2018	Fall 2019	GOL 433	Petroleum Exploration Tehcniques	Geology	Course
10/31/2018	Fall 2019	GOL 444	Geoanalytical Methods	Geology	Course
10/31/2018	Fall 2019	GOL 445	Geochronology	Geology	Course
10/24/2018	Fall 2019	GOL 476	Geoscience Research	Geology	Course

10/24/2018	Fall 2019	GOL 479	Senior Seminar	Geology	Course
11/2/2018	Fall 2019	MTH 141	Precalculus A	Mathematics and Statistics	Course
11/2/2018	Fall 2019	MTH 142	Precalculus B	Mathematics and Statistics	Course
11/2/2018	Fall 2019	MTH 307	Computational Linear Algebra	Mathematics and Statistics	Course

4/4/2019

Undergraduate Curriculum Deletions FY20					
Submitted	Year	Course/Program	Name	Department	Type
College of Education					
10/19/2018	Fall 2019	RDG 350	Field Experience I	Elementary Education	Course
10/24/2018	Fall 2019	RDG 415P	Language and Literacy III Practicum	Elementary Education	Course
1/24/2019	Fall 2019		Visually Impaired Cert	Human Services	Certificate
11/15/2018	Fall 2019	RHB 496	Internship II	Human Services	Course
10/19/2018	Fall 2019	HMS 131	Apparel I	Human Sciences	Course
10/19/2018	Fall 2019	HMS 230	Cultural Aspects of Clothing	Human Sciences	Course
10/31/2018	Fall 2019	HMS 404P	Adv. Culinary Planning and Preparation	Human Sciences	Course
12/4/2018	Fall 2019	KIN 111L	Flag Football Lab	Kinesiology and Health Science	Course
12/4/2018	Fall 2019	KIN 217	Advanced Scuba	Kinesiology and Health Science	Course
12/5/2018	Fall 2019	KIN 230L	Badminton	Kinesiology and Health Science	Course
College of Liberal & Applied Arts					
10/23/2018	Fall 2019	SOC 362	Work in the 21st Century	Anthropology, Geography and Sociology	Course
10/23/2018	Fall 2019	SOC 472	Modern Social Thought	Anthropology, Geography and Sociology	Course
10/12/2018	Fall 2019	CJS 201	Criminal Investigation	Government	Course
10/14/2018	Fall 2019	CJS 213	Civil Procedure	Government	Course
10/12/2018	Fall 2019	CJS 301	Law Enforcement	Government	Course

4/4/2019

Undergraduate Curriculum Modifications FY20					
Submitted	Year	Course/Program	Name	Department	Type
College of Business					
10/30/2018	Fall 2019	BBA	General Business	Business Communication and Legal Studies	Program
12/3/2018	Fall 2019	BBA	Management	Management and Marketing	Program
College of Education					
10/30/2018	Fall 2019	Early Childhood 4-8 ELA	Reading Certificate	Elementary Education	Certificate
11/2/2018	Fall 2019	Elem Ed, BSIS	Core Subjects EC-6	Elementary Education	Program
11/2/2018	Fall 2019	Elem Ed, BSIS	Core Subjects 4-8	Elementary Education	Program
11/9/2018	Fall 2019	Elem Ed, BSIS	Education Studies	Elementary Education	Program
10/24/2018	Fall 2019	Early Childhood Minor	Early Childhood	Elementary Education	Program
10/24/2018	Fall 2019	RDG 415	Language and Literacy III	Elementary Education	Course
10/25/2018	Fall 2019	Non-teaching minor	Special Ed	Human Services	Program
11/12/2018	Fall 2019	CSD 330	Aural/Oral Habilitation of the Hearing Impaired	Human Services	Course
11/12/2018	Fall 2019	CSD 420	Clinical Intervention Methods	Human Services	Course
11/6/2018	Fall 2019	DHH 111	Deaf Culture	Human Services	Course
11/6/2018	Fall 2019	DHH 470	Language and Literacy for the Deaf	Human Services	Course
11/6/2018	Fall 2019	DHH 476	Assessment and Accountability in DHH settings	Human Services	Course
11/6/2018	Fall 2019	DHH 483	Systems of Manual Communication	Human Services	Course
11/15/2018	Fall 2019	RHB 400	Intermediate Clinical Practicum in Orientation and Mobility	Human Services	Course
11/15/2018	Fall 2019	RHB 401	Advanced Clinical Practicum in Orientation and Mobility	Human Services	Course
11/15/2018	Fall 2019	RHB 402	Advanced Clinical Practicum in Orientation and Mobility	Human Services	Course
11/15/2018	Fall 2019	RHB 442	Visual Impairment and Multiple Disabilities	Human Services	Course
11/15/2018	Fall 2019	RHB 445	Orientation and Mobility Concepts and Development	Human Services	Course
10/22/2018	Fall 2019	SPE 329	Survey of Exceptionalities	Human Services	Course
10/22/2018	Fall 2019	SPE 432	Educational Appraisal of Exceptional Children	Human Services	Course
10/23/2018	Fall 2019	SPE 434	Functional Living Skills for People with Disabilities	Human Services	Course
10/23/2018	Fall 2019	SPE 438	Academic Instruction for People with Disabilities	Human Services	Course
10/23/2018	Fall 2019	SPE 439	Introduction to Applied Behavior Analysis	Human Services	Course
10/23/2018	Fall 2019	SPE 460	Children with Behavioral Disorders	Human Services	Course
10/23/2016	Fall 2019	SPE 461	Practicum in Special Education	Human Services	Course
10/23/2018	Fall 2019	SPE 464	Early Childhood Special Education	Human Services	Course
10/23/2018	Fall 2019	SPE 465	Educational Programming for Students with Autism	Human Services	Course
11/6/2018	Fall 2019	SPH 274	Foundations in Deaf Education	Human Services	Course
10/25/2018	Fall 2019	Dietetics and Nutritional Sci, BS	Pre-Professional Registered Dietition	Human Sciences	Program
10/25/2018	Fall 2019	Dietetics and Nutritional Sci, BS	Registered Dietician	Human Sciences	Program
2/5/2019	Fall 2019	Family and Consumer Sci BS	Family and Consumer Science	Human Sciences	Program
11/1/2018	Fall 2019	Food and Nutrition BS	Food and Nutrition	Human Sciences	Program
10/19/2018	Fall 2019	Food and Nutrition Minor	Food and Nutrition	Human Sciences	Program
10/28/2018	Fall 2019	Hospitality Admin BS	Hospitality Administration	Human Sciences	Program
2/5/2019	Fall 2019	Hospitality, Cert BS	Nutrition and Food Science	Human Sciences	Program
10/19/2018	Fall 2019	Minor	Human Development and Family Studies	Human Sciences	Program
10/30/2018	Fall 2019	Interior Design BS	Interior Design	Human Sciences	Program
10/19/2018	Fall 2019	Merchandising BS	Merchandising	Human Sciences	Program
10/30/2018	Fall 2019	HMS 110	Intro to Facility and Construction Management	Human Sciences	Course
10/19/2018	Fall 2019	HMS 113	Pre-Interior Design Portfolio Development	Human Sciences	Course
10/19/2018	Fall 2019	HMS 115	Principles, Elements and Resources in Design	Human Sciences	Course
10/19/2018	Fall 2019	HMS 133	Food, Nutrition, and Dietetics as a Profession	Human Sciences	Course
10/19/2018	Fall 2019	HMS 204	Aesthetics	Human Sciences	Course
10/19/2018	Fall 2019	HMS 232	Twentieth Century Costume	Human Sciences	Course
10/19/2020	Fall 2019	HMS 233	Apparel Design	Human Sciences	Course
10/19/2018	Fall 2019	HMS 260	Principles of Textile Science	Human Sciences	Course
10/19/2018	Fall 2019	HMS 285	Garde Manger	Human Sciences	Course
10/19/2018	Fall 2019	HMS 285L	Garde Manger Lab	Human Sciences	Course
10/31/2018	Fall 2019	HMS 302	Lodging I	Human Sciences	Course
10/19/2018	Fall 2019	HMS 306	Merchandising Mathematics	Human Sciences	Course
10/19/2018	Fall 2019	HMS 311	Interior Materials and Cabinetry	Human Sciences	Course
10/19/2018	Fall 2019	HMS 312	Interior Graphics II	Human Sciences	Course
10/19/2018	Fall 2019	HMS 312L	Interior Graphics II Lab	Human Sciences	Course
10/19/2018	Fall 2019	HMS 318	Accessories in Interiors	Human Sciences	Course
10/19/2018	Fall 2019	HMS 323	Specialty Merchandising	Human Sciences	Course
10/19/2018	Fall 2019	HMS 325	Culinary I Hot Food Preparation and Presentation	Human Sciences	Course
10/19/2018	Fall 2019	HMS 325L	Culinary I Hot Food Preparation and Presentation Lab	Human Sciences	Course
10/19/2018	Fall 2019	HMS 333	Apparel II	Human Sciences	Course
10/19/2018	Fall 2019	HMS 339	Nutrition	Human Sciences	Course
10/19/2018	Fall 2019	HMS 343	Visual Merchandising Display	Human Sciences	Course
10/19/2018	Fall 2019	HMS 345	Baking Pastries and Desserts	Human Sciences	Course
10/19/2018	Fall 2019	HMS 345L	Baking Pastries and Desserts Lab	Human Sciences	Course

10/19/2018	Fall 2019	HMS 349	Nutrition During the Life Cycle	Human Sciences	Course
10/19/2018	Fall 2019	HMS 350	Sexuality within the Context of the Family	Human Sciences	Course
10/31/2018	Fall 2019	HMS 380	Lodging II	Human Sciences	Course
10/19/2018	Fall 2019	HMS 390	Destination Management in Tourism	Human Sciences	Course
10/28/2018	Fall 2019	HMS 404	Advanced Culinary Planning and Preparation Practicum	Human Sciences	Course
10/19/2018	Fall 2019	HMS 419	Merchandising Procedures	Human Sciences	Course
10/19/2018	Fall 2019	HMS 442	Visual Merchandising Display II	Human Sciences	Course
10/19/2018	Fall 2019	HMS 449	Medical Nutrition Therapy I	Human Sciences	Course
10/19/2018	Fall 2019	HMS 452	Fashion Entrepreneurship Management	Human Sciences	Course
10/19/2018	Fall 2019	HMS 460	Housing and Furnishing	Human Sciences	Course
10/19/2018	Fall 2019	HMS 463	Fashion Promotion	Human Sciences	Course
10/25/2018	Fall 2019	KIN/Exercise Sci BS	Exercise Science	Kinesiology and Health Science	Course
10/29/2018	Fall 2019	KIN Phys Ed Teacher ED EC-12 BS	EC-12	Kinesiology and Health Science	Course
10/29/2018	Fall 2019	Kinesiology minor		Kinesiology and Health Science	Course
10/30/2018	Fall 2019	Exercise Science Minor		Kinesiology and Health Science	Course
10/30/2018	Fall 2019	HSC 216	Introduction to Community Health	Kinesiology and Health Science	Course
10/31/2018	Fall 2019	HSC 345	Prevention and Control of Diseases	Kinesiology and Health Science	Course
10/31/2018	Fall 2019	HSC 436	Environmental Health	Kinesiology and Health Science	Course
11/1/2018	Fall 2019	HSC 470	Senior Seminar	Kinesiology and Health Science	Course
10/31/2018	Fall 2019	HSC 478	Special Topics	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 353	Physiology of Exercise	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 353L	Physiology of Exercise Lab	Kinesiology and Health Science	Course
10/25/2018	Fall 2019	KIN 367	Orthopaedic Assessment of the Physically Active	Kinesiology and Health Science	Course
10/25/2018	Fall 2019	KIN 367L	Orthopaedic Assessment of the Physically Active Lab	Kinesiology and Health Science	Course
10/25/2018	Fall 2019	KIN 407		Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 417L	Analysis of Movement Lab	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 450L	Personal Training Certification Program Lab	Kinesiology and Health Science	Course
10/29/2018	Fall 2019	KIN 451	Fitness Appraisal and Exercise Prescription	Kinesiology and Health Science	Course
10/30/2018	Fall 2019	KIN 467	Exercise Testing Field/Clinical	Kinesiology and Health Science	Course
10/29/2018	Fall 2019	KIN 468	Exercise Psychology	Kinesiology and Health Science	Course
College of Fine Arts					
10/28/2018	Fall 2019	All BM music degrees		Music	Program
10/22/2018	Fall 2019	MHL 350	Music for Children I	Music	Course
10/22/2018	Fall 2019	MHL 354	Music for Children II	Music	Course
10/22/2018	Fall 2019	MHL 355	Music for Children III	Music	Course
10/31/2018	Fall 2019	THR 411	Theatre for Children	Theatre	Course
College of Forestry & Agriculture					
4/1/2019	Fall 2019	AGN 434	Soil Fertility	Agriculture	Course
4/1/2019	Fall 2019	AGN 434L	Soil Fertility Lab	Agriculture	Course
College of Liberal & Applied Arts					
10/23/2018	Fall 2019	Gerontology Minor		Anthropology Geography and Sociology	Program
1/3/2019	Fall 2019	Criminal Justice BA/BS		Government	Program
10/12/2018	Fall 2019	CJS 231	Introduction to Corrections	Government	Course
10/12/2018	Fall 2019	CJS 315	Incident Report Writing in Criminal Justice	Government	Course
2/5/2019	Fall 2019	Modern Lang Minor		Languages, Cultures and Communication	Program
11/5/2018	Fall 2019		Mass Com Adv/PR, ADPM, BA	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Adv/PR, ADPM, BS	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Adv/PR, ADPR, BA	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Adv/PR, ADPR, BS	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Journalism, JCOM, BA	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Journalism, JCOM, BS	Mass Communications	Program
10/22/2018	Fall 2019		Mass Com Journalism, JMCM, BA	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Journalism, JMCM, BS	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Radio/TV, RCOM, BA	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Radio/TV, RCOM, BS	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Radio/TV, RMCM, BA	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Radio/TV, RMCM, BS	Mass Communications	Program
11/5/2018	Fall 2019		Mass Com Minor	Mass Communications	Program
11/5/2018	Fall 2019	MCM 101	Intro to Mass Media	Mass Communications	Course
2/13/2019	Fall 2019	MCM 210	Multimedia Production	Mass Communications	Course
10/26/2018	Fall 2019	MCM 212	Audio Production	Mass Communications	Course
10/26/2018	Fall 2019	MCM 300	Single-Camera Production	Mass Communications	Course
10/26/2018	Fall 2019	MCM 302	Studio Production	Mass Communications	Course
12/7/2018	Fall 2019	MCM 306	Media Law	Mass Communications	Course
10/29/2018	Fall 2019	MCM 307	Advertising Principles	Mass Communications	Course
10/29/2018	Fall 2019	MCM 376	Broadcast Performance	Mass Communications	Course
10/29/2018	Fall 2019	MCM 380	Public Relations Principles	Mass Communications	Course

10/29/2018	Fall 2019	MCM 383	Public Relations Campaigns	Mass Communications	Course
12/7/2018	Fall 2019	MCM 420	Broadcast Practicum	Mass Communications	Course
10/29/2018	Fall 2019	MCM 421	Scriptwriting	Mass Communications	Course
2/5/2019	Fall 2019	SFA 110	Career Readiness	Multi-disciplinary Programs	Course
10/29/2018	Fall 2019	PSY BA/BS		Psychology	Program
11/9/2018	Fall 2019	PSY 301	Scientific Literacy in Psychology	Psychology	Course
10/29/2018	Fall 2019	PSY 330L	Psychological Studies Lab	Psychology	Course
10/29/2018	Fall 2019	PSY 341L	Research Design Lab	Psychology	Course
11/30/2018	Fall 2019	BSW		Social Work	Program
College of Sciences & Mathematics					
11/9/2018	Fall 2019	BIO 215	Fundamentals of Forensic Pathology	Biology	Course
11/1/2018	Fall 2019	BIO 231	Principles of Botany	Biology	Course
11/1/2018	Fall 2019	BIO 231L	Principles of Botany Lab	Biology	Course
10/13/2018	Fall 2019	BIO 233	Principles of Zoology	Biology	Course
10/13/2018	Fall 2019	BIO 233L	Principles of Zoology Lab	Biology	Course
11/9/2018	Fall 2019	BIO 251	Plant Kingdom	Biology	Course
11/9/2018	Fall 2019	BIO 320	Heredity	Biology	Course
11/1/2018	Fall 2019	BIO 345	Vertebrate Embryology	Biology	Course
11/1/2018	Fall 2019	BIO 345L	Vertebrate Embryology Lab	Biology	Course
1/14/2019	Fall 2019	Data Analytics BS		Computer Science	Program
10/29/2018	Fall 2019	CSC 201	Introduction to InformationTechnology	Computer Science	Course
10/30/2018	Fall 2019	CSC 302		Computer Science	Course
12/15/2018	Fall 2019	CSC 333	Discrete Structures for Computer Science	Computer Science	Course
1/24/2019	Fall 2019	CSC 362		Computer Science	Course
10/29/2018	Fall 2019	CSC 425	Database Management System	Computer Science	Course
1/24/2019	Fall 2019	CSC 447	Cyber Security Concepts and Practices	Computer Science	Course
1/24/2019	Fall 2019	CSC 462	Data Analysis II	Computer Science	Course
1/24/2019	Fall 2019	CSC 465	Capstone Data Analysis	Computer Science	Course
10/28/2018	Fall 2019	Geology BS		Geology	Program
10/24/2018	Fall 2019	Geology Minor		Geology	Program
10/24/2018	Fall 2019	GOL 132	The Earth Through Time	Geology	Course
10/24/2018	Fall 2019	GOL 132L	The Earth Through Time Lab	Geology	Course
10/31/2018	Fall 2019	GOL 241	Mineralogy	Geology	Course
10/31/2018	Fall 2019	GOL 241L	Mineralogy Lab	Geology	Course
10/31/2018	Fall 2019	GOL 242	Petrology	Geology	Course
10/31/2018	Fall 2019	GOL 242L	Petrology Lab	Geology	Course
10/24/2018	Fall 2019	GOL 303	Oceanography	Geology	Course
10/25/2018	Fall 2019	GOL 330	Geomorphology	Geology	Course
10/25/2018	Fall 2019	GOL 332	North American Geology	Geology	Course
11/1/2018	Fall 2019	GOL 338	Structural Geology	Geology	Course
11/1/2018	Fall 2019	GOL 338L	Structural Geology Lab	Geology	Course
10/24/2018	Fall 2019	GOL 350	Environmental Geology	Geology	Course
10/24/2018	Fall 2019	GOL 364	Field Geology	Geology	Course
10/25/2018	Fall 2019	GOL 408	Stratigraphy and Sedimentation	Geology	Course
10/25/2018	Fall 2019	GOL 408L	Stratigraphy and Sedimentation Lab	Geology	Course
10/24/2018	Fall 2019	GOL 410	Engineering Geology	Geology	Course
10/24/2018	Fall 2019	GOL 410L	Engineering Geology Lab	Geology	Course
10/24/2018	Fall 2019	GOL 420	Geochemistry	Geology	Course
10/24/2018	Fall 2019	GOL 420L	Geochemistry Lab	Geology	Course
10/24/2018	Fall 2019	GOL 422	Geoenvironmental Characterization	Geology	Course
10/24/2018	Fall 2019	GOL 435	Introduction to Geophysics	Geology	Course
10/24/2018	Fall 2019	GOL 435L	Introduction to Geophysics Lab	Geology	Course
10/24/2018	Fall 2019	GOL 440	Earth Resources	Geology	Course
10/24/2018	Fall 2019	GOL 449	Ground Water	Geology	Course
10/24/2018	Fall 2019	GOL 449L	Ground Water Lab	Geology	Course
10/24/2018	Fall 2019	GOL 450	Cave and Karst Systems	Geology	Course
10/25/2018	Fall 2019	GOL 472L	Field Methods	Geology	Course
11/5/2018	Fall 2019	MTH 303	Seminar in Mathematics I	Mathematics and Statistics	Course
1/7/2019	Fall 2019	STA 322	Regression	Mathematics and Statistics	Course
1/7/2019	Fall 2019	STA 328	Predictive Modeling	Mathematics and Statistics	Course
10/26/2018	Fall 2019	NUR 305	Introduction to Nursing	Nursing	Course
10/26/2018	Fall 2019	NUR 306	Basic Nursing Care of Adult Clients	Nursing	Course
10/26/2018	Fall 2019	NUR 308	Pharmacology Across the Lifespan	Nursing	Course
10/26/2018	Fall 2019	NUR 330	Nursing Care of Young Adult to Elderly	Nursing	Course
10/26/2018	Fall 2019	NUR 332	Nursing Care in Promotion of Mental Wellness	Nursing	Course
10/26/2018	Fall 2019	NUR 406	Nursing Care of Complex Health Needs	Nursing	Course
10/26/2018	Fall 2019	NUR 407	Nursing Care of Women and Children II	Nursing	Course
10/26/2018	Fall 2019	NUR 408	Nursing Care Clients Complex Mental Health Needs	Nursing	Course

Appendix 1

10/26/2018	Fall 2019	NUR 431	Nursing Care of Community Populations	Nursing	Course
10/26/2018	Fall 2019	NUR 432	Leadership/Coordination of Nursing	Nursing	Course
10/26/2018	Fall 2019	NUR 437	RN-BSN Health Assessment (Web-based)	Nursing	Course
10/26/2018	Fall 2019	NUR 438	RN-BSN Pathophysiology (Web-based)	Nursing	Course
10/26/2018	Fall 2019	NUR 440	RN-BSN Care of Community Populations (Web-based)	Nursing	Course
10/26/2018	Fall 2019	NUR 441	RN-BSN Leadership (Web-based)	Nursing	Course
11/2/2018	Fall 2019	Physics BS		Physics	Program
11/1/2018	Fall 2019	Physics/Engine BS		Physics	Program
10/26/2018	Fall 2019	PHY 108	Introduction to Engineering/Physics	Physics	Course
10/29/2018	Fall 2019	PHY 242	Technical Physics II	Physics	Course
11/1/2018	Fall 2019	PHY 262	Electrical Circuits and Devices	Physics	Course
11/1/2018	Fall 2019	PHY 262L	Electrical Circuits and Devices Lab	Physics	Course
12/4/2018	Fall 2019	PHY 441	Optics	Physics	Course
11/2/2018	Fall 2019	PHY 470	Undergraduate Research and Technical Presentation	Physics	Course

4/4/2019

GRADUATE CURRICULUM ADDITIONS FY20				
Year	Course	Name	Department	Type
College of Education				
Fall 2019	HMS 533	Family and Public Policy	Human Sciences	Course
Fall 2019	HMS 534	Theories of Human Development and Family Studies	Human Sciences	Course
Fall 2019	SPH 524	Clinical Practicum in Speech-Language Pathology: Early Childhood Intervention	Human Services	Course
Fall 2019	SPH 534	Clinical Practicum in Speech-Language Pathology: Multicultural and Professional Issues	Human Services	Course
Fall 2019	SPH 544	Clinical Practicum in Speech-Language Pathology: Counseling and Interviewing Skills for the SLP	Human Services	Course
Fall 2019	SPH 554	Clinical Practicum in Speech-Language Pathology: Seminar in Clinical Management	Human Services	Course
Fall 2019	SPH 564	Clinical Practicum in Speech-Language Pathology: The Supervisory Process	Human Services	Course
College of Liberal & Applied Arts				
Fall 2019	SOC 501	General Sociology	Anthropology, Geography and Sociology	Course
Fall 2019	SOC 502	Contemporary Social Problems	Anthropology, Geography and Sociology	Course
Fall 2019	SOC 503	Contemporary Race and Ethnic Relations	Anthropology, Geography and Sociology	Course
Fall 2019	SOC 504	Families and Society	Anthropology, Geography and Sociology	Course
Fall 2019	SOC 510	Sociological Theory	Anthropology, Geography and Sociology	Course
Fall 2019	Graduate Certificate	Advanced English Pedagogy	English and Creative Writing	Certificate
Fall 2019	Graduate Certificate	Non Profit Management	Government	Certificate
Fall 2019	NSS 500	Introduction to Intelligence and Security Updates	Government	Course
Fall 2019	NSS 501	Research and Writing in National Security and Intelligence	Government	Course
Fall 2019	NSS 502	Nuclear Proliferation and Weapons of Mass Destruction	Government	Course
Fall 2019	NSS 503	International Terrorism	Government	Course
Fall 2019	NSS 504	Multilateral Organizations in Global Security	Government	Course
Fall 2019	NSS 505	US Policy in the Middle East and North Africa	Government	Course
Fall 2019	NSS 507	US Policy and Russia	Government	Course
Fall 2019	NSS 520	Interagency Operations, Counter Intelligence and Homeland Security	Government	Course
Fall 2019	NSS 521	Responses to Transnational Threats: From the FBI to Interpol	Government	Course
Fall 2019	NSS 522	The Politics of Cyberwarfare	Government	Course
Fall 2019	NSS 523	Organized Crime and Narco Terrorism	Government	Course
Fall 2019	MA	National Security MA	Government	Program
Fall 2019	PBA 550	Nonprofit Governance	Government	Course
Fall 2019	PBA 555	Volunteer Management	Government	Course
Fall 2019	PBA 560	Fundraising and Grantwriting	Government	Course
Fall 2019	PBA 565	Cultural Competency in Public and Nonprofit Organizations	Government	Course
Fall 2019	Certificate	Digital Humanities	Multi-Disciplinary Programs	Certificate
Fall 2019	HUM 500	Introduction to Digital Humanities	Multi-Disciplinary Programs	Course
Fall 2019	HUM 501	Foundational Skills in Digital Humanities	Multi-Disciplinary Programs	Course
Fall 2019	HUM 510	Digital Humanities Practicum	Multi-Disciplinary Programs	Course
Fall 2019	PUB 570	Professional Internship	Multi-Disciplinary Programs	Course
Fall 2019	PUB 571	Publishing Capstone	Multi-Disciplinary Programs	Course
Fall 2019	PUB 572	Digital Publishing	Multi-Disciplinary Programs	Course
Fall 2019	PUB 573	History of Journal and Book Publishing	Multi-Disciplinary Programs	Course
Fall 2019	PUB 576	Publication Management and Promotion	Multi-Disciplinary Programs	Course
Fall 2019	PUB 578	Publishing and the University Press	Multi-Disciplinary Programs	Course
Fall 2019	PUB 579	Academic and Scholarly Publishing	Multi-Disciplinary Programs	Course
Fall 2019	PUB 584	Development and Design of Print Publications	Multi-Disciplinary Programs	Course
Fall 2019	PUB 586	Manuscript Acquisition	Multi-Disciplinary Programs	Course
Fall 2019	Graduate Certificate	Teaching College Psychology	Psychology	Certificate
College of Sciences & Mathematics				
Fall 2019	GOL 523	Aqueous Geochemistry	Geology	Course
Fall 2019	GOL 532	Petroleum Geology and Fossil Fuels	Geology	Course
Fall 2019	GOL 532L	Petroleum Geology and Fossil Fuels	Geology	Course
Fall 2019	GOL 533	Petroleum Exploration Techniques	Geology	Course

Fall 2019	GOL 545	Geochronology	Geology	Course
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4/4/2019

GRADUATE CURRICULUM DELETIONS FY20				
Year	Course	Name	Department	Type
College of Education				
Fall 2019	ELE 540	Middle School Philosophy	Elementary Education	Course
College of Fine Arts				
Fall 2019	Performance	Opera MM	Music	Course
College of Liberal & Applied Arts				
Fall 2019	General Cmmn MA	General Communication MA	Languages, Cultures & Communication	Program
College of Sciences & Mathematics				
Fall 2019	BIO 525	Industrial Microbiology	Biology	Course
Fall 2019	BIO 525L	Industrial Microbiology Lab	Biology	Course
Fall 2019	BIO 551	Biological Literature	Biology	Course
Fall 2019	BTC 503	Introduction to Biotechnology	Biology	Course
Fall 2019	BTC 503L	Introduction to Biotechnology Lab	Biology	Course
Fall 2019	BTC 513	Fundamentals of Biomedical	Biology	Course
Fall 2019	BTC 548	Bioinformatics	Biology	Course
Fall 2019	BTC 550	Scientific Discovery	Biology	Course
Fall 2019	BTC 552	Concepts in Laboratory Analysis	Biology	Course
Fall 2019	BTC 553	Critical Reading I	Biology	Course
Fall 2019	BTC 554	Critical Reading II	Biology	Course

4/4/2019

GRADUATE CURRICULUM MODIFICATIONS FY20				
Year	Course	Name	Department	Type
College of Education				
Fall 2019	Standard Elem MED	No Certificate	Elementary Education	Program
Fall 2019	Standard Elem Med	EC-6 Initial Certificate	Elementary Education	Certificate
Fall 2019	Standard Elem, MEd	4-8 Initial Certificate	Elementary Education	Program
Fall 2019	Reading Specialist Cert, M.Ed.	Reading Specialist	Elementary Education	Certificate
Fall 2019	ELE 521	Mathematics in Elementary School	Elementary Education	Course
Fall 2019	ELE 522	Science in the Elementary School Advanced	Elementary Education	Course
Fall 2019	HMS 589	Thesis Research	Human Sciences	Course
Fall 2019	HMS 590	Thesis Writing	Human Sciences	Course
Fall 2019	EPS 550	Research Methods	Human Services	Course
Fall 2019	EPS 602	Applied Behavior Analysis	Human Services	Course
Fall 2019	Spe 516	Anatomy and Function of the Visual System	Human Services	Course
Fall 2019	SPE 532	Special Education Measurement and Assessment	Human Services	Course
Fall 2019	SPE 539	Principles of Applied Behavior Analysis	Human Services	Course
Fall 2019	SPE 544	Psycho-educational Assessment	Human Services	Course
Fall 2019	SPE 545	Individual Intelligence Testing	Human Services	Course
Fall 2019	SPE 554	Practicum in Professional and Ethical Practice	Human Services	Course
Fall 2019	SPE 555	Practicum in Diagnostic Evaluation	Human Services	Course
Fall 2019	SPE 560	Children with Behavioral Disorders	Human Services	Course
Fall 2019	SPE 565	Educational Programming-Autism	Human Services	Course
Fall 2019	SPE 566	Assistive Technology	Human Services	Course
Fall 2019	SPE 594	Advanced Clinical Practicum in Orientation and Mobility	Human Services	Course
Fall 2019	SPE 595	Internship in Orientation and Mobility	Human Services	Course
Fall 2019	Speech Lang Path MS	Speech-Language Pathology, M.S.	Human Services	Program
Fall 2019	Human Performance Studies Emphasis, MA	Human Performance Studies Emphasis, M.S.	Kinesiology and Health Science	Program
Fall 2019	MA	Human Performance Studies Emphasis	Kinesiology and Health Science	Program
Fall 2019	KIN 508	Emergency Care	Kinesiology and Health Science	Program
Fall 2019	KIN 510	Medical Terminology	Kinesiology and Health Science	Program
Fall 2019	AED 501	Fundamentals of Educational Leadership	Secondary Education and Educational Leadership	Program
Fall 2019	AED 599	Synthesis in Educational Leadership	Secondary Education and Educational Leadership	Program
Fall 2019	SED 541	PBIC Internship/First Semester	Secondary Education and Educational Leadership	Program
Fall 2019	SED 542	Field Intern/Second Semester	Secondary Education and Educational Leadership	Program
Fall 2019	SED 544	Clinical Experience in Curriculum & Instruction	Secondary Education and Educational Leadership	Program
College of Fine Arts				
Fall 2019	Art 589	Thesis Research	Art	Course
	Art 590	Thesis Writing	Art	Course
	Art 594	Problems in Teaching College Art	Art	Course
	MA	Art Education MA	Art	Program
Fall 2019	MM	Conducting	Music	Program
Fall 2019	Music Ed,	Choral Thesis	Music	Program
Fall 2019	Music Ed	Choral MM	Music	Program
Fall 2019	Music Ed	Conducting MM	Music	Program
Fall 2019	Music Ed, Elem	General Music Thesis	Music	Program
Fall 2019	Music Ed, Elem	General Music MM	Music	Program
Fall 2019	Music Ed	Instrumental Thesis	Music	Program
Fall 2019	Music Ed	Instrumental MM	Music	Program
Fall 2019	Performance	Accompanying MM	Music	Course
Fall 2019	Performance	Keyboard MM	Music	Course
Fall 2019	Performance	Orchestral Instrument MM	Music	Course
Fall 2019	Performance	Pedagogy MM	Music	Course
Fall 2019	Performance	Voice MM	Music	Course
Fall 2019	Theory-Composition,	Composition Thesis MM	Music	Course
Fall 2019	Theory-Composition	Dual Thesis MM	Music	Course

Fall 2019	Theory-Composition	Theory Thesis MM	Music	Course
Fall 2019	MHL 521	Music of the Baroque Era	Music	Course
Fall 2019	MHL 522	Music of the Classic Era	Music	Course
Fall 2019	MHL 523	Music of the Romantic Era	Music	Course
Fall 2019	MHL 524	Music of the Twentieth Century	Music	Course
Fall 2019	MHL 525	Music in America	Music	Course
Fall 2019	MTC 561	Introduction to Graduate Music Theory	Music	Course
Fall 2019	MTC 562	Theory Pedagogy	Music	Course
Fall 2019	MTC 563	Scoring and Arranging	Music	Course
Fall 2019	MTC 564	Post-Tonal Analysis	Music	Course
Fall 2019	MTC 565	Schenkerian Theory	Music	Course
College of Liberal & Applied Arts				
Fall 2019	MPA	Public Administration, M.P.A.	Government	Program
Fall 2019	Psychology MA	Psychology MA	Psychology	Program
College of Sciences & Mathematics				
Fall 2019	CSC 520	Data Base Management Systems	Computer Science	Course
Fall 2019	CSC 545	Reverse Engineering Operating Systems and Malware	Computer Science	Course
Fall 2019	CSC 548	Forensics	Computer Science	Course
Fall 2019	CSC 562	Attack, Defense and Penetration Testing	Computer Science	Course
Fall 2019	Natural Sciences MS	Natural Sciences	Environmental Science	Program
Fall 2019	GOL 520	Geochemistry	Geology	Course
Fall 2019	GOL 541	Geocharacterization of Natural Resources	Geology	Course
Fall 2019	School Math Teaching	Mid-Level Math MS	Mathematics	Program
Fall 2019	School Math Teaching	Secondary-Level Conc Math MS	Mathematics	Course

4/1/2019

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STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Items Requiring Board of Regents Approval

Policy Number: 1.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): This policy establishes items and actions that require approval by the Board of Regents. It also specifies items and actions that do not require board approval.

Reason for the addition, revision, or deletion (check all that apply):

- ☐ Scheduled Review ☐ Change in law ☒ Response to audit finding
☒ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: The statute concerning dual employment does not require governing board approval for this item. It only requires that the employing agency be notified in advance; this requirement is covered in the university policy on Outside Employment (11.19). Additional change made in response to an audit finding.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Damon Derrick, General Counsel

Items Requiring Board of Regents Approval

Original Implementation: July 5, 1988

Last Revision: ~~October 29, 2018~~ April 30, 2019

Purpose

This policy establishes items and actions that require approval by the Board of Regents. It also specifies items and actions that do not require board approval.

