

# **Stephen F. Austin State University**

## **MINUTES OF THE BOARD OF REGENTS**



**Nacogdoches, Texas  
July 21 – 23, 2019  
Volume 329**

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**Stephen F. Austin State University  
Minutes of the Meeting of the Board of Regents  
Nacogdoches, Texas  
July 21 - 23, 2019  
Austin Building 307  
Meeting 329**

**Sunday, July 21, 2019**

The regular meeting of the Board of Regents was called to order in open session at 1:06 p.m. on Sunday, July 21, 2019, by Chair Brigittee Henderson.

**PRESENT:**

Board Members:               Mrs. Brigittee Henderson, Chair  
                                      Mr. David Alders  
                                      Ms. Nelda Blair  
                                      Dr. Scott Coleman  
                                      Mr. Alton Frailey  
                                      Ms. Karen Gantt  
                                      Mr. Tom Mason  
                                      Ms. Judy Olson  
                                      Ms. Jennifer Winston  
                                      Ms. Zoé Smiley, 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

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

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

Deliberations Regarding the Purchase, Exchange, Lease, Sale or Value of Real Property (Texas Government Code, Section 551.072)

- Possible real estate purchase

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers (Texas Government Code, Section 551.071)

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 director of intercollegiate athletics, the general counsel, the chief audit executive, the coordinator of board affairs, the vice presidents, and the president (Texas Government Code, Section 551.074)

The executive session ended at 6:35 p.m. The Board of Regents meeting returned to open session and recessed to Monday, July 22, at 8:00 a.m.

### **Monday, July 22, 2019**

The regular meeting of the Board of Regents was called to order in open session at 8:02 a.m. on Monday, July 22, 2019, by Chair Brigitte Henderson.

PRESENT:

Board Members:	Mrs. Brigitte Henderson, Chair
	Mr. David Alders
	Ms. Nelda Blair
	Dr. Scott Coleman
	Mr. Alton Frailey
	Ms. Karen Gantt
	Mr. Tom Mason
	Ms. Judy Olson
	Ms. Jennifer Winston
	Ms. Zoé Smiley, 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 board recessed at 8:02 a.m. for committee meetings. The Building and Grounds Committee convened at 8:02 a.m. and recessed at 10:27 a.m. The Academic and Student Affairs Committee convened at 10:27 a.m. and adjourned at 11:25 a.m. The board members attended lunch and a groundbreaking for the Basketball Performance Facility at the coliseum. The Building and Grounds Committee reconvened at 1:56 p.m. and recessed at 3:00 p.m. The Finance and Audit Committee convened at 3:00 p.m. and adjourned at 4:10 p.m.*

The Board of Regents meeting returned to open session at 4:25 p.m. and moved to an executive session. The session ended at 6:30 p.m. and the board meeting recessed to Tuesday, July 23, at 9:00 a.m.

### **Tuesday, July 23, 2019**

The regular meeting of the Board of Regents was called to order in open session at 9:00 a.m. Tuesday, July 23, 2019, in the Austin Building Board Room by Chair Brigettee Henderson.

#### **PRESENT:**

Board Members:                Mrs. Brigettee Henderson, Chair  
                                      Mr. David Alders  
                                      Ms. Nelda Blair  
                                      Dr. Scott Coleman  
                                      Mr. Alton Frailey  
                                      Ms. Karen Gantt  
                                      Mr. Tom Mason  
                                      Ms. Judy Olson  
                                      Ms. Jennifer Winston  
                                      Ms. Zoé Smiley, 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

SFA ROTC Cadet Matthew Griner led the pledges to the flags and Regent Scott Coleman provided the invocation.

The oath of office was administered by District Judge Ed Klein to David Alders, reappointed for a second term to the Board of Regents, and to Judy Olson and Jennifer Winston, newly appointed regents.

## **RECOGNITIONS**

Dr. Peck recognized the SFA Rodeo Club and the National Championship Intramural Basketball Team. Dr. Bullard recognized Dean Brian Murphy for his outstanding innovations in the College of Liberal and Applied Arts.

## **APPROVAL OF MINUTES**

### **BOARD ORDER 19-40**

Upon motion by Regent Coleman, seconded by Regent Mason, with all members voting aye, it was ordered that the minutes of the April 28-30, May 18, and June 29, 2019 meetings be approved as presented.

## **ADMINISTRATION**

### **BOARD ORDER 19-41**

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

#### **ELECTION OF THE GENERAL COUNSEL FOR 2019-20**

A performance evaluation was conducted, and Damon Derrick was reelected general counsel for 2019-2020, at an annual salary of \$185,400 effective September 1, 2019.

#### **ELECTION OF THE CHIEF AUDIT EXECUTIVE FOR 2019-20**

A performance evaluation was conducted, and Gina Oglesbee was reelected chief audit executive for 2019-2020, at an annual salary of \$149,968 effective September 1, 2019.

#### **ELECTION OF THE COORDINATOR OF BOARD AFFAIRS FOR 2019-20**

A performance evaluation was conducted, and Judy Buckingham was reelected coordinator of board affairs for 2019-2020, at an annual salary of \$51,500 effective September 1, 2019.

## **PERSONNEL**

### **BOARD ORDER 19-42**

Upon motion by Regent Henderson, seconded by Regent Mason, 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

Richard Skuza, Ed.D. (Texas A&M University), Visiting Assistant Professor of Secondary Education and Educational Leadership, at an academic year salary of \$53,000 for 100 percent time, effective September 1, 2019.