Items That Require Approval by the Board of Regents

1. Construction/renovation projects if the estimated cost is \$100,000 or more, including:
 - a. Selection of an architect/engineer.
 - b. Authority to submit all construction and/or renovation project proposals, real property purchases, and energy savings performance contracts to the Texas Higher Education Coordinating Board (THECB) that require THECB approval, or as otherwise required under law.
 - c. Construction contract awards. The Guaranteed Maximum Price must be reported to the Buildings and Grounds Committee at the next possible meeting.
 - d. Approval of project budget.
 - e. Change orders that would increase the cost of the project beyond the amount of the Guaranteed Maximum Price. Board approval of change orders would not be required for budgeted construction contingencies within the Guaranteed Maximum Price.
 - f. For projects requiring THECB review, a final project close-out report entailing a post completion evaluation of the project that includes the following elements that must be reported to the Buildings and Grounds Committee: final project cost, summary of change orders, existence of any liquidated damages, final HUB participation percentages and total value, summary of approvals from any state or federal agencies having jurisdiction, survey summary of evaluation by end users, and summary of final inspection punch list for items needing repair. A warranty inspection will be conducted and major warranty repairs summarized for review by the president and chair of the Buildings and Grounds Committee.
2. Actions relating to university employees, including
 - a. Appointment of full-time faculty
 - b. Faculty promotions
 - c. Awarding of faculty tenure
 - d. Appointment of full-time administrative/professional staff (exempt) excluding those requiring student status
 - e. Change of position status of full-time faculty and administrative/professional (exempt) staff

- f. Advisement on termination of full-time faculty and administrative/professional (exempt) staff (executive session only, does not require board action for approval)
 - g. Leaves of absence for faculty and administrative/professional (exempt) staff for one semester (four and one-half months) or more
 - ~~h. Dual employment (with state agencies) of faculty and administrative/professional (exempt) staff~~
- 3. Delegations of administrative authority, including
 - a. Authority to approve travel
 - b. Authority to approve purchases
- 4. Policy statements when the effect will be to change admission, probation, or suspension regulations; establish or alter policies, regulations, or rules relating to employment or property rights; govern the activities of the entire university or a major section of the university, such as rules for admission into teacher education or any other major curriculum; change long standing and well accepted practices or patterns of behavior; or implement rules, regulations or activities established by external authorities
- 5. Contracts, purchases, or agreements in the amount of \$100,000 or more, except those that appear in Item B below
- 6. Any lease of any item (building, equipment, etc.) if the total cost of the lease is expected to be \$100,000 or more without regard to the length of the lease period
- 7. Purchase, sale or exchange of real property
- 8. Depository contracts
- 9. Food service (or similar) contracts, including changes in existing contracts
- 10. Contracts and agreements with support or development foundations
- 11. Settlements, consent decrees, authority to enter into litigation (executive session only, does not require board action for approval)
- 12. Establishment (or change) of tuition, student fees, ~~and room and board rates~~ *fees, and all optional statutory tuition exemptions or waivers. Approval must be provided on no less than an annual basis, or when there is any change to the items listed.*
- 13. Curriculum matters, including
 - a. Establishment or elimination of academic programs
 - b. Establishment or elimination of courses
 - c. Major changes in programs or courses
- 14. Designation of a name for university buildings, facilities, streets, etc.
- 15. Annual holiday schedule
- 16. Private, governmental, or foundation grants or agreements if the purpose of the grant, etc. is not designated ("president's discretion" constitutes a designation)
- 17. Annual operating budget
- 18. Increases in existing budgets through a "budget adjustment" if over \$100,000, except revolving funds
- 19. Biennial legislative request
- 20. Long range master plans and strategic plans

Items That Do Not Require Approval by the Board of Regents

1. Construction or renovation projects under \$100,000
2. Change orders under \$100,000 as long as the approved budget is not exceeded
3. Appointment, change-of-status, promotion, termination of non-exempt employees
4. Appointment, change-of-status, termination of graduate or student assistants
5. Resignations
6. Contracts, purchases, and agreements when the amount is less than \$100,000
7. Budget transfers that do not increase the board approved budget
8. Private, governmental, and foundation grants, agreements or sub-awards if the purpose of such is stipulated by the grantor. New grants, contract, agreements or sub-awards are to be submitted to the Board of Regents for ratification on a quarterly basis.
9. Materials purchased for resale in auxiliary operations and central stores
10. Materials purchased for inventory stock of physical plant, residence life, or student center operations, such as custodial cleaning products and paper goods
11. Materials purchased for inventory stock from operation and maintenance budgets previously approved by the board, such as food purchases for the Early Childhood Lab and Piney Woods Conservation Center
12. Library subscription services
13. Recurring printing orders
14. Contracts and agreements for athletic events, entertainment concerts, fine arts events, and other similar activities
15. Group travel packages for resale
16. Materials or services purchased for emergencies resulting from disasters, hazards, or other exigent circumstances
17. Outside counsel contracts
18. Other items approved by the president of the university which are not listed in Section A of this policy
19. Specific commodities or service necessary for day-to-day operations of the university:
 - a. Water utility
 - b. Regulated electricity for beef farm, broiler farm and PWCC
 - c. Gasoline for university vehicles
 - d. Credit card merchant service fees
 - e. Maintenance contracts associated with preventive and/or repair work for on-going maintenance or service provided on a scheduled or as-needed basis for equipment or software
 - f. Asbestos abatement projects as necessary on an “as needed” basis
 - g. Insurance negotiated and/or approved by the State Office of Risk Management
 - h. Temporary staffing services

- i. Telecommunications and networking services and fees for land-line phones, cell phones and internet service
- j. Hosted software services and applicable license and maintenance for general business operations such as student bill payment, cashiering and student email
- k. Television programming services
- l. Pest Control services
- m. Concrete services not related to a project that requires board approval
- n. Hazardous waste pick-up and disposal services
- o. Radio tower rental for the university radio station
- p. Consultant for annual roof inspections
- q. Fire alarm inspections
- r. Travel-related contracts, including air charter service
- s. Search engine optimization for the university website
- t. Preferred or mandatory use vendor contracts, blanket contracts or standing orders not otherwise requiring board approval, for which multiple purchases made as needed by departments may exceed \$100,000 over the term of the contract including renewals and including, but not limited to, computers, printers, office supplies, promotional products, chemicals and air filters for HVAC systems, etc.

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Finance and Audit Committee

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Discretionary Use of University Funds

Policy Number: 3.10

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): Establishes that only certain funds can be used for discretionary purposes, and provides guidance on how to identify such funds.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: No substantive revisions.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Dannette Sales, Controller

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

Discretionary Use of University Funds

Original Implementation: April 23, 2013

Last Revision: ~~April 12, 2016~~ April 30, 2019

Purpose

This policy establishes that only certain funds can be used for discretionary purposes, and provides guidance on how to identify such funds.

General

Stephen F. Austin State University receives funds from a variety of sources, including state appropriations, tuition and fees, auxiliary revenues, departmental sales and services, grants, and gifts. Most of the funds received are for specific, limited purposes or are subject to restrictions by the Board of Regents, state and federal legislation, and rules of other oversight agencies. Regardless of type, the university uses all funds in a manner consistent with applicable federal and state laws and regulations, university policies, and other restrictions or designations.

~~Because of legal or policy restrictions, only specific funds can be used for discretionary purposes.~~ Funds that are allowed for discretionary purchases must be used for a valid business purpose. Examples of valid business purposes include, but are not limited to, certain types of business meals, administrative planning retreats, and business travel expenditures. Some examples of funds that may be used for discretionary purposes include discretionary donor gifts to departments, undesignated donations, funds from sales and services, and interest earned on —certain institutional funds. Examples of university policies that restrict university expenditures to —specific funds include, but are not limited to: Gifts, Prizes and Awards (3.18), Food Purchases — (17.6), and Travel (3.29). The controller’s office website contains ~~g~~Guidelines for ~~the~~ discretionary use ~~Expenditures from of a University f~~Funds, *Guidelines for Expenditures from University Funds - Summary Chart*, and a list of funds that can be used for discretionary ~~use~~purposes.

Cross Reference: Gifts, Prizes and Awards (3.18); Food Purchases (17.6); Travel (3.29); *Guidelines for Expenditures from University Funds; Guidelines for Expenditures from University Funds - Summary Chart; Policy 3.18 - Gifts, Prizes and Awards - Summary Chart; Funds that can be used for Discretionary Purposes.*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller, Budget Director

Forms: None

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Gifts, Loans, Endowments, and Bequests

Policy Number: 3.17

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/31/2017

Unit(s) Responsible for Policy Implementation: Vice President for University Advancement

Purpose of Policy (what does it do): Guidelines for soliciting, accepting, acknowledging and using gifts, endowments and bequests made to the university.

Reason for the addition, revision, or deletion (check all that apply):

☐ Scheduled Review ☐ Change in law ☐ Response to audit finding

☒ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: n/a

Specific rationale for each substantive revision: To delete internal procedures related to fundraising and update language regarding amounts necessary for endowments and naming opportunities.

Specific rationale for deletion of policy: n/a

Additional Comments:

Reviewers:

Jill Still, Vice President for University Advancement
Damon Derrick, General Counsel

Gifts, Loans, Endowments, and Bequests

Original Implementation: July 18, 1981

Last Revision: ~~January 31, 2017~~ April 30, 2019

Authority to accept gifts, loans, endowments and bequests made to Stephen F. Austin State University is vested in the president of the university by the Board of Regents. Gifts, loans, endowments and bequests to any entity of the university should be reported through normal administrative channels.

The president of the university has been authorized to accept gifts under the following conditions:

1. A gift, loan, endowment or bequest which may require commitment of funds, personnel, space or other resources shall be approved by the president prior to any commitment or action on behalf of the university.
2. The university is authorized, with prior approval of the president and ratification by the Board of Regents, to accept gifts or devises of real property for the establishment of scholarships, professorships and other trusts for educational purposes provided such property will not require appropriations by the legislature for operation, maintenance, repair or construction of buildings.
3. Privacy of donor identity may be granted by the university with the exceptions noted by the Public Information Act or the Internal Revenue Service when public recognition is not desired by the donor.

The terms under which any loan, endowment or bequest is offered and accepted shall be provided in a written agreement between the donor and the university. The general counsel's ~~office of the university~~ shall review any bequests made to the university prior to acceptance by the president. All original deeds of trust, wills, endowments, original records, etc., should be forwarded to the Office of Development for safekeeping.

The Office of Development is the primary source of contact with people in the private sector for purposes of soliciting private funds. No individual or company may be solicited for any gift, loan, endowment, or bequest by any member of the faculty or staff of the university until that individual has presented the Office of Development with a copy of the proposal or request for funds *and has received approval thereof*.

Research grants or performance contracts which are privately funded are administered through the Office of Research and Sponsored Programs, and are not under the provisions of this policy.

Alumni/Donor Database System

The university is the owner of the official university's alumni/donor database system, currently Raiser's Edge. The database system is shared between the Office of Development and the Office of Alumni Relations for the purpose of conducting business with alumni and donors of the university. The Office of Information Technology Services is responsible for the technical support of the alumni/donor database system.

The university has designated the Office of Development as the manager of the alumni/donor database system. Therefore, the Office of Development is responsible for the administration of records, coordination of all gift information, reporting, monitoring of user access and the security of the database system.

Solicitation of Gifts

The Office of Development is responsible for soliciting, coordinating, approving and reporting all gifts and fundraising efforts from the private sector. This includes both projects and proposals initiated by the Office of Development and those initiated elsewhere within the university and its related entities. To fulfill its mission, the Office of Development must be kept informed in a timely fashion on all actions related to fundraising.

1. All university departments, including faculty, staff, students, student organizations (as per policy 10.9, Student Organization Formation and Recognition) and the ~~related~~ affiliated 501(c)(3) entities are responsible for coordinating and clearing all fundraising projects funded by individuals, foundations and corporations ~~before the fact~~ in advance of the fundraising projects in writing. All fundraising projects shall comply with SFA policies and procedures, as well as federal and state laws.
2. If any faculty member, staff member, student or student organization receives any unsolicited question from a prospective donor regarding a possible gift to the university or the Stephen F. Austin State University Foundation, Inc., the Office of Development should be notified of the inquiry as soon as possible following the initial contact.

Acknowledgment of Gifts

In order to ensure accurate recording of all private support for the ~~institution~~ university and to properly acknowledge private donors' gifts, the Office of Development will coordinate the acknowledgment of gifts.

1. All offices are responsible for forwarding any gifts received to the Office of Development for receipting and reporting purposes or to the bursar's office (as per policy 3.16, Gift Reporting). This will ensure accurate recording of all private support for the ~~institution~~ university, fulfill the receipting requirements of the Internal Revenue Service,

and properly acknowledge that support. Further, all gifts and any accompanying correspondence, instructions, etc., are to be forwarded to the Office of Development for processing. Gifts-in-kind such as equipment, furniture and art objects are to be reported in writing to the Office of Development via the Gifts-in-kind form. ~~located at~~ www.sfasu.edu/giving/documents/gift_in_kind.pdf.

2. Any written statement concerning tax deductibility of contributions must be reviewed and approved by the Office of Development.

Use of Gifts, Loans, Endowments and Bequests

Gifts, loans, endowments and bequests made to Stephen F. Austin State University shall be used for the purpose designated by the donor. If a purpose is not specified by the donor, and the amount of the gift is \$100,000 or more, utilization shall be as directed by the Board of Regents after consideration of recommendations by the president and the vice president for development. If a purpose is not designated, and the amount of the gift is less than \$100,000, utilization shall be as directed and approved by the president of the university.

Gifts received by the university and made payable to the Stephen F. Austin State University Foundation, Incorporated, should be forwarded to the Office of Development for transfer and deposit to the foundation. No gifts or bequests to the university may be transferred to the Stephen F. Austin State University Foundation, Inc. *or*; the Stephen F. Austin State University Alumni Association, Inc., ~~or the Stephen F. Austin Alumni Foundation, Inc.~~ without petitioning a court of competent jurisdiction, as outlined under state law. Funds gifted to the university for a restricted purpose are considered a charitable trust. Legal title to such funds cannot be transferred to other entities, except as noted above.

Under the authority of the Board of Regents, the vice president for finance and administration of Stephen F. Austin State University is empowered to negotiate and execute the sale of marketable securities donated to the university when such sale is directed or allowed by the donor of said securities. The proceeds of such sale shall be promptly deposited into a university account, to be used as indicated by the donor. All in-kind gifts of \$100,000 or more and all real estate gifts (excluding gifts managed by the SFA Real Estate Foundation) would require specific approval by the Board of Regents for liquidation to a university cash account.

Restrictions on the expenditure of gift funds generally reside within the following three criteria:

1. A gift must be expended in accordance with the donor's wishes.
2. The expenditure of the gift funds must be for the demonstrable good of the ~~institution~~ university.
3. The expenditure must provide no private gain to either the donor or the person controlling the expenditure of the funds.

The use of gift funds must meet all three criteria collectively. Some specific examples of expenditures from unrestricted gifts that may be for the demonstrable good of the ~~institution~~ university, without private gain for the individual expending the funds, are as follows:

1. awards that recognize or promote faculty development, excellence in teaching, academic achievement, athletic achievement, scholarship, or service;
2. costs related to the promotion of the communication of intellectual ideas among students, faculty, staff and administrators of the university;
3. support of student events and activities sponsored by the university;
4. the recruitment of highly qualified students, faculty and staff;
5. costs related to the promotion of the exchange of ideas with community leaders regarding the role of the university and its programs in the community;
6. costs related to the conduct of accrediting agency visits, visits by other officials from other institutions or representatives outside higher education;
7. costs related to the support of continuing education activities.

Examples of expenditures which may not meet the criteria established are as follows:

1. any expenditure that violates the restriction placed on the gift by the donor;
2. the procurement of private property for the personal, unofficial use of any faculty or staff member;
3. donations or other payments to a political party;
4. any other expenditure expressly prohibited by ~~state statute~~ law.

Questions concerning an expenditure meeting these criteria should be referred to the Office of Development.

Real or personal property acquired through gifts, loans, endowments or bequests is subject to the same management requirements as other state property. Disposal of any property acquired through gifts, loans, endowments or bequests shall be handled in accordance with state law and applicable university policies and procedures. Property acquired through gifts, loans, endowment or bequest cannot be disposed of, sold, or transferred without written permission from the Office of Development and the president.

Conflict of Interest

No employee of the university may accept any gift, loan, endowment, or bequest the purpose of which is to establish or be used, in whole or in part, as a salary supplement for him/herself.

Publicity

The Office of Development, in coordination with the faculty/staff contact person, the donor, and the Office of University Marketing Communications, is responsible for coordinating all publicity related to gifts.

Matching Gifts

Certain foundations and companies provide gifts to the university which match contributions made by their employees. For tax purposes, certification is required from the university that the gift of the employee has been received. The matching gift forms, which certify receipt of the gift, require the signature of the executive director or associate director of development.

Foundation Support

The Office of Development has the responsibility of performing certain support functions for the Stephen F. Austin State University Foundation, Inc. This includes receiving, receipting, acknowledging, and reporting gifts received by the foundation, as provided in the Agreement between Stephen F. Austin State University and the Stephen F. Austin State University Foundation, Inc.

Library

Unrestricted gifts of books and other library related materials to Stephen F. Austin State University, not to include equipment such as tape recorders, etc., will not require the usual approval process as authorized in this policy (*See Library Gifts, 4.11.3*).

Definitions

1. Gift. A gift includes the gratuitous transfer of cash, cash equivalents such as securities and negotiable instruments, and real or personal property which generates income or may be sold for cash, for the purpose of enhancing the university and its programs, without expectation of specific benefit by the donor.
2. Loan. Real or personal property furnished for the temporary use of the university.
3. Endowment. An endowment is comprised of a gift, in which the donors have stipulated that the principal must be invested and only the income used to fund a project or need. The principal remains intact in perpetuity, thereby continuing to generate income to be used by the university. Endowment funds are classified into four different categories:
 - a. Permanent Endowments. These endowments are sometimes referred to as "true" or "pure" endowments and are assets designated by the donor to be held in perpetuity. If specifically stated in writing by the donor, the corpus assets of this category of endowments may never be spent and income derived must be

expended in accordance with the written terms and conditions established by the donor and the university. Otherwise, the governing board may appropriate for expenditure, for the uses and purposes for which the fund is established, the net appreciation, realized and unrealized, in the fair market value of the assets of an endowment fund over the historic dollar value of the fund to the extent allowed under the University Management of Institutional Funds Act or other applicable law.

- b. **Term Endowment.** In this category of endowments, the donor has specified that following a particular date or event, the assets of the endowment may be expended in accordance with the terms and conditions as specified. Until the passage of the specific date or event, this type of endowment will operate in a manner similar to the permanent endowment with the income used in accordance with the written terms and conditions established by the donor and the university.
- c. **Quasi-Endowments or Quasi-Funds.** The Board of Regents may, with formal action, set aside certain institutional funds to be maintained as endowments. The formal action by the Board of Regents will specify the use of the assets and income derived, and set other terms and conditions relating to the fund. The Board of Regents may, with formal action, change the terms and conditions of the endowment including cessation of the endowment and the return of the assets to the original source of funding, or change the use or purpose as may be appropriate and authorized by law.
- d. **Funds Held in Trust by Others.** Some donors may choose to make income from endowment-type funds available to the university, but will leave the possession of the assets in trust with a third party. In this case, the endowment is not recorded as an asset of the university. In accordance with the Generally Accepted Accounting Principles (GAAP), the existence of the trust must be disclosed in the notes to the university's financial statements.

~~A minimum gift of \$20,000 shall be required to establish any endowment. An endowment can be initiated with an amount less than the stated minimum with the understanding that all future gifts and all income must become part of the endowment to assist in bringing the endowment assets to the \$20,000 level, and if after five years from the date of the original gift, the value of the assets has not reached \$20,000, the endowment may cease and the existing assets of the fund shall be transferred to a separately established Restricted Fund and expended consistent with the terms and conditions of the original gift. Exceptions to the \$20,000 minimum level may be made if a donor made contributions with the understanding that a prior minimum amount was required, contributions were made toward that minimum and the minimum is reached during the applicable five year period.~~

~~Specific minimum endowment levels for academic positions are established as follows:~~

~~\$1,000,000—Endowed Chair or equivalent title, depending upon the area;~~

~~\$250,000—Endowed Distinguished Professorship or equivalent title, depending upon the area; and~~

~~\$125,000—Endowed Professorship or equivalent title, depending upon the area~~

Amounts associated with fundraising necessary for naming consideration are outlined in the university's Overview of Naming Guidelines and Procedures, available in the office of the vice president for university advancement.

Cross Reference: Tex. Educ. Code §§ 51.001-.009, 95.34, Ch. 101; Uniform Prudent Management of Institutional Funds Act, Tex. Prop. Code Ch. 163; Uniform Prudent Investor Act, Tex. Prop. Code Ch. 117; Texas Public Funds Investment Act, Tex. Gov't Code Ch. 2256; Gift Reporting (3.16); *Library Gifts (4.11.3)*; Student Organization Formation and Recognition (10.9); *Overview of Naming Guidelines and Procedures*.

Responsible for Implementation: Vice President for University Advancement

Contact for Revision: Vice President for University Advancement

Forms: Gift-in-Kind Form

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Institutional Reserves Fund

Policy Number: 3.19

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/24/2018

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): Establishes that SFA will maintain an institutional reserves fund. It also defines the target size and appropriate uses of the fund.

Reason for the addition, revision, or deletion (check all that apply):

☐ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☒ Other, please explain: To clarify how the primary reserve ratio calculation will be used.

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: No substantive changes were made.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Dannette Sales, Controller

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

Institutional Reserves Fund

Original Implementation: July 13, 2006

Last Revision: ~~July 24, 2018~~ April 30, 2019

Purpose

This policy establishes guidelines for the university's institutional reserves fund. An appropriate institutional reserves fund helps maintain financial strength, provides the foundation for debt management and issuance, protects against external volatility, and allows flexibility in planning for the needs of the university.

Definitions

The **institutional reserves fund** refers to resources that are not allocated to any specific unit of the university, but are held centrally within the university's financial system. Additions to the institutional reserves fund balance include revenues that exceed expenditures. Deductions include the use of reserves to fund ~~operating~~ capital budgets, construction projects, and unanticipated institutional requirements.

General

The purpose of an institutional reserves fund is to provide contingent support for potential significant financial occurrences, including:

- *strategic capital projects,*
- unanticipated or uninsured catastrophic events,
- temporary institutional revenue shortfalls or expenditure gaps,
- unforeseen legal obligations and costs,
- failures in central infrastructure,
- failures of major business systems.

Institutional Reserves Fund Budgeting

The university may augment institutional reserves as a budget practice during periods of revenue growth and stability. ~~The SFA Board of Regents through the vice president for finance and administration shall set aside revenue to fund the reserves as an annual budget practice during periods of revenue growth and stability. During periods that revenue support is needed, the board may choose to augment revenue by utilizing~~ *university may utilize* institutional reserves. ~~The board may use reserves to support an annual operating budget for various reasons including, but not limited to:~~

~~funding expenditures that are fixed term in nature (usually three years or less),~~

- ~~funding expenditures that should be paid from sources other than tuition or state appropriations,~~
- ~~funding a general contingency for unplanned or unexpected financial needs that may arise during the fiscal year, or~~

~~• strategically allocating reserves when the balance is significantly above the target.~~

Institutional Reserves Fund Size

The target amount of reserves that an institution should maintain is determined using a calculation called the primary reserve ratio. The ratio is calculated by dividing expendable net assets by total expenses, net of depreciation and amortization. The higher education industry target benchmark for the primary reserve ratio is .40. Consequently, an institution's target reserves fund goal should be 40% of its annual operating budget, thus providing approximately five months of operational capacity. ~~An institution with a low primary reserve ratio generally lacks sufficient resources for strategic initiatives and may have less operating flexibility. Therefore, when the primary reserve ratio calculation is .20 or less, the institution will take steps to restore reserves.~~

At the end of each fiscal year, the primary reserve ratio calculation will be used to ~~measure the distance from the reserves target. The amount of~~ evaluate the institutional reserves fund and ~~the reserves target. gap will be reported to the Board of Regents when year end information is available. The information will be reported to the Board of Regents with the~~ Annual Financial Report.

~~In the event reserves are utilized, a restoration plan should include an appropriate payback period.~~

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Moving Expenses

Policy Number: 3.23

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/29/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): Provides guidance on when and how SFA will pay/reimburse moving expenses for newly hired faculty or staff .

Reason for the addition, revision, or deletion (check all that apply):

- ☐ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☒ Other, please explain: Tax law clarification

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Revisions clarify that moving expense taxability will be determined by IRS guidelines, and if taxable, the amount will be included on the employee's Form W-2 and subject to tax and FICA withholdings.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Dannette Sales, Controller

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

Moving Expenses

Original Implementation: December 1988

Last Revision: ~~January 29, 2019~~ April 30, 2019

Purpose

This policy establishes the guidelines whereby Stephen F. Austin State University may pay moving expenses for a newly hired faculty or staff member.

General

The university may pay reasonable moving expenses for a newly hired faculty or staff member. However, payment of moving expenses is not an entitlement. It is an option, with terms to be agreed upon between the university and the prospective employee in advance. Prior approval of the university president is required.

Departments may negotiate with the new employee to pay full or partial moving expenses. Payments must be made from non-appropriated funds, provided the funds are available in the department's budget. Moving expenses can be paid by either of two methods:

- Direct payment to vendor (preferred method; *requires an approved purchase order and invoice*)
- Reimbursement to new employee (Receipts documenting moving expenses must be attached to the Moving Expenses Payment/Reimbursement Form and submitted to the payroll office. Only actual documented expenses will be reimbursed.)

The controller's office will coordinate all payments for moving expenses, *and the required information must be submitted, regardless of which method of payment is used. The Electronic Personnel Action Form (EPAF) and the Moving Expenses Payment/Reimbursement Form must be completed and signed by the employee and each of the appropriate approvers before any moving expense can be processed for payment. The taxability of any reimbursed moving expenses will be determined by Internal Revenue Service (IRS) guidelines. Any taxable amount, whether paid directly to the vendor or reimbursed to the employee, will be included in taxable wages on the employee's Form W-2 and subject to federal income tax and FICA (social security) withholdings.* Any mileage reimbursements will be paid at the IRS rate in effect for moving expenses on the date of the move unless a lower rate is negotiated by the department.

~~Direct payment to vendors, such as to professional moving companies, are not subject to federal income tax and FICA (social security) withholding. Direct payments to vendors require an approved purchase order and invoice.~~

Cross Reference: Electronic Personnel Action Form (11.8); Internal Revenue Service website

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: Electronic Personnel Action Form (EPAF) (available through Self Service Banner);
Moving Expenses Payment/Reimbursement Form (available online)

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Interlibrary Loan

Policy Number: 4.11.1

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/26/2016

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs

Purpose of Policy (what does it do): The purpose of Interlibrary Loan Services (ILL) is to supplement local library resources by providing access to materials not available in the Ralph W. Steen Library collection.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Revisions include basic edits for clarification purposes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Policy Committee

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

Interlibrary Loan *Services*

Original Implementation: March, 1985

Last Revision: ~~January 26, 2016~~ April 30, 2019

The Interlibrary Loan Services (ILL) supplements local library resources by providing access to materials not available in the *Ralph W. Steen Library* collection. The following statements regulate ILL activities.

ILL borrowing is extended to faculty, staff and students of Stephen F. Austin State University (SFA). Patrons must exhaust the limits of the Steen collection before requesting ILL services.

Faculty members and students may request materials related to their own scholarly research or to course-related subject matter. Occasionally, service is available to library users not affiliated with SFA, subject to the discretion of the library director.

Requests should be submitted to ~~Interlibrary Loan Services~~ *the ILL department* through the library's website.

All conditions of use imposed by the lending library on items borrowed are to be strictly observed. Abuse of ILL regulations may result in the forfeiture of ILL borrowing privileges. (Examples: taking Library Use Only material out of the library, disregarding loan restrictions, repeated failure to return material by due date.) ILL service may be refused to any patron whose Steen Library borrowing privileges are blocked.

The library reserves the right to refuse any ILL request if fulfillment of the request would violate copyright laws. Steen Library abides by ~~state and the n~~ *National ILL eCodes, which regulates the exchange of material between libraries in the U.S., and maintains such records of ILL transactions as required by law the university's records retention schedule.*

Cross Reference: ~~None~~ *U.S. Copyright Law (Title 17, U.S. Code, Section 108); National Interlibrary Loan Code*

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Library Director

Forms:

~~<http://steenproxy.sfasu.edu:2048/login?url=https://sfasu.illiad.oclc.org/illiad/illiad.dll>~~ <http://2912.account.worldcat.org/profile/>

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Library Borrowing

Policy Number: 4.11.2

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/26/2016

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy states who is allowed to borrow materials from the Steen Library and the guidelines for borrowing.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Revisions include basic edits for clarification purposes and more information related to TexShare.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Policy Committee
 Steve Bullard, Provost and Vice President for Academic Affairs
 Damon, Derrick, General Counsel

Library Borrowing

Original Implementation: February 11, 1981

Last Revision: ~~January 26, 2016~~ April 30, 2019

Persons who hold Stephen F. Austin State University identification cards or Judy B.P. McDonald Public Library cards are eligible to borrow materials from the Ralph W. Steen Library. Individuals who do not hold either card may ~~use be issued a university library card. A unique identification number must be used and an official picture identification must be furnished, e.g., driver's license, to borrow materials. A , before a university library card may—~~will be issued upon request. Loan periods vary by borrower category and ~~status~~ type of material borrowed. ~~Patrons~~ Library users are responsible for all materials borrowed from either library, including the payment of overdue fines, and replacement and/or repair costs for lost or damaged materials. Borrowing privileges are suspended at both libraries for overdue materials or unpaid charges at either library. Individuals are limited to ninety-nine items on their borrowing record at any one time.

Ralph W. Steen Library recognizes and accepts TexShare reciprocal borrowing cards from participating institutions. TexShare library card holders from participating institutions must present an official picture identification when borrowing materials from Ralph W. Steen Library. TexShare cards issued to SFA students are valid for one semester, expiring on the first day of the following semester, whereas, faculty and staff TexShare cards expire at the end of August.

Cross Reference: None

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact For Revision: Library Director

Forms:

https://forms.sfasu.edu/libweb/library_registration.html

https://forms.sfasu.edu/libweb/texas_share_card_app.html

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic Accommodation for Students with Disabilities

Policy Number: 6.1

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/14/2015

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs; Vice President for University Affairs

Purpose of Policy (what does it do): Outlines university's efforts to comply with the fundamental principles of nondiscrimination and accommodation in academic programs in accordance with federal regulations.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: To include expectations for the provision of exam accommodations in online courses.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Tiffany Rivers, Director of Disability Services
Dr. Michael Walker, Assistant Dean of Student Affairs, Support Services
Dr. Adam Peck, Interim Vice President for University Affairs
Dr. Steve Bullard, Provost and Vice President for Academic Affairs
Damon Derrick, General Counsel

Academic Accommodation for Students with Disabilities

Original Implementation: July 14, 1998

Last Revision: ~~April 14, 2015~~ April 30, 2019

~~The Law:~~

It is the policy of Stephen F. Austin State University to comply with the fundamental principles of nondiscrimination and accommodation in academic programs set forth in the implementing regulations for Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

The ~~implementing regulations to Section 504~~ law provides that:

No qualified student with a disability ~~shall~~ will, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education aid, benefits, or services. [34 C.F.R. § 104.43(a)]

and

An institution ~~shall~~ will make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. Academic requirements that the institution can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. [34 C.F.R. § 104.44(a)]

Neither Section 504 nor the ADA requires universities to lower their academic standards or substantially alter the essential elements of their courses or programs to accommodate students with disabilities. The requirement to provide reasonable accommodations is designed to afford an equal opportunity for students with disabilities. Achieving reasonable accommodations for a student with a disability involves shared responsibility among students, faculty and staff.

Should the university deny a requested accommodation it must be prepared to show that complying with the request would constitute a fundamental alteration; the unsubstantiated opinion of a faculty member or administrator may not be sufficient for that purpose. Moreover,

the cost of the proposed modification is not usually sufficient reason for denying a requested accommodation.

The following accommodations are ~~very~~ widely accepted in higher education:

- Providing services such as readers, interpreters, and note-takers.
- Allowing extra time for examinations, assignments and projects.
- Permitting exams to be individually proctored, read orally, dictated, or typed.
- Recording lectures.
- Using computer software for assistance in studying and on tests.
- Using alternative testing formats to demonstrate course mastery.
- Changing classrooms as needed for accessibility.

Who must be accommodated?

Students who are requesting support services from SFA are required to submit documentation through the Office of Disability Services to verify eligibility for reasonable accommodations. Students are not required to assume the responsibility for securing a necessary accommodation. The university ~~shall~~*will* review and evaluate that documentation and when required under law provide reasonable accommodations for a student's known disability so that the student has an equal opportunity to participate in the courses, activities or programs.

When additional expertise beyond that of the staff of the Office of Disability Services is needed to assess a student's documentation, the Academic Assessment Committee, consisting of members of the faculty who are knowledgeable about disabilities, and staff members, including the ADA coordinator, ~~shall~~*will* evaluate the documentation, request additional information if required, and make a recommendation to the Office of Disability Services.

Documentation must validate the need for services based on the individual's current level of functioning in an educational setting. If the documentation is found to be insufficient the university is not obliged to provide accommodations. If the documentation is found to be sufficient, appropriate accommodations are recommended.

What accommodations must be provided?

Students with disabilities may be accorded two types of accommodations: they may be permitted to substitute particular courses for some of those required under their degree requirements, or they may be afforded approved accommodations within the courses they take.

If a course substitution is requested, the request must be received by the academic department that teaches the course to be deleted from the student's requirements no later than the semester prior to one in which the student proposes to take one or more of the substitute courses. Ordinarily the request should arrive at the department office before the 12th day of classes of

a long semester, or the 4th day of classes of a summer session.

Once received by the department, the course substitution request is considered by the ~~department chair~~*academic unit head*, who consults with the Office of Disability Services before making a recommendation. The ~~chair's~~*academic unit head's* recommendation regarding substitution is forwarded to the student's academic dean. Employing the college's usual procedures for decisions about curricula, and consulting with other colleges as necessary, the dean makes the final determination about whether the requested substitution may be allowed, or does, in fact, represent a fundamental modification of the program in question. Before a course substitution is considered there should be evidence that even with reasonable accommodation the student cannot succeed in the required course.

Requests for accommodation within a particular course should, when possible, be received by the Office of Disability Services before the beginning of the semester in which the student with a disability is to enroll in the course. Once received, the accommodation request is considered by disability services and, if required, by the Academic Assessment Committee. If the decision is to recommend against providing the requested accommodation, the student is informed. If it is decided that accommodation is to be provided, a record of that recommendation, together with a recommendation of the general type of accommodation to be provided is sent to the instructor of the subject course, with a notification to the ~~department chair~~*of the academic unit head*. The instructor then meets with the disabled student to work out precisely how the recommended accommodations are to be implemented in the context of the particular course and may consult with the ~~department chair~~*academic unit head* if needed. To make provision of appropriate accommodations as effective as possible, students with disabilities are to meet with instructors from whom accommodations are requested as early in the semester as possible.

The student, the Office of Disability Services, the Academic Assessment Committee, the ~~department chair~~*academic unit head*, and the course instructor will cooperate to identify accommodations that meet the student's documented need without fundamentally altering the course.

Who must provide approved accommodations in a particular course?

Accommodations most commonly requested may include providing services such as readers, interpreters, and note-takers; allowing extra time for examinations; using alternate forms of examinations; recording lectures; using computer software for assistance in studying and on tests; and, on rare occasions, relocating the classroom. It is the responsibility of the Office of Disability Services to provide readers, interpreters, and note-takers when needed. The instructor ~~shall~~*will* cooperate with disability services in accommodating these service providers in the classroom.

It is the responsibility of the instructor to organize examinations so students with disabilities may

be accorded extra time and special testing conditions when needed as an accommodation. When possible, special testing will be done within the offices of the academic department. When testing cannot be done in the department, disability services will provide secure facilities and supervision. *In the event that exams are administered solely online, students with disabilities will be granted the exam accommodations under the same online conditions allowed for other students enrolled in the course.*

When special materials (e.g., Braille transcripts or audio recordings of course materials) are required, it is the joint responsibility of the Office of Disability Services and the instructor to arrange to make these materials available to the student. Such materials must be made available to students with disabilities at the same time that their equivalents are given to other students.

It is the responsibility of the ~~department chair~~ *academic unit head*, in cooperation with the instructor and the dean, to relocate courses when required.

~~How are~~Resolving dDisagreements to be resolved?

Disagreements will be resolved according to the provisions of Policy 6.6, Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities.

Cross Reference: Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. § 794; Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. §§ 12101-12213 as amended by the Americans with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325; 34 C.F.R. 104; Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities (6.6); Accessibility for Persons with Disabilities (2.2); Animals on University Property (13.2)

Responsible for Implementation: Provost and Vice President for Academic Affairs, Vice President for University Affairs

Contact for Revision: Director of Disability Services

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Small-Size Classes

Policy Number: 7.26

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/31/2017

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy applies to courses for which the primary mode of instruction is lecture, laboratory, or seminar. It outlines the reasons that small-size classes may be approved and the procedure for requesting approval.

Reason for the addition, revision, or deletion (check all that apply):

- ☐ Scheduled Review ☐ Change in law ☒ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Removed statement regarding courses offered in consecutive semesters or summer terms per Dr. Guidry's recommendation.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Policy Committee
 Steve Bullard, Provost and Vice President for Academic Affairs
 Damon Derrick, General Counsel

Small-Size Classes

Original Implementation: November 4, 1977

Last Revision: ~~January 31, 2017~~ April 30, 2019

This policy applies to courses for which the primary mode of instruction is lecture, laboratory, or seminar. Small-size classes are undergraduate classes with fewer than 10 registered students and graduate classes with fewer than five registered students. ~~Minimum enrollment requirements for off-campus, face-to-face courses are addressed in policy 5.13, Off-Campus Credit Courses.~~ No small-size classes will be offered in any term except as authorized by the Board of Regents of Stephen F. Austin State University.

~~Only~~ Small-size classes that meet one or more of the following requirements may be authorized to be taught:

- Required course for graduation. (This course is not offered each semester or term and, if cancelled, may affect the date of graduation of those enrolled);
- Required course for majors in the field that should be completed in a given semester (term) in order to keep proper sequencing of courses;
- Course in a newly established degree program, concentration, or support area;
- Interdepartmental (cross-listed) courses taught as a single class by the same faculty at the same station, provided that the combined courses do not constitute a small class;
- First time offering of a course;
- Class size limited by accreditation or state licensing standards;
- Class size limited by the availability of laboratory or clinical facilities;
- Voluntarily offered by a faculty member in excess of the institutional teaching load requirement and for which the faculty member receives no additional compensation.

~~A small-size class of the same course may not be offered in consecutive semesters or summer terms.~~

Procedure:

1. An academic unit head submits a small-size class approval form to the appropriate dean requesting approval to offer small-size class(es).
2. The dean approves/disapproves the request and forwards the form to the associate provost.
3. The provost and vice president for academic affairs approves/disapproves the request and sends copies of the small class form to the dean, academic unit head, and the registrar.

Cross Reference: Faculty Handbook; Tex. Educ. Code § 51.403, ~~Off-Campus Credit Courses (5.13).~~

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: Small-size Class Approval Form

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Financial Conflicts of Interest in Sponsored Activities

Policy Number: 8.2

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/28/2015

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs

Purpose of Policy (what does it do): To protect the credibility and integrity of Stephen F. Austin State University's (SFA) faculty and staff by ensuring public trust and confidence in the university's research and grants, contracts, and other sponsored agreements (grants) by identifying and then managing, reducing, or eliminating actual or potential conflicts of interest.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Revisions include basic edits for clarification purposes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Policy Committee

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

Financial Conflicts of Interest in Sponsored Activities

Original Implementation: January 30, 1996

Last Revision: ~~July 28, 2015~~ April 30, 2019

1. Introduction

The purpose of this policy is to protect the credibility and integrity of Stephen F. Austin State University's (SFA) faculty and staff by ensuring public trust and confidence in the university's research and grants, contracts, and other sponsored agreements (grants) by identifying and then managing, reducing, or eliminating actual or potential conflicts of interest.

A potential conflict of interest occurs when divergence exists between the private interests of individuals and their professional obligations to the university, to the extent that an independent observer might reasonably question whether an individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the situation and not on the character or actions of the individual. In some cases, it also might be appropriate to voluntarily report apparent nonfinancial conflicts of interest and the steps taken by SFA to mitigate them, such as relationships between grant and university personnel.

The university ~~shall~~ will take all necessary steps to assure that any identified actual or potential financial conflicts of interest are managed, reduced, or eliminated prior to the university's expenditure of any funds under an award, and if required by a sponsor, certify to the funding agency that this has been done or report conflicts that cannot be satisfactorily managed, reduced, or eliminated.

As defined in section II, all investigators are required to disclose any significant financial interest that could directly or indirectly affect the design, conduct, and/or reporting of research and/or affect professional judgment in the conduct of grants.

Federal awarding agencies must establish conflict of interest policies for their awards that require the awardee to disclose in writing any potential conflict of interest (2 C.F.R. § 200.112). This policy has been developed to address financial conflicts of interest in grants in general, with specific requirements to address regulations for Public Health Service supported research. Investigators will be required to comply with each individual federal awarding agency's policies. State laws regarding employee conduct may also apply to situations involving potential financial conflicts of interest.

Additional requirements are outlined in section VI that pertain specifically to Public Health Service (PHS) sponsored research grants and to research sponsored by other federal agencies

with similar financial conflict of interest regulations.

2. Definitions

Compliance Coordinator (CC): an individual in the Office of Research and ~~Graduate Sponsored Programs Studies~~ (ORGSSP) designated to coordinate financial conflict of interest requirements for grants at the proposal and award stages.

Disclosure of significant financial interests: an investigator's disclosure of significant financial interests to the university.

Equity interest: includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.

Financial conflict of interest (FCOI): a significant financial interest that could directly and significantly affect the design, conduct, or reporting of grant activities.

Financial interest: anything of monetary value, whether or not the value is readily ascertainable.

Institutional responsibilities: an investigator's professional responsibilities on behalf of the university, which for faculty includes teaching, research, service and other scholarly and professional activities and for staff includes job-related activities.

Institutional Official (IO): the provost and vice president for academic affairs.

Investigator: a project director (PD) or principal investigator (PI) and any other person, regardless of title or position, who is identified as: (a) senior/key personnel in the grant application, progress report, or any other report submitted to a funding agency; (b) a responsible party on applications for the use of human or animal subjects; and (c) responsible for the design, conduct, or reporting of grant activities.

Manage/Management Plan: taking action to address a FCOI, which can include reducing or eliminating the conflict of interest to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

Public Health Service (PHS): an entity of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated, which includes agencies such as the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), and the Health Resources and Services Administration (HRSA).

Research: a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development.

Responsible Official (RO): the ~~director of the Office of Research and Sponsored Programs~~ dean of research and graduate studies.

Significant financial interest: a financial interest that must be disclosed by an investigator that: (a) consists of one or more of the following interests of the investigator, and/or the investigator's spouse and dependent children, or any other financially interdependent individual in the household; (b) which reasonably appears to be related to the investigator's institutional responsibilities; and (c) was received, obtained, or held during the twelve (12) months preceding the disclosure.

Information that must be disclosed by an investigator includes:

- A. Payments from or an equity interest in a publicly-traded entity if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure together exceed \$5,000. Remuneration includes any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship);
- B. Payments from or an equity interest in a non-publicly traded entity if the value of any remuneration received from the entity in the twelve months preceding the disclosure exceeds \$5,000 and any equity interest is held;
- C. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests; and
- D. Travel payments (reimbursements or amounts paid on behalf of the investigator) related to institutional responsibilities (this requirement only applies to investigators with PHS supported research or other Federal sponsors with similar FCOI requirements).

Information that is excluded from disclosure by an investigator includes:

- ~~E~~A. Salary, royalties, or other remuneration paid by the university to the investigator if the investigator is currently employed or otherwise appointed by SFA, including intellectual property rights assigned to SFA and agreements to share in royalties related to such rights;
- ~~F~~B. Income from certain investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles; and
- ~~G~~C. Income from seminars, lectures, or teaching engagements, or income from service

on advisory committees or review panels sponsored by a Federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

Regardless of the above minimum requirements, investigators in their own best interest may choose to disclose any other financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest.

Grants: all externally funded activities, including but not limited to research, public service, instruction, and/or training activities funded by grants, contracts, cooperative agreements, or other sponsored agreements.

3. Responsibilities Regarding FCOI

A. **Investigator** – It is the responsibility of the investigator to:

- i. file and update a PI/PD Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects form with each grant application and a Disclosure of Substantial Interest form as needed. ;
- ii. file and update a Disclosure of Substantial Interest form in other instances as outlined in this policy;
- iii. acknowledge in the disclosure form their understanding of this policy and applicable federal regulations;
- iv. provide additional information and documentation required to meet the terms of this policy when requested by university officials; and
- v. complete FCOI training as required by this policy.

B. **Institutional Official (IO)** – It is the responsibility of the IO to:

- i. review Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects and Disclosure of Substantial Interest forms related to grants;
- ii. determine if a FCOI exists with regard to grant funding, appoint a committee as required to assist in the decision, and make recommendations regarding management of any such conflict of interest;
- iii. if indicated, develop a plan for management of the conflict in consultation with the investigator and in conjunction with the appointed committee, the university's general counsel and other university officials, as appropriate; and
- iv. determine the appropriate individual to monitor implementation of the plan, as needed.

C. **Compliance Coordinator (CC)** – It is the responsibility of the CC to:

- i. verify that Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects and as needed, Disclosure of Substantial Interest forms are on file for investigators prior to submitting applications to any entity;
- ii. verify that Conflict of Interest (FCOI) Disclosure and Certification for

Sponsored Projects and as needed, Disclosure of Substantial Interest forms are on file for investigators after an award is made and prior to the expenditure of funds;

- iii. provide disclosure and reporting requirements to any subrecipients related to an award from a Federal sponsor; and
- iv. communicate with the investigator regarding the status of the project with regard to compliance with this policy, including applicable training requirements.

D. Responsible Official (RO) – It is the responsibility of the RO to:

- i. provide general oversight to the FCOI reporting and management process as it relates to research and other sponsored activities;
- ii. participate in the review of Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects and Disclosure of Substantial Interest forms and in the development of management plans, as requested by the IO; and
- iii. submit conflict of interest reports to the sponsoring agency as required by the PHS or any other Federal agency.

4. FCOI Reporting and Review Procedures

A. Timeline for Disclosures

- i. all investigators are required to disclose significant financial interests on the Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects form and as needed, a Disclosure of Substantial Interests form prior to the submission of every grant application;
- ii. during the year as needed and no later than thirty (30) calendar days after a new, reportable significant financial interests is obtained such as an increase in value that meets the reporting threshold, as well as the acquisition of new interests that are reportable (for example, through purchase, marriage, or inheritance); and
- iii. for new investigators, within thirty (30) calendar days of joining an active grant.

B. Disclosure Period

- Each individual completing the Disclosure of Substantial Interest form must list any financial interests for the preceding twelve (12) months that appear to be related to the investigator's institutional responsibilities and that might reasonably appear to affect the grant activities funded, or proposed for funding.

C. Disclosure Review Process

- The IO ~~shall~~will conduct an initial review of all financial disclosures related grants in consultation with the RO or other official designee of the university, as appropriate. If an initial determination is made that there may be a potential for conflict of interest covered by this policy, additional information will be requested from the investigator.

A potential FCOI also may be referred to an investigating committee for review. If it is determined by the IO that a committee should be formed, members will be appointed by the IO after consultation with the RO, who serves as chair. If it is determined that a conflict of interest exists, the IO and/or the investigating committee ~~shall~~*will* determine what conditions or restrictions, if any, should be imposed by the university to manage actual or potential conflicts of interest arising from such disclosures.

D. Records Retention - Records of investigator financial disclosures, the university's review and response to disclosures, and of actions taken to manage actual or potential conflicts of interest, as applicable to grants ~~shall~~*will* be retained by ORGSP according to each sponsor's retention requirements, or the resolution of any government action involving those records, or where applicable, from other dates specified in 45 CFR 74.53(b) and 92.42 for PHS supported research or other agency regulations.

E. Enforcement - The IO ~~shall~~*will* be responsible for determining and implementing sanctions on investigators who have violated this policy in terms of a conflict of interest resolution. The investigator ~~shall~~*will* be notified in writing of the recommended sanctions within twenty-one (21) calendar days of the discovery of the violation. If the sanctions involve a recommendation for termination of employment, the university's termination procedures ~~shall~~*will* be invoked. The university must take action as warranted by the seriousness of the violation including, but not limited to, one or more of the following:

- removal from the activity;
- special monitoring of future work;
- letter of reprimand;
- probation with conditions specified; and/or
- termination.

Additionally, the university ~~shall~~*will* follow PHS and other applicable Federal regulations regarding the notification of a sponsoring agency in the event an investigator has failed to comply with this policy.

Individuals may appeal the judgment and/or the sanction. A written statement of the grounds for the appeal must be submitted to the president of the university within thirty (30) working days of written notification of the sanctions. Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of a written appeal, the president ~~shall~~*will* evaluate the evidence and make a determination. The president ~~shall~~*will* open an investigation if circumstances so dictate. The president's decision ~~shall~~*will* be conveyed to all parties within thirty (30)

working days.

5. FCOI Information Dissemination and Training

- A. **Information Dissemination** - The Office of Research and *Graduate Studies* ~~Sponsored Programs~~ will inform each investigator applying for grants of the university's policy on financial conflicts of interest, the investigator's responsibilities regarding disclosure of significant financial interests, and any applicable Federal regulations regarding FCOI. Such information will also be posted on the ORGSP website.
- B. **Mandatory Training** - Each investigator who is awarded a PHS research award or an award from a Federal agency with similar FCOI training requirements ~~shall~~will complete a training session on FCOI prior to engaging in the grant activity and subsequently every four (4) years. In addition, training is required for these individuals immediately when: (1) the university revises its financial conflict of interest policies or procedures in any manner that affects the requirements of investigators; (2) an investigator on a PHS supported award is new to the university; or (3) if the university finds that an investigator is not in compliance with this policy or a prescribed FCOI management plan.
- C. **Subrecipients** - If the university carries out research through a subrecipient (e.g., subcontractors or consortium members) that is supported by the PHS or by a Federal agency with similar FCOI reporting and/or training requirements, the university (awardee institution) will take reasonable steps to ensure that any subrecipient investigator complies with the training requirement described in B. above by incorporating as part of a written agreement with the subrecipient terms that establish whether the financial conflicts of interest policy of the university or that of the subrecipient will apply to the subrecipient's investigators. The agreement referenced ~~shall~~will specify time period(s) for the subrecipient to report all identified financial conflicts of interest to the university. Such time period(s) ~~shall~~will be sufficient to enable the university to provide timely FCOI reports, as necessary, to the PHS or other Federal agencies as required by the agency.

6. Special Provisions for Managing and Reporting Financial Conflicts of Interest for Public Health Service (PHS) Supported Research

~~A.~~A. Management Plan -

For PHS supported research, resolution of any potential or actual conflicts of interest ~~shall~~will not be required until after funding has been approved and prior to any expenditure of funds under the PHS supported award. Prior to the expenditure of any funds under a PHS-funded research project, the IO ~~shall~~will develop and implement a management plan that ~~shall~~will specify the actions that have been and ~~shall~~will be taken to manage such financial conflict of interest.

The IO, along with any investigating committee, the investigator, the RO, and other university officials as required, ~~shall~~*will* proceed to resolve any actual or potential problems revealed by the initial review of financial disclosures. In order for the conflict to be managed, reduced, or eliminated, the IO may recommend:

1. public disclosure of significant financial or related interests(e.g., during presentations or in publications);
2. for research projects involving human subjects research, disclosure of financial conflicts of interest directly to participants prior to participation;
3. monitoring of sponsored activities by independent reviewers;
4. modification of the research or other sponsored activity plan;
5. Change in personnel and/or disqualification from participation in all or a portion of the activity funded that would be affected by the significant financial interests;
6. divestiture of significant financial interests; and/or
7. severance of relationships that create actual or potential conflicts of interest.

If the IO, along with any investigating committee determines that imposing conditions or restrictions would either be ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, the IO and committee may recommend that, to the extent permitted by federal regulations, the sponsored activity go forward without imposing such conditions or restrictions. In these cases, the IO in consultation with the RO ~~shall~~*will* make the final decision regarding resolution.

The approved written resolution plan ~~shall~~*will* detail the conditions or restrictions imposed upon the investigator in the conduct of the sponsored activity or in the relationship with the enterprise or entity.

Actual or potential conflicts of interest ~~shall~~*will* be satisfactorily managed, reduced, or eliminated in accordance with these guidelines and all required reports regarding conflicts of interest submitted to the sponsor prior to the expenditure of any funds under an award.

~~2.~~**B. Retrospective Review -**

For PHS supported research, whenever a significant financial interest is discovered that was not disclosed in a timely manner by an investigator, or for whatever reason, was not previously reviewed by the university during an ongoing PHS supported research project (including subrecipients), the IO ~~shall~~*will* within sixty (60) calendar days:

1. review the significant financial interest;
2. determine whether it is related to PHS-funded research;

3. determine whether a financial conflict of interest exists; and, if so implement, on at least an interim basis, a management plan that ~~shall~~*will* specify the actions that have been, and will be, taken to manage such financial conflict of interest going forward.

In addition, if it is determined that the university failed to review or manage such a financial conflict of interest, or the investigator failed to comply with a financial conflict of interest management plan, the IO ~~shall~~*will*, within 120 calendar days of the university's determination of noncompliance, lead a retrospective review of the investigator's activities and the PHS supported research project to determine whether any PHS supported research, or portion thereof, conducted during the time period of the noncompliance, was biased in the design, conduct, or reporting of such research.

The retrospective review ~~shall~~*will* be documented, and ~~shall~~*will* include at a minimum the following key elements:

4. project number;
5. project title;
6. PD/PI or contact PD/PI if a multiple PD/PI model is used;
7. name of the investigator with the FCOI;
8. name of the entity with which the investigator has a financial conflict of interest;
9. reason(s) for the retrospective review;
10. detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);
11. findings of the review; and
12. conclusions of the review.

Based on the results of the retrospective review, if appropriate, the university ~~shall~~*will* update the previously submitted FCOI report, specifying the actions that will be taken to manage the financial conflict of interest going forward. If bias is found, the university ~~shall~~*will* notify the PHS awarding agency promptly and submit a mitigation report the agency. The mitigation report must include, at a minimum, the key elements documented in the retrospective review above and a description of the impact of the bias on the research project and the university's plan of action or actions taken to eliminate or mitigate the effect of the bias. Depending on the nature of the financial conflict of interest, the university may determine that additional interim measures are necessary with regard to the investigator's participation in the PHS supported research project between the date that the financial conflict of interest or the investigator's noncompliance is determined and the completion of the university's retrospective review.

3. Public Disclosure

Prior to the expenditure of any funds under a PHS supported research project, the university ~~shall~~*will* ensure public accessibility via written response to any requestor within five (5) working days of a request for information concerning any significant financial interest disclosed to the university that meets the following three criteria:

1. the significant financial interest was disclosed and is still held by the senior/key personnel as defined by this subpart;
2. the university determines that the significant financial interest is related to the PHS supported research; and
3. the university determines that the financial interest is a significant financial conflict of interest.

The information provided by written response to any requestor ~~shall~~*will* include at a minimum the following information:

4. the investigator's name;
5. the investigator's title and role with respect to the research project;
6. the name of the entity in which the significant financial interest is held;
7. the nature of the significant financial interest;
8. the approximate dollar value of the significant financial interest specified in ranges (e.g., \$0–\$4,999; \$5,000–\$9,999; \$10,000–\$19,999; amounts between \$20,000–\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value; and
9. will note that the information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 calendar days of the identification by the university of a new financial conflict of interest, which should be requested subsequently.

Information concerning the significant financial interests of an individual subject to this section ~~shall~~*will* remain available for at least three (3) years from the date that the information was most recently updated.

4. **Reporting to PHS Agencies**

Prior to the university's expenditure of any funds under a PHS supported research project, the university ~~shall~~*will* provide to the PHS agency an FCOI report regarding any investigator's significant financial interest found by the university to be conflicting and ensure that the university has implemented a management plan in accordance with PHS regulations. In cases in which the university identifies and eliminates a FCOI prior to the expenditure of PHS-awarded funds, an FCOI report is not required.

For any significant financial interest that the university identifies as conflicting subsequent to the initial FCOI report and during an ongoing PHS supported research project, the university ~~shall~~*will* provide within sixty (60) calendar days, a FCOI report to the PHS agency and ensure that a management plan has been implemented in accordance with PHS regulations. This includes results of a retrospective review, and in situations in which bias is determined, the university ~~shall~~*will* promptly notify and submit a mitigation report to the PHS agency.

Any FCOI report ~~shall~~*will* include sufficient information to enable the PHS agency to understand the nature and extent of the financial conflict, and to assess the appropriateness of the university's management plan. Elements of the FCOI report ~~shall~~*will* include, but are not necessarily limited to, the following:

1. project number;
2. PD/PI or Contact PD/PI if a multiple PD/PI model is used;
3. name of the investigator with the significant financial conflict of interest;
4. name of the entity with which the investigator has a financial conflict of interest;
5. nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium);
6. value of the financial interest (dollar ranges are permissible: \$0–\$4,999; \$5,000–\$9,999; \$10,000–\$19,999; amounts between \$20,000–\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value;
7. a description of how the financial interest relates to the PHS supported research and the basis for the university's determination that the financial interest conflicts with such research; and
8. a description of the key elements of the university's management plan, including:
 1. role and principal duties of the conflicted investigator in the research project;
 2. conditions of the management plan;
 3. how the management plan is designed to safeguard objectivity in the research project;
 4. confirmation of the investigator's agreement to the management plan;
 5. how the management plan will be monitored to ensure investigator compliance; and
 6. other information as needed.

For any financial conflict of interest previously reported by the university with regard to an ongoing PHS-funded research project, the university ~~shall~~*will* provide to the PHS agency an annual FCOI report that addresses the status of the financial conflict of interest and any changes to the management plan for the duration of the project. The annual FCOI report ~~shall~~*will* specify whether the financial conflict is still being

managed or explain why the financial conflict of interest no longer exists.

5. Remedies

If an investigator fails to comply with this policy, or a financial conflict of interest management plan appears to have biased the design, conduct, or reporting of PHS-funded research, the university ~~shall~~*will* promptly notify the PHS agency of the corrective action taken or to be taken.

Cross Reference: 2 C.F.R. § 200.112; 42 C.F.R. Part 50, Subpart F; 45 C.F.R. Part 94, Faculty Handbook;; Ethics (2.6); Misconduct in Scholarly or Creative Activities (7.19); and Purchasing Ethics and Confidentiality (17.22).

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: ~~Dean~~ *Director of Research and Graduate Studies*
~~Sponsored Programs~~

Forms: Disclosure of Substantial Interest form; PI/PD Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects form

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Misconduct in Federally Funded Research

Policy Number: 8.7

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/28/2015

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs

Purpose of Policy (what does it do): To ensure that SFA creates a climate that promotes faithful adherence to high ethical standards in the conduct of scientific research without inhibiting the productivity and creativity of the academic community.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Reviewed with no changes recommended.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Policy Committee

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

Misconduct in Federally Funded Research

Original Implementation: April 27, 1994

Last Revision: ~~July 28, 2015~~ April 30, 2019

I. Introduction

1. Policy Statement

Stephen F. Austin State University (SFA) strives to create a climate that promotes faithful adherence to high ethical standards in the conduct of scientific research without inhibiting the productivity and creativity of the academic community.

Misconduct in research is a major breach of the relationship between a faculty or staff member and the university and is defined as the fabrication, falsification or plagiarism in proposing, performing or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research records. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

A finding of research misconduct requires three criteria to be met:

1. a significant departure from accepted practices of the relevant research community;
2. intentional, knowing or reckless misconduct; and
3. proof by a preponderance of the evidence.

Research misconduct does not include honest error or differences of opinion.

This policy applies to any person paid by and/or subject to the rules and policies of SFA, including faculty, research scientists, trainees, technicians and other staff members, students and visiting professors.

In order to maintain the integrity of research projects, every investigator should keep an auditable record of experimental protocols, data and findings. Co-principal investigators and/or co-authors on research reports of any type must have a bona fide role in the research and must accept responsibility for the quality of the work reported.

Any inquiry or investigation of allegations of misconduct in research must proceed promptly and with due regard for the reputation and rights of all involved. The university will take all reasonable steps to assure that the persons involved in the evaluation of the allegations and evidence have appropriate expertise and that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest. Allegations of misconduct based on events that occurred six or more years ago are not subject to review under this policy, unless otherwise determined by the deciding official (DO) as defined in Section III.D.

2. Scope

This policy applies to all federally funded research conducted at the university. Procedures set forth in this policy address the Requirements for Institutional Policies and Procedures as detailed in 42 C.F.R. § 93.304 for Public Health Service (PHS) supported research, which includes agencies such as the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration and the Health Resources and Services Administration).

The university hereby exercises the option to adopt internal standards of conduct that differ from the PHS standards; therefore, the policy identifies PHS provisions that may apply, in whole or in part, only to PHS supported research. When an allegation falls within PHS definitions and jurisdiction, the university will conduct an institutional inquiry pursuant to the PHS regulations. Additionally, the university will comply with applicable regulations of other federal agencies for the investigation of allegations of misconduct in research that they support.

This policy and its procedures will apply when a university official receives an allegation of possible misconduct in federally funded research. Circumstances in individual cases may require variation from normal procedure to meet the best interest of the university or the sponsor.

Deviation from the normal procedures must ensure fair treatment of the subject of the allegation. Any significant variation should be approved in advance by the university's research integrity officer (RIO) and for PHS supported research, the Office of Research Integrity (ORI) of the U.S. Department of Health and Human Services.

Possible scholarly misconduct not specifically covered by this policy may be covered by other university policies and procedures, including Misconduct in Scholarly or Creative Activities (7.19).

II. Definitions

- A. Allegation: disclosure through any means of communication of possible research misconduct.
- B. Complainant: a person who in good faith makes an allegation of research misconduct.
- C. Good faith: having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research or scholarly misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. For PHS supported research, good faith as applied to a committee member means cooperating with the purpose of helping an institution meet its responsibilities under 42 C.F.R. Part 93. A committee member does not act in good faith if his/her acts or omissions on the committee

are dishonest or influenced by personal, professional or financial conflicts of interest with those involved in the misconduct proceeding.

- D. Inquiry: preliminary information gathering and preliminary fact-finding.
- E. Investigation: formal development of a factual record and the examination of that record leading to a decision. The decision may be to not make a finding of research misconduct or to recommend a finding of research misconduct.
- F. Preponderance of the evidence: proof by information that leads to the conclusion that the fact at issue is more probably true than not.
- G. PHS support: PHS funding, or applications or proposals for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through: PHS grants, cooperative agreements, or contracts or subgrants or subcontracts under those PHS funding instrument, or salary or other payments under PHS grants, cooperative agreements or contracts.
- H. Records of research misconduct proceedings (records): research records and other evidence secured for the misconduct proceeding pursuant to this policy and applicable federal regulations, except to the extent the RIO determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that have been retained; the inquiry report and final documents produced in the course of preparing that report, including the documentation of any decision not to investigate, as required by 42 C.F.R. § 93.309(c) for PHS supported research misconduct; the investigation report and all records in support of the report, including the recordings or transcripts of each interview conducted; and the complete record of any appeal to university officials from the finding of misconduct.
- I. Research record: the record of data or results that embody the facts resulting from scholarly activity and scientific inquiry, including but not limited to: research proposals, laboratory records, physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles or other forms of scholarly works, reports or publications and any documents and materials provided to a federal agency or a university official by a respondent in the course of the research misconduct proceeding.
- J. Respondent: the person against whom an allegation of research misconduct is directed or who is the subject of a misconduct proceeding.
- K. Retaliation: an adverse action taken against a complainant, witness, committee member, the RIO or DO by the university or one of its employees in response to: (1) a good faith allegation or research or scholarly misconduct; or (2) good faith cooperation with a misconduct proceeding.

III. Rights and Responsibilities

A. Research Integrity Officer (RIO)

The research integrity officer (RIO) is the institutional official responsible for assessing allegations of federally funded research misconduct and overseeing inquiries and investigations. The RIO for the university is the director of research and sponsored programs unless otherwise assigned by the president. Responsibilities of the RIO include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct and provide confidentiality to those involved in the research misconduct proceeding as required by 42 C.F.R. § 93.108, other applicable law and institutional policy.
- Receive allegations of research misconduct.
- Inform the university's general counsel of allegations of research misconduct and seek advice at appropriate junctures in the process.
- Assess each allegation of research misconduct in accordance with Section V.A of this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry.
- Determine if the research in question was supported by a PHS sponsor and, as necessary, take interim action and notify the ORI of special circumstances with regard to PHS supported research, in accordance with Section IV.F of this policy.
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with Section V.C of this policy and maintain it securely in accordance with this policy and applicable law and regulation.
- Notify the respondent and provide opportunities for him/her to review/comment/respond to allegations, evidence, and committee reports in accordance with Section III.C of this policy.
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding.
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence.
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding.
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses and committee members and counter potential or actual retaliation against them by respondents or other institutional members.
- Keep the DO and others who need to know apprised of the progress of the review of the allegation of research misconduct.
- For PHS supported research, notify and make reports to the ORI as required by 42 C.F.R. Part 93.
- Ensure that administrative actions taken by the institution and the ORI, as applicable to PHS supported research, are enforced and take appropriate action to notify other

involved parties, such as sponsors, law enforcement agencies, professional societies and licensing boards of those actions.

- Maintain records of the research misconduct proceeding and for PHS supported research, make them available to the ORI in accordance with Section VIII.F of this policy.

B. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. The complainant must be interviewed during an investigation and be given the transcript or recording of the interview for correction.

C. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- a good faith effort from the RIO to notify the respondent in writing at the time or before beginning an inquiry;
- an opportunity to comment on the inquiry report and have comments attached to the report;
- notification of the outcome of the inquiry and receipt of a copy of the inquiry report that includes a copy of, or refers to, 42 C.F.R. Part 93 (if applicable to PHS supported research) and the institution's policies and procedures on research misconduct;
- notification in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 calendar days after the university decides to begin an investigation), and notification in writing of any new allegations not addressed in the inquiry or in the initial notice of investigation within a reasonable time after the determination to pursue those allegations;
- an interview during the investigation, an opportunity to correct the recording or transcript and inclusion of the corrected recording or transcript in the record of the investigation;
- an opportunity during the investigation to interview any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, to have the recording or transcript provided to the witness for correction and to have the corrected recording or transcript included in the record of investigation; and
- receipt of a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based, and notification that any comments must be submitted within thirty (30) calendar days of the date on which the copy was received and that the comments will be considered by the university and addressed in the final report.

The respondent will be given the opportunity to admit that the research misconduct occurred. With the advice of the RIO and the university's general counsel, the DO may terminate the institution's review of an allegation that has been admitted if the institution's acceptance of the admission and any proposed settlement is approved by the ORI as applicable for PHS supported research misconduct.

Additionally, the respondent will have the opportunity to request an institutional appeal in accordance with Section VIII.D of this policy.

D. Deciding Official

The deciding official (DO) is institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The DO for the university is the provost and vice president for academic affairs. For any matter involving a vice president, the president will be the DO. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents will be the DO.

The DO will receive the inquiry report and after consulting with the RIO, decide whether an investigation is warranted for research misconduct, and for PHS supported research, whether an investigation is warranted under the criteria in 42 C.F.R. § 93.307(d). Any finding that an investigation is warranted must be made in writing by the DO and for PHS supported research must also be provided to the ORI, together with a copy of the inquiry report meeting the requirements of 42 C.F.R. § 93.309, within thirty (30) calendar days of the finding.

The DO will receive the investigation report and, after consulting with the RIO and other appropriate officials, decide the extent to which the university accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate. The DO will ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative action are provided to the ORI for PHS supported research, as required by 42 C.F.R. § 93.315.

IV. General Policies and Principles

A. Responsibilities to Report Misconduct

All university employees will report observed, suspected or apparent research misconduct with federal funds to the RIO, and any official who receives an allegation of research misconduct must report it immediately to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the

individual or allegation to other university offices or officials with responsibility for resolving the problem.

At any time, a university employee may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

B. Cooperation with Misconduct Proceedings

University employees will cooperate with the RIO and other university officials in the review of allegations and the conduct of inquiries and investigations. Employees, including respondents, have an obligation to provide evidence relevant to misconduct allegations to the RIO or other university officials.

C. Confidentiality

The RIO will, as required by university policy and 42 C.F.R. § 93.108: (1) limit disclosure of the identity of respondents, complainants and witnesses to those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO will use written confidentiality agreements or other mechanisms to ensure confidentiality.

D. Protecting Complainants, Witnesses and Committee Members

University employees may not retaliate in any way against complainants, witnesses or inquiry committee members. Employees should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO who will review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protecting the Respondent

As requested and as appropriate, the RIO and other university officials will make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research or scholarly misconduct when no finding of misconduct is made.

During the misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 C.F.R. Part 93, as applicable to PHS supported research and the policies and procedures of the university. Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case for personal advisement. University counsel must be present in any meeting where other counsel is present.

F. Interim Administrative Actions and Notifying the ORI of Special Circumstances

Throughout research misconduct proceedings, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the research process, and for PHS supported research, will notify the ORI immediately of such threats.

In the event of such threats, the RIO will, in consultation with other university officials and the ORI as appropriate, take appropriate interim action including additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication.

Such potential threats where interim action should be taken include:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
- Public resources or interests are threatened.
- Research activities should be suspended.
- There is a reasonable indication of possible violations of civil or criminal law.
- Federal action is required to protect the interests of those involved in the research misconduct proceeding.
- The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved.
- The research community or public should be informed.

V. Stage 1 – Conducting the Assessment and Inquiry

A. Assessment of Allegations

Upon receiving an allegation of misconduct in research with federal funds, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of misconduct may be identified and whether it is within the jurisdictional criteria of 42 C.F.R. § 93.102(b) and 93.103. An inquiry must be conducted if the required criteria for research misconduct are met.

The assessment period should be concluded within five (5) working days of receipt of an allegation. In conducting the assessment, the RIO need not interview the complainant, respondent or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified. The RIO will, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all records and evidence needed to conduct the misconduct proceeding, as provided in paragraph C of this section.

B. Initiation and Purpose of the Inquiry

If the RIO determines that the criteria for an inquiry are met, the inquiry process will be immediately initiated. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

C. Notice to Respondent; Sequestration of Research Records

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, a good faith effort must be made to notify them in writing. On or before the date on which the respondent is notified or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the records and evidence needed to conduct the misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. For PHS supported research, the RIO may consult with the ORI for advice and assistance in this regard.

D. Appointment of the Inquiry Committee

The RIO, in consultation with other university officials as appropriate, will appoint an inquiry committee and committee chair within ten (10) working days of the initiation of the inquiry or as soon thereafter as practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

The RIO will prepare a written charge for the inquiry committee that:

- sets forth the time for completion of the inquiry, unless extenuating circumstances require an extension of time;
- describes the allegations and any related issues identified during the allegation assessment;
- states that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
- states that an investigation is warranted if the committee determines if the allegation may have substance based on the committee's review and, in the case of PHS supported research, there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 C.F.R. § 102(b); and

- informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that, in the case of PHS supported research misconduct, meets the requirements of this policy and 42 C.F.R. § 93.309(a).

At the committee's first meeting, the RIO will review the charge, discuss the allegation and any related issues, the appropriate procedures for conducting the inquiry, assist with organizing plans for the inquiry, and answer any questions. The RIO will be available throughout the inquiry to advise the committee as needed.

E. Inquiry Process

The inquiry committee will normally interview the complainant, the respondent and key witnesses, as well as examining relevant research records and materials. Then the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and 42 C.F.R. § 93.307(d), as applicable to the allegation. The scope of the inquiry is not required to include, and does not normally include, deciding whether misconduct definitely occurred, determining definitely who committed the misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, for instances of PHS supported research misconduct, the university will promptly consult with the ORI to determine the next steps that should be taken.

F. Time for Completion

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within sixty (60) calendar days of initiation of the inquiry, unless at his/her discretion, the RIO determines that circumstances clearly warrant a longer period. In the case of an extension, the inquiry record must include documentation of the reasons for exceeding the 60 day period.

VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following information, as applicable to the allegation: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the federal support including, for example, grant numbers, grant applications, contracts and publications listing federal support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; and (5) any comments on the draft report by the respondent or complainant.

The university's general counsel will review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee. The inquiry report will include: (1) the names and titles of the committee members and experts

who conducted the inquiry; (2) a summary of the inquiry process used; (3) a list of the research records reviewed; (4) summaries of any interviews; and (5) any other actions that should be taken if an investigation is not recommended.

B. Notification and Opportunity to Comment

The RIO will notify both the respondent and the complainant within ten (10) working days of completion of the draft inquiry report whether the inquiry found an investigation to be warranted, provide a copy of the draft report for comment and the university's policies and procedures on misconduct, and for PHS supported research, a copy of or reference to 42 C.F.R. Part 93. A confidentiality agreement will be a condition for access to the report by the respondent and complainant.

Any comments that are submitted will be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

C. Institutional Decision and Notification

1. Decision by Deciding Official

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

2. Notification to the ORI

For allegations of research misconduct with PHS funded research, within thirty (30) calendar days of the DO's decision that an investigation is warranted, the RIO will provide the ORI with the DO's written decision and a copy of the inquiry report. The RIO will also notify those university officials who need to know of the DO's decision. The RIO must provide the following information to the ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews and copies of all relevant documents; and (3) the charges to be considered in the investigation.

3. Documentation of Decision Not to Investigate

If it is found that an investigation is not warranted, the DO and the RIO will ensure for PHS supported research that detailed documentation of the inquiry is retained as detailed in Section VIII.F.

VII. Stage 2 – Conducting the Investigation

A. Initiation and Purpose

The investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended finding on whether misconduct has been committed, by whom and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged research misconduct involves potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice or public health practice. The findings of the investigation will be set forth in an investigation report.

B. Notifying the ORI and Respondent; Sequestration of Research Records

The RIO must notify the respondent in writing of the allegations to be investigated and give the respondent written notice of any new allegations of misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

For allegations of research misconduct with PHS funded research, on or before the date on which the investigation into research misconduct begins, the RIO must notify the ORI director of the decision to begin the investigation and provide the ORI a copy of the inquiry report.

In all instances, the RIO will, prior to notifying the respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all scholarly records, research records and evidence needed to conduct the misconduct proceeding that were not previously sequestered during the assessment inquiry. Where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the assessment inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

C. Appointment of the Investigation Committee

The RIO, in consultation with other university officials, as appropriate, will appoint an investigation committee and committee chair within ten (10) working days of the beginning of the investigation or as soon thereafter as practical. The investigation committee must consist of individuals who do not have unresolved personal, professional or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation.

Individuals appointed to the investigation committee may also have served on the inquiry committee.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee

The RIO will define the subject matter of the investigation in a written charge to the committee that:

- describes the allegations and related issues identified during the inquiry;
- identifies the respondent;
- informs the committee that it must conduct the investigation as prescribed in paragraph E of this section;
- defines research misconduct;
- informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, the type and extent of it and who was responsible;
- informs the committee that in order to determine that the respondent committed misconduct it must find a preponderance of the evidence establishes that: (1) misconduct, as defined in this policy, occurred (the respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) there is a significant departure from accepted practices of the relevant research/scholarly community; and (3) the respondent committed the misconduct intentionally and/or knowingly or recklessly; and
- informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and 42 C.F.R. § 93.313, as applicable to the allegation.

2. First Meeting

The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and, for allegation of misconduct with PHS supported research, with a copy of 42 C.F.R. Part 93. The RIO will be present or available throughout the investigation to advise the committee as needed.

E. Investigation Process

The investigation committee and the RIO must:

- use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all records and evidence relevant to reaching a decision on the merits of each allegation;
- take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- interview each respondent, complainant and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of investigation; and
- pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible misconduct, and continue the investigation to completion.

F. Time for Completion

This investigative stage is to be completed within 120 calendar days, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to the ORI as required for PHS supported research. However, if the RIO determines that the research misconduct investigation will not be completed within this 120-day period, a written request for an extension will be submitted to the ORI or other federal agencies as applicable, setting forth the reasons for the delay. If the ORI grants an extension, it may direct the filing of periodic progress reports (42 C.F.R. § 93.314).

VIII. The Investigation Report

- Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

- describes the nature of the allegation of misconduct, including identification of the respondent;
- describes and documents the federal support, including, for example, the numbers of any grants that are involved, grant applications, contracts and publications listing federal support;
- describes the specific allegations of misconduct considered in the investigation;
- includes the institutional policies and procedures under which the investigation was conducted, unless, in the case of research misconduct proceedings for allegations of research in PHS supported research, those policies and procedures were provided to the ORI previously;
- identifies and summarizes the records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- includes a statement of findings for each allegation of misconduct identified during the investigation. Each statement of findings of misconduct must: (1) identify whether the misconduct was falsification, fabrication or plagiarism and whether it was committed

intentionally, knowingly or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by the respondent to establish a preponderance of the evidence that he or she did not engage in misconduct because of honest error or a difference of opinion; (3) identify the specific federal support; (4) identify whether any publications need correction or retraction; (5) identify and the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with federal agencies.

- Comments on the Draft Report and Access to Evidence

1. Respondent

The RIO must give the respondent a copy of the draft investigation report for comment and concurrently a copy of, or supervised access to, the evidence on which the report is based. The respondent will be allowed thirty (30) calendar days from the date the draft report is received to submit comments to the RIO. The respondent's comments must be included and considered in the final report.

2. Complainant

On a case-by-case basis within the university's discretion, the university may provide the complainant a copy of the draft investigation report, or relevant portions of it, for comment. The complaint's comments must be submitted within thirty (30) calendar days of the date on which the draft report is received, and the comments must be included and considered in the final report. For allegations of misconduct for PHS supported research, see §§ 93.312(b) and 93.313(g).