#### COLLEGE OF LIBERAL AND APPLIED ARTS

Meta Henty, M.A. (Texas Christian University), Lecturer of English and Creative Writing, at an academic year salary of \$40,000 for 100 percent time, effective September 1, 2019.

Jason McIntosh, Ph.D. (University of Nebraska-Lincoln), Assistant Professor of English and Creative Writing, at an 11-month salary of \$65,259 for 100 percent time, effective September 1, 2019.

Sara Parks, Ph.D. (Iowa State University), Assistant Professor of English and Creative Writing, at an academic year salary of \$54,500 for 100 percent time, effective September 1, 2019.

#### COLLEGE OF MATHEMATICS AND SCIENCES

Ryan Anderson, M.S. (Washington State University), Assistant Professor of Geology, at an academic year salary of \$64,000 for 100 percent time, effective September 1, 2019.

Anne Collier, M.S.N. (University of Texas - Tyler), Clinical Instructor of Nursing, at an academic year salary of \$58,000 for 100 percent time, effective September 1, 2019.

Alysa Cummings, M.S.N. (Texas Christian University), Clinical Instructor of Nursing, at an academic year salary of \$58,000 for 100 percent time, effective September 1, 2019.

Alyson David, M.S.N. (University of Texas - Arlington), Clinical Instructor of Nursing, at an academic year salary of \$55,000 for 100 percent time, effective September 1, 2019.

Michael Read, Ph.D. (University of Texas - Arlington), Lecturer of Geology, at an academic year salary of \$47,000 for 100 percent time, effective September 1, 2019.

#### STAFF APPOINTMENTS

The following staff appointments were approved:

#### ACADEMIC ASSISTANCE AND RESOURCE CENTER

Kay Winfield, Program Director, at an annual salary of \$45,000 for 100 percent time, effective June 24, 2019.

#### ATHLETICS

Brynn Baca, Assistant Softball Coach, at an annual salary of \$35,000 for 100 percent time, effective June 13, 2019.

Leonard Hankerson, Assistant Football Coach, at an annual salary of \$48,000 for 100 percent time, effective April 3, 2019.

#### CAMPUS RECREATION

Talyn Sands, Campus Recreation Coordinator, at an annual salary of \$35,500 for 100 percent time, effective May 20, 2019.

Shelby Waller, Campus Recreation Coordinator at an annual salary of \$35,308 for 100 percent time, effective May 14, 2019.

#### CENTER FOR TEACHING AND LEARNING

Deanna Schleich, Learning Experience Design Specialist I, at an annual salary of \$49,000 for 100 percent time, effective June 3, 2019.

#### CHARTER SCHOOL

Kendall Berger, Teacher, at a 10-month salary of \$39,000 for 100 percent time, effective September 1, 2019.

Stephanie Hudspeth, Teacher, at a 10-month salary of \$43,600 for 100 percent time, effective September 1, 2019.

Sydney Thornell, Teacher, at a 10-month salary of \$40,500 for 100 percent time, effective September 1, 2019.

#### ENVIRONMENTAL HEALTH, SAFETY AND RISK MANAGEMENT

Gregory Moore, Safety Officer, at an annual salary of \$49,500 for 100 percent time, effective June 17, 2019.

#### INFORMATION TECHNOLOGY SERVICES

Ross Bowman, Systems Programmer I, at an annual salary of \$50,000 for 100 percent time, effective June 3, 2019.

Henry Jaynes, Programmer/Analyst I, at an annual salary of \$41,000 for 100 percent time, effective April 15, 2019.

#### PROCUREMENT AND PROPERTY SERVICES

Jennifer Wesoloski, Associate Director, at an annual salary of \$90,000 for 100 percent time, effective April 15, 2019.

#### RESIDENCE LIFE OPERATIONS

Shea Roll, Assistant Director, at an annual salary of \$55,400 for 100 percent time, effective June 3, 2019.

Colton Rudder, Hall Director, at an annual salary of \$30,330 for 100 percent time, effective May 20, 2019.

#### UNIVERSITY POLICE DEPARTMENT

Mark Young, Director of Public Safety-Emergency Management, at an annual salary of \$65,000 for 100 percent time, effective June 10, 2019.

#### CHANGES OF STATUS

The following changes of status were approved:

##### ADMISSIONS

Emily Jefferson, from Coordinator of Disability Services Support at an annual salary of \$46,358 for 100 percent time, to Coordinator for Transfer Students at an annual salary of \$55,400 for 100 percent time, effective May 20, 2019.

##### ATHLETICS

Kara Carpenter, from Athletic Academic Advisor at an annual salary of \$44,500 for 100 percent time, to Assistant Director of Athletics – Compliance at an annual salary of \$55,000 for 100 percent time, effective April 22, 2019.

Mackenzie Wenger, from Athletic Academic Advisor at an annual salary of \$44,500 for 100 percent time, to Assistant Director of Athletics – Academic Services at an annual salary of \$50,000 for 100 percent time, effective April 22, 2019.

Morgan Spearman, Assistant Softball Coach at an annual salary of \$35,006 for 100 percent time, to Assistant Softball Coach at an annual salary of \$39,053 for 100 percent time, effective June 12, 2019.