- Decision by Deciding Official

The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's and complainant's comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing whether the university accepts the investigation report, its findings and any recommended institutional actions in response to accepted findings of research misconduct. If the determination by the DO varies from the findings of the investigation committee, the DO will, as part of the written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. The DO may return the report to the investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. In the case of PHS supported research, the DO will inform the ORI. The DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work,

or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of other sponsoring federal agencies.

- Appeals

Respondents and complainants may submit a written appeal on the judgment of the investigating committee, the DO and/or the sanction to the DO within thirty (30) calendar days of written notification of the sanctions. The DO will forward the appeal to the president for consideration. For matters concerning the vice president for academic affairs, the appeal will be forwarded to the chair of the Board of Regents. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents will also serve as the appeal officer. Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of the appeal, the appeal officer will evaluate the evidence and make a determination. The appeal officer may consult with the DO, RIO or other individuals as appropriate. The appeal officer will reopen the investigation if the previously unconsidered material evidence so warrants and may reopen the investigation if circumstances so dictate. The appeal officer's decision will be conveyed to all involved in a timely fashion, but must be conveyed within thirty (30) calendar days. In the case of termination, the appropriate university policies on termination for cause will be followed.

Unless an extension has been granted, the appeal process must be completed within 120 calendar days of its filing. Similarly, but without external review, an extension of time may be granted for good cause by the university or as directed by the sponsoring agency for completion of the appeal process in non-PHS supported research misconduct cases.

- Notice to the ORI of Institutional Findings and Actions

For cases involving PHS supported research, unless an extension has been granted by ORI, the RIO must, within the 120-day period for completing the investigation or the 120-day period for completion of any appeal, submit the following to ORI: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the institution accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

- Maintaining Records for Review by the ORI

For cases involving PHS supported research, the RIO must maintain and provide to the ORI upon request "records of research misconduct proceedings" as defined by 42 C.F.R. § 93.317. The RIO is also responsible for providing any information,

documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

Unless custody has been transferred to HHS or the ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings will be retained in a secure manner for seven (7) years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation.

IX. Completion of Cases: Reporting Premature Closures to the ORI

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. For cases involving PHS supported research, the RIO must notify the ORI in advance if there are plans to close a case at the inquiry, investigation or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to the ORI as prescribed in this policy and 42 C.F.R. § 93.315.

X. Institutional Administrative Actions

If the DO determines that research misconduct is substantiated by the evidence, he/she will decide on the appropriate actions to be taken, after consultation with the RIO. The administrative actions may include:

- withdrawal or correction of all pending or published abstracts and papers emanating from the research where misconduct was found;
- removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction or initiation of steps leading to possible rank reduction or termination of employment;
- restitution of funds to the grantor agency as appropriate; and
- other action appropriate to the misconduct.

XI. Other Considerations

A. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities, including those under 42 C.F.R. Part 93 for cases involving PHS supported research.

If the respondent, without admitting to research misconduct, elects to resign after the institution receives an allegation of research misconduct, the assessment of the allegation

will proceed, as well as the inquiry and investigation as appropriate, based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and the effect on the evidence.

B. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including the ORI concurrence if required by 42 C.F.R. Part 93, the RIO will, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider (1) notifying those individuals aware of or involved in the investigation of the final outcome, (2) publicizing the final outcome in any forum in which the allegation of misconduct was previously publicized, and (3) expunging all reference to the misconduct allegation from the respondent's personnel file (to the extent permitted by law). Any institutional actions to restore the respondent's reputation should first be approved by the DO.

C. Protection of the Complainant, Witnesses and Committee Members

During the misconduct proceeding and upon its completion, regardless of whether the institution or the ORI determines that research misconduct occurred, the RIO will undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps that the DO approves.

D. Allegations Not Made in Good Faith

If relevant, the DO will determine whether the complainant's allegations of misconduct were made in good faith, or whether a witness or committee members acted in good faith. If the DO determines that there was an absence of good faith, he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

Cross Reference: 42 C.F.R. Part 93; Misconduct in Scholarly or Creative Activities (7.19)

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Director, Office of Research and Sponsored Programs

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Reproduction of Copyrighted Works by Educators and Librarians

Policy Number: 9.2

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs

Purpose of Policy (what does it do): The Copyright Act (17 U.S.C. §§ 101-1332) affects all types of reproduction and/or use of others' works. The following guidelines provide general copyright information useful to the academic community.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Revisions include basic edits for clarification purposes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Policy Committee

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

Reproduction of Copyrighted Works by Educators and Librarians

Original Implementation: 1979

Last Revision: ~~April 12, 2016~~ April 30, 2019

The Copyright Act (17 U.S.C. §§ 101-1332) affects all types of reproduction and/or use of others' works. The following guidelines provide general copyright information useful to the academic community.

Public Domain

Public domain refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws. Generally, if a work was published without copyright notice under the authorization of the copyright owner and the law does not provide an exception for the omission, the work is in the public domain if published in the U.S. after 1922 but before March 1, 1989. The presence or absence of a copyright notice is not of significance in determining whether a work is copyrighted or is in the public domain for works published on or after March 1, 1989.

The following factors may be used to determine what constitutes a public domain work:

- works that lack originality (e.g., phone book);
- works that are no longer protected by copyright;
- freeware (must be expressly stated);
- U.S. Government publications;
- facts or theories; or,
- ideas, short phrases, processes, methods, and systems described in copyrighted work that are not otherwise protected by patents.

When copying or digitizing materials, the responsible party will include the following:

- any copyright notice on the original;
- appropriate citations and attributions to the source; and,
- a Section 108(f)(1) notice indicating that making a copy may be subject to copyright law.

Fair Use Guidelines (17 U.S.C. § 107)

In determining whether the use of a work is fair use, *all four of the following* statutory factors should be considered:

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;

- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

Single Copying for Instructional Use

A single copy may be made of any of the following by or for a faculty member at his or her individual request for his or her scholarly research or instructional purposes:

- (1) a chapter from a book;
- (2) an article from a periodical title or newspaper;
- (3) a short story, short essay or short poem, whether or not from a collective work;
- (4) a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper;
- (5) a single copy of an excerpt from a musical work, provided the excerpt is less than 10% of the entire work and is less than a performable unit, such as a section, movement, or aria; or,
- (6) a single copy of an entire work, provided a copy cannot be obtained at a fair price.

Multiple Copies for Instructional Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the faculty for classroom use or discussion; provided that copies in excess of this amount may be permissible in some circumstances under fair use. Copying will not be repeated with respect to the same item for use by the same individual from term to term. In all circumstances other than the specific fair use guidelines described above for single or multiple copies, permission must be obtained from the copyright holder.

General Guidelines for Copyrights Related to Academic Activities

Reproduction by Libraries and Archives (17 U.S.C. § 108)

Under Section 108 of the Copyright Act, the library is authorized to exercise special rights in addition to fair use.

- To archive lost, stolen, damaged, or deteriorating works, if a replacement cannot be obtained at a fair price;
- To engage in isolated and related reproduction or distribution of a single copy for library patrons; and,
- To provide, at the request of another library, a copy of an article or book chapter through interlibrary loan. The library may acquire up to five copies of an article from a journal published within the last five years within a calendar year. If a request exceeds the five copies permitted, the library will pay copyright royalties to the Copyright Clearance Center for subsequent requests.

For works in the last 20 years of protection and not available at a fair price, more generous copying than indicated herein may be performed, provided the purpose of the copying is to support preservation, scholarship, or research.

Reserve Collections

Copies that are digitized for placement in the university's learning management system should be structured to limit access to students registered in the course for which the materials have been placed on reserve and to instructors and staff responsible for the course or the electronic system.

When digitizing copyrighted works for this purpose, the following limitations should be observed:

- single articles or chapters; several charts, graphs or illustrations; or other small parts of a work;
- a small portion of materials required for the course; or,
- copies of materials a faculty member or the library already possesses legally (i.e., by purchase, license, fair use, interlibrary loan, etc.).

Course-pack Guidelines

The Fair Use Guidelines are applicable to course-packs. The faculty/staff member who compiles course-pack materials will be responsible for complying with these guidelines. Using a commercial copy shop does not necessarily relieve the course-pack creator of liability, unless the above guidelines are followed or the copy shop pays appropriate royalties. Campus copy centers are not permitted to copy course-packs, unless these guidelines are followed.

Computer Software

Only explicitly stated freeware, not shareware or other licensed software, is allowed to be freely used without a license. Appropriate licenses must be obtained for all other software use. The software user is responsible for reading and complying with all license agreements. Other university computer use policies will also apply.

Guidelines for Music

The university maintains some general licenses for copyrighted music use with *Broadcast Music Incorporated* (BMI) and *American Society of Composers, Authors and Publishers* (ASCAP) for specific use areas (e.g., College of Fine Arts, Student Activities, etc.). Beyond those areas, use of music must be licensed or specific permission obtained. General guidelines for copying music are outlined below.

Copying will be limited to:

- entire works of sheet music for performance-related emergencies;
- performable units of sheet music (movements, sections, arias, etc.) if out of print;
- recordings of student performances for teacher or institutional evaluation or student's portfolio; and,
- one copy of sound recordings for classroom or reserve room use.

If emergency copies are made, they must be replaced with purchased originals as soon as practical.

Performances and Displays in Face-to-Face Teaching and Broadcasts

Educational institutions and governmental agencies are authorized to publicly display and perform others' works in the course of face-to-face teaching activities, and to a limited degree, in broadcasts where there is a delayed transmission of faculty instruction. These rights are described in Sections 110 (1) and (2) of the Copyright Act.

Performances and Displays in Distance Learning

Sections 110(1) and (2) of the Copyright Act may not cover fair use of the performance of others' works in online course materials. For purposes of distance learning, small parts of others' works may be used for a limited time, and only if a faculty member or the institution possesses a legal copy of the work.

Access will be limited to students enrolled in the class and administrative staff, and will be terminated at the end of the class term.

Digitizing and Using Images for Educational Purposes

An image should be purchased or licensed if it is available at a fair price. If an image is not readily available online or for sale or license at a fair price, it should be digitized and used according to the following guidelines:

- Access should be limited to students enrolled in the class and administrative staff as needed, and terminate access at the end of the class term (use of "thumbnails" is typically considered fair use and may be used accordingly, without this more stringent restriction).
- Use of these images at conferences is permissible.
- Students may download, transmit, and print these images to complete academic requirements, and may keep works containing images in their portfolios.
- Unnecessary copies are not permissible.

Digitizing and Using Others' Works in Multimedia Materials for Educational Purposes

The Conference on Fair Use (CONFU) suggests that: fair use adheres to specific numerical portion limits; copies of the multimedia work should be strictly controlled; and fair use "expires" after two years. Although these are important considerations, CONFU numerical limits do not constitute the outer limits of fair use for educational purposes.

The guidelines herein allow for the creation of unique works within the limitations provided, but not to make or distribute multiple copies. (Multimedia materials that will be licensed, distributed, or sold must obtain appropriate permission from each applicable copyright holder.)

Students, faculty, and staff may incorporate others' works into a multimedia work, and display and perform a multimedia work in connection with or creation of required academic and professional materials.

All employees who assist in making copies must comply with the fair use guidelines. All public copy machines or public copy centers on campus must have a warning notice on or near each machine which states that the responsibility for copyright infringement rests with the user. The use of printed copyright warnings transfers a portion of the responsibility for copyright compliance to the individual user.

Personal liability for copyright infringement can be created for willful acts. This policy has been formulated to provide specific guidance on the variety of circumstances where fair use is permissible. The copyright law provides a good faith fair use defense (17 U.S.C. § 504(c)(2)). It applies only if the person who copied material reasonably believed that what he or she did was fair use.

Federal legislation entitled the No Electronic Theft (NET) Act creates criminal penalties for non-commercial copyright infringement of a sufficient dollar value. The academic community must be aware that distribution of pirated computer software or other copyrighted material on computer bulletin boards or other methods of distribution may constitute a federal crime, regardless of whether or not the infringer receives financial gain.

The Digital Millennium Copyright Act (DMCA) limits university liability as an internet service provider for certain copyright infringements created on-line. The university's registered agent for on-line copyright infringement complaints will be the general counsel. The DMCA establishes procedures whereby, upon receipt of proper complaints, the university will block access to or take down allegedly infringing material and notify the web page owner of the complaint. Alleged infringers may issue a counter-notice, which includes a signature, description of removed material, explanation why the material did not infringe any copyright, and their name, address and phone number, with a consent to the jurisdiction of the court to be sued. Upon receipt of this counter-notice, the university will re-post the material. Repeat infringers will be subject to

termination of internet service by the university.

Recording of Broadcasts for Educational Use

Material transmitted for public programming by broadcast stations, cable systems, satellite, or any other transmission medium may be recorded and used for educational purposes in accordance with federal copyright law, except where forbidden by an explicit agreement between the parties originating and receiving the program or information. Broadcast programs are televised programs transmitted by television stations for reception by the general public without charge. Programs may not be recorded from a television satellite/cable unless these programs are authorized for free reception or the institution obtains a license to copy the programs.

The following guidelines must be observed in the off-air recording of broadcast programming for educational use:

- (1) A broadcast transmission may be recorded off-air simultaneously with the broadcast transmission (including simultaneous cable retransmission) and retained by Stephen F. Austin State University (SFA) for a period not to exceed forty-five (45) consecutive calendar days after the date of the recording. Upon conclusion of the retention period, all off-air recordings must be erased or destroyed immediately by the holder of the recording.
- (2) An off-air recording may be used only once by an instructor for relevant teaching activities, but may be repeated one other time when instructional reinforcement is necessary. All use of recordings must be in a classroom or in similar places devoted to instruction during the first ten (10) consecutive school days in the 45-calendar-day retention period. School days are defined as school session days (not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions) within the 45-calendar-day retention period.
- (3) Off-air recordings may be made only at the request of and used by individual instructors and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same instructor, regardless of the number of times the program may be broadcast.
- (4) An off-air recording may be copied to a limited legitimate number of copies to meet the needs of instructors under these guidelines. Each additional copy will be subject to all provisions governing the original recording and must contain the copyright notice of the broadcast program as recorded.
- (5) If the instructor wishes to add the broadcast program to the curriculum, permission must be obtained from the copyright owner.

Off-air recordings need not be used in their entirety. The recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

Further information can be obtained by accessing the webpage of the U.S. Copyright Office within

the Library of Congress at: <http://www.copyright.gov>. The university's general counsel may be contacted with specific inquiries.

Cross Reference: 17 U.S.C. §§ 101-1332; No Electronic Theft (NET) Act, Pub. L. No. 105-147, 111 Stat. 2678; Digital Millennium Copyright Act (DMCA), Pub. L. No. 105-304, 112 Stat. 2860 (1998); CONFU Guidelines, Computer and Network Security (14.2); Computing Software Copyright (9.1); Digital Millennium Copyright (9.3);

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: ~~Director of University Libraries~~ *Library Director*, General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Grievance and Appeals

Policy Number: 11.15

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): The policy outlines the requirements for submitting a grievance involving disciplinary actions or management issues and the appropriate steps to take to resolve the grievance.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: No substantive changes made.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Loretta Doty, Director of Human Resources
Danny Gallant, Vice President for Finance and Administration
Damon Derrick, General Counsel

Grievance and Appeals

Original Implementation: Unpublished

Last Revision: ~~April 12, 2016~~ April 30, 2019

Purpose

It is the policy of the university to seek fair and equitable solutions to grievances arising from the employment relationship. This policy applies to all non-academic staff employees.

Definitions

Category I grievances consist of disciplinary actions resulting in involuntary terminations, demotions, decreases in salary, or suspensions without pay, and ~~in~~ *allegations of discrimination prohibited by law a violation of, or retaliation for the exercise of, constitutional rights.*

Category II grievances consist of issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job assignments, interpretation of the official personnel or administrative policies of the university as applied to the grievant, oral or written reprimands, or similar matters involving management decisions concerning the grievant.

General

Grievances have been divided into two categories. A five-step grievance procedure for Category I grievances has been established ~~to assure~~ *for* prompt and thorough consideration of employee grievances and to ensure due process of law. A shorter two-step procedure is provided for Category II grievances.

Each employee may, without prejudice or fear of retaliation, express his/her grievance through the channels outlined in this procedure ~~with the assurance of~~ *for* timely and thorough consideration. ~~Each employee is assured freedom from interference, coercion, discrimination, and reprisal in filing grievances. The university will not retaliate against an employee for the filing of a grievance under this policy.~~

A probationary employee may not file a grievance under Category I unless: (a) the action involves allegations of a health or safety hazard; or (b) the action involves allegations of a violation of, or retaliation for the exercise of, -constitutional rights. A probationary employee may not file a Category II grievance for a disciplinary action.

~~No substantive action results from action not taken within the specified time periods. These Grievance procedures contain time periods that are intended as aids to support the execution of the grievance process. The failure of the employee to process the grievance in a timely manner~~

~~to the next level may constitute a withdrawal of the grievance. The failure of supervisory or administrative personnel to timely respond to a grievance may constitute authorization for the employee to process the grievance to the next step.~~

Category I Grievances

Each grievance ~~shall~~*must* be submitted in writing using the grievance form, which can be obtained from Human Resources. A written grievance ~~shall~~*must* contain a clear and concise statement of the grievance which refers to the applicable policy alleged to have been violated, the date the incident took place, the issue involved, and the specific relief sought by the grievant. The grievance should include any additional information to be considered in its support. Once a grievance has been submitted in writing, it may not be changed or amended after the expiration of the ten (10) day period set out in Step One of the grievance procedure. All matters pertaining to a grievance ~~shall~~*will* be treated as part of the official personnel file of the grievant.

~~A probationary employee may not file a grievance under Category I unless: (a) the action involves allegations of a health or safety hazard; or (b) the action involves allegations of unlawful discrimination, or of a violation of constitutional rights. When a grievance involves an alleged violation of constitutional rights or retaliation for the exercise of constitutional rights or discrimination prohibited by law, the burden of proof is upon the grievant to establish by a preponderance of the evidence that the decision or action placed in question by the grievance was intended to discriminate against the grievant or that the decision or action was intended as a violation of grievant's constitutional rights or was intended as retaliation for the lawful exercise of constitutional rights by the grievant. Otherwise, the burden of proof is on the university to show good cause as to why the grieved action was taken.~~

The grievant may present his/her grievance individually, through legal counsel, or through a representative of an organization that does not claim the right to strike. Fees or charges (if any) to the grievant for such representation must be paid by the grievant since university monies are not authorized for such use. The director of human resources has the obligation to assist the grievant, upon request, by explaining this grievance procedure in detail.

Procedure for Category I Grievances

1. *Step One (First-Line Supervisor)*. The grievant ~~shall~~*will* use the grievance form to present the grievance in writing to the first-line supervisor within ten (10) working days from the date of the alleged action or condition giving rise to the grievance. A copy of the grievance ~~shall~~*will* be sent to the director of human resources by the first-line supervisor. Within five (5) working days, the supervisor ~~shall~~*will* inform the grievant of the decision in writing. A copy of the decision ~~shall~~*will* be sent to the director of human resources.
2. *Step Two (Department Head or Administrative Equivalent)*. Grievances not

satisfactorily resolved in Step One may be appealed by the employee in writing to the employee's department chair or administrative equivalent. The appeal must be made within five (5) working days following the date of the first-line supervisor's decision in Step One. Within five (5) working days, the department head ~~shall~~will inform the grievant of the decision in writing. Copies of the decision ~~shall~~will be sent to: (1) the first-line supervisor; and (2) the director of human resources.

3. *Step Three (Dean or Director)*. Grievances not satisfactorily resolved in Step Two may be appealed in writing to the appropriate dean or director. The appeal must be made within five (5) working days following the date of the Step Two decision. Within five (5) working days, the dean or director ~~shall~~will inform the grievant of the decision in writing. Copies of the decision ~~shall~~will be sent to: (1) the department chair or administrative equivalent; and (2) the director of human resources.

4. *Step Four (Vice President)*. Grievances not satisfactorily resolved in Step Three may be appealed in writing to the appropriate vice president of the university. The appeal must be made within five (5) working days of the date of the Step Three decision by the dean or director. The vice president ~~shall~~will have the option to handle the grievance or to appoint a Grievance Review Board to consider the grievance. When the subject of the grievance is the termination of the grievant, a hearing must be held if requested by the grievant. The vice president ~~shall~~will either commence the review or request the appointment of the Grievance Review Board within ten (10) working days following the date of the receipt of the appeal. If the vice president does not request a Grievance Review Board, a written decision ~~shall~~will be given to the grievant within fifteen (15) working days following the date of receipt of the appeal. If a Grievance Review Board is requested, a written decision by the vice president ~~shall~~will be given to the grievant within ten (10) working days following the receipt of the Grievance Review Board's report and recommendations. Copies of the decision ~~shall~~will be sent to: (1) the dean or director; and (2) the director of human resources. ~~The procedures for the selection of the Grievance Review Board are covered in Section f. of this policy.~~

5. *Step Five (President)*. The president of the university is the final level of appeal. Grievances not satisfactorily resolved in Step Four may be appealed in writing to the president. The appeal must be made within five (5) working days following the date of the Step Four decision by the vice president. The president may handle the review of the grievance or, if a Grievance Review Board was not requested at the Step Four level, the president ~~shall~~will have the option to appoint a Grievance Review Board. Within a reasonable period of time, not to exceed thirty (30) days, following the receipt of the appeal or receipt of the Grievance Review Board's report and recommendations, whichever occurs last, the president ~~shall~~will inform the grievant of the decision in writing. Copies of the decision ~~shall~~will be sent to: (1) the appropriate vice president; and (2) the director of human resources.

The time limits set forth in the five steps of the grievance procedure must be observed by both

the grievant and the appropriate supervisory and administrative personnel. The failure of the employee to process the grievance in a timely manner to the next level ~~shall~~will constitute a withdrawal of the grievance. The failure of supervisory or administrative personnel to timely respond to a grievance ~~shall~~will constitute authorization for the employee to process the grievance to the next step.

Grievance Review Board

All ranks of university non-academic employees are eligible to serve on the Grievance Review Board. Human Resources ~~shall~~will maintain a roster of non-academic employees serving on the grievance panel. The members of the grievance panel ~~shall~~will be representative of the university work force, taking into consideration that the panel also be representative as to sex, race, and supervisory or non-supervisory status. The members ~~shall~~will be selected from nominations submitted by other non-academic employees. The president ~~shall~~will make final approval of the panel.

A Grievance Review Board, consisting of three (3) members, ~~shall~~will be selected from the grievance panel of ten (10) employees previously approved by the president. The grievant ~~shall~~will select one (1) name and the Sstep Tthree official ~~shall~~will select one (1) name. The board ~~shall~~will name its own chair from the remaining members of the panel. A representative of Human Resources *and/or counsel from the Office of the General Counsel* ~~shall be an ex-officio member of the Grievance Review Board to assure that due process applicable to the procedure and other university policies is offered to all involved parties~~may be consulted in procedural matters and present at the hearing.

The Grievance Review Board ~~shall~~will ~~ordinarily strive to~~ hold the necessary hearing or hearings within ten (10) working days from the date Human Resources is notified in writing that a vice president or the president, as applicable, requests a hearing of the grievance, *with the understanding that availability and other scheduling issues may require the hearing to occur at a later date.* The president, vice president, Human Resources representative or the grievant ~~shall~~will have the right to object to the person selected as chair of the *Grievance Review B*board based upon the grievance pending before the board or perceived unfair representation of a division of the university due to the nature of the grievance.

After the board is ~~finally~~constituted and the hearing date is scheduled, the board ~~shall~~will convene and hear the grievance. *The hearing will be closed to the public. The grievant, institutional representative, and university all have the right to be advised by legal counsel* ~~If the grievant is represented by legal counsel or by a representative of an employee organization (which does not have the right to strike), however such legal counsel or representative will not be allowed to conduct or participate in the hearing~~the university may be represented by counsel from the university's Office of the General Counsel. ~~The hearing shall be closed to the public.~~

A court reporter or at least two (2) audio recording devices ~~shall~~*will* be furnished by the university to record the hearing. The party requesting a typed transcript of the proceedings ~~shall~~*will* be responsible for payment of same. The hearing ~~shall~~*will* consist of opening statements by the grievant and the institutional representative, testimony by witnesses called by the institution and the grievant, with both parties having the right to cross examine witnesses, and any relevant exhibits which either party seeks to present to the board. ~~When the grievance relates to a disciplinary action taken against the grievant, the institution shall have the burden of proof to demonstrate by a preponderance of the evidence that there was good cause for the discipline. In all other grievances, the grievant shall have the burden of proof.~~ *At least five (5) business days prior to the scheduled hearing, the grievant and institutional representative will submit a list of its witnesses (including a short description of the testimony each witness is expected to provide) and four copies of its evidence to the director of human resources or their representative. The director of human resources or their representative will provide the list of witnesses and a copy of the evidence to each side and the members of the board. Formal rules of evidence do not apply to the hearing, and the board may exclude evidence it deems irrelevant or superfluous.*

At the conclusion of the testimony, both parties ~~shall~~*will* be permitted to make a closing argument. Following the hearing, the Grievance Review Board will retire to deliberate and, as soon as possible, ~~shall~~*will* submit a written report of its findings and recommendations to the vice president or president, as applicable, who will make a decision on the grievance.

Category II Grievances

Category II grievances are matters of employee-management disagreement other than those specifically defined as Category I grievances. Category II grievances are not authorized to be processed through the formal Category I grievance procedure. Category II grievances include, but are not limited to, employee dissatisfaction relative to wages, hours, and working conditions as well as work related actions such as performance evaluations, oral or written reprimands, administration of the merit pay program, or job assignments or interpretations of the official personnel or administrative policies of the university as applied to the grievant. ~~A probationary employee may not present a Category II grievance for a disciplinary action.~~

Procedure for Category II Grievances

1. *Step One.* A Category II grievance may be informally presented to the first-line supervisor for discussion and consideration.
2. ~~*Step Two.*~~ If a Category II grievance is not satisfactorily resolved by the first-line supervisor, the employee should present the complaint in writing using the grievance form to the appropriate department head or director for final consideration and action. If the grievance is against the department head or director, it ~~shall~~*will* be presented to the appropriate dean or supervisor of the director for final consideration. The written

grievance and the written response of the department head or director ~~shall~~ *will* be treated as part of the official personnel file of the employee.

— Copies of the written grievance and written response ~~shall~~ *will* be sent to: (1) the first-line supervisor; and (2) the director of ~~h~~Human ~~r~~Resources.

2.

Cross Reference: U.S. Const. amend. V; U.S. Const. amend. XIV; Tex. Const. art I, § XIX

Responsible for Implementation: President

Contact for Revision: Human Resources

Forms: Formal Grievance Forms are available in Human Resources

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: New Employee Orientation

Policy Number: 11.17

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): The policy outlines the process by which the university provides relevant information about the university, benefits and job expectations to new employees.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: The policy was updated to document a two session process of orienting new employees.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Loretta Doty, Director of Human Resources
Danny Gallant, Vice President for Finance and Administration
Damon Derrick, General Counsel

New Employee Orientation

Original Implementation: September, 1990

Last Revision: ~~April 12, 2016~~ April 30, 2019

Purpose

The purpose of this policy is to ensure that new employees receive sufficient orientation to enable them to perform their assigned duties. It is the responsibility of each *hiring* department to require new employees to participate in the new employee orientation.

General

The human resources department orients new employees to SFA in two different sessions: A benefit information session and a “Welcome Jacks” orientation session. The hiring department is responsible for scheduling the new employee for each orientation session with human resources. prior to the new employee’s first day of employment.

General

~~The first benefit information orientation session is conducted by the hHuman rResources department on or before the first day of employment. In this session, the new employee receives detailed information about SFA benefits and retirement options available to new employees. , including medical benefits, retirement, payroll, required trainings (including EEO), and other information important for new employees.~~

~~The second orientation session, “Welcome Jacks” orientation is conducted within the first six-weeksmnth of employment by the employee’s immediate supervisorhuman resources department. This session is provides the d to acquaint the new employee with an in-depth review of SFA’s mission, vision, history, culture, policies, procedures, and traditions.university policies and procedures, departmental details, and information regarding the expectations for performance of the job duties.~~

The hHuman rResources department will also provides the hiring departments with an orientation checklist that details describing the appropriate topics to cover with all new the employees. The checklist requires hiring departments to provide new employees with information regarding department details, training requirements and information regarding the expectations for performance of the job duties. The checklist should be returned to human resources upon completion.

While orientation is required for all new employees, the supervisor should maintain flexibility as to the extent of the orientation sessions, i.e., individuals having previous university employment may not require the in-depth training that would be needed by a first-time employee. At the supervisor's discretion, an employee transferring from one university department to another may be required to participate only in the departmental employee orientation.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: New Employee Orientation Checklist (available in Human Resources)

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Distribution of Payroll

Policy Number: 12.3

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 04/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): Establishes when and how SFA employees will be paid.

Reason for the addition, revision, or deletion (check all that apply):

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Clarified that an employee may designate more than one account per institution for direct deposit; clarified when and to whom lump sum payments will be made for accrued vacation time and/or compensatory time.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Renea McDaniel, Payroll Manager

Pamela Corman, Bursar

Dannette Sales, Controller

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

Distribution of Payroll

Original Implementation: Unpublished

Last Revision: ~~April 12, 2016~~ April 30, 2019

Purpose

This policy establishes when and how university employees will be paid.

General Payroll schedule

University employees are paid monthly or semi-monthly for work done in the previous month. *It is SFA's intent to pay all employees by direct deposit. However, if an employee has not authorized direct deposit, a payroll check will be produced and should be picked up at the Business Office.*

Payroll Schedule

Salaried employees are paid on the first day of the month. Hourly employees are paid on the ~~1st~~^{first} and 15th of the month. If the ~~1st~~^{first} or 15th falls on a weekend or holiday, employees are paid on the first working day following the weekend or holiday.

Form of Payment

~~It is SFA's intent to pay all employees by direct deposit.~~ Direct deposits can be made electronically to any financial institution that accepts electronic transfers. *The employee may designate ~~more than one institution and more than one account per institution~~ can be used.* It is the employee's responsibility to verify that their pay has been properly deposited into their ~~bank~~ account(s). Direct deposits will be inactivated after an employee terminates employment at the university and the final payroll has been issued.

If an employee has not authorized direct deposit, a payroll check will be produced. Payroll checks are released at the Business Office at 11:00 a.m. on paydays. Picture identification is required of ~~each the employee~~^{person} picking up ~~his/her a~~ payroll check.

Release of payroll check to another person

An employee wishing to have his/her payroll check released to another individual must provide that individual with signed authorization. The authorization must be presented to the Business Office, along with picture identification of both the employee and the person obtaining the check. The employee's identification must also include a sample of the employee's signature, which can be compared with the signed authorization (e.g., a state driver's license).

Mailing of payroll check

An employee wishing to have his/her payroll check mailed must provide a signed authorization and self-addressed stamped envelope to the Business Office. The check will be mailed on the payday.

Lump Sum Payment of Accrued Vacation Time and/or Compensatory Time

Payment of accrued vacation time and/or compensatory time is made when an eligible employee resigns, is dismissed or otherwise separates from state employment. *Exempt employees receive payment for accrued vacation but not compensatory time. Non-exempt employees receive payment for both accrued vacation and compensatory time.* ~~or when an employee moves from a non-exempt to an exempt position. These is final payments is~~ are considered a non-salary payments and may be reduced by any amounts due the university.

When an employee moves from a non-exempt to an exempt position, the employee is paid for any accrued compensatory time that was earned at the rate of 1-1/2 times the employee's regular rate of pay. Any accrued compensatory time that was earned at the employee's regular rate of pay will be carried forward to the exempt position.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: [Direct Deposit Authorization Form](#)

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Employee Enrolling for Courses

Policy Number: 12.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): The policy outlines the requirements for employees enrolling for classes during work hours.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Minor wording changes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Loretta Doty, Director of Human Resources
 Danny Gallant, Vice President for Finance and Administration
 Damon Derrick, General Counsel

Employee Enrolling for Courses

Original Implementation: Unpublished

Last Revision: ~~April 12, 2016~~ April 30, 2019

Purpose

This policy *permits full-time* ~~allows for~~ employees to take a course during working hours and describes the related requirements.

General

If departmental workloads permit, full-time employees may take one course per semester of either three or four semester credit hours during working hours.

Approval of the employee's supervisor must be obtained in advance, and arrangements must be made with the supervisor to schedule make-up time for work missed. If work cannot be made-up, then the employee must turn in vacation or comp time for work time missed.

Exceptions to this policy will be considered, but approval must be obtained in writing from the employee's supervisor and the appropriate vice president.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Family and Medical Leave

Policy Number: 12.9

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): The policy outlines the eligibility requirements for family medical leave and information for employees requesting leave under the policy.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: No substantive changes were made.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Loretta Doty, Director of Human Resources
Danny Gallant, Vice President for Finance and Administration
Damon Derrick, General Counsel

Family and Medical Leave

Original Implementation: August 5, 1993

Last Revision: ~~April 12, 2016~~ April 30, 2019

Purpose

This policy explains who is eligible for family and medical leave and defines related terms. It also provides information for employees who may need to request family and medical leave.

Definitions

Applicable Paid Leave – Sick leave and vacation accruals.

Spouse - Those recognized as spouses by the state of Texas.

Parent - Includes biological parents and individuals who acted as the employee's par-ents, but does not include parents-in-law.

Child/Son or Daughter - Legally recognized, including biological, adopted, foster children, stepchildren, and legal wards, who are under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of mental or physical disability. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.

Serious Health Condition - Any illness, injury, impairment, or physical or mental condition that involves: (1) any incapacity or treatment in connection with inpatient care; (2) any incapacity or treatment requiring absence of more than three calendar days and continuing treatment by a health care provider; or, (3) continuing treatment by a health care provider of a chronic or long-term condition that is incurable or will likely result in incapacity of more than three days if not treated.

Continuing Treatment - Includes: (1) two or more treatments by a health care provider; (2) two or more treatments by a provider of health care services (i.e., physical therapist) on referral by or under orders of a health care provider; (3) at least one treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (i.e., a program of medication or therapy); or, (4) under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured (i.e., Alzheimer's or severe stroke).

Health Care Provider - Includes: licensed medical (MD) and osteopathic (OD) doctors, podiatrists, dentists, clinical psychologists, optometrists, chiropractors authorized to practice in the State, nurse practitioners and nurse-midwives authorized under state law, and Christian Science practitioners.

"Needed To Care For" - Encompasses: (1) physical and psychological care for a family member; and, (2) where the employee is needed to fill in for others providing care or to arrange for third party care of the family member.

"Unable to Perform the Functions of the Employee's Job" - Describes when an employee is (1) unable to work at all; or, (2) unable to perform any of the essential functions of his/her~~their~~ position. The term "essential functions" is borrowed from the Americans with Disabilities Act (ADA) to mean "the fundamental job duties of the employment position," and does not include the marginal functions of the position.

"Qualifying Exigencies" - Describes situations arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country. Qualifying exigencies for which an employee may take FMLA leave include issues arising from the military member's short notice deployment; or making alternative child care arrangements for a child of the military member when the deployment of the military member necessitates a change in the existing child care arrangement; attending certain military ceremonies and briefings; attending counseling for the employee, the military member, or the child of the military member; or taking leave to spend time with a military member on Rest and Recuperation leave during deployment; or making financial or legal arrangements to address a covered military member's absence; or certain activities related to care of the parent of the military member while the military member is on covered active duty; or any other event that the employee and employer agree is a qualifying exigency.

"Short Notice Deployment" - deployment within seven or less days of notice.

"Covered Servicemember" - A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. "Covered servicemember" also includes veterans discharged under conditions other than dishonorable within the five-year period before you first take military caregiver leave to care for that veteran. A serious injury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his/~~or~~-her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

General

Employees are eligible to take family/medical leave within any 12-month period and be restored to the same or an equivalent position upon return from leave, provided that the employee has worked for the state of Texas for at least twelve (12) months and for at least 1,250 hours within the previous twelve (12) month period. Leave without pay may begin after all available applicable paid leave has been exhausted and will be included in the twelve (12) weeks of Family and Medical Leave Act (FMLA) time. Applicable Sick Leave Pool benefits, donated sick leave, and leave resulting from Workers' Compensation claims (See Workers Compensation Coverage, Policy 12.23) will be included in the twelve (12) week period.

Reasons for Family/Medical Leave

Eligible faculty and staff may take up to 12 workweeks of leave in a 12-month period of family/medical leave for any of the following reasons:

1. The birth of a child or placement of a child with the employee for adoption or foster care;
2. To care for a spouse, child, or parent who has a serious health condition;
- 3.—For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- 3.
- 4.—For any “qualifying exigency” arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call to covered active duty status.
- 4.

An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

For purposes of FMLA, a rolling twelve (12) month period will be measured ~~backward~~ *backward* from the date leave begins.

Leave because of birth of a child or placement of a child with the employee for adoption or foster care must be completed within the twelve (12) month period beginning on the date of birth or placement. An employee is allowed to use sick leave for the period of time that is certified by the physician to recover from childbirth. ~~While a~~ An employee may take additional time off *before returning to work requesting up to 12 weeks of leave for the birth or placement of a child under FMLA. However, (including annual leave, or leave without pay),* the employee may not use sick leave for ~~this additional~~ *the remaining time* ~~time~~ unless the employee or the child is actually sick. In addition, spouses employed by Stephen F. Austin State University who request leave because of these reasons or to care for an ill parent may only take a combined total of twelve (12) weeks during any twelve (12) month period.

Sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption. Furthermore, an employee, who is the father of a child, may use his sick leave in conjunction with the child's birth only if the child is actually ill, or to care for his spouse while she is recovering from labor and delivery.

Employees with less than 12 months of state service and/or less than 1,250 hours of work in the 12 months immediately preceding the start of leave are entitled to a parental leave of absence, not to exceed 12 weeks (480 hours). The employee must first use all available and applicable paid vacation and sick leave while taking parental leave prior to going on leave without pay. Such parental leave may only be taken for the birth of a natural child or the adoption or foster care placement with the employee of a child under three years of age. The leave period begins with the date of birth or the adoption or foster care placement.

Notice of Leave

If the need for family/medical leave is foreseeable, the employee must give thirty (30) days prior written notice. If this is not possible, the employee must give notice within one to two working days of learning of the need for leave or as soon as practicable. Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, the employee is expected to notify the supervisor and Human Resources within 1 to 2 working days of learning of the need for leave, except in extraordinary circumstances. Requests for Family/Medical Leave forms are available from Human Resources. Employees should use these forms when requesting leave.

Medical Certification

If an employee is requesting leave because of their own or a covered relation's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. Medical Certification Forms may be obtained from Human Resources. The form must be returned to the director of Human Resources or a designated leave administrator within fifteen (15) days after the date leave is requested. Failure to provide requested medical certification in a timely manner may result in denial of leave until the certification is provided. The university, at its expense, may require an examination by a second health care provider designated by the university. If the second health care provider's opinion conflicts with the original medical certification, the university, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The university may require subsequent medical re-certification on a reasonable basis.

Reporting While on Leave

If an employee takes FMLA because of a personal serious health condition or to care for a covered

relation, the employee must contact the supervisor at least once each week, or as often as requested by the supervisor, regarding the status of the condition and the intention to return to work. The supervisor is responsible for reporting this information to the leave administrator. Additionally, the employee is required to call Human Resources on the 1st and 3rd Monday of each month during their leave to report their leave and/or return to work status. Failure to communicate with the supervisor and Human Resources on the approved reporting schedule may result in denial of leave.

Leave Is Unpaid

Family/medical leave is unpaid leave after ~~applicable~~ vacation, ~~and~~ *sick and all other applicable* leaves have been exhausted. Employees may apply for sick leave from the Sick Leave Pool which, if approved, will be included within the FMLA period. Employees may be eligible for short or long-term disability payments and/or workers' compensation benefits under the provisions of those plans. This leave time will also be included in the twelve (12) week period of FMLA. The use of applicable paid leave time does not extend the twelve (12) week leave period.

Medical and Other Benefits

During an approved family/medical leave, the university will maintain the state contribution for the employee's health benefits as if the employee continues to be actively employed. During periods of paid FMLA leave, the university will deduct the employee's portion of the insurance premiums as a regular payroll deduction. If the employee's FMLA leave is unpaid, the employee portion of the premium must be paid by the employee through the benefits manager in Human Resources. The employee's insurance coverage will cease if the premium payment is more than thirty (30) days late. If the employee elects not to return to work at the end of the FMLA leave period, the employee will be required to reimburse the university for the cost of the premiums paid by the university for maintaining coverage during the leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control. An employee on FMLA is not entitled to accrue state service credit for any full calendar months of leave without pay taken while on FMLA and does not accrue vacation or sick leave for such months of leave without pay.

Intermittent and Reduced Schedule Leave

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per work-week or work-day), if medically necessary. A reduced schedule is subject to availability depending on the business need of the department or the university. If leave is unpaid, the university will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent leave or reduced schedule, the university may temporarily transfer the employee to an alternative position which better accommodates recurring leave and which has equivalent pay and benefits.

Returning From Leave

If the employee takes leave because of a personal serious health condition, the employee is required to provide medical certification to their supervisor and the leave administrator that the employee is fit to resume work. Return to Work Medical Certification Forms may be obtained from Human Resources. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

Definitions

~~For the purpose of this policy, the following definitions apply. Applicable Paid Leave—Sick leave and vacation accruals.~~

~~Spouse—Those recognized as spouses by the state of Texas.~~

~~Parent—Includes biological parents and individuals who acted as the employee's parents, but does not include parents-in-law.~~

~~Child/Son or Daughter—Legally recognized, including biological, adopted, foster children, stepchildren, and legal wards, who are under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of mental or physical disability. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.~~

~~Serious Health Condition—Any illness, injury, impairment, or physical or mental condition that involves: (1) any incapacity or treatment in connection with inpatient care; (2) any incapacity or treatment requiring absence of more than three calendar days and continuing treatment by a health care provider; or, (3) continuing treatment by a health care provider of a chronic or long-term condition that is incurable or will likely result in incapacity of more than three days if not treated.~~

~~Continuing Treatment—Includes: (1) two or more treatments by a health care provider; (2) two or more treatments by a provider of health care services (i.e., physical therapist) on referral by or under orders of a health care provider; (3) at least one treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (i.e., a program of medication or therapy); or, (4) under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured (i.e., Alzheimer's or severe stroke).~~

~~Health Care Provider—Includes: licensed medical (MD) and osteopathic (OD) doctors, podiatrists, dentists, clinical psychologists, optometrists, chiropractors authorized to practice in the State, nurse practitioners and nurse midwives authorized under state law, and Christian~~

Science practitioners.

"Needed To Care For" Encompasses: (1) physical and psychological care for a family member; and, (2) where the employee is needed to fill in for others providing care or to arrange for third-party care of the family member.

"Unable to Perform the Functions of the Employee's Job" Describes when an employee is (1) unable to work at all; or, (2) unable to perform any of the essential functions of their position. The term "essential functions" is borrowed from the Americans with Disabilities Act (ADA) to mean "the fundamental job duties of the employment position," and does not include the marginal functions of the position.

"Qualifying Exigencies" Describes situations arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country. Qualifying exigencies for which an employee may take FMLA leave include issues arising from the military member's short-notice deployment; or making alternative child care arrangements for a child of the military member when the deployment of the military member necessitates a change in the existing child-care arrangement; attending certain military ceremonies and briefings; attending counseling for the employee, the military member, or the child of the military member; or taking leave to spend time with a military member on Rest and Recuperation leave during deployment; or making financial or legal arrangements to address a covered military member's absence; or certain activities related to care of the parent of the military member while the military member is on covered active duty; or any other event that the employee and employer agree is a qualifying exigency.

"Short Notice Deployment" deployment within seven or less days of notice.

"Covered Servicemember" A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. "Covered servicemember" also includes veterans discharged under conditions other than dishonorable within the five-year period before you first take military caregiver leave to care for that veteran. A serious injury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

Cross Reference: The Family and Medical Leave Act of 1993 (FMLA), 29 C.F.R. § 825; Tex. Gov't Code § 661.912; *Workers Compensation Coverage* (12.23)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources and General Counsel

Forms: Family/Medical Leave Request for Leave Form, Certification of Physician or Practitioner Form, Family/Medical Leave Return to Work Medical Certification Form

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Campus Programs for Minors

Policy Number: 13.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/1/2016

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): This policy outlines training required by state law for persons who are having contact with minors on a regular continual basis while on our campus

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Definitions updated to reflect current statute.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Samuel A. Smith, Director of Student Services
 Dr. Adam Peck, Interim Vice President for University Affairs
 Damon Derrick, General Counsel

Campus Programs for Minors

Original Implementation: April 23, 2013

Last Revision: ~~April 12, 2016~~ April 30, 2019

Stephen F. Austin State University is committed to providing a safe environment for its students, employees and guests. The university sponsors programs on campus from time to time that involve minors. In addition, the university may grant use of its facilities to third parties for programs that involve minors. This policy provides for regulation of these campus programs for minors (CPM).

Definitions

Abuse – includes the following acts or omissions by a person:

- a. mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning;
- b. causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development or psychological functioning;
- c. physical injury that results in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- d. failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- e. sexual conduct harmful to a child's mental, emotional or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- f. failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- g. compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal

Code;

- h. causing, permitting, encouraging, engaging in or allowing the photographing, filming or depicting of the child if the person knew or should have known that the resulting photograph, film or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- i. the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental or emotional injury to a child;
- j. causing, expressly permitting or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
- k. causing, permitting, encouraging, engaging in or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; ~~or~~
- l. knowingly causing, permitting, encouraging, engaging in or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7) or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; ~~or~~
- ~~l.m.~~ *forcing or coercing a child to enter into a marriage.*

Campus Program for Minors (CPM) – programs that:

- a. include participants who are minors;
- b. are operated by or on the campus of the university, including programs operated by third parties;
- c. offer recreational, athletic, religious, or educational activities to participants for all or part of at least two (2) days.

Contact With Minor(s) – in the context of an employment or volunteer position described in this policy, interaction with minors that is direct and reasonably anticipated. The term does not include interaction that is merely incidental, or an employee or volunteer acting as a guest speaker, entertainer, or fulfilling any other role whose attendance at the campus program for minors is for a limited purpose or limited time if the employee or volunteer has no direct or unsupervised interaction with campers.

Minor – a child, under the age of 18, who is attending a campus program for minors.

Neglect - includes:

- a. the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child and the demonstration of an intent not to

return by a parent, guardian or managing or possessory conservator of the child;

b. the following acts or omissions by a person:

1. placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
2. failing to seek, obtain or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement or bodily injury or with the failure resulting in an observable and material impairment to the growth, development or functioning of the child;
3. the failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
4. placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
5. placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under "Abuse" definitions (e), (f), (g), (h) or (k) committed against another child.

c. the failure by the person responsible for the child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or

e.d. a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of case, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule

or policy.

Neglect does not include the items specified under Tex. Family Code § 261.001(4)(B).

Reporting Neglect or Abuse

A person having cause to believe that a minor has been abused or neglected by any person shall immediately (within 48 hours) make a report to the University Police Department or other local law enforcement agency. This legal requirement must be communicated to all individuals participating in the management/supervision of CPMs and employees and volunteers of third-party camps utilizing university facilities.

Procedures for Campus Programs for Minors

The university will adopt a procedure for CPMs that will include, but not be limited to, the following:

- a. A designee(s) who is authorized to review and approve camps and programs for minors on behalf of the university;
- b. Procedures for reporting suspected abuse/molestation of minors;
- c. A requirement to purchase medical coverage through the university camp insurance program and to provide evidence of liability insurance endorsing sexual molestation coverage and listing the university as additionally insured at levels approved by and meeting the standards of Environmental Health, Safety, & Risk Management.
- d. Payment of required CPM administration fees as may be assessed.

Required Training

This policy requires child abuse prevention training for employees/volunteers of CPMs and establishes standards for such camps and programs.

An individual hired or assigned to an employee or volunteer position involving contact with minors at a camp and program for minors is required to complete training and examination on sexual abuse and child molestation meeting the following criteria:

- a. Successful completion of a Child Protection Training course approved by the Texas Department of State Health Services.
- b. Training must be completed prior to the employees' or volunteers' interacting with minors.

- c. A certificate of completion shall be kept on file for two years.
- d. Employees or volunteers of third-party camps using university facilities may substitute the university-approved training course with an approved course as listed with the Texas Department of State Health Services.
- e. Training will not be required for university employees or third-party personnel whose positions of employment do not involve contact with minors at a CPM.

Cross Reference: Tex. Educ. Code § 51.976; Tex. Fam. Code §§ 261.001-.111; Texas Department of State Health Services Approved Training Programs

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Director of Student Services

Forms: None

Board Committee Assignment: Building and Grounds

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STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Emergency Operations Plan

Policy Number: 13.8

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: July 26, 2016

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): To aid the university in preparing for and mitigating risks to the extent possible, establishing multi-hazard preparedness activities, plans and programs.

Reason for the addition, revision, or deletion (check all that apply):

- ☐ Scheduled Review ☐ Change in law ☒ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: This policy was entirely rewritten. This was prompted by an audit finding of the Safety and Security Audit which suggested that procedure should be removed from policy in order to make it easier to more quickly update procedures when necessary. It has been created to be parallel to the audit procedures used for compliance with Texas Education Code (TEC) 51.217.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

John Fields, Chief of University Police
 Ronald Watson, Director of Physical Plant
 Dr. Jeremy Higgins, Director of Emergency Management
 Sam Smith, Director of Student Services

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Office of the General Counsel

Michael Coffee, Deputy CIO Information Technology Services
Dr. Shirley Luna, Executive Director University Marketing Communicaitons
Dr. Hollie Smith, Interim Dean of Student Affairs
Dr. Adam Peck, Interim Vice President of University Affairs
Damon Derrick, General Counsel

Emergency Operations Plan

Original Implementation: November 1986

Last Revision: ~~July 26, 2016~~ April 30, 2019

Preface

Stephen F. Austin State University provides this Emergency Operations Plan (EOP) as an all-hazard emergency management guidance document. This EOP is built upon scalable, flexible, and adaptable coordinating systems to align key roles and responsibilities across the university when an emergency occurs, since it is not always obvious at the outset of a seemingly minor event whether the incident will remain minor and contained, or whether it might be the initial phase of a larger and rapidly growing threat. This plan describes both authorities and practices for managing and coordinating the response to incidents that range from the serious but purely isolated, to large-scale incidents and natural disasters.

This plan is founded on the principles of the National Incident Management System (NIMS), which provides a national template that enables federal, state, and local governments and private-sector nongovernmental organizations to work together effectively and efficiently.

Implementation of this plan will require cooperation, collaboration, and information sharing among all university departments, as well as with external agencies that may assist the university during major emergencies and disasters.

Definitions

For the purposes of this plan, the following definitions are provided and listed in order of severity:

Critical Incident—an incident that does not pose a comprehensive and ongoing threat to the university community, and/or the functioning of the institution. Critical incidents may be handled under the Critical Incident Response Plan (CIRP), which is separate from this EOP. When an emergency or disaster occurs, the CIRP will operate as a sub-plan within the EOP. An example would be the report of a missing student.

Emergency—a sudden or unexpected occurrence, or combination of occurrences, that may cause injury, loss of life, and/or destruction of property, and creates a disruption of the university's normal operations to such an extent that it poses a threat to the campus community. An example would be a building fire.

Disaster—a sudden, unplanned event with a significant scope of impact involving many people, if not the entire community, and is based on the scope of the event, number of lives impacted, and the devastation of property. An example would be a hurricane.

(Portions of this plan are adapted from the National Response Framework, January 2008.)

EOP Organization

The Stephen F. Austin State University Emergency Operations Plan contains three fundamental elements that follow the format of the National Response Framework:

- Base Plan,
- Support Function Annexes, and
- Situational Annexes.

The Base Plan

The Base Plan describes structure and process using an all hazards planning approach, and is scalable to an emergency or disaster of any magnitude or geographic size. The Base Plan provides general guidance for primary university resources and outlines the procedures for such major tasks as notification, organizational structure, and emergency operations center coordination. The Base Plan is the fundamental guiding document for all emergency incident and disaster operations, while the annexes may be used to supplement the Base Plan according to the specific situation. The Base Plan may be continually reviewed and is subject to revision.

Functional Annexes

Support function annexes are based on models developed in the National Response Framework and adapted for the specific functions necessary at Stephen F. Austin State University. These annexes provide direction for specific functions during preparedness, response, and recovery phases of an emergency incident or disaster. These annexes do not address specific incidents or disasters, but rather provide a general framework that may be adapted for emergency operations during any type of incident. Functional Annexes may also be continuously adapted based upon the current risks and vulnerabilities of the university.

Situational Annexes

Certain hazards or situations present a greater risk to, or vulnerability for, the university. Situational annexes are specific plans for such incidents. Examples of these situations include a hurricane, a hostile intruder, or a fire. Situational annexes expand on the framework of the Base Plan, and provide additional guidance for responding to specific situations. Situational annexes may also be continuously adapted based upon the current risks and vulnerabilities of the university.

1.0 Purpose

The purpose of the Stephen F. Austin State University Emergency Operations Plan (EOP) is to provide the framework and guidance for emergency operations designed to protect the faculty, staff, students, and visitors of Stephen F. Austin State University during an incident that could impact the functioning of the university for an extended period of time. To protect the Stephen F. Austin community, the Plan establishes both general and specific responsibilities during emergencies and disasters, and at other times when the Emergency Operations Center (EOC) may be activated.

The EOP addresses specific hazards and provides general guidelines for university operations should emergency situations arise. This plan will not, nor can it be expected to, address every possible emergency situation. Therefore, it encourages generalized preparedness and helps inform university stakeholders of the resources and knowledge they need to prepare.

The EOP is not designed as a shelf plan, but rather a readable working document that is continuously revised through exercises and evaluation.

2.0 — Scope

This EOP is designed to address hazards that may affect the university. Through the utilization of an all-hazards planning model, this plan may be used for any type of incident, whether natural, man-made, or technological. This plan applies to all departments, personnel, and agents of Stephen F. Austin State University, although some departments or agencies may have more specific roles and responsibilities within emergency operations.

3.0 — Authority

The Stephen F. Austin State University Emergency Operations Plan is based upon the foundations of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Pub. L. 93-288, as amended, 42 U.S.C. §§ 5121-5207; Homeland Security Presidential Directive 5 (HSPD-5); The Texas Disaster Act of 1975, Tex. Gov't Code §§ 418.001-.191; Tex. Gov't Code Ch. 433; Executive Order by the Governor, Exec. Order RP32 or current version; Tex. Att'y Gen. Op. No. MW-140 (1980); Hazard Communication Act, Tex. Health & Safety Code §§ 502.001-.019; Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code §§ 26.261-.267; Solid Waste Disposal Act, Tex. Health & Safety Code Ch. 361; and the State of Texas Emergency Management Plan (Disaster Plan).

4.1 — Situation

1. Stephen F. Austin State University enrolls more than 12,000 students and employs more than 1,400 faculty and staff. As student enrollment increases, faculty and staff positions may also increase. The university is governed by a Board of Regents appointed by the

- governor of Texas.
2. ~~Stephen F. Austin State University's main campus is located in the city of Nacogdoches, within Nacogdoches County in Eastern Texas. Nacogdoches is a community of approximately 30,000 residents, with population surges during numerous months of the year due to the university population and the local tourism industry.~~
 3. ~~The main campus of Stephen F. Austin State University includes approximately 103 buildings across more than 400 acres. In addition, the university owns or leases property and facilities located within other areas of the city of Nacogdoches, including the DeWitt School of Nursing and the Discovery Research Center. Other property and facilities in Nacogdoches County include the Walter Todd Agricultural Research Center and the SFA Observatory. Outside of Nacogdoches County the university owns a facility known as the Pinewoods Conservation Center in San Augustine County.~~
 4. ~~The university operates student residential facilities that can house more than 5,000 students.~~
 5. ~~The A.L. Mangham Regional Airport in Nacogdoches is a city-owned facility. Runway 18-36 has an asphalt surface and is 5001 feet x 75 feet in length. It is equipped with a precision instrument approach and is capable of serving aircraft up to larger corporate jets. There is no scheduled commercial service. The most accessible airports capable of handling scheduled commercial flights are East Texas Regional Airport (GGG) in Longview (59 miles), Tyler Pounds Regional Airport (TYR) in Tyler (84 miles), Shreveport Regional Airport (SHV) located in Shreveport, Louisiana (93 miles), and George Bush Intercontinental Airport (IAH) in Houston (130 miles).~~
 6. ~~The university is exposed to hazards which have the potential to disrupt normal operations within the university and local community, causing damages and/or casualties.~~
 7. ~~The university experiences population surges at numerous times during the year for specific events such as football games, graduation, new student orientations and other events that are hosted on campus from time to time.~~

5.1—Assumptions

Incident Assumptions

1. ~~An incident that affects the university is likely to also affect the surrounding communities and region. Therefore, the university should plan to manage all incidents with limited or no external resources and assistance for the first 72 hours.~~
2. ~~During an incident, university operations and interests will remain under the coordination and management of the university; therefore, it is necessary to plan accordingly and maintain incident operations until the incident is concluded. Requests for external resources will be forwarded to the appropriate entity as needed.~~
3. ~~An emergency incident or disaster may occur at any time of the day or night, weekend,~~

- or holiday, with little or no warning.
4. ~~The succession of events in an emergency incident or disaster is unpredictable; therefore this plan should be utilized as a guidance document, and adapted for the specific needs of the emergency incident or event.~~
 5. ~~Although Stephen F. Austin State University is more vulnerable to specific hazards, such as severe weather and its consequences, the university must plan to respond using a standard structure and organization to any hazard that may affect the university.~~
 6. ~~The fundamental priorities for Stephen F. Austin State University during an emergency incident or disaster are:~~
 - A. ~~The preservation of life and protection of people.~~
 - B. ~~The protection and restoration of property and infrastructure.~~
 - C. ~~Stabilization of the emergency incident or disaster.~~
 - D. ~~Recovery to pre-incident conditions.~~
 7. ~~During an emergency incident or disaster, all operations will be coordinated through the Emergency Operations Center (EOC). The EOC will coordinate with other entities as needed.~~
 8. ~~Stephen F. Austin State University may seek the advice and guidance of other entities when making emergency management decisions, but reserves the right to make decisions beyond those of other entities.~~
 9. ~~Extended incidents that require 24 hour operations will most likely be divided into two (2) operational periods or shifts of 12 hours each. Staffing should be planned accordingly.~~

Plan Assumptions

1. ~~Stephen F. Austin State University will maintain and disseminate an all hazard Emergency Operations Plan (EOP). In addition to the EOP itself, the university will educate individual departments and units so that all personnel will be aware of the general framework for responding to emergency incidents and disasters.~~
2. ~~All university departments and units will be familiar with the emergency operations plan, and their specific responsibilities within the plan.~~
3. ~~In addition to this EOP, departments should maintain specific emergency response plans relevant to their area and operations addressing issues that may affect the department. Faculty and staff within each department should understand the basic premise of the EOP, as well as any departmental plans so that emergency incident and disaster operations may be conducted in both a timely and effective manner. Departmental plans should address at a minimum:~~
 - A. ~~Evacuation~~
 - B. ~~Sheltering in Place~~
 - C. ~~Building Lockdown~~
 - D. ~~Communication procedures for both dissemination of information to staff and~~

~~students when needed.~~

- ~~E. Actions to be taken to ensure continuity of operations including critical tasks, services, key systems, and infrastructure.~~
- ~~F. Methods to ensure that all personnel have been made aware of the plan and the plan is reviewed at least annually.~~

~~The Emergency Management Committee may assist any department with the development of a departmental policy or plan.~~

- ~~4. The Emergency Operations Plan will be reviewed and updated at least annually by the Emergency Management Committee. A record of changes will be maintained.~~
- ~~5. The Plan will be exercised at least once annually.~~

6.1—National Incident Management System

~~The National Incident Management System (NIMS) prescribes a national template for responding to major emergencies and disasters. One of the core elements within NIMS is the directive to utilize the Incident Command System (ICS). For incidents that are site specific or limited in scope, the Incident Command System will be utilized with little or no Emergency Operations Center involvement. The Department of Public Safety will most likely fulfill the ICS structure, although other departments may be involved from time to time.~~

~~The decision to operate within the on-scene ICS model, or, to integrate operations into the Emergency Operations Center will typically be determined by:~~

- ~~1. Incident Size: If the incident is expanding beyond a limited geographic area the EOC model should be used to manage the incident.~~
- ~~2. Incident Complexity: As more departments and resources are committed to the incident, the university may utilize the EOC to improve communication and coordination.~~

~~Although the ICS model will be incorporated into the response throughout an incident, the system may also be incorporated into the EOC structure. The EOC will increase coordination capabilities and align within any ICS structure.~~

~~The use of the Emergency Operations Center to coordinate an incident does not preclude the use of the Incident Command System, but provides the university with improved capabilities to most effectively respond and recover.~~

7.1—Concept of Operations

- ~~1. This Plan will be activated when the condition of the university is downgraded from normal. Any member of the Executive Group, in coordination with the Executive Director of Public Safety/Chief of Police, or designated alternate, may activate the~~

~~Emergency Operations Plan upon increased threat, or notification of an impending or actual emergency incident or disaster. When activated, the EOP will be utilized as a decision-making tool and the framework for general response and recovery coordination.~~

- ~~2. The Emergency Operations Center (EOC) may be activated as needed. Any member of the Executive Group, or the Executive Director of Public Safety/Chief of Police, may activate the EOC. An EOC activation and its staffing level will be dependent upon the situation. More information regarding the Emergency Operations Center is provided within Section 9 of this Base Plan.~~
- ~~3. When the EOC is activated, the vice president for university affairs serves as the Emergency Operations Center director, and will manage all operations within the EOC, as well as coordinate the deployment of university resources throughout the incident. The EOC director has authority to deploy any university resources necessary to respond to the incident.~~

~~The Executive Director of Public Safety/Chief of Police will serve as EOC Director during times that the vice president for university affairs is unavailable.~~

- ~~▪ The Public Information Officer will coordinate with the Executive Group and external media sources to ensure accurate and timely release of information.~~
- ~~▪ All university departments and/or divisions will contribute to the response and recovery as directed, to create an effective operation during emergencies or disasters.~~
- ~~▪ The Emergency Operations Center will coordinate with technical specialists, such as the National Weather Service, the Texas Division of Emergency Management, and other appropriate agencies to provide specialized information necessary for emergency and disaster operations.~~
- ~~▪ When the response to an incident exceeds the capabilities of university resources, assistance will be requested from appropriate agencies as needed.~~
- ~~▪ *Support Function Annexes* are provided in addition to the Base Plan to provide responsibilities for specific emergency and disaster emergency functions. These annexes will continually be updated and revised. *Situational Annexes* will also be included that provide detailed response planning for specific incidents.~~

8.1—Organization

~~When the Emergency Operations Center is activated, one or more of the identified groups in this organization may also be activated. Depending on the situation, each group may be partially or fully activated. Similar to the Incident Command System, this organization may be expanded for each incident.~~

- ~~▪ **Executive Group:** the president, vice presidents and other key personnel to make executive decisions and provide general incident oversight.~~

- ~~**Emergency Operations Center Group:** identified personnel to manage the incident, provide coordination for the ground operations, and communicate with the Executive Group.~~
- ~~**Operations Group:** the departments and personnel that physically provide the services to prepare, respond, and recover from the incident.~~
- ~~**Public Information:** Information that must be delivered to the Stephen F. Austin community is managed through this group that is in communication with the EOCG, Executive Group, and Operations Group.~~

8.2 — ~~The Executive Group~~

~~The Executive Group is responsible for major decisions that impact university operations, such as university closure. Additionally, the Executive Group will plan and prioritize the long term recovery efforts following a disaster. The Executive Group will communicate with the Emergency Operations Center, generally through the vice president for university affairs, and provide oversight to the Emergency Operations Center Group as needed.~~

~~Each member of the Executive Group will identify at least one alternate to serve in his/her absence. The Executive Group is comprised of the following:~~

- ~~President~~
- ~~Provost~~
- ~~Vice President for University Affairs~~
- ~~Vice President for Finance and Administration~~
- ~~General Counsel~~

~~Once the Executive Group is convened, they will make decisions as needed in regards to the following:~~

- ~~Cancellation of classes~~
- ~~Cancellation of university sponsored events and activities~~
- ~~Closing of non-essential buildings and sending non-essential personnel home~~
- ~~Evacuation of the entire or part of the campus~~
- ~~Closure of the university~~

~~Direction and Succession of the Executive Group~~

~~The president will call the Executive Group meetings and provide direction. If the President is not available, the line of succession is as follows:~~

1. ~~Vice President for University Affairs~~
2. ~~Provost / Vice President for Academic Affairs~~
3. ~~Vice President for Finance and Administration~~

8.3 — ~~The Emergency Operations Center Group (EOCG)~~

~~The Emergency Operations Center Group will provide staffing in the Emergency Operations Center to represent the primary divisions of the university. The EOCG, through the EOC director, has the authority to assign university resources and make operational decisions to provide the most efficient response and recovery possible. The Emergency Operations Center Group consists of a primary divisional representative and one alternate.~~

~~In accordance with the National Incident Management System, each of the primary university divisions will be referred to as a branch during activation. The Emergency Operations Center Group members that report to the Emergency Operations Center are dependent on the situation, although each of the following university divisions has a representative identified in the EOCG:~~

- ~~▪ Academic Affairs~~
- ~~▪ Finance and Administration~~
- ~~▪ University Affairs~~
- ~~▪ University Marketing Communications~~
- ~~▪ Department of Public Safety (Emergency Management)~~

~~Immediately upon notification of an emergency or disaster, the representative of each branch within the EOCG will report to the Emergency Operations Center.~~

~~If the primary EOC is not available, a secondary location will be identified.~~

~~Once the Emergency Operations Center Group is convened and operating within the EOC, they will make operational decisions for their respective division, coordinate with external resources, provide information to the Executive Group, and maintain continuous operations until the emergency or incident is terminated.~~

8.4 — ~~Operations Group~~

~~Although many university departments will most likely be utilized to some degree during a major emergency or disaster, the Operations Group (OG) consists of primary departments that are identified to provide critical services or perform emergency functions. Each member of the Operations Group will coordinate activities through its representative at the Emergency Operations Center, or the Incident Commander. The head of each department represented in the Operations Group will identify an alternate to manage department operations in his/her absence.~~

The following departments are identified as members of the Operations Group:

- Information Technology Services
- Athletics
- Counseling Center
- Dean of Student Affairs
- Food Services
- Health Services
- Residence Life
- Physical Plant
- Environmental Health, Safety, & Risk Management
- Student Services
- Department of Public Safety

Immediately upon notification of an emergency or disaster, the primary representative of each department within the OG will report to their office, where they will communicate with the Emergency Operations Center (Incident Commander during incidents with no EOC activation) and coordinate departmental resources.

8.5 — Essential Staff

All university personnel may be requested to work during a major emergency or disaster; however, Essential Staff are those that are more likely to be requested. Essential Staff are those university personnel that work within one of the Operations Group Departments, members of the Emergency Operations Center Group, and other personnel that may be designated as essential by the department director.

Essential Staff are expected to be directly involved with the response and recovery actions as the result of a major emergency or disaster. Immediately upon notification of an emergency or disaster, Essential Staff should stand by for specific tasks, or follow department policy with regards to emergencies and disasters. Essential staff should use caution appropriate to the circumstances when reporting to work during emergency or disaster conditions.

Each director of an Operations Group Department is responsible for determining Essential Staff in his/her respective areas. The Director must then ensure that all employees identified as Essential Staff annually review the Emergency Operations Plan and their possible involvement during a major emergency or disaster.

8.6 — Operating Within the Incident Command System

During incidents where the Emergency Operations Center is not activated, the Executive Group and Operations Group may be working directly with the Incident Commander.

The Incident Command System provides several positions the Incident Commander may designate to order and coordinate resources. The university may choose to expand or condense the structure depending on the incident.

9.0 — Emergency Operations Center

The Emergency Operations Center (EOC) serves as the central location for situation assessment, resource coordination, and operational management of an emergency or a disaster. The physical location of the primary Emergency Operations Center is the EOC Room within the Department of Public Safety facility on East College Street. The Emergency Management Committee, in coordination with other university officials, will identify and maintain alternate emergency operations centers that may be utilized during an incident where the primary facility is inaccessible or damaged.

EOC Activation Levels

Level I — Routine operations; comparable to a normal university condition; EOC is not staffed.

Level II — Minimal staffing; may include limited personnel to monitor a situation or assist in planning and logistics for the on-scene Incident Command System.

Level III — Some staffing to support an expanding on-scene Incident Command System and provide communication to and from the Executive Group.

Level IV — Fully activated; includes staffing with the Emergency Operations Center Group.

The vice president of university affairs will serve as the EOC director during activation and ensure the continuity of EOC operations. The EOC director has the authority to deploy all necessary university resources to respond to the situation. The Executive Director of Public Safety/Chief of Police will serve as EOC director in the absence of the vice president for university affairs.

The vice president of university affairs, or the Executive Director of Public Safety/Chief of Police, may open the Emergency Operations Center for situational monitoring or limited operations. The decision to staff the EOC with the EOC Group will be made by the Executive Group or the vice president for university affairs.

During incidents that utilize the on-scene incident command model, the EOC may serve as a central coordination point for resource allocation and general planning. In this case the Executive Director of Public Safety/Chief of Police will serve as the EOC director, unless activation of the EOC Group is necessary for extended operations.

During emergency operations, all university departments must submit their requests for external

~~resources to the EOC. The EOC is the single point for coordination with the city, county and state Emergency Operation Centers.~~

~~EOC Operations~~

~~Set Up and Readiness:~~

~~The Executive Director of Public Safety/Chief of Police is responsible for the physical set up of the EOC, including but not limited to computers, telephones, and expendables; and is responsible for maintaining the EOC at a state of constant readiness for activation.~~

~~Direction and Control:~~

~~The vice president for university affairs is responsible for the direction and control of the EOC as EOC director when the center is activated.~~

~~Activation:~~

~~All personnel assigned to the EOC Group are expected to report to the EOC as soon as possible after notification of activation. Should a primary member of the EOC Group be unable to immediately report, the alternate for this position should report instead.~~

~~EOC Demobilization~~

~~As an incident lessens in scope, the EOC director may reduce staffing in the EOC based on situational need. The EOC shall remain in operation until the university is placed in a normal condition status.~~

~~10.0 — University Conditions~~

~~The use of a condition status for the university is intended to assist personnel in understanding the risk level of a specific hazard or threat. The Emergency Operations Center and/or the Department of Public Safety will initiate any university condition status change from normal.~~

~~Additional status changes may be released by the Emergency Operations Center / Incident Commander as an incident evolves.~~

~~Normal Condition~~

~~This indicates that the university is operating under normal conditions. There is no special hazard or threat.~~

~~Guarded Condition~~

~~This indicates that there is some general threat information that may affect the university. Examples include general threats towards a college campus in Texas or natural hazard watch.~~

~~Elevated Risk Condition~~

This indicates that information has been collected in regards to a specific threat directed towards the campus, such as imminent flash floods or specific threats.

High Risk Condition

There is information of an immediate threat on campus including but not limited to hazardous materials release, active shooter, storm, major fire, etc.

11.1 — Public Notification and Information

The initial notification of an emergency or disaster will usually be received first by the Department of Public Safety. The Department of Public Safety is the department within the university that is responsible for issuing timely campus alerts in compliance with the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)).

The determination of when an alert will be issued will be made on a case by case basis and will consider the facts surrounding the incident; including such factors as the nature of the incident, and the imminent or continuing threat to the university community. The Department of Public Safety will make a determination regarding the information presented to help ensure it does not hinder the successful response to an incident, or the investigation of the cause or nature of an incident. Weather alerts may be issued when there is an imminent threat to the safety of the campus community from severe weather.

When a determination is made that an alert should be issued, DPS will inform the campus community by utilizing a number of communication methods. The following are ways in which the campus community may be notified when the incident in question warrants. These methods may be used individually, or in any combination, depending upon the message being conveyed and the nature of the incident prompting the alert.

1. **Emergency Alert Website Activation:** The emergency alert website, maintained by DPS (<http://www.sfasu.edu/dps/campus-alert.asp>) may be activated and as much information as can be concisely presented about the current state of the incident triggering the alert will be posted. When this site is activated, an alert banner is posted on top of each webpage hosted on the main university Web server indicating an alert and directing visitors to the alert Web site. Web pages and websites hosted on individual departmental servers do not display this alert banner. The emergency alert website will be updated with evolving information as it becomes available and can be shared.
2. **Campus Alerts System Activation:** Depending on the incident, the Department of Public Safety will issue text and/or voice messages to all participants registered in the Campus Alerts system. These alert messages will notify the recipients that an event has occurred that requires notification, will contain a very brief description of the event if possible, and will direct them to the emergency alert website for details and updates.

3. ~~**Outdoor Alert System:** To promptly alert the campus in case of an imminent threat, there is a centrally located outdoor alert system installed on the roof of the Ralph W. Steen Library to ensure the alert sound may be heard inside some buildings on campus; the system is designed to provide an audible alert outdoors only. The outdoor alert system will be sounded when there is an imminent threat to SFA students, faculty, staff and visitors, such as severe weather, such as a tornado that is on a direct path toward the campus, or the development of an active danger situation, such as a hostile, armed individual on campus.~~
4. ~~**Campus-Wide Broadcast E-Mail:** E-mail messages may be sent to all faculty, staff, and students via the Stephen F. Austin State University e-mail system. These alert messages will notify the recipients that an event has occurred that requires notification, will contain a very brief description of the event if possible, and will direct them to the emergency alert website for details and updates.~~
5. ~~**Call Center Activation:** When needed, an informational Call Center will be activated as soon as possible to field telephone calls relative to the alert issued. This call center is located adjacent to the primary EOC in the Department of Public Safety facility and is staffed by pre-designated staff members. Once the Call Center is active, the telephone number assigned to the center will be posted on the alert website.~~
6. ~~**Non-alert related communications** will be handled through University Marketing Communications in coordination with the Executive Group, Emergency Operations Center, or the Incident Commander.~~
7. ~~**In the event of an expanded incident,** the University Marketing Communications office, in coordination with the Emergency Operations Center, may establish a Joint Information Center to handle media inquiries. The Joint Information Center will be established by the University Marketing Communications office and located at the Baker-Pattillo Student Center Theater unless an alternate location is necessary.~~

12.0 — Plan Annexes

The Base Plan is intended to provide the general framework based on an all hazards planning model. The general response roles and responsibilities of the Base Plan provide basic guidelines to ensure that the university is prepared to respond to any major emergency or disaster. Annexes expand on the information provided in the Base Plan to outline more specific responsibilities.

Functional Annexes

Specific functions that support the Base Plan can be defined and associated roles and responsibilities assigned to individual departments within the university. Each Functional Annex is constructed as a supplement to this Base Plan.

Situational Annexes

Additionally, specific hazards that present a significant risk or vulnerability may have specific plans to provide more detailed guidance than the Base Plan provides. Each Situational Annex is constructed as a supplement to this Base Plan.

13.1 — Preparedness

Although the majority of the Emergency Operations Plan discusses response mechanisms and procedures, the ultimate resilience and capability of the university to respond is dependent upon the preparedness of all students, faculty, staff, and departments.

The University Emergency Management Committee is the point of contact for all emergency management programs, including preparedness. In coordination with various university departments, the Emergency Management Committee will help ensure the following preparedness mechanisms are completed on a continual basis:

Emergency Exercises

Exercises are fundamental to the university's emergency preparedness program. Exercises test plan elements, as well as the university's ability to respond to specific incidents. The Federal Emergency Management Agency identifies four types of exercises, each with a significant degree of complexity and involvement. The university will conduct at least one emergency table-top exercise per year. The university should conduct a functional or full-scale exercise at least once every five years. Exercises should involve members of the Executive Group.