#### CENTER FOR TEACHING AND LEARNING

Megan Weatherly, from Coordinator of Instructional Design at an annual salary of \$62,000 for 100 percent time, to Interim Director of Instructional Technology at an annual salary of \$62,000

for 100 percent time with an additional stipend of \$750 per month for three months for interim duties, effective June 1, 2019.

#### COLLEGE OF EDUCATION

Brandon Fox, from Associate Professor of Elementary Education at an academic year salary of \$67,556 for 100 percent time, to Associate Professor and Chair of Elementary Education at an annual salary of \$122,500 for 100 percent time, effective June 1, 2019.

#### COLLEGE OF LIBERAL AND APPLIED ARTS

Michael Walker, from Assistant Dean of Student Affairs for Support Services at an annual salary of \$82,743 for 100 percent time, to Associate Professor of Psychology at an academic year salary of \$65,000 for 100 percent time, effective September 1, 2019.

#### COLLEGE OF MATHEMATICS AND SCIENCES

Harry Downing, from Professor and Chair of Physics, Engineering and Astronomy at an 11-month salary of \$126,910 for 100 percent time, to Professor of Physics, Engineering and Astronomy at an academic year salary of \$112,000 for 100 percent time, effective September 1, 2019.

#### ENVIRONMENTAL HEALTH, SAFETY AND RISK MANAGEMENT

Matthew Romig, from Safety Officer at an annual salary of \$50,603 for 100 percent time, to Senior Safety Officer at an annual salary of \$55,400 for 100 percent time, effective April 18, 2019.

#### INFORMATION TECHNOLOGY SERVICES

Karrie Robertson, from Systems Programmer I at an annual salary of \$55,120 for 100 percent time, to Systems Programmer II at an annual salary of \$57,000 for 100 percent time, effective April 17, 2019.

Nathan Amer, from Programmer/Analyst III at an annual salary of \$54,080 for 100 percent time, to Programmer/Analyst IV at an annual salary of \$66,000 for 100 percent time, effective April 1, 2019.

Tyler Davenport, from Technical Support Specialist II at an annual salary of \$40,128 for 100 percent time, to Systems Programmer I at an annual salary of \$50,000 for 100 percent time, effective April 22, 2019.

Charles Fox, from Programmer/Analyst II at an annual salary of \$46,058 for 100 percent time, to Programmer/Analyst III at an annual salary of \$54,080 for 100 percent time, effective April 1, 2019.

Mary Smith, from Assistant Director of Instructional Technology at an annual salary of \$74,910 for 100 percent time, to Assistant Director of Technology Classroom Support at an annual salary of \$74,910 for 100 percent time, effective May 1, 2019.

#### LIBRARY

Jonathan Helmke, from Associate Director of Library Information Systems at an annual salary of \$85,280 for 100 percent time, to Interim Library Director at an annual salary of \$85,280 for 100 percent time with an additional stipend of \$1,000 per month for three months for interim duties, effective June 1, 2019.

#### OFFICE OF THE PRESIDENT

Heather Howell, from Executive Assistant to the Vice President for University Affairs at an annual salary of \$54,846 for 100 percent time, to Interim Special Assistant to the President at an annual salary of \$54,846 for 100 percent time with an additional stipend of \$1,500 per month for five months for interim duties, effective April 8, 2019.

#### PROCUREMENT AND PROPERTY SERVICES

Katherine Ivancic, Contracting Specialist at an annual salary of \$38,400 for 100 percent time, to Contracting Specialist II at an annual salary of \$44,000 for 100 percent time, effective April 11, 2019.

Teresa Rhodes, from Buyer at an annual salary of \$37,000 for 100 percent time, to Contracting Specialist I at an annual salary of \$38,400 for 100 percent time, effective May 20, 2019.

#### UNIVERSITY AFFAIRS

Veronica Beavers, from Director of Multicultural Affairs at an annual salary of \$70,900 for 100 percent time, to Interim Director of Student Rights and Responsibilities at an annual salary of \$70,900 for 100 percent time with an additional stipend of \$750 per month for three months for interim duties, effective May 15, 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 four months for interim duties, effective May 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 four months for interim duties, effective May 1, 2019.

Livia Pierce, from Assistant to the Dean of Students at an annual salary of \$37,700 for 100 percent time, to Interim Executive Assistant to the Vice President of University Affairs at an annual salary

of \$37,700 for 100 percent time with an additional stipend of \$500 per month for five months for interim duties, effective April 8, 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 four months for interim duties, May 1, 2019.

Nick Stallworth, from Associate Director of Student Center Administration at an annual salary of \$63,922 for 100 percent time, to Interim Director of Auxiliary Services at an annual salary of \$63,922 for 100 percent time with an additional stipend of \$1,500 per month for four months for interim duties, effective May 15, 2019.

## RETIREMENTS

The following retirements were accepted:

Kenneth Austin, Professor of Secondary Education and Educational Leadership, effective May 31, 2019, with 13 years of service.

Lauree Faires, Charter School Teacher, effective August 2, 2019, with 16 years of service.

Carolyn Hardy, Assistant Director of Admissions, effective May 31, 2019, with 51 years of service.

Karen Jenlink, Professor of Secondary Education and Educational Leadership, effective May 31, 2019, with 17 years of service.

Patrick Jenlink, Professor of Secondary Education and Educational Leadership, effective June 30, 2019, with 22 years of service.

Jana McCall, Charter School Teacher, effective August 2, 2019, with six years of service.