Plan Maintenance

The plan should be reviewed at least annually and updated when needed. This annual plan maintenance may be completed following the exercise schedule.

Maintain Record of Incident Command System Training

The Executive Director of Public Safety/Chief of Police serves as the Emergency Management Coordinator, and will ensure that sufficient training courses are offered in Incident Command, and ensure that the university complies with standards established through National Incident Management System guidance documents. The Emergency Management Committee, chaired by the Executive Director of Public Safety/Chief of Police, will meet regularly and provide oversight for the emergency management program.

Departmental Responsibilities

All university departments should continually maintain preparedness via the following actions at a minimum:

- ~~Review this Emergency Operations Plan and applicable annexes at least annually and provide recommendations to the Emergency Management Coordinator to be considered in the annual review/revision.~~
- ~~Compile and maintain an active call/contact list with current phone numbers of all personnel within the department.~~
- ~~Provide clear lines of succession identifying personnel that may fulfill the department head's role should they be absent during a major emergency or disaster.~~
- ~~Train employees on basic preparedness procedures and general departmental plans for responding to an emergency.~~
- ~~Identify program weaknesses and make recommendations to the university Emergency Management Coordinator.~~

14.1 — Recovery Actions

~~Recovery from a major emergency or disaster will most likely begin while response activities are still being conducted. Recovery actions involve the development, coordination, and execution of university restoration. Examples of recovery actions may include debris removal, damage assessment, and re-opening of non-critical facilities.~~

~~Damage assessment is a critical process in any disaster; additionally an accurate damage assessment is critical to obtaining reimbursement during a state or federally declared disaster. Therefore, damage assessments should begin as soon as possible.~~

~~During and following larger incidents, Damage Assessment is the responsibility of the Physical Plant Department, although personnel to physically conduct the damage assessment may be provided by various departments within the university. During the damage assessment, the extent of the damage and estimated repairs will be reported to the Emergency Operations Center as long as the EOC remains activated. After the EOC is demobilized, these reports will be made to the Executive Group through the vice president for finance and administration. Essentially, recovery resources will be handled in the same manner that response resources are managed.~~

~~The two elements of recovery that are reserved for the Executive Group include:~~

- ~~1. Determining when to terminate the incident.~~
- ~~2. Determining when to return the university to normal condition.~~

15.0 — Post-Incident Actions

~~Following each major emergency or incident, the university will conduct a debriefing to identify major weaknesses, strengths, lessons learned, and best practices. The initial debriefing should occur not less than twenty-four hours, but not more than one week following the conclusion of an incident.~~

~~Following the debriefing, the Emergency Management Coordinator will ensure that an After-Action Report (AAR) is drafted, reviewed, and distributed. Elements discussed in the AAR and debriefing(s) will be applied to improve the university's emergency management program and Emergency Operations Plan.~~

1. Preamble

Stephen F. Austin State University (SFA) is committed to the safety and security of our students, faculty, staff and surrounding communities. We demonstrate this commitment by preparing for and mitigating risks to the extent possible, establishing multi-hazard preparedness activities, plans and programs. This commitment is operationalized through coordination of efforts and clear communication with local, regional, state, and federal-level stakeholders.

2. Definitions

For the purposes of this plan, the following definitions are provided and listed in order of severity:

Critical Incident - an incident that does not pose a comprehensive and ongoing threat to the university community, and/or the functioning of the institution. Critical incidents may be handled under the Critical Incident Response Plan (CIRP), which is separate from the Emergency Operations Plan (EOP). When an emergency or disaster occurs, the CIRP will operate as a sub-plan within the EOP. An example would be the report of a missing student.

Emergency - a sudden or unexpected occurrence, or combination of occurrences, that may cause injury, loss of life, and/or destruction of property, and creates a disruption of the university's normal operations to such an extent that it poses a threat to the campus community. An example would be a building fire.

Disaster - a sudden, unplanned event with a significant scope of impact involving many people, if not the entire community, and is based on the scope of the event, number of lives impacted, and the devastation of property. An example would be a hurricane.

3. Emergency Operations Plan

The Texas Education Code (TEC) 51.217 requires institutions of higher education to adopt and implement a multi-hazard EOP for use at the institution. The University Police Department is responsible for maintaining this plan which must address mitigation, preparedness, response and recovery. This plan should be reviewed annually and updated whenever necessary. This plan describes both authorities and practices for managing and coordinating the response to incidents that range from the serious but purely isolated, to largescale incidents and natural disasters.

3.1 National Incident Management System and Incident Command System (NIMS/ICS)
The EOP is founded on the principles of the National Incident Management System (NIMS) and

Incident Command System (ICS), which provides a national template that enables federal, state, and local governments and private sector nongovernmental organizations to work together effectively and efficiently. Implementation of the plan requires cooperation, collaboration, and information sharing among all university departments, as well as with external agencies that may assist the university during major emergencies and disasters.

3.2 Safety and Security Audit

At least once every three years, the university will conduct a safety and security audit of the institution's facilities. To the extent possible, the university shall follow procedures developed in consultation with the division of emergency management of the Office of the Governor. The university will report the results of the safety and security audit to SFA's Board of Regents and the Division of Emergency Management of the Office of the Governor.

4. Mitigation

The NIMS defines mitigation as "the capabilities necessary to reduce the loss of life and property from natural and/or manmade disasters by lessening the impacts of disasters." In the pursuit of this objective, the university should develop procedures for hazard analysis as well as for behavioral risk assessment and intervention. The university's (BIT) Behavior Intervention Team, shall serve as an important resource.

4.1 Hazard Analysis

The university, as part of its EOP, should complete a hazard analysis of university properties and their surrounding communities to identify potential hazards from natural, technological, and human-caused incidents, including violence and property crime. The university should utilize the results of the hazard analysis to develop specific mitigation and prevention activities and plans as part of their multi-hazard EOP.

4.2 Behavioral Risk Assessment and Intervention

The university should have processes in place to identify and appropriately assist/address students, faculty and staff who exhibit early warning signs of violence, harmful and risk-taking behaviors, or a potential threat to life or property.

5. Preparedness

The NIMS defines preparedness as "the process of identifying the personnel, training and equipment needed for a wide range of potential incidents, and developing jurisdiction-specific plans for delivering capabilities when needed for an incident." In the pursuit of this objective, the university should designate individuals to oversee emergency management on campus, establish coordination with other agencies, train employees, make detailed plans and ensure that the university has the necessary equipment to respond.

5.1 Emergency Management Committee (EMC)

The university should establish an EMC. This committee is the point of contact for emergency management programs and is responsible for the development and oversight of emergency

management programs. The responsibilities of the EMC include ensuring that all state and federal mandates for planning, review and updates are implemented. Members of the Emergency Management Committee (EMC) must be trained on NIMS and ICS at least every three years.

5.2 Coordination with Other Agencies

The university should engage in interagency collaboration and adopt mutual-aid agreements, memoranda of understanding, inter-jurisdictional/ inter-local agreements, and other collaborative documents. The university's multi-hazard EOP should include procedures for interoperability with all stakeholders. According to NIMS, interoperability refers to the ability to communicate across jurisdictions and disciplines to support incident management when needed and as authorized.

5.3 Mandatory Drills

The university multi-hazard EOP should include the development and implementation of a comprehensive multi-hazard exercise/drill program and schedule. At least one table-top program must be conducted each year, and one full-scale drill should be conducted every five years.-

5.4 Employee Training

The university's multi-hazard EOP should establish a program and schedule of training to educate stakeholders about safety and emergency management programs. The plan should establish how often training should be conducted.

5.5 Program Liaisons

The university should ensure that each facility has a designated emergency management program liaison.

5.6 Equipment

The university multi-hazard EOP should address equipment needed to respond to an emergency.

5.7 Access to Facilities

The university should have policies and procedures that govern access to its facilities.

5.8 Public Information

The university should establish public information procedures and processes to gather, verify, coordinate and disseminate information during an incident.

5.9 Individuals with Special Needs

The university multi-hazard EOP should address assistance to individuals with special needs during an incident.

5.10 Pandemic and Public Health Issues

The university multi-hazard EOP should include policies and procedures to address pandemic and public health issues.

5.11 Maps and Floor Plans

The university multi-hazard EOP should include maps and floor plans that show evacuation options, utility shut-offs, and other relevant locations and information.

6. Response

The NIMS defines response as “the capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred.” In pursuit of this objective, the university should identify the appropriate personnel to initiate established response protocols.

6.1 Emergency Operation Plan Annexes

The university’s EOP should include functional and situational annexes, which are detailed plans for how to manage specific emergencies that can be anticipated. These annexes should be consistent with the NIMS.

6.1.1 Functional Annexes

Support function annexes are based on models developed in the National Response Framework and adapted for the specific functions necessary at Stephen F. Austin State University. These annexes provide direction for specific functions during preparedness, response, and recovery phases of an emergency incident or disaster. These annexes do not address specific incidents or disasters, but rather provide a general framework that may be adapted for emergency operations during any type of incident. Functional Annexes may also be continuously adapted based upon the current risks and vulnerabilities of the university.

6.1.2 Situational Annexes

Certain hazards or situations present a greater risk to, or vulnerability for, the university. Situational annexes are specific plans for such incidents. Examples of these situations include a hurricane, a hostile intruder, or a fire. Situational annexes provide additional guidance for responding to specific situations. Situational annexes may also be continuously adapted based upon the current risks and vulnerabilities of the university.

6.2 Notification and Communications

The university multi-hazard EOP should establish communications protocols for both internal and external notification. Specific strategies for notifying and communicating with students, faculty and staff should be addressed.

6.3 Early Alert

Section 51.218 of the Texas Education Code requires that each institution of higher education and private or independent institution of higher education shall establish an emergency alert system for the institution's students and staff, including faculty. The emergency alert system must use e-mail or telephone notifications in addition to any other alert method the institution considers appropriate to provide timely notification of emergencies affecting the institution or its students and staff. Any faculty, staff or student may elect not to participate in an emergency alert system established under this section of the code.

6.4 Timely Warnings

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the university will issue a timely warning if there is a serious or continuing threat to the safety of the campus community.

7. Recovery

The NIMS defines recovery as, “the capabilities necessary to assist communities affected by an incident to recover effectively.” The university should implement adopted policies, plans and procedures for continuity of operations as well as addressing the emotional and physical health of students and employees after an incident.

7.1 Continuity of Operations

The university should implement adopted policies, plans and procedures for Continuity of Operations to resume essential functions during and after an incident.

7.2 Emotional and Physical Health

The university should implement adopted policies, plans and procedures for emotional and physical health recovery needs for students/faculty/staff during and after an incident.

7.3 After Action Review

The university should implement adopted policies, plans and procedures for after-action reviews and corrective action plans following an exercise/drill or incident.

Cross Reference: *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092; Stafford Act, Pub. L. 93-288, as amended, 42 U.S.C. §§ 5121-5207; Homeland Security Presidential Directive 5, HSPD-5; Texas Disaster Act of 1975, Tex. Gov’t Code §§ 418.001-.191, Ch. 433; Executive Order by the Governor, Exec. Order RP32 or current version; Tex. Att’y Gen. Op. No. MW-140 (1980); Hazard Communication Act, Tex. Health & Safety Code §§ 502.001-.019; Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code §§ 26.261-.267; Solid Waste Disposal Act, Tex. Health & Safety Code Ch. 361; Tex. Educ. Code § 51.201-.211; The Texas Emergency Management Plan, Governor’s Division of Emergency Management; Employee Safety Manual / Emergency Management Plan; *Students Displaying Serious Psychological Problems (10.13)**

Responsible for Implementation: President

Contact for Revision: Executive Director of Public Safety/Chief of Police; Vice President for University Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Parking and Traffic Regulations

Policy Number: 13.14

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable:

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): States enforcement rules for parking on SFA campus

Reason for the addition, revision, or deletion (check all that apply):

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Clarify street parking prohibited because of the elimination of parking on Clark Street. Clarify parking at Pecan Park. Clarify parking on Aikman Drive. Clarify how to purchase a parking permit online. Added in storage of vehicles prohibited during summer sessions. Added information regarding Health Clinic parking. Clarify appeals through online process. Deletion of notice sent to DMV address of registered owner of vehicles. Deletion of payment made to Parking and Traffic.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Cynthia Haile, Director Parking & Traffic
John Fields, Chief of University Police
Adam Peck, Interim Vice President for University Affairs
Damon Derrick, General Counsel

Parking and Traffic Regulations

Original Implementation: September 1, 1961

Last Revision: ~~April 24, 2018~~ April 30, 2019

SECTION I: GENERAL PROVISIONS

1. **General:** Pursuant to the authority granted by the Texas Education Code and as approved by the Board of Regents of Stephen F. Austin State University (SFA), these *Parking and Traffic Regulations* are promulgated to regulate and control parking and traffic and the use of parking facilities, to provide for the issuance of parking permits, and to provide for jurisdiction over offenses. These rules and regulations are supplementary to applicable ordinances of the city of Nacogdoches and the statutes of the state of Texas that govern pedestrians and the use of motor vehicles and bicycles.
 - A. The operation of a motor vehicle or bicycle on university property is a **PRIVILEGE** granted by the university and is not an inherent right of any faculty/staff member, student or visitor. All faculty, staff, students and visitors who park on university property must have a university parking permit or park in a short-term paid parking space. A parking permit signifies that an individual has been granted the privilege of parking a vehicle on university property and does not guarantee a parking place on campus.
 - B. The university assumes no liability or responsibility for damage to or theft of any vehicle parked or driven on campus. The university assumes no responsibility or any duty to protect any vehicle or its contents at any time the vehicle is operated or parked on the campus. No bailment is created by granting any parking or operating privileges regarding a vehicle on any property owned, leased or otherwise controlled by the university.
 - C. Each person operating a motor vehicle on university property is responsible for obeying all university parking and traffic regulations as well as all city and state parking and traffic regulations. All vehicles operated on the university property must display a valid parking permit 24 hours a day, 365 days a year.
 - D. These regulations are in effect at all times on university property *including semester breaks, holidays, weekends, and intersessions*.
2. **Administration and Enforcement of these Regulations:**
 - A. **Parking and Traffic:** The Parking and Traffic (P&T) division of the SFA Department

of Public Safety (DPS) is authorized to enforce these regulations and is responsible for the administrative functions relating to parking permits; establishing procedures and requirements for the issuance of parking permits; the collection of enforcement fees for parking and traffic violations; establishing requirements for the submission of appeals; the processing of appeals from parking and traffic citations; and for management of parking lots and garages. P&T supervises parking enforcement assistants who issue parking citations and provide other services such as lock-out and jump starts.

- B. The Stephen F. Austin State University Police Department (UPD):** The University Police division of DPS is also authorized to enforce these regulations at any time or under any circumstances deemed necessary. UPD officers may issue university citations or court appearance citations enforceable in justice of the peace or municipal court.

The Board of Regents of Stephen F. Austin State University is authorized to employ campus police personnel. Such officers are commissioned as Texas peace officers and are vested with all powers, privileges and immunities of peace officers in the performance of their duties. As Texas peace officers, Stephen F. Austin State University police officers have county-wide jurisdiction in all counties in which the university owns property.

All persons on university property are required to identify themselves to such officers when requested. Failure to produce identification upon request of an officer may result in arrest and appearance before a magistrate.

The university police shall be vested with the authority to refuse to allow persons having no legitimate business to enter upon any property under the control and jurisdiction of Stephen F. Austin State University and to eject any unauthorized persons from said property upon their refusal to leave peaceably upon request.

The university police are authorized to enforce the Texas Motor Vehicle Code, the Texas Penal Code, and applicable ordinances of the city of Nacogdoches, the parking and traffic regulations of the university, and all other laws.

All accidents, thefts and other offenses that occur on university property or anywhere within the campus area should be reported to the university police immediately. Accident reports should be made prior to moving vehicles. One-vehicle accidents should also be reported. Vehicles should always remain locked.

- C. Appeals:** Any person receiving a citation may appeal. Appeals must be submitted online through mySFA and must be received within ten (10) calendar days of the date the citation was issued. Forms for submitting second appeals to the appropriate boards are available at the Parking and Traffic office during regular business hours and on-line at

<http://www.sfasu.edu/parking>. Boots and impoundments may be appealed in this same manner.

The director of parking and traffic, or designee, serves as the appeal officer and will review the appeal and any information/evidence relative to its application. The appeal officer will render one of the following decisions:

Warning means the appeal was granted and the fine was waived.

Voided means the ticket issued was not valid.

Denied means that the ticket has been upheld and the fine must be paid.

The appellant will be notified of the decision via their SFA email account. Should the appellant disagree with the decision of the appeal officer, they may make a final appeal to the appropriate hearing board.

Appeal Board Hearing:

To appeal to a hearing board, the appellant must submit their appeal in writing to the Parking and Traffic office within ten (10) days of the appeal officer's decision. P&T will notify the appellant of the date and time of their hearing via email to the appellant's SFA email address.

Student citation appeals are considered by the Student Government Association Supreme Court, which will for the purposes of this policy be referred to as the Student Appeals Board. Faculty/Staff citation appeals are considered by the Faculty/Staff Appeals Board.

While an appeal must be submitted in writing, an appellant may choose to present their appeal to the Board in person as well. It is the responsibility of the appellant wishing to appear in person to obtain the date and time of the appropriate Appeal Board meeting. The meeting dates for both of these boards are posted in the P&T office.

The board will review the appeal and render one of the following decisions:

Excused means the ticket and its resulting fine are excused.

Upheld means that the decision of the appeals officer was upheld and any resulting fine must be paid.

All decisions of these boards are final.

Appellant's Rights

Appellants shall have the right:

1. to be present at the hearing
2. to be accompanied by an advisor of the appellant's choice and to consult with such advisor during the hearing (the advisor may only advise the appellant and may not actively participate in the hearing);
3. to know the identity of the traffic officer or police officer who issued the citation;
4. to hear or examine evidence presented;
5. to make any statement of mitigation or explanation;
6. to have and cross-examine witnesses;
7. to be informed of the disposition of the appeal
8. to inspect and copy the record of the hearing at his/her cost.

Rules of Procedure

1. The board may hear appeals for citations for which an application to appeal has been filed in accordance with these rules.
2. Each citation shall be appealed separately; except in the instance of consecutive citations for the same violation.
3. Each appeal shall be heard and decided on its own merit.
4. The board may examine, cross-examine, call, recall, and dismiss any witness.
5. The board may limit the number of witnesses whose testimony will be repetitious and establish time limits for testimony so long as all viewpoints are given a reasonable opportunity to be expressed.
6. The board shall maintain an adequate record of each hearing. Summary notes shall be deemed an adequate record for this purpose.
7. The executive director of public safety, or designee, may represent the university in any hearing.
8. The board may enter into closed session for deliberation at the conclusion of the presentation of evidence.
9. The board's judgment must be rendered at the conclusion of deliberation.
10. A board member must excuse himself/herself from any appeal in which he/she is involved, or in which a member of his/her family is involved.

Findings and Sanctions

The board shall decide only whether or not the defendant is guilty/responsible of the offense as charged in the citation.

The citation charges for each offense are established by the Board of Regents and may not be reduced or eliminated by the Appeals Board if the individual is found guilty/responsible of the parking offense.

Failure to appear at a hearing as requested by appellant shall result in a forfeiture of the personal appearance and the board's decision will be based on the written appeal.

3. **Authority:** P&T and UPD are authorized to enforce these regulations:
 - A. Through the issuance of university citations and collection of enforcement fees, including the periodic billing of unpaid citations and the referral of individual cases pertaining to unpaid campus citations to a collection agency;
 - B. Through the impoundment of vehicles interfering with the movement of vehicular, bicycle, or pedestrian traffic, blocking a sidewalk or space for those with disabilities, loading dock, ramp, cross-walk, entrance, exit, fire lane, or aisle;
 - C. Through the impoundment or immobilization of vehicles for unpaid enforcement fees or display of a lost, altered, stolen or unauthorized parking permit;
 - D. By the suspension, revocation or denial of campus parking and driving privileges, parking permit and garage access privileges to those who have flagrantly violated these regulations;
 - E. By requiring either the vehicle owner or operator or the person who purchased the permit to appear in court for certain moving violations or at a university hearing for non-payment of outstanding charges or other violations of these regulations;
 - F. By barring re-admission and by withholding grades, degree, refunds and official transcript of any student for non-payment of outstanding charges in accordance with university standards;
 - G. By disciplinary action against employees or students who fail to abide by these regulations;
 - H. By such other methods as are commonly employed by city governments or state agencies in control of traffic regulation enforcement.
 - I. Violation of the university parking and traffic regulation is a misdemeanor punishable by a fine of up to \$200.

4. **Proof:** The issuance of a citation reflecting the existence of any parking or traffic control device, sign, short-term spaces, signal or marking at any location on university property shall constitute prima facie evidence that the same was in existence and was official and installed under the authority of applicable law and these regulations. When any person is charged with having stopped, parked and left standing a motor vehicle on the campus, in violation of any provision of these *Parking and Traffic Regulations*, proof that said vehicle was, at the date of the offense, bearing a valid university parking permit shall constitute prima facie evidence that said vehicle was then and there stopped, parked, and left standing by the holder of the parking permit. If the vehicle does not bear a valid university parking permit, proof that the vehicle at the date of the offense alleged was owned by an individual is prima facie proof that said vehicle was then and there stopped, parked and left standing by the individual.
5. **Responsibility:**
 - A. The person to whom a university parking permit is issued is responsible for any citation issued with respect to a car displaying that permit or a vehicle registered through P&T by that person.
 - B. If the vehicle does not display a valid university parking permit and is not registered through P&T to any university permit holder, then the person to whom the vehicle is registered through the Texas Department of Transportation or other state agencies at the time of issuance of the citation and that individual's university affiliate (faculty, staff or student) are responsible for the citation.
6. **Collection Methods:** The university may arrange for collection of debts due to the university pursuant to these regulations in the following manner and as specified elsewhere in these regulations:
 - A. Permit payments may be deducted from employee payroll checks with the employee's permission. Deductions for all permit purchases will continue until the full price of the permit is paid or until the permit is returned. Employees are responsible for monitoring their paychecks to ensure that proper deductions are being made for their SFA parking permit.
 - B. A financial hold may be placed against students for past due debts.
 - C. Any charge not paid when due may be forwarded to a collection agency or an attorney for collection. The offender will be responsible for paying all costs of collection, including any agency fees and/or reasonable attorney's fees, which will be added to the total amount due.

SECTION II: DEFINITIONS

COMMUTER: SFA students without a SFA housing assignment.

COMPACT CAR: Any vehicle that is less than 181 inches long (15 feet), and less than 60 inches (5 feet) tall.

CENTRAL CAMPUS: Central Campus is an area between the following border streets: northern border: East College; southern border: East Starr; western border: North Street (Business 59); eastern border: Wilson Drive.

DISABLED VEHICLE: Any vehicle that has mechanical failure that prevents it from being operated at all or impedes the vehicle's operation for a period of more than three (3) days.

DISABLED VETERAN: Any veteran that possesses or qualifies for disabled veteran license plates, or has a disabled placard issued by the Texas Department of Motor Vehicles and provides proof of service through Department of Defense or Department of Veterans Affairs paperwork.

EXTRAORDINARY SERVICE VETERAN: Any veteran that qualifies for or possesses specialty license plates issued by the Texas Department of Motor Vehicles indicating receipt of a Purple Heart, Congressional Medal of Honor, Distinguished Service Medal, Bronze Star Medal, Army Distinguished Service Cross, Air Force Cross, Distinguished Service Cross, Navy Cross, or indicating service as a Prisoner of War or Survivor of Pearl Harbor.

DPS: Stephen F. Austin State University Department of Public Safety, which includes the University Police Department, Office of Parking and Traffic; Public Safety Technology Department, and Emergency Management.

FACULTY/STAFF: Any person employed by the university, regardless of whether the person is employed with or without salary, including casual employees.

FLAGRANT VIOLATIONS: A clear and obvious violation of these rules and regulations, including but not limited to possession of a lost, stolen or altered permit; possession of a permit by someone other than the original purchaser; receipt of 10 or more citations within one academic year; or any violations that substantially impact the daily operations of the university or the health and safety of others.

IMMOBILIZATION: Impoundment of a vehicle in place until certain conditions are met for its release.

IMPOUND: securely hold a vehicle until certain conditions are met for its release.

MOTORCYCLE/MOPED/MOTOR SCOOTERS: A self-propelled device with at least two

wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor; and a deck designed to allow a person to stand or sit while operating the device.

OFFICIAL UNIVERSITY HOLIDAY: Those days when the university is officially closed for business.

P&T: Stephen F. Austin State University Office of Parking and Traffic.

PARKING ENFORCEMENT ASSISTANT: Employee of P&T who controls the parking of motor vehicles; issues parking citations in parking lots, garages and along streets at SFA; provides guidance and directions to visitors; assists with special-event parking; provides special services such as escort, vehicle unlocks and jump starts; and immobilizes vehicles in accordance with these regulations.

PARKING PERMIT: Permit issued by P&T that authorizes parking on university property.

PARKING SPACE: An area designated for vehicle parking by pavement or curb markings or signs. Any area not so marked is not a valid parking space.

PERMIT REQUIREMENTS: a permit is required at all times on campus, with the exception of university sponsored or hosted events and/or activities coordinated through Parking and Traffic and official university holidays.

PRIVATE CONTRACTOR: Any person employed by a business, but not affiliated with SFA as faculty, staff or student, which has contracted to operate a business or service function of the university.

RESIDENT: SFA students who have a current SFA on-campus housing assignment.

SEMESTER INTERSESSION: the period between the day following published last day of SFA finals of one semester and the beginning of the next semester (first day of class) and SFA spring break.

SFA: Stephen F. Austin State University

SHORT TERM PARKING SPACE: Any parking space for which the payment of an hourly rate is required.

STUDENT: Any person who is or has been within the last six months registered and enrolled at the university (including but not limited to online students, special students, part-time students, auditing individuals, teaching assistant students, graduate and research assistants).

UNAUTHORIZED PARKING PERMIT: Use of a permit for which the individual is no longer eligible or use of a permit that was purchased/issued to another individual.

UNIVERSITY: Stephen F. Austin State University

UNIVERSITY PROPERTY: includes all properties under the control and jurisdiction of the Board of Regents of Stephen F. Austin State University.

UPD: Stephen F. Austin State University Police Department

VEHICLE: Includes, but is not limited to, automobiles, buses, trucks, trailers, motorcycles, motor scooters, motorbikes, mopeds, bicycles, golf carts, club cars and tractors.

VENDOR: An individual or company not affiliated with the university that provides goods or services to the university.

VISITOR: Any person who is not a faculty, staff or student member or official visitor of the university or otherwise eligible for an SFA parking permit.

SECTION III: TRAFFIC REGULATIONS

1. **Compliance:** Every vehicle operator shall comply with these regulations, state law and all traffic control devices at all times, unless otherwise specifically directed by P&T or UPD. State and local laws pertaining to operation of motor vehicles, bicycles and pedestrians on public streets apply on the campus and streets owned and operated by the university.

Vehicles are prohibited at all times from parking in reserved spaces without a proper permit, no-parking zones, tow-away zones, fire lanes, crosswalks, loading zones or service driveways, on lawns, curbs or sidewalks, barricaded areas or in any manner which obstructs the flow of vehicular or pedestrian traffic.

Street parking is prohibited except where signs indicate parking is permitted. The absence of "No Parking" signs does not imply that parking is allowed.

2. **Special Instructions:** No person shall fail to comply with any instruction related to traffic or parking given by a university police officer or director of P&T or a P&T parking enforcement assistant.
3. **Temporary Restrictions:** The director of P&T or executive director of public safety/chief of police or their designee is authorized to temporarily implement restrictions that govern parking and traffic relating to construction, emergency situations or special events on

campus, and by agreement with the city of Nacogdoches, on public streets. Notice of such restrictions may be given by the posting of temporary signs or barriers or in any other area deemed appropriate.

4. **Speed Limits:** 20 mph on campus roads, 10 mph in parking lots and service drives and 5 mph in parking garages is the maximum speed limit, at all times, unless otherwise posted.
5. **Traffic Obstruction:** No person shall park or bring to a halt on the campus any vehicle in such a manner as to interfere with normal vehicular or pedestrian traffic or jeopardize safety or university property.
6. **Vehicles in Buildings:** With the exception of wheelchairs, ADA scooters or other devices specifically authorized by the director of P&T or executive director of public safety/chief of police or their designee, no person shall place, use, park or otherwise leave a vehicle within any university building other than a parking garage at any time.
7. **Sidewalks, Grass or Shrubbery:** No person shall drive a vehicle on a sidewalk, walkway, patio, plaza, grass, shrubbery or any unmarked or unimproved ground area unless such areas are signed and marked for driving, except as specifically authorized by P&T or DPS.
8. **Passenger Pick-Up and Drop-Off:** No person shall stop a vehicle on any street, alley or driveway on the campus for the purpose of picking up or dropping off a pedestrian without first drawing up to the right-hand curb.
9. **Pedestrians:** Pedestrians have the right-of-way at marked crosswalks, in intersections and on sidewalks extending across a service drive, building entrance or driveway. Pedestrians crossing a street at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles on the street. No pedestrian shall stand on the traveled portion of any street, alley or driveway in such a manner as to obstruct or prevent the free flow of traffic.
10. **Reserved Spaces:** Several parking spaces, regardless of the area in which they are located, are reserved 24 hours a day, seven (7) days a week for service vehicles, residence hall directors, ADA, or as loading zones. This also includes spaces marked for DPS business, compact cars only, police vehicles only, expectant mothers and visitors.

Parking areas are generally reserved for the type of permit holder indicated by signs from 6 a.m. to 4 p.m., Monday through Friday, except as otherwise indicated. Parking lots 8W (north of McKibben Education Building), 15 (HPE Complex) and 55 (Social Work Building) are reserved Monday through Friday until 8 p.m.

- A. A portion of Lot 47 (Commuter Lot), as identified by metal signs, is reserved for band practice on Monday, Tuesday, Wednesday and Thursday beginning at 3:30 p.m.

Vehicles will be towed or relocated, at owner's expense, from this area during this designated time.

- B. Some lots may be reserved for tailgating events before, during and after each home football game. These reserved areas will be identified by signage placed out the day of the game. Vehicles inside this area after the specified time may be towed at the owner's expense.
- C. Pecan Park (Lot 54): A portion of the spaces facing the pavilion are reserved for non-SFA park patrons ONLY. *SFA faculty, staff and students are not allowed to park vehicles in Pecan Park patron spaces.*

- 11. **Motorcycle Spaces:** Parking spaces have been designated for motorcycles by curb markings. Spaces so marked are for two-wheeled motor vehicles only. Motorcycles may not park in no-parking zones, fire lanes, reserved spaces or any other space.
- 12. **Head-In Parking:** All vehicles, except motorcycles, must park head-in and within a defined space in lots and streets having angled or head-in parking.
- 13. **Parking Designations:** Parking areas are designated by signs and/or color coding on a map obtained online at the P&T website at <http://www.sfasu.edu/parking/>. These signs and maps indicate the type of permit holder for which the area is reserved. Parking along Aikman Drive is reserved for *employees that are issued AA permits* ~~All Area permit holders~~ assigned to that lot.

Certain parking spaces have been designated as 20-minute parking spaces. These spaces are so designated to provide short-term parking for business access to the Stephen F. Austin State University Post Office, student center offices and other designated areas.

Parking more than 20 minutes is prohibited. Citations may be issued for each 21-minute segment of parking overtime. ~~Parking in the 20-minute spaces does not require an SFA parking permit.~~

SECTION IV: PARKING REGULATIONS

- 1. **General:** A vehicle operator shall park only in a parking space as authorized by the parking permit displayed or as otherwise specifically authorized by P&T or UPD. Each parking lot or garage shall be defined by appropriate signs and/or painted lines (when the parking area is paved). All spaces are designated, but not every space has a sign. It is the responsibility of the permit holder to park in the authorized area. Most lots are authorized for multiple types of permits. The various classes of parking permits and their eligibility requirements, privileges, and limitations are described in detail in this regulation. Parking in a garage

requires either the appropriate SFA permit, or in the case of the Student Center Garage, payment by the hour.

- A. A permit must be obtained for each academic year or portion thereof. Permits for the current academic year may be obtained at any time during the academic year. ~~Persons may complete an~~ *Permit purchase is through an* online permit application for the next academic year beginning April 1. ~~and the P~~ permits will be mailed to the address provided by applicant on the first business day in August. All permits purchased after August 1 can be picked up at the P&T office. *Only the permit purchaser, with a picture ID, may pick up a permit at the Parking office.*
 - B. A permit must be displayed on the vehicle no later than the first business day that the vehicle is brought on campus.
 - C. Only the permit for the current academic year should be displayed.
 - D. Vehicles owned by students cannot normally be registered in the name of a faculty or staff member, unless approved by the executive director of public safety/chief of police or the director of P&T or their designee.
 - E. Anyone whose SFA status changes must update their permit to reflect that change no later than the first university business day after the change takes place. If the permit number of a returned permit is legible, then the replacement permit will be issued for \$15. Otherwise, the regular fee will be charged. If the customer's permit designation changes from Housing to Commuter, and the person has already purchased the Housing permit, there is no fee for changing the permit to a Commuter in the middle of the academic year.
 - F. A vehicle should not be sold with the parking permit still displayed.
 - G. Damaged parking permits should be replaced immediately through the Parking and Traffic office.
2. **Use of Parking Permits:** no person shall lend, sell or otherwise allow another person to use their permit, except as specifically authorized by these regulations. Misuse of a permit may result in confiscation of the permit without refund and a restriction on issuing permits for at least one year. Persons found displaying said permit in violation of this section will be subject to the appropriate fine, booting, and/or towing of their vehicle(s).
 3. **Permit Requirements:** a permit is required at all times on campus, except if parked in the Student Center Garage or the short-term paid spaces in Lot 21 or as otherwise specified in this policy. Vehicles are eligible to park only as authorized by the class of permit issued. (Section V.2, Permits, "Classes of Permits and Eligibility," sets forth the classes of permits and eligibility requirements).

All faculty, staff, students (full or part-time) or employees of private contractors or other government agencies assigned to Stephen F. Austin State University, who operate a vehicle on university property, regularly or occasionally, are required to obtain a parking permit.

4. **Manner of Parking:** No person shall:

- A. Park without a current parking permit or payment of the designated short-term parking, except as specifically authorized by the director of P&T or the executive director of public safety/chief of police or their designee.
- B. Park a vehicle such that it occupies portions of more than one parking space.
- C. Park a vehicle with the left wheels to the curb unless parked on a one-way street.
- D. Double park a vehicle.
- E. Park a vehicle in a manner that obstructs “disabled” parking spaces, walkways, driveways, ramps, loading docks, or marked crosswalks.
- F. Park any vehicle on a sidewalk, walkway, patio, plaza, grass, shrubbery or any unmarked or unimproved ground area.
- G. Park a vehicle or permit a vehicle to stand in or block access to any area designated as a fire lane or 15 feet in either direction of a fire hydrant. Fire lanes are designated by posted signs and/or yellow or red painted curbs. Any emergency authorization for use of fire lanes must be obtained through DPS.
- H. Park a vehicle in a no parking zone
- I. Park a vehicle in an area designated as a bus stop.
- J. Park in a space with a barricade or remove a barricade, except as specifically authorized by P&T or DPS.
- K. Park a trailer, recreational vehicle or mobile home on university property unless specifically coordinated and approved by P&T.
- ~~K.L.~~ *Park or store a vehicle during May and summer semesters I and II without explicit permission from the director of parking.*
- ~~L.M.~~ Park or store a bicycle except at designated bicycle parking areas.

5. **Loading Zones:** Loading zones/docks are intended for the delivery of bulky items that

cannot be carried long distances. The operator of a vehicle making deliveries must be actively loading or unloading the vehicle with the flashers engaged, and may not be parked in the loading zone for longer than 15 minutes. When loading/unloading is completed, the vehicle must be relocated to the assigned lot. If the loading/unloading activity will take longer than 15 minutes, contact P&T for assistance.

6. **ADA Parking:** No person shall park a vehicle in an ADA space without a university permit and appropriate state disabled placard or license plate. ADA parking is provided in all parking lots on campus. These spaces are reserved 24 hours a day, seven (7) days a week for the holders of state ADA parking placards or license plates. A current SFA permit is also required. Only the person to whom the ADA plate or placard is issued may use the permit for such parking.
 - A. ADA permits and temporary handicapped permits are issued by the county tax assessor collector of any Texas county.
 - B. Only vehicles displaying an ADA permit or temporary handicapped permit or license plate may park in “Reserved for Handicapped” parking spaces or any other area designed for disabled persons such as an access ramp or curb cut. These vehicles must also display a valid Stephen F. Austin State University parking permit. The person for whom the ADA permit has been issued must be with the vehicle at the time it is parked.
 - C. A vehicle displaying a valid SFA parking permit and a valid ADA permit or license plate may park in any non-reserved parking space on campus or on Aikman Drive in Lot 7. Reserved parking spaces are reserved 24 hours a day/ seven (7) days a week for service vehicles, residence hall directors, visitors, and loading zones.
 - D. Faculty/staff members who have a valid ADA placard or license plate issued by the state of Texas may purchase a commuter permit in lieu of a faculty/staff permit.
7. **Expectant Mother, Temporarily Sick or Injured Permit:** A temporary permit or expectant mother permit may be obtained by a person who holds a current parking permit allowing them to park in specifically designated areas; areas designated will be based upon resources available and needs of the applicant.
 - A. **Temporarily Sick or Injured Permit:** Valid for up to one week allows parking in designated lots and must display dashboard permit. Application for this permit must be accompanied by a doctor’s statement. This permit may only be issued one time per semester. Those needing more than one week of time should obtain a state issued temporary ADA placard. Information is available at the parking and traffic website.

B. Expectant Mother Permit: Valid during the third trimester or when designated as high risk circumstances, this permit allows parking in spaces specifically designated by Parking and Traffic. Application for this permit must be accompanied by a doctor's statement indicating the need for closer parking and/or in the third trimester of pregnancy.