Rebecca Parr, Assistant Professor of Biology, effective August 31, 2019, with six years of service.

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

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

Elizabeth Vaughn, Professor and Chair of Elementary Education, effective May 31, 2019, with 23 years of service.

Jack Watson, Associate Professor of Anthropology, Geography and Sociology, effective August 31, 2019, with 28 years of service.

Ann Wilson, Professor of Business Communications and Legal Studies, effective August 31, 2019, with 16 years of service.

Jan Wisener, Charter School Teacher, effective August 2, 2019, with 16 years of service.

Lone Wittliff, Lecturer of Management and Marketing, effective August 31, 2019, with 38 years of service.

## **ACADEMIC AND STUDENT AFFAIRS**

### **BOARD ORDER 19-43**

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

#### **HOLIDAY SCHEDULE FOR 2019-20**

WHEREAS, the board members considered the following: Fifteen holidays are allowed by the state for 2019-2020. The following schedule will allow SFA to be closed for five working days at Thanksgiving, eight working days during Christmas, five working days during Spring Break, and Memorial Day which totals 19 days. Employees will be required to take one day paid leave on November 25, one day of paid leave on December 27, and two days of paid leave on March 12 and 13. Campus buildings will be closed for nine days during Thanksgiving week, 12 days during the Christmas break, and nine days during Spring Break, which will result in significant energy savings.

November 25-29	Thanksgiving Break
December 23-January 1	Christmas Break
March 9-13	Spring Break
May 25	Memorial Day

Offices scheduled to be open: Admissions, Financial Aid, Business, Housing, and UPD

THEREFORE, the holiday schedule for 2019-2020 was approved as presented.

### **BOARD ORDER 19-44**

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

#### **REVISIONS OF INTERCOLLEGIATE ATHLETICS POLICIES AND PROCEDURES MANUAL**

The revisions to the Athletic Policies and Procedures Manual were approved as presented.

### **BOARD ORDER 19-45**

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

## CONVERSION OF ALL SFA COURSES TO THE TEXAS COMMON COURSE NUMBERING SYSTEM AND ALIGNMENT OF MAJORS WITH THE TEXAS HIGHER EDUCATION COORDINATING BOARD FIELDS OF STUDY

WHEREAS, the board members considered the following: The university is converting its course numbering to the Texas Common Course Numbering System (TCCNS), effective Fall 2020. All community colleges and many four-year public universities in Texas use TCCNS, which makes transfer from a two-year to a four-year program more seamless. For instance, the common course number for SFA's COM 111 (Public Speaking) is SPCH 1315. A student who took SPCH 1315 cannot easily tell how it will transfer to SFA and count in their degree program. Once we convert to TCCNS, COM 111 will be renumbered as SPCH 1315, so prospective transfer students will instantly know how that course will transfer to SFA, as it will have the same prefix and number in our catalog.

In addition to changing course prefixes and numbers, the titles of some courses will be changed as part of the conversion to TCCNS, a small number of courses will undergo more significant modifications, and some courses may be moved from the upper to the lower division—or vice versa—in order to align not only with TCCNS but also with the fields of study (FOS) curricula being developed by the Texas Higher Education Coordinating Board. A FOS is a set of lower-division courses (1000- and 2000-numbered courses) comprising freshman- and sophomore-level requirements for an undergraduate major. Students can take a FOS at a community college and then transfer it to SFA to fulfill the lower-division requirements for a major. Alignment with a FOS is another way to make transfer to SFA from a community college more seamless.

THEREFORE, it was approved that all SFA courses be converted to the Texas Common Course Numbering System. It was also approved that courses in specific undergraduate majors be aligned with their respective state-approved field of study wherever such alignment is possible.

### **BOARD ORDER 19-46**

Upon motion by Regent Gantt, seconded by Regent Winston, 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 1:

Academic Freedom and Responsibility 7.3  
Administrative Leave (Faculty and Staff) 12.11  
Advanced Placement Guidelines 6.5  
Children in the Workplace 13.15 (NEW)  
Compensation from Grants, Contracts and Other Sponsored Agreements 12.1  
Compliance with Americans with Disabilities Act and the ADA Amendments Act 2.5  
Comprehensive Scholarship Administration 3.31  
Curation of Archeological Collections 5.6  
Electronic Accessibility 16.9  
Emeritus 7.10  
Faculty Merit Pay 7.6

Intellectual Property 9.4  
Military Service Activation 6.14  
Misconduct in Scholarly or Creative Activities 7.19  
Missing Student Notification 13.13  
Parking and Traffic Regulations 13.14  
Performance Evaluation of Faculty 7.22  
Policy Development and Format 1.6  
Prohibition of Enrollment Inducement of Military Service Members 6.23  
Reasonable Workplace Accommodation for Disabilities 11.22  
Regents Professor 7.24  
Second Baccalaureate Degrees 6.18  
Sexual Misconduct 2.13  
Student Code of Conduct 10.4  
Student Records 2.10  
Students Displaying Serious Psychological Issues 10.13  
Texas Comprehensive Research Fund 8.10

## **BUILDING AND GROUNDS**

### **BOARD ORDER 19-47**

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

#### **PROPERTY PURCHASE AT 208 FEAZELL (EXECUTIVE SESSION ITEM)**

WHEREAS, the board members considered the following: The university owns various lots that are located on Feazell Street. A private lot and residence is located at 208 Feazell Street, between two lots owned by the university. The university has the opportunity to purchase the 208 Feazell Street property. The acquisition will create a continuous section of lots that provide an opportunity to expand student parking.

THEREFORE, the Board of Regents authorized the university to purchase the house and lot located at 208 Feazell Street at a price of \$71,670, plus all associated closing costs, using auxiliary funds. The vice president for finance and administration was authorized to sign all associated closing documents.

#### **FEAZELL STREET AND STARR AVENUE PARKING EXPANSION (EXECUTIVE SESSION ITEM)**

WHEREAS, the board members considered the following: At the April 30, 2019 meeting, the Board of Regents authorized a \$425,000 parking lot construction project on Feazell Street and Starr Avenue. During June 2019, the owner of property located at 208 Feazell indicated an interest in selling the property to the university. The Board of Regents' approval to purchase the property provided an opportunity to expand the university's parking lot construction on Feazell Street.

THEREFORE, the Board of Regents approved a \$361,010 increase to the Feazell Street and Starr Avenue parking lot construction project for a total project budget of \$786,410, using auxiliary funds. The president was authorized to sign associated contracts and purchase orders.

#### **BOARD ORDER 19-48**

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

#### **SELECTION OF ARCHITECTURAL FIRM TO UPDATE THE CURRENT MASTER PLAN**

WHEREAS, the board members considered the following: The Board of Regents approved the current campus master plan on April 19, 2011. That plan extends through fiscal year 2020. The administration wishes to engage an architectural firm to develop a campus master plan update. To initiate the study, the university issued a request for qualifications (RFQ). From a five firm RFQ response, the administration presented three master plan development finalists: GFF, Inc.; Kirksey Architecture; and Page Sutherland Page, Inc. for interviews by the Building and Grounds Committee on July 22, 2019. The Building and Grounds Committee heard the presentations on July 22, 2019, and recommends the selection of Page Sutherland Page as the campus master planning firm most qualified to provide planning services to the university.

THEREFORE, the Board of Regents approved the selection of Page Sutherland Page to update the current campus master plan and granted authorization to sign associated purchase orders and contracts as necessary.

#### **BOARD ORDER 19-49**

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

#### **WALTER TODD AGRICULTURAL RESEARCH CENTER TIMBER SALE**

WHEREAS, the board members considered the following: The Arthur Temple College of Forestry and Agriculture is planning a timber sale on forested acreage at the Walter Todd Agricultural Research Center. The objective is to convert existing predominately pine forestland to silvopasture and use timber sale proceeds to fund pasture improvement on acreage next to the forestland. Both the silvopasture and pasture improvements will be set up as demonstration areas for teaching, research and outreach.

THEREFORE, the university was authorized to solicit bids for a timber sale at the Walter Todd Agricultural Research Center, select a contractor to harvest the timber, and utilize the proceeds for silvopasture land conversion and pasture improvement. The university administration was authorized to sign associated purchase orders and contracts as necessary.

#### **BOARD ORDER 19-50**

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

## APPROVAL OF THE FISCAL YEAR 2019-20 CAPITAL PLAN

WHEREAS, the board members considered the following: The 2019-20 capital plan addresses campus infrastructure, ITS equipment, system and security initiatives, and planned maintenance. The various components of the plan target academic support, student life, safety, and capital renewal.

THEREFORE, the \$6,462,600 fiscal year 2019-20 capital plan was approved as presented in Appendix 2. Project funding was approved as listed, the source of funds were approved as presented, and authorization was granted to sign associated purchase orders and contracts as necessary.

### **BOARD ORDER 19-51**

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

## TXDOT GRANT APPLICATION RESOLUTIONS

WHEREAS, the board members considered the following: The administration wishes to apply for Texas Department of Transportation (TxDOT) grants to construct and enhance pedestrian sidewalks, trails, and bicycle paths. The grants include four separate projects. The first is a pedestrian enhancement project that extends from Clark Boulevard eastward across University Drive to Cardinal Street. The second is a pedestrian enhancement that extends from East Austin Street (FM 2609) along Raguet Street, past Raguet Elementary School, to East College Street. The third is a pedestrian and bicycle enhancement path that extends from East College Street along Raguet Street through the SFA campus to Starr Avenue. The fourth is a trail enhancement of the Lanana Creek pedestrian and bicycle path that extends from East Austin Street to the trail's intersection with Logansport Road.

The following presents the projected cost of the respective projects:

FM 1878 Starr Avenue: Total projected cost is \$633,836, with a potential university \$126,767 cost.

Raguet Street Segment 1: Total projected cost is \$450,923, with a potential university \$90,185 cost.

Raguet Street Segment 2: Total projected cost is \$697,893, with a potential university \$139,579 cost.

Lanana Creek Trail: Total projected cost is \$1,742,889, with a potential university \$348,578 cost

THEREFORE, the Board of Regents approved the four TxDOT pedestrian sidewalks, trails, and bicycle path grant applications with their separate project resolutions.

### **BOARD ORDER 19-52**

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

## APPROVAL OF BUILDING AND GROUNDS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 1:

Assembly and Demonstrations 16.4  
Building Design Standards 16.6  
Camps and Conferences 16.7  
Class Meeting Times 4.12  
Fire and Life Safety 13.24  
Juanita Curry Boynton House 16.32 (NEW)  
Petitions and Handbills 16.19  
Piney Woods Conservation Center 16.21 (TO BE DELETED)  
Signs and Exhibits 16.24  
Use of University Facilities 16.33

## FINANCIAL AFFAIRS

### **BOARD ORDER 19-53**

Upon motion by Regent Mason, seconded by Regent Coleman, with all members voting aye, it was ordered that the following financial affairs items be approved.

### ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

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

- Social Work Departmental Audit
- Government Departmental Audit
- Center for Teaching and Learning Departmental Audit
- Public Funds Investment Act Compliance Audit
- University Admissions Audit
- Contract Management and Purchasing Audit
- Internal Projects or Investigations
- Update on Audit Plan

### APPROVAL OF ANNUAL AUDIT PLAN

The annual audit plan was approved as presented.

### **BOARD ORDER 19-54**

Upon motion by Regent Mason, seconded by Regent Coleman, with all members voting aye, it was ordered that the following financial affairs items be approved.

### ADOPTION OF THE FISCAL YEAR 2019-20 CAPITAL PLAN BUDGET

WHEREAS, the board members considered the following: The 2019-20 capital plan addresses campus infrastructure, ITS equipment, system and security initiatives, and planned maintenance. The various components of the plan target academic support, student life, safety, and capital renewal.

THEREFORE, the \$6,462,600 fiscal year 2019-20 capital budget was adopted as presented in Appendix 3. Approval was given to project funding as listed, the source of funds as presented, and authorization to sign associated purchase orders and contracts as necessary.

#### **ADOPTION OF THE FISCAL YEAR 2019-20 INSTITUTIONAL BUDGET**

WHEREAS, the board members considered the following: In accordance with Article III of the State of Texas General Appropriations Act for the 2020-2021 biennium, the administration submits the proposed 2019-20 \$274,499,292 fiscal year institutional operating budget. The proposed budget contains salary and other strategic initiatives. A detailed Higher Education Fund (HEF) allocation is included in Appendix 4.

THEREFORE, the 2019-20 annual operating budget that totals \$274,499,292 and the HEF allocation were adopted.

#### **BOARD ORDER 19-55**

Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following financial affairs item be approved.

#### **DUAL CREDIT STUDENT INTERACTIVE VIDEO DISTANCE EDUCATION FEE EXEMPTION**

WHEREAS, the board members considered the following: Students who take high school and university dual credit classes pay distance education fees for web-based online courses. Currently, dual credit students who take interactive video (ITV) classes do not pay the distance education fee. The administration requests approval to exempt dual credit students who take ITV courses from paying the distance education fee.

Dual credit tuition and fee exemptions were approved at the April 24, 2018 meeting.

THEREFORE, the exemption of dual credit students from paying the distance education fee was approved for students who enroll in ITV-delivered university courses.

#### **BOARD ORDER 19-56**

Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following financial affairs item be approved.

#### **UPDATE TO APPROVED FINANCIAL INSTITUTIONS AND BROKERS**

WHEREAS, the board members considered the following: Chapter 2256 of the Texas Government Code known as the Public Funds Investment Act (PFIA), requires a state entity that invests public

funds to obtain governing board approval of qualified financial institutions and brokers. At the January 29, 2019 meeting, the Board of Regents approved qualified financial institutions and brokers to invest university funds that were subject to the Public Funds Investment Act. Subsequent to that approval, the institution sold revenue-financing bonds and received proceeds from the sale. Those proceeds are subject to PFIA requirements.

The administration invested the bond proceeds in an authorized investment pool, and issued a request for proposals (RFP) for comprehensive proceeds' investment. An evaluation committee reviewed the responses and selected firms to invest the funds. Hilltop Securities was selected to invest a portion of the bond proceeds. Hilltop Securities administers an investment pool, LOGIC, that invests public funds in association with the requirements of the PFIA.

The administration wishes to add Hilltop Securities and LOGIC to the list of qualified investment brokers and financial institutions. To expand the list of authorized financial institutions for cash management and/or investment, the administration wishes to include Water Walker Investment and Prosperity Bank.

THEREFORE, Hilltop Securities, LOGIC, Water Walker Investment, and Prosperity Bank were approved as financial institutions for cash placement and/or investment.

#### **BOARD ORDER 19-57**

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

#### **APPROVAL TO INCREASE THE APPLICATION FEE AND PURCHASE CUSTOMER RELATIONSHIP MANAGEMENT SOFTWARE**

WHEREAS, the board members considered the following: The university wishes to purchase a customer relationship management (CRM) software system that will enhance prospective and current student service. Some benefits of the system include student tracking, social media synchronization, dashboard reporting, student applicant follow-up, among others. A CRM system is projected to cost between \$40,000 to \$100,000.

To purchase the system, the administration proposes an increase in the student application fee from \$45 to \$50. The \$5 increase in the fee would impact all undergraduate applicants who pay the application fee, excluding dual credit applicants and applicants who submit an approved application fee waiver. The \$5 increase would generate an approximate annual increase of \$53,060 that would be used to fund the software purchase.

THEREFORE, an increase in the student application fee from \$45 to \$50 was approved; and authority was granted to purchase a CRM software system, using designated funds. The university administration was authorized to sign associated purchase orders and contracts as necessary.

#### **WATERMARK LIVETEXT HOSTED SERVICE FEE**

WHEREAS, the board members considered the following: The James I. Perkins College of Education (PCOE) and the SFA Educator Preparation Program are asking for approval of a one-

time Quality Assurance System Fee (QASF) of \$117 to be paid by students enrolled in academic programs utilizing Watermark LiveText hosted service.