8. Health Clinic Parking:

~~B.~~ *Spaces designated as "Clinic Parking" in Lot 10 are for university health clinic patients only. Citations received in clinic spaces while a patient in the clinic should be turned in to the health clinic for validation.*

~~8.9.~~ **Visitor Parking:** Official visitors, not otherwise eligible for a university parking permit, may be offered visitor permits, not to exceed three days without the specific permission of the director of P&T. Visitor parking is set aside for special interest areas of the university. These spaces may not be utilized by university personnel, students or employees of private contractors assigned to Stephen F. Austin State University. These spaces are reserved for bona fide visitors to the university. Visitors should obtain a visitor parking permit from Parking and Traffic office or the Information Booth on Vista Drive during normal business hours. Visitor permits can be obtained at the University Police Department after 5 pm and on weekends. Visitors are required to show a valid driver's license to obtain a visitor permit.

~~9.10.~~ **Emergency Vehicle Parking:** Emergency vehicles are exempt from the provisions of these regulations when being operated in response to an emergency situation.

~~10.11.~~ **Abandoned Vehicles:** The university may deem a vehicle parked on university property for more than 48 hours without a valid permit to be abandoned and may remove such vehicle as provided in Ch. 683 of the Texas Transportation Code.

~~11.12.~~ **Disabled Vehicles:** If a vehicle becomes temporarily disabled and cannot be parked in its assigned area, it must immediately be reported to the Department of Public Safety. The fact that the vehicle is temporarily disabled will be recorded, and an officer will either render assistance or authorize temporary parking. Temporary parking will only be authorized for 24 hours or less. If parking for a longer period is necessary, authorization must be renewed at 24-hour intervals and such authorization shall not exceed three (3) days. Temporary parking will not be authorized in areas that are not parking spaces (tow-away or no-parking zones, etc.) or in disabled parking. A permit may not be purchased for display on a disabled vehicle. For these purposes, a disabled vehicle is a vehicle that has been disabled for more than three days.

~~12.13.~~ **Short-term Pay Parking (Student Center Parking Garage and designated spaces in Lot 21):** Short-term pay parking is available in these locations for parking without a permit

and paying the hourly rate.

13.14. Student Center Parking Garage Fees: The use of the Student Center Parking Garage is deemed Pay-Per-Use 24 hours a day, 7 days a week. Persons parking in the Student Center Parking Garage must enter the garage by pulling a ticket or use a garage permit. The forms of payment accepted by the equipment will be posted at the entrances to the garage. Permit and hourly rates may be found on the Parking Fees Table located in Appendix A.

14.15. Special Events: Any university department hosting an event on campus may request event parking. ~~Some of the available resources include:~~

1. **Student Center Parking Garage:** The individual department is responsible for notifying P&T within 48 hours of the event with the number of permits/passes needed for the event. Passes for the Student Center Parking Garage will not be issued without a minimum of 48-hour notice. This is to allow for the parking arrangements to be made to accommodate the visitors to campus. The fee for a department to utilize the parking garage for an event is \$3 per day per permit. The amount will be charged to the requesting department via Inter-Departmental Transfers (IDTs).

15.16. Camps: Camps hosted on university property are required to purchase parking through the coordinator of university reservations and conferences. These passes will be provided, based upon minimizing impact upon normal university operations, for a specific lot and can be commuter, resident, or faculty/staff spaces at a cost of \$3 per day. Permits must be ordered with a minimum of 48-hour notice.

SECTION V: PARKING PERMITS

1. **Issuance of Permits:** The director of P&T may issue a parking permit to any person or company desiring to park on university property, ~~upon payment of the appropriate fee.~~ The director of P&T shall allocate permits, at the director's discretion, among the faculty, staff, students and visitors of the university in a manner intended to serve the needs of the university.

A parking permit will be issued upon application *online through the mySFA parking portal.* ~~and payment of the parking permit fee to P&T.~~ All outstanding citations or parking fees must be paid before a permit may be issued. An individual may only use one parking permit at any time. *Permits may be transferred to any vehicle registered on the parking account of the original permit purchaser.* ~~A hangtag parking permit is transferable to any passenger vehicle being operated by or for the transportation of the permit holder.~~ Ownership of all permits remains with the university and is not transferable.

The director of P&T may issue special permits for events to the host department. Parking

areas are subject to closure by the director of P&T for special events, construction or other special circumstances. The director of P&T may establish fees for special circumstance parking, including event parking.

Bicycles: The university does not require the registration of bicycles; however, owners are encouraged to have bicycles marked for identification purposes at DPS. Information is located on the DPS section of the website at <http://www.sfasu.edu/dps>. DPS will record bicycle serial number and description and make available an engraving tool to mark bicycles for identification. There is no charge for this service.

- A. Every person operating a bicycle on university property must give the right-of-way to pedestrians at all times, keep to the right of the roadway and obey all traffic signals.
- B. Bicycles may not be parked on sidewalks or in university buildings at any time. Bicycles are to be parked in bicycle racks. Bicycles may not be left on porches or walkways and may not be chained to trees, light poles, shrubs, art objects, handrails or stairways.
- C. Bicycles parked in violation may be impounded and removed by the University Police Department and a \$25 fee charged for release.

2. Classes of Permits and Eligibility:

A. Faculty/Staff:

Class "AA"

Eligibility: SFA faculty and staff as designated by the president and vice presidents

Price: Refer to Appendix A for rates

Where: valid in any space on university property, except disabled spaces (unless a state disabled placard or license plate is displayed), or reserved spaces (service truck, hall director, visitor, etc.).

Class "F"

Eligibility: SFA faculty and staff, un-affiliated ARAMARK, unaffiliated programs, and Barnes & Noble employees

Price: Refer to Appendix A for rates

Where: valid in the faculty/staff lots except Aikman Drive, which requires an AA permit, disabled spaces (unless a state disabled placard or license plate is displayed), resident spaces or reserved spaces (service truck, hall director, visitor, etc.).

Class "PG" – Student Center Garage Permits

Eligibility: SFA faculty and staff Price: Refer to Appendix A for rates

Where: valid for parking in the Student Center Parking Garage or in any Commuter space.

Class “M”

Eligibility: SFA faculty and staff Price: Refer to Appendix A for rates Where: valid in any area designated for motorcycle parking.

Class “B” – Faculty/Staff Class “B” Daily Surface Permit

Eligibility: SFA faculty and staff, SFA departments via IDT, contractors and vendors
 Price: Refer to Appendix A for rates (minimum purchase of 5 permits) Where: valid in the faculty/staff lots except Aikman Drive, which requires an AA permit, disabled spaces (unless a state disabled placard or license plate is displayed), resident spaces or reserved spaces (service truck, hall director, visitor, etc.). These permits may not be issued to SFA students.

B. Student**Class “PG” – Student Center Garage Permits**

Eligibility: SFA students Price: Refer to Appendix A for rates
 Where: valid for parking in the Student Center Parking Garage or any Commuter space.

Class “C” - Commuter Student Surface Permit

Eligibility: SFA students not living in university housing
 Price: Refer to Appendix A for rates
 Where: valid for parking in any Commuter space.

Class “H” - Resident Student Permit

Eligibility: SFA students with a current SFA housing assignment Price: Refer to Appendix A for rates
 Where: valid for parking in the Resident or Commuter spaces except levels 1 and 2 of the Wilson Garage.

Class “M”

Eligibility: SFA Students
 Price: Refer to Appendix A for rates
 Where: valid in any area designated for motorcycle parking.

Class “S” - Commuter Student Daily Surface Permit

Eligibility: SFA students without an SFA housing assignment
 Price: Refer to Appendix A for rates (minimum purchase of five permits) Where: valid for parking in any Commuter space

Class “K” - Resident Housing Student Daily Surface Permit

Eligibility: SFA students with an SFA housing assignment
 Price: Refer to Appendix A for rates (minimum purchase of five permits) Where: valid for parking in Resident or Commuter spaces on campus except levels 1 and 2 of the

Wilson Garage.

C. Other

Class “W” – Activities Permit

Eligibility: Any person not eligible for any other permit but utilizing campus resources or property. Those who are family members of faculty, staff or students are eligible, provided the family member that is affiliated with the university has purchased a valid parking permit. Students, faculty, and staff are not eligible for an activities permit.

Price: Refer to Appendix A for rates

Where: valid for parking in Commuter spaces and Lot 14, Lot 53, or any space outside the central campus area.

Class “CV” – Contractor/Vendor Parking Permit

Eligibility: Any non-affiliated vendor, salesperson, technical representative, other service personnel (such as copier repairers) or contractor. Students, faculty and staff are not eligible for vendor/service permits.

Price: Refer to Appendix A for rates

Where: valid for parking in Faculty/Staff spaces when conducting university business, except along Aikman Drive.

Class “RT” – Retired Faculty/Staff Parking Permit

Eligibility: Any SFA retiree who does not receive compensation for employment from SFA

Price: No charge

Where: valid for parking in Faculty/Staff spaces, except Aikman Drive.

Class “DV” – Qualifying Veterans Permit

Eligibility: Any person that meets or exceeds the requirements of the Texas Department of Motor Vehicles necessary to qualify for specialty license plates defined as Extraordinary Service Veterans or Disabled Veterans by the State of Texas Transportation Code. The qualifying veteran is eligible for one permit restricted for use of the veteran.

Price: No charge

Where: Valid for parking in any space the person would otherwise qualify for this permit only. This permit exempts fees only.

Graduate Assistant Upgrade:

Eligibility: SFA graduate assistants, approved by the dean of each college, not to exceed 30 per college, per semester.

Price: \$10 per semester

Where: upgraded parking to Faculty/Staff spaces in assigned lots

Dual Credit Student Upgrade:

Eligibility: Dual credit high school students

Price: \$5 per semester

Where: upgraded parking to Faculty/Staff spaces in assigned lots.

- D. Display of Permits:** Permits shall be displayed on the vehicle according to the instructions furnished on the permit. Each academic year a permit holder who fails to display their permit will be allowed three warnings for parking in an authorized area without displaying the permit.
- E. Surrender or Removal of Permits:** Termination of relationship with SFA: A permit holder shall return their permit to SFA when the permit holder's relationship with the university terminates. Permits not returned to SFA remain active, and the permit holder is responsible for the permit fee.
- Permit holders are required to remove and surrender their permit:
- i. In the case of a decal permit when there is a change in ownership of the vehicle
 - ii. When a replacement permit has been issued
 - iii. Upon revocation of the permit
- F. Expiration of Permits:** Permits expire on the date listed on the face of the permit.
- G. Payment of Permit Fees:** When an application is made for a permit, the fee charged will be for the entire permit period or for the entire unexpired portion of the permit period. See [Appendix A: Parking Fees Table](#) for specific permit fees.
- H. Lost/Stolen Permits:** A permit holder shall immediately report to P&T any lost/stolen permit and complete the associated report. Lost/stolen permits may be replaced for a fee (see [Appendix A: Parking Fees Table](#)). Any permit recovered after such a report has been filed must be returned to P&T immediately. Use of a permit that has been reported as lost/stolen is subject to fines and penalties as described in these regulations.
- I. Permit Refunds:** A permit is non-refundable, unless returned within 10 days of the date of sale and is not transferable from the person to whom it is issued to another individual. Resale of parking permits is prohibited and will be considered a false or fictitious permit.
- J. Permit Misuse:** Misuse of any permit may result in confiscation of the permit, and no permit may be issued to that individual for at least one year thereafter. P&T is authorized to suspend campus parking and driving privileges on university property for any person whose vehicle is cited for displaying a lost, stolen or altered permit, or any SFA parking permit not issued in accordance with these regulations. Students will be referred to the Office of Student Rights and Responsibilities, and faculty/staff will have

the matter forwarded to the appropriate dean, director or department head for disciplinary action. Violators who are found in possession of a lost, stolen or altered permit may also be required to pay the annual cost of the permit type they fraudulently used.

SECTION VI: SPECIAL SERVICES

1. **Escort Services:** The Department of Public Safety and Office of Parking and Traffic offers escort service upon request between dusk and dawn to individuals requiring transportation to and from residence halls, academic buildings and/or vehicles. To receive an escort, either request in person at the Department of Public Safety or by telephone at 936-468-2608. The Department of Public Safety also provides escort 24 hours a day to local hospitals for emergencies when immediate medical care is not needed. Ambulance service may be requested for medical transport if the responding officer deems necessary. The expense for ambulance transfer is the responsibility of the person using the service. For further information on the escort service, call the Department of Public Safety at 936-468-2608.
2. **Jump Starts and Vehicle Unlocks:** Services such as battery jump starts and vehicle unlocks are offered by the Department of Public Safety as time permits. The Department of Public Safety does not change flats, push cars or perform other automotive service.
3. **Special Events:** P&T employees will assist SFA event sponsors with convenient and effective access while limiting the impact the event traffic will have on campus parking. P&T offers services such as barricading spaces, placement and removal of cones, golf cart service, etc. Event parking management will be guided by:
 - Available parking spaces
 - Expected attendance
 - Costs that may be incurred by department sponsoring event
 - Expected/potential impact on regular users of the area
 - Logistical ability of P&T to manage event
 - Whether or not the event is university or non-university sponsored

SECTION VII: ENFORCEMENT

1. **Parking and Traffic Citations:**
 - A. Issuance: Any person violating these regulations may receive a citation.
 - B. P&T Authority: University parking enforcement assistants are authorized to write university parking citations.

C. **UPD Authority:** UPD officers are authorized to issue university citations and court appearance citations for violation of these regulations. It is the general policy of the university to issue court appearance citations only for moving violations and for any violation when the individual's driving or parking privileges have been suspended, although UPD may issue a court appearance for any appropriate violation. All vehicles driven on Stephen F. Austin State University property are subject to all university traffic regulations, state of Texas motor vehicle codes and city of Nacogdoches motor vehicle laws. Moving violations may be issued on a city of Nacogdoches traffic citation or filed in the office of the appropriate justice of the peace or with the city of Nacogdoches Municipal Court.

D. Fees for parking violations may be paid in person at the university business office between 8 a.m. and 4:30 p.m. Monday through Friday, online through an eBill, or mailed to:

Stephen F. Austin State University c/o Business Office
P.O. Box 13053, SFA Station Nacogdoches, TX 75962-3053

2. **Failure to Discharge Court Appearance Citations:** Failure to discharge a court appearance citation may result in the issuance of an arrest warrant.
3. **University Citations:** University citations are issued for offenses listed in Section VIII: Driving and Parking Offenses. Any person receiving a university citation must remit the amount of the charge or submit an appeal to P&T within ten (10) days after issuance of the citation. Any towing, booting and/or storage fees for removal of an impounded or immobilized vehicle or bicycle must be paid regardless of whether an appeal has been submitted.
4. **Appeals of University Citations:** Any person issued a university citation may appeal the citation within ten (10) days of the citation's issuance *online through the mySFA portal*. ~~by completing the appropriate P&T form.~~ Any citation that is not a warning must be appealed as described in these regulations.
5. **Failure to Pay Citation Charges:** Unpaid citations can result in student financial holds preventing students from receiving grades, refunds, official transcripts or graduating. Additional collection efforts may also be utilized as specified in these regulations. Ten (10) or more violations within one academic year may result in suspension of driving and parking privileges on campus and/or disciplinary action.
6. **Vehicle Immobilization or Impoundment:** P&T or UPD may immobilize (boot) or impound (tow/relocate to a storage area) a person's vehicle for the following reasons:

A. the person and/or vehicle has accumulated three (3) or more past due parking citations

All citations issued will contain a notice informing the violator that a consequence of three (3) or more outstanding citations is the potential that their vehicle may be booted or impounded.

~~If the vehicle cited can be connected to a current SFA student or employee a notice of the citation will be sent to the SFA email account of the violator, otherwise a notice will be sent to the DMV address of the registered owner. Such notices will inform the violator that a citation has been issued to them and will contain information about any other outstanding citation(s) they may have.~~

If a violator has two or more outstanding citations when a third is issued, a notice will be sent to the violator's SFA e-mail account ~~or to the DMV address of the registered owner of the vehicle~~ notifying them that ten (10) days following the issuance of the third citation their vehicle will be eligible to be booted or impounded unless all of the outstanding citations are addressed by payment or by appeal if allowed within the time limits outlined in this policy.

Each notice, both physical and e-mail, will include information about how to pay or appeal the citation(s).

Violators who believe the P&T records are incorrect, or have any questions regarding any of the citations, should contact P&T within 10 days of the date of the notification at (936) 468-PARK (7275) Monday through Friday between the hours of 7:00 AM and 5:00 PM or by email to sfaparking@sfasu.edu.

B. the person and/or vehicle is parked in violation of the terms of a conditional release

C. the vehicle is parked in an ADA space without displaying a state ADA placard or license plate

D. the driver is illegally using an ADA permit assigned to another individual

E. the driver is in possession of a lost, stolen, altered or unauthorized permit

Once a vehicle is immobilized, all outstanding citations and the immobilization or impound fee must be paid in full and an appropriate permit must be purchased prior to the release of the vehicle.

The university is not responsible for any damage to the vehicle during booting, towing, relocation, or storage. After notice has been posted on the vehicle, vehicles booted for longer than three (3) days may be impounded (towed to a storage area). The owner and operator are ~~severally~~ *jointly and severally* responsible for any booting, towing or storage

fees.

No vehicle may be towed without the express approval of the executive director of public safety/chief of police, the director of P&T or their designee.

Section 2.C. of these regulations outlines the appeal process for citations, boots and impoundments.

7. **Suspension of Parking Privileges:**

Notices of parking violations may constitute a suspension of parking privileges, and any fee assessed is for reinstatement of parking privileges for operators of vehicles registered with the university.

All violations involving registration of vehicles operated on the properties of the university are violations of the law and SFA Parking and Traffic Regulations. Disposition of these citations at the university is a privilege extended by the university, which may be withdrawn at the university's option.

Violation of suspension of parking privileges may result in removal of the vehicle by tow away.

Driving and parking privileges may be suspended by P&T, DPS or the Office of Student Rights and Responsibilities if the violator has displayed a lost, stolen or altered permit or other flagrant violations of these regulations. The loss of the privilege of driving or parking a vehicle on campus shall commence immediately following notification of suspension. Such notification shall state the term of the suspension and consequences for violation of the stated terms. The violations of the suspension shall be reported to the Office of Student Rights and Responsibilities if the person is a student or to the appropriate dean, director or administrative official for possible disciplinary action if the person is a faculty or staff member.

If a person whose privilege of driving or parking on campus has been suspended receives a university citation by reason of having a vehicle on campus during the period of their suspension, the period of suspension may be extended and a referral to the appropriate university office may be made for further university disciplinary action.

- A. A person receiving notice that their privilege of driving or parking on university property has been suspended shall return, without refund, the remnants of the permit issued ~~(or the entire hanging permit)~~ to the P&T office immediately.

8. **No Excuse:**

The absence of sufficient parking spaces on the university campus is not justification for

violation of these regulations. Failure to enforce any regulation shall not constitute a waiver of the university's authority to enforce these regulations. Other improperly parked vehicles do not constitute an excuse for improper parking.

SECTION VIII: DRIVING AND PARKING OFFENSES

2018-2019 Parking Violations

Co	Violation Description	Fi
General Violations		
A 7	Displaying a valid permit, but in violation of lot or area assignment (<i>6a-4p M-F; Reserved lots are reserved until times indicated by signage</i>)	\$ 7
A	Parking backward in a parking space	\$
A	Failing to display a valid parking permit	\$
A	Not parking properly within the lines of a parking space	\$
A 5	Parking in a space designated "20 minute only" for more than 20 minutes	\$ 3
A	Displaying a permit assigned to another vehicle	\$
A	Display two or more valid permits	\$
A 8	Failure to display proper permit on registered vehicle (three warnings per academic year, then \$10 per incident)	\$ 1
A 9	Expired short-term parking	\$ 2
Flagrant Violations		
B 1	Parking in a reserved parking space without displaying a proper permit (<i>plus tow fee if applicable</i>)	\$ 4
B	Parking a vehicle in a no-parking zone (<i>plus tow fee if applicable</i>)	\$
B	Parking in any manner which obstructs vehicular traffic (<i>plus tow fee if applicable</i>)	\$
B	Parking in a manner which obstructs a crosswalk (<i>plus tow fee if applicable</i>)	\$
B	Parking in a fire lane (<i>plus tow fee if applicable</i>)	\$
B	Parking in a tow-away zone (<i>plus tow fee if applicable</i>)	\$
B	Parking in a loading zone or service driveway (<i>plus tow fee if applicable</i>)	\$
B 8	Parking on a lawn, curb, sidewalk or other area not set aside for parking (<i>plus tow fee if applicable</i>)	\$ 4
B 9	Parking on campus while parking privileges are suspended (<i>plus tow fee if applicable</i>)	\$1 50

C 1	Moving a barricade or parking within any barricaded area <i>(plus tow fee if applicable)</i>	\$ 4
C	Using a forged, altered, false, fictitious or stolen permit <i>(plus tow fee if applicable)</i>	\$1
C	Falsifying or altering vehicle registration information <i>(plus tow fee if applicable)</i>	\$1
C 4	Parking in/blocking a handicapped space, ramp, or unloading zone w/o placard <i>(plus tow fee if applicable)</i>	\$1 50
C	Having a vehicle towed from campus	*
C	Citation with move	\$
C	Vehicle moved to another location on campus	*
C	Vehicle has been wheel locked	\$
C	Parking in violation of the direction of a traffic control officer	\$
C 1	Theft of property or damaging property by unauthorized boot removal or tampering/attempted removal of the boot (plus replacement cost of damaged property)	\$1 50
C	Improper exit from a university parking garage (plus maximum daily fee due)	\$
C	Parking in a garage without payment (limited to once a semester)	\$

Flagrant violations are enforced 24 hours a day, 7 days a week and are subject to immobilization or impound.

**** Rates will be posted in the P&T office after competitive bid process.**

APPENDIX A: PARKING FEES TABLE

2018-2019 SFA Parking Permits				
Permit Sales Rate Chart				
Faculty and Staff				
Permit	Description	Annual		
AA	Faculty/Staff AA Permit	*see		
F	Faculty/Staff Assigned Lot Permit	*see		
PG	Annual Student Center Garage Permit	\$740	NA	NA
	Semester Student Center Garage Permit	\$330	\$330	\$330
M	Motorcycle Permit	\$60		
B	Faculty/Staff Daily Permit	\$3/Day	\$3/D	\$3/D
Student				

Permit Type	Description	September	January	May
PG	Annual Student Center Garage Permit	\$740	NA	NA
	Semester Student Center Garage Permit	\$330	\$330	\$80
C	Commuter Permit	\$112	\$76	\$37
H	Campus Resident Permit	\$145	\$99	\$48
	Campus Resident Second Vehicle	\$106	\$69	\$34
S	Commuter Daily Permit	\$3/Day	\$3/D	\$3/D
K	Campus Resident Daily Permit	\$3/Day	\$3/D	\$3/D
M	Motorcycle Permit	\$60	\$43	\$22
Miscellaneous				
Permit Type	Description	September	January	May
W	Fitness Permit	\$ 20	\$ 20	\$20
CV	Contractor/Vendor Permit	\$170	\$11	\$58
T	Trailer Permit	\$ 50	\$ 33	\$17
RV	Occupied Recreational Vehicle**	\$ 40		
DV	Qualifying Veteran Permit	\$0		

** Per night, after four (4) days

Student Center Garage Hourly Parking	
0-30 Minutes	No
First Hour	\$2
Each Hour Thereafter	\$1
Maximum Daily Charge	\$8
Lost Parking Ticket	\$15
Short-Term Paid Parking Lot 21	
First Hour	\$2.
Each Hour Thereafter	\$1.
Fees	
Replacement Permit	\$1
Bicycle Release Fee	\$2
Lost/Stolen Replacement Permit	\$2

Grad Assistant Upgrade	\$1
Dual Credit Upgrade	\$

*Faculty/Staff or Other Government Agencies Annual Permit Fees						
Salary \$19,999. and Less	Salary \$20,000 \$39,999. 00	Salary \$40,00 \$59,999. 00	Salary \$60,00 \$79,999. 00	Salary \$80,00 \$99,999. 00	Salary \$100,000 \$119,999. 00	Salar \$120,0 and above
\$36	\$60	\$84	\$108	\$132	\$156	\$180

FS permits are prorated monthly

Cross Reference: Parking and Traffic Regulations and Information;
Tex. Educ. Code §§ 51.201-.211, 54.505; Tex. Transp. Code § 681.008, Ch. 683

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Executive Director of Public Safety/Chief of Police

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Skating and Skateboarding

Policy Number: 13.20

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): Provide safety provisions for skating on SFA campus

Reason for the addition, revision, or deletion (check all that apply):

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: One additional update

Specific rationale for each substantive revision: The ban on hover boards was added to the policy for safety purposes. Title changed to reflect additions to content.

Specific rationale for deletion of policy:

Additional Comments:

The history of issues with the hoover boards prompted the reason for banning the boards on campus. The boards have been known to start on fire during charging which can cause a potential fire in a building.

Reviewers:

John Fields, Chief of University Police

Dr. Adam Peck, Interim Vice President for University Affairs

Damon Derrick, General Counsel

Skating ~~and~~, Skateboarding *and Motorized Scooters*

Original Implementation: January 24, 1989

Last Revision: ~~April 12, 2016~~ April 30, 2019

The purpose of this regulation is to establish guidelines governing the use of skateboards, rollerblades, or other types of skating apparatuses.

Definitions:

1. Skateboard – a non-motorized device where two or more wheels are attached to a platform upon which the rider stands.
2. Rollerblades – shoe or device that attaches to a shoe, having one or more sets of wheels.
3. *Hover Board – a motorized personal vehicle consisting of a platform for the feet mounted on two wheels and controlled by the way the rider distributes their weight.*
- ~~2-4.~~ *Motorized Scooters – a power stand-up scooter using a small unit gas engine or electric motor.*

Regulations:

1. Persons choosing to ride a skateboard or use rollerblades may do so as a means of transportation only on sidewalks while on the university campus.
2. Persons riding a skateboard or rollerblades shall keep all of the wheels on the ground while operating them as a means of transportation. At no time shall a rider perform any stunts or acts that could be deemed as stunts, or act in a way that impedes pedestrian traffic on the sidewalks.
3. The rider shall refrain from using a skateboard or rollerblades on any public street, parking garage facility, Homer Bryce Stadium, Johnson Coliseum, or in any building.
4. Persons riding a skateboard or rollerblades shall yield the right of way to all pedestrians, motorized vehicles, and bicycles.
5. Persons riding a skateboard or rollerblades shall not ride in or around any areas of construction on the university campus.
6. *The use or storage of hover boards on campus is prohibited.*
- ~~5-7.~~ *Motorized scooters are prohibited on campus unless prescribed by a qualified medical provider with appropriate medical documentation. Students must also receive approval by the Office of Disability Services.*
- ~~6-8.~~ Events that have been prearranged, with proper facility reservations, approval from the University Police Department, and under the direct supervision of the Campus Recreation Department, such as skateboarding club or rollerblading club practices and competitions, are not subject to these regulations.

Any person who violates all or part of this policy may be subject to disciplinary actions through

the university and an order to immediately remove the skateboard or rollerblades from the university campus.

Cross Reference: *Accessibility for Persons with Disabilities (2.2)*; Parking and Traffic Regulations (13.14), as related to bicycles

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Chief of University Police

Forms: None

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Payment Card Acceptance and Security

Policy Number: 14.8

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/24/2018

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy defines the requirements and responsibilities for maintaining compliance with the Payment Card Industry's Data Security Standard (PCI-DSS).

Reason for the addition, revision, or deletion (check all that apply):

☐ Scheduled Review ☐ Change in law ☐ Response to audit finding

☒ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: The policy is being updated to strengthen Payment Card Industry compliance and incorporate comments resulting from CampusGuard review.

Specific rationale for deletion of policy:

Additional Comments:

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

Reviewers:

Michaelyn Greene

Brandon Stringfield

Payment Card Industry Steering Committee

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

Payment Card Acceptance and Security

Original Implementation: July 21, 2009

Last Revision: July 24, 2018 April 30, 2019

Purpose

~~This policy affirms the university's intent to apply best security practices to ensure the protection of payment card information by complying with Payment Card Industry (PCI) Data Security Standards (DSS). This policy defines the requirements and responsibilities for maintaining compliance with the Payment Card Industry's Data Security Standard (PCI-DSS) at Stephen F. Austin State University (the university/SFA). Achieving and maintaining Payment Card Industry (PCI) compliance mitigates the potential of data breaches and allows our departments and affiliated organizations (merchants) to take payment cards with a level of risk acceptable to the university. This policy is supplemental to any other information security policies currently in effect at the Stephen F. Austin State University.~~

Definitions

~~An **Affiliated Organization** is an entity that uses systems connected to the university network or assets or equipment owned by the university to process, transmit, or store cardholder information.~~

~~The **Cardholder** is the customer to whom a credit card or debit card has been issued or the individual authorized to use the card.~~

~~**Payment card** is a general term which includes both debit cards and credit cards.~~

~~**Payment card information** is any personally identifiable information associated with a cardholder (e.g., cardholder name, account number, expiration date, address, social security number, personal identification number and card validation code).~~

~~**Payment Card Industry (PCI) Data Security Standards (DSS)** are the result of collaboration between the five major credit card brands to develop a single approach to safeguarding cardholder data. The standards apply to all entities that store, process, and/or transmit cardholder data and covers technical and operational system components included in or connected to cardholder data.~~

~~A **Payment Processor** is any individual, department, school, or other functional area accepting payment cards in exchange for goods or services on behalf of the university or an affiliated organization.~~

General

~~Stephen F. Austin State University will~~ takes steps to help ensure full compliance with the PCI-

DSS. All payment card handling activities and related technologies must comply with the PCI-DSS. Payment card handling activities must be conducted as described herein and in accordance with the guidelines in the Payment Card Security Handbook, maintained on the university's PCI website.

This policy will be reviewed at least annually and updated as needed to reflect changes to business objectives or the risk environment.

Applicability

This policy applies to all personnel who store, process, transmit, have access to, or can affect the security of payment card data, including faculty, staff, contractors, and students who are employed or utilized by SFA. This policy also applies to any employee who contracts with a third party vendor to handle and/or process payment card data on behalf of SFA. All vendors, contractors, and business partners who store, process, transmit, have access to, or can affect the security of payment card data on behalf of SFA will state in their contract that they are and will remain compliant with the PCI-DSS at all times.

All computers, electronic devices, or other resources at the university used in ~~the payment card processing, transmitting and storing of cardholder information~~ are governed by this policy and subject to PCI-DSS requirements. This includes *but is not limited to* ~~servers which store payment card information; workstations which~~ that are used to enter payment card information into a central system; cash registers, point-of-sale terminals connected to a phone line or the university network, printers, scanners, and any other devices through which the payment card data is transmitted or on which payment card data is stored. Also covered are website storefronts that redirect customers to another website to enter payment information. In addition, all paper forms or receipts containing cardholder data are also covered under this policy.

~~This policy applies to all university departments, faculty, staff, students, temporary employees, vendors, associated entities, or any others who process, transmit, store or handle cardholder information in physical or electronic format on behalf of the university. This policy also applies to any affiliated organizations with cardholder information that is processed, transmitted, or stored on systems connected to the university network or through assets or equipment owned by the university.~~

Responsibilities

The vice president for finance and administration is responsible for oversight of the PCI compliance program. The vice president for finance and administration will designate specific *individuals who will have* responsibility for the development, implementation, and administration of the program. *These individuals will serve on the PCI Steering Committee and will assist the university in achieving and maintaining compliance with the PCI-DSS and in reducing the scope*

of items that will need to be compliant with the PCI-DSS.

The vice president for finance and administration will also designate ~~designated~~ program representative(s) who will review and approve all requests to accept payment cards, perform all necessary actions to help ensure PCI compliance, and respond to any suspected payment card information threat.

University merchants ~~Payment card processors~~ will establish and maintain documented procedures for complying with this policy and the PCI-DSS and will follow guidelines established in the *Payment Card Security Handbook*.

Requirements

PCI-DSS compliance is mandatory for any department or affiliated organization that accepts, captures, stores, transmits, and/or processes payment card information. Only authorized and properly trained employees, vendors, *or* ~~and~~ temporary employees may accept and/or access payment card information. ~~All employees with access to payment card information are required to take payment card training annually.~~ Each person who has access to payment card information is responsible for protecting the information in accordance with the PCI-DSS and university policy.

Only PCI-DSS compliant equipment, systems, and methods may be used to process, transmit, and/or store payment card information. All systems used to process, transmit, and/or store payment card data must be registered with the designated program representative(s). Payment cards cannot be processed, transmitted, and/or stored using the university's network unless ~~Information Technology Services (ITS) has verified existence of~~ all technical controls required by the PCI-DSS and other applicable university policies *are evaluated by the designated program representative(s).*

Payment card processors must obtain advance approval from the program representative(s) designated by the vice president for finance and administration before accepting payment cards for payment of goods or services, or before entering into any contracts or purchases of software and/or equipment related to payment card processing. Once approved, copies of contracts must be forwarded to the designated program representative(s). Merchants are required to use the university's preferred service provider. Exceptions may be granted only after a request from the payment card processor has been reviewed and approved by the PCI Steering Committee. When an exception has been granted, the merchant remains responsible for ensuring the service provider is PCI compliant and providing ongoing certification of compliance to the designated program representative(s).

Cardholder data must not be transmitted or accepted in an insecure manner. Insecure methods of transmitting or accepting cardholder data include but are not limited to unencrypted wireless, email, fax, and campus mail. Printed receipts or other physical materials containing cardholder information must be stored in a secure environment until they are processed. Payment card

information must be destroyed in a secure manner as soon as it is no longer needed.

Credit card information must not be stored on any electronic device including university network servers, workstations, laptops, tablets, and cell phones unless it is explicitly approved for use as part of the ~~cardholder data~~-PCI-DSS environment.

~~Payment card processors must obtain advance approval from the program representative(s) designated by the vice president for finance and administration before accepting payment cards for payment of goods or services, or before entering into any contracts or purchases of software and/or equipment related to payment card processing. Once approved, copies of contracts must be forwarded to the designated program representative(s). Payment processors are required to use the university's preferred service provider. Exceptions may be granted only after a request from the payment processor has been reviewed and approved by the designated program representative(s). When an exception has been granted, the payment processor remains responsible for ensuring the service provider is PCI compliant and providing ongoing certification of compliance. Contracts with third parties with access to payment card information must include language that requires adherence to the PCI DSS.~~

~~Unencrypted wireless, email, fax, and campus mail are not recognized as secure methods for transmitting or accepting cardholder data. Cardholder data must not be transmitted in an insecure manner. Printed receipts or other physical materials containing cardholder information must be stored in a secure environment until they are processed. Payment card information must be destroyed in a secure manner as soon as it is no longer needed.~~

~~Suspected exposure or theft of payment card information must be reported immediately to one of the following university employees: the vice president for finance and administration, the director of financial services, the controller, the director of audit services, or the chief of police. Additionally, any suspected breach in the network should be immediately reported to the chief information officer.~~

Training

All personnel in positions that store, process, transmit, have access to, or affect the security of payment card data will complete PCI-DSS training upon hire and at least annually. These personnel will also acknowledge, in writing or electronically, that they have read and understand these security policies and procedures, and that they will comply with these policies.

Incident Response

All security incidents, including suspected exposure or theft of payment card information, must be reported in accordance with university policy 14.14, Information Security Incident Response and Planning. All PCI users should be familiar with this policy and are responsible for reporting any incident of theft, fraud, or misuse of payment card data.

Enforcement:

Periodic reviews may be performed to validate compliance with this policy. If the requirements of this policy are not followed, suspension of payment card options may result. Substantial fines may also be imposed by ~~payment~~ credit card companies if a security breach and subsequent compromise of payment card data occurs.

Employees in violation of *the* PCI-DSS and this policy may be subject to a range of sanctions including loss of computer network access, disciplinary action, or legal sanctions.

Cross Reference: PCI Security Standards; Receipts and Deposits (3.26) *Payment Card Security Handbook, Information Security Management (14.1), Information Security Incident Response and Planning (14.14), ITS Policy Handbook*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revisions: Vice President for Finance and Administration

Forms: Application for Exception from Use of University Preferred Electronic Payment Service, Statement of Intent to Comply with the University Policy for Payment Card Acceptance and Security, Payment Card Processor Registration Form, Confidentiality Statement

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Email for University Communication

Policy Number: 15.1

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: April 12, 2016

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): Establishes SFA email addresses as the official email communication for faculty, staff, and students.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Minor edits made for clarity.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Mike Coffee, Deputy Chief Information Officer
 Brandon Stringfield, Interim Chief Information Security Officer
 Anthony Espinoza, Chief Information Officer
 Dr. Steve Westbrook, Interim President
 Damon Derrick, General Counsel

Email for University Communication

Original Implementation: January 28, 2003

Last Revision: ~~April 12, 2016~~ April 30, 2019

Email is an official means of communication among university faculty, students, and staff members. Although email accounts are assigned to all prospective students at the time they apply for admission, they are not bound by this policy until they have been admitted to the university.