The product LiveText by the company 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 of which is maintained by the 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) Each student with an account completed an average of 11.69 assignments in LiveText.

The Quality Assurance System Fee (QASF) fee amount 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, the Board of Regents approved a one-time Quality Assurance System Fee (QASF) of \$117 fee to be paid by students enrolled in academic programs utilizing Watermark LiveText hosted service to be effective fall 2019.

#### **CHANGES IN COURSE FEES FALL 2019**

WHEREAS, the board members considered the following: Course and lab fees provide instructional departments with funds to support the actual cost of consumable supplies, service and travel related to specific courses. Course and lab fees are allocated to instructional departments for expenditures that are necessary for course delivery.

THEREFORE, the course and lab fee changes as listed in Appendix 5 was approved effective fall 2019.

#### **BOARD ORDER 19-58**

Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following financial affairs item be approved.

#### **UNIVERSITY TRAVEL AND EXPENSE SOFTWARE**

WHEREAS, the board members considered the following: The university currently uses the Ellucian Banner travel software module to process university employee travel. Ellucian has notified the university that the company will no longer support the Banner travel module beginning January 2020. The university would like to acquire a more comprehensive, robust system that provides employee travel enhancement and compliance-related features.

University staff members examined a software product called SAP Concur. The software contains different functional components that streamline travel processing and reporting. The ITS Department examined the proposed software and confirmed it would integrate with our Ellucian Banner system.

The administration wishes to purchase and implement the software and consider additional enhancements after the system is operational. The initial system cost totals \$77,285.54, and includes a basic and ongoing annual cost of \$54,029, and a one-time set up cost of \$23,256.54. This commitment would allow implementation and use for at least one year. Additional features to be considered later include travel budget testing, a mobile app to track mileage, and enhanced compliance monitoring. Additional features have an initial setup cost of \$12,725, with an annual recurring cost of \$31,815.

THEREFORE, approval was given to the purchase of SAP Concur travel expense software at an initial cost of \$77,285.54, including \$54,029 for recurring costs and an initial setup of \$23,256.54. The fund source for the software purchase will be designated funds. Authorization was granted to sign associated purchase orders and contracts as necessary.

#### **BOARD ORDER 19-59**

Upon motion by Regent Mason, seconded by Regent Coleman, with all members voting aye, it was ordered that the following financial affairs items be approved.

#### **INDEFINITE DELIVERY/INDEFINITE QUANTITY ARCHITECT AND ENGINEERING SERVICES CONTRACTS**

WHEREAS, the board members considered the following: The university maintains contractual relationships with several architectural and engineering firms for indefinite delivery/indefinite quantity (IDIQ) design and engineering services. The current contracts expire on October 31, 2019. The university recently issued an IDIQ Request for Qualifications (RFQ) for architectural, design, and engineering services. Firm selection was made pursuant to Government Code 2254.

THEREFORE, the firms listed below were approved for negotiation of a three-year contract with the option to renew for three additional one-year periods. It was also approved to negotiate the fee structure on an annual basis. Authorization was granted to sign associated purchase orders and contracts as necessary.

Kirksey Architects Inc  
Two Fifteen Consulting LLC  
Estes, McClure and Associates Inc  
Goodwin-Lasiter Inc dba Goodwin-Lasiter-Strong  
Campos Engineering Inc

Facility Programming and Consulting  
Ensign Haynes Whaley LLC  
JonesDBR Engineering Company LLC  
Jensen Hughes Inc  
Armko Industries, Inc  
PDG Inc DBA PDG Architects  
KSA Engineers Inc  
Project Control of Texas Inc  
Office of Moran Architects LLC  
Gessner Engineering LLC

#### **BOARD ORDER 19-60**

Upon motion by Regent Mason, seconded by Regent Coleman, with all members voting aye, it was ordered that the following financial affairs items be approved.

#### **STUDENT TUITION AND FEE EXEMPTIONS AND WAIVERS APPROVAL**

Whereas, the board members considered the following: The Texas Education Code (TEC) Chapter 54, subchapter D, authorizes public higher education institutions to exempt and/or waive certain student tuition and fees. Appendix 6 contains a list of certain TEC-authorized tuition and fee exemptions and waivers. The administration requests approval to exempt or waive TEC-authorized student tuition and fees.

Therefore, the university was authorized to exempt or waive TEC-authorized student tuition and fees. Appendix 6 presents current student tuition and fee waivers and exemptions.

#### **BOARD ORDER 19-61**

Upon motion by Regent Mason, seconded by Regent Coleman, with all members voting aye, it was ordered that the following financial affairs items be approved.

#### **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 7.

#### **BOARD ORDER 19-62**

Upon motion by Regent Mason, seconded by Regent Coleman, with all members voting aye, it was ordered that the following financial affairs item be approved.

## APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 1:

- 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

### **BOARD ORDER 19-63**

Upon motion by Regent Gantt, seconded by Regent Alders, with all members voting aye, it was ordered that the following financial affairs item be approved.