The following conditions apply to university email accounts:

1. Each person applying for admission to Stephen F. Austin State University (SFA) as a student will be assigned an *SFA* email account. Each faculty or staff member hired by the university will be assigned an *SFA* email account at the time the employment information is entered into the Human Resources system.
2. The assigned email account will be considered an official method of communication from university faculty and administrators to faculty, enrolled students, and staff members, either collectively or individually. All personnel and students are responsible for university email message content, even if they do not use the university system as their primary account.
3. Applicants' email accounts will be removed if they do not enroll at SFA. Enrolled students ~~can keep their~~ *retain their* email accounts *as long as they are an active student.* ~~as long as they wish.~~
4. Faculty and staff email accounts will be deleted *upon separation or termination of employment. Some exceptions may be granted by the chief information officer for cause.* ~~after 5 p.m. on the last day of employment.~~

Cross Reference: *Acceptable Use of Electronic Information Resources (16.32/14.2)* ~~(16.32/14.2)~~

Responsible for Implementation: ~~Provost and Vice President for Academic Affairs~~ *President*

Contact for Revision: Chief Information Officer

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: News Releases

Policy Number: 15.3

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/16

Unit(s) Responsible for Policy Implementation: Vice President for University Advancement

Purpose of Policy (what does it do): The policy guides the distribution of news releases and interaction with the media.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Reviewed with no changes recommended.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Shirley Luna, Executive Director of Marketing Communications
 Jill Still, Vice President for University Advancement
 Damon Derrick, General Counsel

News Releases

Original Implementation: 1950

Last Revision: ~~April 12, 2016~~ April 30, 2019

Departments and individuals seeking media coverage concerning university activities should request assistance from University Marketing Communications, which will work collaboratively with the requesting party to evaluate the newsworthiness of the activity. When an activity is determined to be newsworthy, University Marketing Communications will prepare and market a release of information to the news media. As a general guideline, requests for media coverage should be made a minimum of 10 days before the scheduled event.

Departments and individuals should not contact the news media without the assistance of University Marketing Communications. News media receive numerous requests for coverage from a wide range of organizations and individuals. Uncoordinated coverage requests and/or requests for coverage of activities that may have little or no news value have the potential to diminish the effectiveness of University Marketing Communications when it makes requests for coverage of newsworthy activities. University Marketing Communications may grant exceptions to select university divisions regarding this aspect of this policy.

Upon occasion, news media may directly contact university faculty or staff members seeking interviews or comments that may be published or broadcast. Faculty and staff members are encouraged, as time permits, to share their insights on topics within their areas of scholarly study or professional expertise. Such participation has the potential to highlight the quality of university personnel, bring positive visibility to the university and provide a valuable community service. The faculty or staff member contacted by the media should notify University Marketing Communications of the interview request. University Marketing Communications can assist both sides in facilitating the interview and monitor the media outlet for publication or broadcast of the interview.

Cross Reference: None

Responsible for Implementation: Vice President for University Advancement

Contact for Revision: Executive Director of University Marketing Communications

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: University Letterhead

Policy Number: 15.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/16

Unit(s) Responsible for Policy Implementation: Vice President for University Advancement

Purpose of Policy (what does it do): The policy guides the production and use of university letterhead.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: No substantive changes

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Shirley Luna, Executive Director of Marketing Communications
Jill Still, Vice President for University Advancement
Damon Derrick, General Counsel

University Letterhead

Original Implementation: May 9, 1985

Last Revision: ~~April 12, 2016~~ April 30, 2019

University departments are required to use *printed and/or electronic* letterhead as designated by the president and produced by University Printing Services. Ordinarily, sub-units of departments use the letterhead of the parent department, especially if the unit's correspondence is primarily with students. However, if the sub-unit is of a permanent or semi-permanent nature and has a majority of its correspondence with off-campus agencies or individuals, it can be identified under the name of the parent unit on the letterhead. If a unit is independent of any department and is of a permanent or semi-permanent nature, it may have its own letterhead, consistent with the university design. ~~Any deviation from the university letterhead design must be approved by the president.~~

Information in the stationery heading includes the university name; the name of the unit or department; post office box, ~~and~~ telephone *or fax* number; *general email address*; and city, state, and zip code.

~~Any deviation from the university letterhead design must be approved by the president. In exceptional cases, Requests to deviate from the standard letterhead design may be granted. Such requests should be directed, in writing, to the executive director of University Marketing Communications for approval.~~

Cross Reference: None

Responsible for Implementation: Vice President for University Advancement

Contact for Revision: Executive Director of University Marketing Communications

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: University Publications

Policy Number: 15.8

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/16

Unit(s) Responsible for Policy Implementation: Vice President for University Advancement

Purpose of Policy (what does it do): The policy guides the publication of university communications

Reason for the addition, revision, or deletion (check all that apply):

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: No substantive changes

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Shirley Luna, Executive Director of Marketing Communications
Jill Still, Vice President for University Advancement
Damon Derrick, General Counsel

University Publications

Original Implementation: March 15, 1977

Last Revision: ~~April 12, 2016~~ April 30, 2019

To assure that communication to the general public contains accurate and current information and presents, through both content and appearance, a professional image that properly reflects the character, integrity, and accreditation status of the institution, official university publications and non-broadcast video presentations intended for off-campus distribution, or on-campus distribution to non-university individuals or groups (those not employed by or enrolled in the university), must be approved by University Marketing Communications prior to printing or electronic distribution. Communication intended solely for students and/or university employees is not subject to this approval policy.

Examples of communication that must be submitted for approval include academic bulletins, brochures, flyers, *invitations*, pamphlets, handbooks, newsletters, program announcements, advertising (newspaper, magazine, radio, television, online, billboards, posters, etc.) and publications for intercollegiate athletics (media guides, programs, newsletters, etc.).

This approval policy applies to publications printed by on-campus or off-campus printers, and departments using desktop publishing or video equipment. Review may include any or all of the following: writing, editing, layout and graphic design, videotaping, video editing, and assessing visual and audio content. Assistance with scheduling and purchasing advertising placements, preparing specifications required for competitive bidding, and coordinating production schedules and delivery with outside vendors also may be provided.

Without approval of the materials from University Marketing Communications, university procurement will not issue a purchase order for advertising or off-campus printing services.

Prior to submission to University Marketing Communications for approval, a publication or advertisement should be reviewed and approved in writing (use Approval for Printing form available on the University Marketing Communications website) by the appropriate authorities within the department and division.

Allow at least 10 working days for University Marketing Communications to review materials, but it is strongly encouraged that materials be submitted well in advance of publication or printing deadlines, as revisions may be required.

Upon approval by University Marketing Communications, the head of the originating department or a designee will work directly with University Printing Services or Procurement and Property Services to initiate the printing process. If an off-campus printer is used and competitive bidding is required, Procurement and Property Services will develop specifications

and secure bids as required by the Best Value Procurement Policy (17.1).

Materials submitted to University Printing Services or Procurement and Property Services without proper approval will be returned to the originating department. If a department uses its own equipment *or an outside vendor* to print a publication or produce radio and television advertisements or video presentations, University Marketing Communications must authorize printing or distribution.

The president may authorize individual exemptions to the university publications policy. Such a request must be made in writing to the executive director of University Marketing Communications.

All university publications should clearly reflect the date the publication is produced or initially distributed. This includes publications sponsored by or purchased for distribution by the university or released by research firms, consulting firms or other private institutions under contract with the university. This does not include correspondence, memos or other routine forms.

Cross Reference: None

Responsible for Implementation: Vice President for University Advancement

Contact for Revision: Executive Director of University Marketing Communications

Forms: Approval for Printing (available from University Printing Services)

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Administrative Systems Software Changes

Policy Number: 16.2

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/12/2016

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): Establishes Enterprise Resource Planning systems modification/change authority.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: The policy was edited for clarity and removal of procedures from the policy.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Brandon Stringfield, Interim Chief Information Security Officer
 Mike Coffee, Deputy Chief Information Officer
 Anthony Espinoza, Chief Information Officer
 Steve Westbrook, Interim President
 Damon Derrick, General Counsel

Administrative Systems Software Changes

Original Implementation: January 19, 1999

Last Revision: ~~April 12, 2016~~ April 30, 2019

Administrative systems software changes are the responsibility of Information Technology Services (ITS) in conjunction with Enterprise Resource Planning (ERP) systems module owners. ERP systems include, but are not limited to, Banner, Raiser's Edge, and ~~Odyssey~~ Brightspace Learning Environment.

Software changes to the university's ERP systems allow each system to:

- A. meet the changing needs of the user community and system owners.
- B. provide patches when problems are encountered.
- C. provide upgrades to the systems as new features are added.

Changes to software modules in the ERP system are requested by the module owners or designee(s). All requested changes are evaluated and either approved or rejected by the chief information officer *and the module owner or designee*.

Application of Software Changes

~~The following procedures provide appropriate checks and balances for software modifications.~~

- ~~A. The database administration staff (DBAS) is exclusively responsible for performing changes to the production software modules in the ERP system.~~
- ~~B. Candidate code is tested in the test system by the ITS programming staff and the module owner or designee(s).~~
- ~~C. After the candidate code has been successfully tested and evaluated for correct function, the module owner may request that the DBAS move the code to the production module.~~
- ~~D. Once the DBAS completes the move process, the new code is ready for use in the production ERP system.~~
- ~~E. The module owner or designee(s) will then verify that the new code is functioning appropriately in the production environment.~~

Cross Reference: ~~None~~ ITS Policy Handbook

Responsible for Implementation: ~~Provost and Vice President for Academic Affairs~~ President

Contact for Revision: Chief Information Officer

Forms: ~~Account Authorization Form~~ None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Guest Speaker

Policy Number: 16.12

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable:

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): Define guest speaker procedure and guidelines

Reason for the addition, revision, or deletion (check all that apply):

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Reviewed with no changes recommended.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Lacey Folsom, Interim Assistant Dean of Student Affairs for Programs

Dr. Hollie Smith, Interim Dean of Student Affairs

Dr. Adam Peck, Interim Vice President for University Affairs

Damon Derrick, General Counsel

Guest Speaker

Original Implementation: July 1980

Last Revision: ~~April 12, 2016~~ April 30, 2019

These rules shall govern the invitation and presentation of guest speakers on university property or at university-sponsored events.

1. These rules do not apply to:
 - a. regularly scheduled classes offered for academic credit;
 - b. professional conferences sponsored directly by a university department; or
 - c. activities sponsored by non-university entities in rented university facilities.
2. For the purpose of these rules, "guest speaker" means a person invited to speak on university property or at a university-sponsored event who is presently not enrolled as a student or employed by the university.
3. Only registered student, faculty or staff organizations or non-university entities renting university facilities may invite and present guest speakers on university property or at university-sponsored events.
4. The organization sponsoring a guest speaker is responsible for making clear the fact that the organization, not the university, is extending the invitation to speak and that any views or opinions the speaker expresses are those of the speaker and not necessarily those of the university.
5. Registered student, faculty or staff organizations and non-university entities may be permitted the use of university facilities to present guest speakers on university property or at university-sponsored events pursuant to the Use of University Facilities policy (16.33). An application for the use of the university facility to be used for the speaker's presentation must be made to the appropriate university official at least forty-eight (48) hours before the time the event is scheduled to take place.
6. If a guest speaker is to be paid from university funds as consideration for his/her speech:
 - a. The facility in which the speech is to be delivered must be open to the public and the news media.
 - b. The sponsoring organization must follow all applicable university procurement procedures.
7. The presentation of guest speakers must not:
 - a. result in a breach of peace or violation of law;
 - b. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
 - c. materially disrupt or interfere with the normal activities of the university.
8. Guest speakers may not:
 - a. present material that is obscene or libelous; or
 - b. advocate the deliberate violation of law.

For the purposes of this section, "advocacy" means speech directed to inciting or producing imminent lawless action that is likely to incite or produce such action, as opposed to the abstract espousal of the moral propriety of a course of action.

Cross Reference: Use of University Facilities (16.33)

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Dean of Student Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs

Report to the Board of Regents – April 2019
Grants¹ awarded between and January 1, 2019 and March 31, 2019

Fiscal Year 2019 – as of March 31, 2019

Amounts allocable to FY19 (detailed in this report)

Direct Federal	\$ 254,996
Federal Pass-through	\$ 37,048
State and State Pass-through	\$ 43,489
Private and Local Government	\$ 31,071
TOTAL	\$ 366,604

Cumulative amount allocable to FY19	\$ 5,305,940
New awards (detailed in this report, all project years)	\$ 105,758
Cumulative award total, all project years	\$ 10,149,359

New, Additional, or Previously Unreported Awards for FY 2019

Direct Federal

Previously Described Awards

Talented Teachers in Training for Texas (T4) Phase II

Award Total: \$1,049,936 **Amount allocable to FY 2019:** \$254,996

Subtotal Amounts Allocable to FY2019 (this report) = \$254,996

Subtotal New Direct Federal Awards (total award) = \$ 0

Federal Pass-through

Title ***Caddo Exhibition Support**

Sponsor: Humanities Texas (National Endowment for the Humanities)
Award #2019-5565, CFDA 45.129

Award Term: January 1, 2019 – March 31, 2019

PI/PD: Dr. John Handley, School of Art

Total Award: \$1,500 **Amount Allocable to FY 2019:** \$1,500

This exhibit highlights seven Caddo Nation artisans and is the first exhibition that highlights works of Living Caddo artists.

Title *** 4th Annual International Film Festival**

Sponsor: Humanities Texas (National Endowment for the Humanities)
Award #2018-5513, CFDA 45.129

Award Term: September 1, 2018 – October 31, 2018

PI/PD: Dr. Jose Recinos, Languages, Cultures, and Communication

Total Award: \$1,250 **Amount Allocable to FY 2019:** \$1,250

Funds used to support the annual film festival showcasing films from Latin America countries.

**New awards or additional funds added to a current award*

¹*For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.*

Award Total:	\$61,859	Amount allocable to FY 2019	*\$1,006
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**Investigating the Potential for Golden Kiwifruit as a New Specialty Crop in Texas, Phase 3*

Award Total:	\$54,795	Amount allocable to FY 2019:	\$18,265
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Investigating the Potential for Golden Kiwifruit as a New Specialty Crop in Texas, Phase 2

Award Total	\$40,105	Amount allocable to FY 2019	\$10,027
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Defining the Distribution and Extent of the Western Spread of Pseudogymnoascus

Destructans: Implications for overwintering bats in Texas

Award Total:	\$10,000	Amount allocable to FY 2019	\$5,000
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Subtotal Amounts Allocable to FY2019 (this report) = \$37,048

Subtotal New Direct Federal Awards (total award) = \$57,545

State and State Pass-through Awards

Previously Described Awards with modifications

Disability Services – Reader Services 12-17

Award Total: \$180,107 **Amount allocable to FY 2019:** *\$13,039

Previously Described Awards

Mathematics Co-Requisite Embedded Support Technique (CSRM-2018)

Award Total: \$105,437 **Amount allocable to FY 2019:** \$30,450

Subtotal Amounts Allocable to FY 2019 (this report) = \$43,489

Subtotal New State and State Pass-through Awards (total award) = \$13,039

Private Entity and Local Government Awards

Title: **The Tipping Point*

Sponsor: Texas Higher Education Foundation (Bill and Melinda Gates Foundation)

Award Term: March 5, 2019 – August 31, 2020

PIs/PDs: Dr. Adam Peck, University Affairs

Total Award	\$9,581	Amount Allocable to FY 2019:	\$9,581
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This grant will assist in developing a campaign to expand the university's emergency aid program for students.

**New awards or additional funds added to a current award*

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – April 2019
 Grants¹ awarded between and January 1, 2019 and March 31, 2019

Previously Described Awards with modifications

Henderson Wildlife Research Initiative Support

Award Total: \$209,000	Amount allocable to FY 2019: *\$5,000
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Previously Described Awards

****Bees of the Big Thicket National Preserve: Phase II***

Award Total: \$12,387	Amount allocable to FY 2019: \$9,290
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****Poultry Science Education Student Recruitment FY19***

Award Total: \$7,000	Amount allocable to FY 2019: \$7,000
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****I See No Barriers in My Future***

Award Total: \$200	Amount allocable to FY 2019: \$200
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Subtotal Amounts Allocable to FY2019 (this report) = \$31,071
Subtotal New Private and Local Awards (total award) = \$34,168

Note: Amounts are based on award notices as they are received from the funding entity, not on expenditures or balances in funds/accounts. To reflect the approximate availability of funds in a given fiscal year, some current year awards are estimates based on the total amount awarded spread over the award period.

**New awards or additional funds added to a current award*

¹*For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.*

RULES AND REGULATIONS BOARD OF REGENTS
STEPHEN F. AUSTIN STATE UNIVERSITY
(Amended ~~October 29, 2018~~ April 30, 2019)

1. Composition of Board

The Board of Regents, Stephen F. Austin State University, is composed of nine members who are appointed by the governor of Texas, with the advice and consent of the senate. Three members of the board are appointed biennially to serve for terms of six years.

The board is charged with the responsibility of performing those duties which are delegated to it by the legislature. The board has no authority except as delegated to it by law.

Knowledge of the limitations of its authority is imputed to all persons, firms and corporations dealing with the board.

2. Non-Voting Student Regent

Annually on June 1, a student regent shall be appointed by the governor to serve a one-year term expiring on the following May 31. The student regent must be enrolled as an undergraduate or graduate student at Stephen F. Austin State University at the time of appointment and throughout the student regent's term. The student regent must remain in good academic standing and maintain at least a 2.5 GPA.

The student regent is not a member of the Board of Regents of Stephen F. Austin State University. The student regent has the same powers and duties as the members of the Board of Regents, including the right to attend and participate in meetings of the Board of Regents, except that the student regent may not vote on any matter before the board or make or second any motion before the board. The student regent is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

3. Office of the Board of Regents

The Office of the Board of Regents is located in the Austin Building, Room 308. The mailing address is PO Box 13026 – SFA Station, Nacogdoches, TX 75962- 3026. The office is staffed by the coordinator of board affairs.

4. Setting of Meetings

The Board of Regents shall convene annually in Nacogdoches, Texas, in the month of April, which meeting shall be known as the annual meeting.

All meetings of the board shall conform to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Regular meetings of the board shall be held quarterly at such time and place as a majority of the board shall determine. The board shall set regular quarterly meeting dates one year in advance, usually in January, April, July and October, which may be changed by consensus of the board due to unanticipated needs. Special meetings of the board may be called by the chair, or by a majority of the members of the board. Telephone conference meetings may be called when circumstances dictate that immediate action is required and it is difficult or impossible to convene a quorum in a single location. Telephone conference meetings shall be restricted to special meetings of the board.

All meetings of the Board of Regents shall be open to the public and broadcast over the internet as required by state law. Such broadcasts shall be recorded and archived in accordance with state law. Executive sessions of the board may be held with the consent of a majority of those members present and as authorized by law.

A majority of the members of the board or committee membership shall constitute a quorum. Ex-officio members shall be counted for purposes of determining a quorum. Proxies shall not be recognized. No formal action shall be taken by the board or committee of the board in the absence of a quorum.

5. Designation of Officers

The officers of the board shall include a chair, a vice chair, a secretary, and such other officers as may from time to time be elected or appointed.

6. Election of Chair and Authorization of Duties

At the January meeting of the board, and as the last order of business, there shall be elected from the membership of the board a chair, who shall take office at the start of business during the official, formal meeting of the full board in April and shall serve through the beginning of business at the formal meeting of the full board in April of the following year. In the event the chair's term of office as regent expires prior to the conclusion of his/her service as chair, the chair-elect shall immediately take office upon such expiration and serve for the remainder of the previous chair's term and his/her elected term; however if the chair is reappointed to a new term as regent, he/she shall complete the elected term of office. If a chair-elect has not been named, the vice-chair shall serve as chair of the board until the beginning of

business at the formal meeting of the full board at the next April meeting.

No member shall serve more than two consecutive elected terms as chair unless the members shall re-elect such member for each term after the two consecutive terms by a vote of at least six (6) members.

In the event of a chair's death or resignation, the vice chair shall serve as chair of the board until the beginning of business at the formal meeting of the full board at the next April meeting.

The chair of the board shall preside at all meetings of the board which he/she attends.

He/she is responsible for the agendas of the meetings of the board. He/she has the authority to call special meetings of the board, as herein provided. He/she is an ex officio member of all committees of the board and shall be in addition to the membership prescribed in Section 9 of these Rules. He/she shall deliver to each new board member immediately upon such person's appointment by the governor a copy of the regents' *Rules and Regulations* and a copy of the organization of principal administrative offices of the university. He/she shall ensure the members of the Board are apprised of their duties and responsibilities under law, including but not limited to Texas Education Code Section 51.352.

Parliamentary procedure in board meetings will generally conform to *Roberts' Rules of Order, Newly Revised*, when not in conflict with board rules.

The chair shall, in the name of the board, formally execute all contracts and documents authorized by resolutions of the board unless otherwise authorized to be signed by the president, and perform such other duties as are generally imposed on a chair of the board.

7. Election of Vice Chair and Authorization of Duties

A vice chair shall be elected from the membership of the board immediately following the election of a chair at the January meeting and shall take office at the start of business during the official, formal meeting of the full board in April and shall serve through the beginning of business at the formal meeting of the full board in April of the following year. In the event the vice chair's term of office as regent expires prior to the conclusion of his/her service as vice chair, the vice chair-elect shall immediately take office upon such expiration and serve for the remainder of the previous vice chair's term and his/her elected term; however if the vice chair is reappointed to a new term as regent, he/she shall complete the elected term of office. If a vice chair-elect has not been named, the secretary shall serve as vice chair, as well as secretary, until the beginning of business at the formal meeting of the full board at the next April meeting.

No member shall serve more than two consecutive elected terms as vice chair unless the members shall re-elect such member for each term after the two consecutive terms by a vote of at least six (6) members.

The vice chair shall preside over meetings of the board in the absence of the chair, and shall succeed to the rights and powers of the chair in the event he/she is absent from the state or is unable to act because of disqualification, or because of physical disability as determined by the board. The vice chair shall perform such other duties as may be delegated to him/her by the board.

In the event of the death, resignation, or assumption of chair duties by the vice chair, the secretary shall serve as vice chair, as well as secretary, until the beginning of business at the formal meeting of the full board at the next April meeting.

8. Election of Secretary and Authorization of Duties

The board shall select a secretary from the membership of the board, immediately following election of a vice chair at the January meeting, who shall take office at the start of business during the official, formal meeting of the full board in April and who shall serve through the beginning of business at the formal meeting of the full board in April of the following year. In the event the secretary's term of office as regent expires prior to the conclusion of his/her service as secretary, the secretary-elect shall immediately take office upon such expiration and serve for the remainder of the previous secretary's term and his/her elected term; however if the secretary is reappointed to a new term as regent, he/she shall complete the elected term of office. If a secretary-elect has not been named, the vice chair shall serve as vice chair, as well as secretary, until the beginning of business at the formal meeting of the full board at the next April meeting. The secretary shall ensure that preparation for all meetings of the board, including such notices as required by law are made. The secretary or other officers shall attend all open meetings of the board and ensure that accurate records of all open meetings are kept. He/she shall ensure that all parties affected by the actions of the board are notified. He/she shall provide oversight to the coordinator of board affairs who shall be responsible for all records of the board and all documentary files thereof. He/she shall ensure that the coordinator of board affairs keep the official copy of the regents' *Rules and Regulations*. Said copy shall contain all current rules and regulations as set by the Board of Regents. Any changes or additions thereto shall be entered in the official copy and such changes and additions shall be furnished to members of the board and officers of the university as designated by the president. The coordinator of board affairs shall assist the secretary in performing the duties of his/her office.

9. Committees of the Board

The chair of the board shall appoint at the annual meeting of the Board of Regents or soon thereafter all committee members and shall designate a chair of each committee except as otherwise provided herein. The chair of the board may further remove, replace, or appoint members in the event of a vacancy.

9.1 The Executive Committee shall consist of the chair of the board, the vice chair of the board, and one other member appointed by the chair. The chair of the board shall serve as chair of this committee. This committee shall serve as an advisory committee and review and make recommendations to the full board on any matter related to the governance, control and direction of the policies of the university.

9.2 The Academic and Student Affairs Committee shall consist of three members. This committee shall consider:

- (1) the curricula of the various colleges and departments of the University with any other matters dealing with academic programs and the progress thereof;
- (2) the research programs within the university and their relationship to all graduate education;
- (3) student affairs within the university;
- (4) personnel matters within the university.

The committee shall summarize facts and present alternatives as necessary.

9.3 The Building and Grounds Committee shall consist of three members. This committee shall consider:

- (1) use and occupancy of university property;
- (2) planning of, locating of, receiving bids for, awarding contracts for, construction of, and maintenance of buildings, utilities, and other physical facilities of the campus.

The committee shall summarize facts and present alternatives as necessary.

9.4 The Finance and Audit Committee shall consist of three members. This committee shall consider:

- (1) the budgeting and appropriations request processes;
- (2) all requests for appropriations and budgets covering expenditures of educational and general funds and auxiliary programs, including, but not limited to, student housing and the athletic department;

- (3) handling of university funds, depositories, etc., whether from appropriated or contributed funds.
- (4) the auditing function of the university including, but not limited to, annual audit plan, internal and external audit reports, risk assessment, and audit/compliance issues.

The committee shall summarize facts and present alternatives as necessary.

- 9.5 The Nominating Committee shall consist of three members. This committee shall be appointed annually prior to the January meeting by the chair for the purpose of nominating board officers for election at the January meeting.
- 9.6 The chair of the board may at any time appoint special committees, name the members thereof and designate the chairs. At a meeting of the Board of Regents, not less than six members thereof may appoint special committees, name the members thereof and designate the chairmen. Any special committee so created by the chair or by the Board of Regents shall be temporary and shall be charged in writing as to its particular duties and functions and the period in which it is to serve. Action by the chair of the board and/or six such members will be required to extend this period.

10. Prohibiting Contracting with Board Members

The Board of Regents shall approve no contract or agreement of any character in which a member of the board, directly or indirectly, has a pecuniary or substantial interest, without prior advice of the general counsel. Regents must self-disclose potential direct or indirect pecuniary or substantial interests in matters pending before the Board of Regents. Potential transactions with relatives of regents should also be disclosed to the general counsel for advice and counsel to avoid any appearances of a conflict of interest.

11. Election of University President

Annually when the budget is passed, the Board of Regents shall conduct a performance review of the president and elect the president of the university by affirmative vote of a majority of its members. The president of the university shall hold office ~~without fixed term and~~ at the pleasure of the board. The president shall not have tenure as president, but may hold tenure as a member of the faculty of the university when such tenure has been approved by the board. The president's salary shall be designated in the appointing order. *Any contract for employment shall comply with applicable law, including but not limited to Texas Education Code Section 51.948.*

In the event the president is temporarily unable to serve in such capacity, the board will call an emergency or special meeting to appoint an acting president until such time as the president is able to return to his/her duties.

In case a change in the presidency is made, the board will accept for consideration suggested nominations from a screening committee representing the board, the faculty, the staff, the Alumni Association, the community, and the student body, which committee shall be selected by a majority vote of the Board of Regents. *An interim president will be named by the board to serve until such time as a president is named.*

The board shall announce the name, background, and qualifications of the finalist or finalists for president at least twenty-one (21) days prior to the meeting at which board action is to be taken on the employment of the individual. (Tex. Educ. Code § 51.913).

12. Authority, Duties, and Responsibilities of the University President

The president shall be responsible for developing and maintaining excellence and efficiency within the university.

The president shall be answerable to the Board of Regents and shall have discretionary powers broad enough to effectively administer the university within the policies and guidelines as set forth by the Board of Regents. The president shall have such powers as may be from time to time delegated by the board.

The president shall be prepared to make recommendations to the board on university matters which require board approval.

The president shall be responsible for implementing all board action items affecting the university.

The president shall interpret the board's policies to the faculty and staff and interpret the university's programs and needs to the board. The president shall at all times also represent and interpret the university's programs, needs and interests to the public.

The president shall recommend appropriate operating budgets and supervise expenditures under approved budgets.

The president shall nominate to the board the appointment and reappointment of all members of the faculty, administrative officers and professional staff and recommend such individuals for promotion, retention, or dismissal.

The president shall develop and maintain efficient personnel programs for all employees, including faculty and administrative officers.

The president shall ensure efficient management of business affairs and physical property and shall recommend additions and alterations to the physical plant.

The president shall assume active leadership in developing private fund support for the university.

Without prior notice or hearing, the president of the university may suspend without pay and immediately remove from the university or assign to other duties with pay any employee, and suspend and immediately remove from the university any student who: (1) poses a continuing danger to persons or property; (2) disrupts the orderly operation of the university; (3) endangers the education of students; or (4) has been convicted by a trial court of any felony or a crime of moral turpitude. The president shall, as soon as possible, notify the general counsel of such action. In such cases the president will set a hearing before the appropriate administrator or committee on the employee's or student's case as soon thereafter as is practicable unless otherwise waived by the employee or student.

The president shall have the ultimate responsibility for the proper administration of all university contracts, agreements, or purchases which are delegated to the president under the board's policy.

The president is authorized to accept grants and contracts and enter into agreements involving the furnishing of educational services with the various agencies of the federal and state governments, foundations, and private corporations and is authorized to advance funds as necessary to finance federal grants and contracts which are on a reimbursement basis provided the university will be reimbursed by the agencies for any cost resulting from such grants or contracts.

13. Election and Duties of General Counsel

Annually when the budget is passed, the Board of Regents shall conduct a performance review and elect the general counsel by affirmative vote of a majority of its members. The general counsel shall hold office without fixed term and at the pleasure of the board. The general counsel's salary shall be designated in the appointing order.

The general counsel shall be responsible for all legal advice on all matters related to the university. He/she shall be responsible for all legal matters with local, state, and federal agencies and officials.

The general counsel shall work in cooperation with the attorney general of the state of Texas, legal counsel engaged in private practice and other legal counsel for agencies of the state of Texas concerning matters that may affect the university.

He/she shall monitor all lawsuits brought against or for the university and assist the attorney general's office in the preparation, trial, and appeal of lawsuits involving the university.

The general counsel's office shall review all contractual obligations entered into by the university. He/she shall make legislative interpretations and be responsible for monitoring all legislative statutes affecting the university. He/she shall be responsible for the determination of student residency classification on appeal. He/she shall perform such other duties which are generally incumbent upon a general counsel of like boards or which shall be delegated to him/her by the board or the president of the university.

14. Election and Duties of the Chief Audit Executive

Annually when the budget is passed, the Board of Regents shall conduct a performance review and elect the chief audit executive by affirmative vote of a majority of its members. The chief audit executive shall hold office without fixed term and at the pleasure of the board. The chief audit executive's salary shall be designated in the appointing order.

The chief audit executive shall assist the board in carrying out its oversight responsibilities as they relate to the university's a) financial and other reporting practices, b) internal control, and c) compliance with laws, regulations, and ethics.

The chief audit executive shall report on a day-to-day and administrative basis to the president of the university. The chief audit executive shall periodically communicate directly with the Finance and Audit Committee chair. It is important that the university auditor be independent of the chief financial and/or accounting officers to ensure independent review of the internal control structure and the financial reporting process.

The chief audit executive shall work in cooperation with the state auditor's office, independent auditors engaged in private practice, and other auditors for entities of the state of Texas concerning matters that may affect the university.

The chief audit executive shall annually submit information on the annual audit plan, work schedule, and staffing plan to the president for his review and to the Board of Regents for their approval. The chief audit executive shall submit an annual report as required by Texas Government Code Chapter 2102. The annual report shall be submitted to the president and the board for review prior to public dissemination.

15. Election and Duties of the Coordinator of Board Affairs

Annually when the budget is passed, the Board of Regents shall conduct a performance review and elect the coordinator of board affairs by affirmative vote of a majority of its members. The coordinator of board affairs shall hold office without fixed term and at the pleasure of the board. The salary for this position shall be designated in the appointing order.

The coordinator of board affairs shall manage the Office of the Board of Regents to assist in the administration of the responsibilities of the board and facilitate the role of each regent in the discharge of his or her responsibilities.

The coordinator of board affairs shall use discretion and independent judgment in establishing reporting mechanisms for the board, shall work directly with the regents, president, and general counsel on a routine basis, shall track information needs of the board and shall work as the campus liaison for the board's honored guests, including legislators, commencements speakers, and other dignitaries.

Other responsibilities for the coordinator of board affairs shall include taking, preparing and distributing meeting minutes; preparing and distributing meeting agendas; coordinating the review and publication of board policies, filing open meeting notices; notifying board members of all meeting dates; administering all communications and correspondence for the board; planning meetings, workshops, events and retreats for the board; making travel arrangements for board members; maintaining a calendar for the board; keeping board members apprised of upcoming events; ensuring appropriate board representation at functions; maintaining current board address list; and developing and maintaining the Board of Regents' Web page.

16. Employees Reporting to the Board of Regents

From time to time, the Board of Regents may employ other individuals who report directly to the Board of Regents. Such employees shall hold office without fixed term and at the pleasure of the board. The salary of such employees shall be designated in the appointing order. Performance reviews may be conducted by the board within its discretion.

17. Report or Agenda for Meetings

At all regular or special meetings of the board, the president of the university shall submit a president's report in writing. Such reports shall follow a uniform format approved by the board, with the proposed form of recommended board orders set out in the first section of the report, followed by sections on faculty and staff,

budgetary items, contracts, curriculum, miscellaneous items and explanation. The latter section of the report shall set forth in reasonable detail an explanation of each proposed board order or recommendation. All board orders proposed in a president's report shall be drafted with clarity and brevity to reflect, without the need to refer to extraneous sources, the precise action ordered by the board in each instance. The drafting of multifarious orders for board consideration shall be avoided.

A copy of the president's report shall be submitted to all members of the board and the secretary at least ten days in advance of a meeting of the board.

18. Order of Business

All regular and special meetings of the Board of Regents shall be as follows unless the chair otherwise directs:

- A. Approval of the minutes of the preceding meeting
- B. Reports of standing committees
- C. Reports of special committees
- D. Other business
- E. Adjournment

19. Appearances Before the Board

- 19.1 Special appearances as requested by the board or president: The chair of the Board of Regents or the president (as approved by the board chair) may invite individuals to appear before the board or one of its committees (as approved by the committee chair) for specific purposes. The chair of the Faculty Senate and the president of the Student Government Association shall have the opportunity to provide a report at each quarterly board meeting.
- 19.2 Requests to address the board: Requests to appear before the board to make comments on a specific agenda item must be received by the coordinator of board affairs in writing no later than twenty-four (24) hours before the board meeting at which the individual wishes to speak. The request should set out clearly the nature of the subject matter to be presented relating to a specific board agenda item. In making a request to appear before the board, individuals must give their names and any relevant title or affiliation. Comments on topics not posted on the agenda are not allowed but may be submitted to the coordinator of board affairs in writing, at any time, for distribution to the regents.
- 19.3 Time allocation: The board will allow up to twenty (20) minutes for public comment per agenda item. An individual speaker will be permitted three (3) to five (5) minutes for a presentation. The board will allow a total of up to

ninety (90) minutes for public comments per regular quarterly meeting. Copies of speakers' comments, and/or other written materials for distribution to the Board of Regents will be accepted. Public comments will take place during the scheduled public comment period at the beginning of each regular quarterly meeting.

- 19.4 Other meetings: While a specific period for public testimony will be limited to the regular quarterly meetings, written comments are welcome for any scheduled meeting of the Board of Regents. One copy of comments may be forwarded to the Office of the Board of Regents for distribution to the regents.
- 19.5 Scheduling of speakers: When the number of requests to address the board at a given session and for a specific agenda item exceeds the time available, requests will be approved based on the order the written request was received by the coordinator of board affairs. If, by virtue of time or other constraint a speaker is not able to present his/her comments orally, said comments will be accepted in writing and distributed to the Board of Regents at the meeting.
- 19.6 Special Requests: Special requests to appear before the board for comments at times other than the regular quarterly meetings can be submitted to the coordinator of board affairs for consideration by the chair of the Board of Regents.

20. Annual Budget for University Operations

The president shall prepare and submit annually to the board at its April or July meeting, as specified each year by the board, a proposed budget for the operation of the institution for the next fiscal period. Copies of all proposed operating budgets shall be submitted in writing to all members of the board at least one week in advance of such meeting of the board.

21. Monthly Financial Report of University Operations

The president of the university shall submit a monthly operating statement to the members of the board showing balance sheet by fund groups, statement of income, statement of expenditures, unexpended balances, encumbrances, and unencumbered balances.

All institutional books, records, ledgers and accounts shall be kept and maintained in conformity with recommendations of the state auditor and the state comptroller of public accounts, subject to approval by the board.

Blanket fidelity bonds, approved by the board, shall be required to cover all employees of institutions under the jurisdiction of the board.

22. Student Admission, Degree Requirements, Tuition and Fees

Student admission standards, entrance requirements, and degree qualifications shall be determined and prescribed by the institution, subject to the approval of the board. No otherwise qualified applicant for student enrollment shall be denied admission solely on the basis of religious or racial tests. Enrollment preference shall be given to residents of the state of Texas. Tuition, student fees, and room and board rates shall be established by the institution, subject to legislative direction and approval by the board.

Each member of the board shall receive copies of major publications of the university.

23. Employment of Bond Legal Counsel

The board shall employ bond counsel as appropriate to advise and represent it in any matters.

24. Reimbursement of Expenses

Reimbursement of expenses is allowed for members of the board for: attending regular and special meetings of the board; visiting the university at the request of the board or the chair of the board; attending formal committee meetings, and such other special and limited purposes as the board may expressly authorize in accordance with state regulations. Verified expense accounts shall be submitted to the Office of the Board of Regents for payment and the same shall be subject to review and control by the board.

25. Authority for Official Statements

The Board of Regents hereby reserves the authority and responsibility for determining matters of policy and official statements concerning any political or other subjects of an obviously controversial nature which represents an official policy, statement, or position of the Board of Regents, or of the university. Statements, policies, and positions by the Board of Regents on such matters shall be made by the board through the chair of the board or the president of the university. No regent, officer, faculty or staff member shall have the authority to speak for or issue any public statements on policy for and on behalf of the Board of Regents, or

of the university, on such matters without prior approval of the board.

26. Board Evaluation

Annually when the budget is passed, the Board of Regents will conduct a self-evaluation of its responsibilities and expectations. This evaluation will consider the principles of board governance as specified by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), applicable state law, the Board of Regents Rules and Regulations, and the university's mission statement and strategic plan.

27. Provisions to Amend Rules and Avoid Conflict with Statutes

The rules and regulations herein provided may be amended by a majority vote of members of the board at any regular meeting or at a special meeting of the board called for that purpose. Proposed amendments shall be filed in writing with the secretary and copies submitted to each board member at least fifteen (15) days before the same are considered by the board.

Should all or any part of the foregoing rules and regulations conflict with any constitutional, statutory or legislative appropriations provisions, they shall be amended to conform therewith.