### ESTABLISHMENT OF MARILYN CRANFORD QUASI-ENDOWMENT (EXECUTIVE SESSION ITEM)

WHEREAS, the board members considered the following: According to university policy 3.17, Gifts, Loans, Endowments and Bequests, utilization of unrestricted gifts of \$100,000 or more, as well as setting aside certain institutional funds to be maintained as quasi-endowments, shall be as directed by the Board of Regents. The university received an unrestricted gift in the amount of \$1,500,000 in memory of Marilyn Cranford. Before Ms. Cranford's recent passing, she supported the Arthur Temple College of Forestry and Agriculture, specifically to benefit the National Center for Pharmaceutical Crops and forestry programs.

THEREFORE, it was approved that the \$1,500,000 unrestricted funds received be used to establish a quasi-endowment in the name of Marilyn Cranford, and both the generated revenue and principal be used at the discretion of the dean of the Arthur Temple college of Forestry and Agriculture, with the approval of the provost, specifically to benefit the National Center for Pharmaceutical Crops and forestry programs.

### **BOARD ORDER 19-64**

Upon motion by Regent Gantt, seconded by Regent Alders, with all members voting aye, it was ordered that the following executive session item be approved.

WHEREAS, the board members considered the following: The university's accrediting body - the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) - and the Board of Regents Rules and Regulations require that the Board of Regents conduct a self-evaluation of its responsibilities and expectations. This evaluation is to consider the principles of board governance, applicable state law, the Board rules, and the university's mission statement and strategic plan.

THEREFORE, following discussion and evaluation, the Board of Regents adopt the completed self-evaluation as presented in Appendix 8.

## REPORTS

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

- Legislative Session Recap
- Upcoming Events and Dates
- Commencement Changes

Dr. Jeremy Stovall, faculty senate chair, gave a report on the following topics:

- Brief introduction
- Faculty appreciation for recent efforts toward attracting and supporting high quality faculty and staff
- Goals for 2019-20 faculty senate
- Upcoming faculty senate retreat
- Faculty accomplishments since April board meeting

Ms. Scarleth Lopez, SGA president, gave a report on the following topics:

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

Chair Henderson announced the formation of three new board committees:

Intercollegiate Athletic Advisory Committee, chaired by Regent Scott Coleman. Members will be Alton Frailey, Karen Gantt, Bob Garrett, Trey Henderson, Karl Lindekugel, Jason Reese and Scarleth Lopez. This committee will be working with the Director of Intercollegiate Athletics to develop a master plan for athletic facilities.

In accordance with new university policy 16.32, the Juanita Curry Boynton House Committee will be established. It will be chaired by the current board chair. Members will be Damon Derrick, Gina Oglesbee, Jill Still, Ron Watson, Sally Ann Swearingen, and Mickey Bufalini.

A Presidential Transition Committee will be chaired by Nelda Blair. Members will be Brigettee Henderson, Damon Derrick, Jill Still, Steve Bullard, Jeremy Stovall, Hollie Gammel Smith, Craig Turnage, and Scarleth Lopez.

### **BOARD ORDER 19-65**

Alton Frailey, chair of the presidential screening committee, made a motion to name Dr. Scott Gordon as the sole finalist for the position of president of Stephen F. Austin State University. The motion was seconded by Regent Winston and all members voted aye. Dr. Gordon will visit the campus and community, meeting with various constituent groups. The board will meet again after the statute-required 21 days and consider his election to the position.

Regents Alders and Coleman spoke of the board's appreciation to Dr. Steve Westbrook for his leadership as interim president.

The meeting was adjourned by Chair Henderson at 10:46 a.m.

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<b>Policy Name</b>	<b>Policy Number</b>	<b>Page</b>
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STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Academic Freedom and Responsibility

**Policy Number:** 7.3

**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):** This policy outlines academic freedoms and responsibilities.

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

## Academic Freedom and Responsibility

**Original Implementation:** August 1, 2000

**Last Revision:** ~~April 12, 2016~~ July 23, 2019

Institutions of higher education are operated for the common good, requiring an uninhibited search for truth and open expression. Faculty have legally protected rights and privileges. They are free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that they consider relevant. Faculty must be free from the fear that others, inside or outside the university community, may threaten their professional careers or the material benefits accruing from it.

Faculty are entitled to freedom in the classroom to discuss relevant topics. Topics introduced in the classroom should be related to the course subject. Faculty must be free from institutional censorship or retribution when speaking, writing, or acting as a citizen of the nation, state and community, subject to the principles of academic responsibility. Faculty should make it clear that they are not speaking for the institution. Faculty are expected to adhere to principles of academic responsibility.

The principles of academic responsibility include:

1. Faculty must maintain competence in their fields of specialization and professional behavior. Evidence of this competence should be displayed in teaching, scholarship, and service, including on-campus and off-campus contexts.
2. Faculty should be judicious when using controversial material in the classroom and should introduce such material only if it has a clear relationship to the subject field.
3. Faculty should strive to communicate accurately and respectfully; however, faculty who make erroneous or critical statements may still be protected.
4. When speaking or acting as private persons, faculty must avoid creating the impression that they speak or act on behalf of the university.
5. Faculty statements are not protected free speech if they either substantially impede the performance of their daily duties or materially and substantially interfere with the regular operation of the institution.

**Cross Reference:** Faculty Code of Conduct (7.11); Ethics (2.6); Tex. Educ. Code § 51.354(5)

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic 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:** Accessibility of Electronic Information Resources

**Policy Number:** 16.9

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

**Date of last revision, if applicable:** 7/26/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Establishes electronic accessibility guidelines for SFA to meet TAC and ADA requirements.

**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 accuracy, clarity and removal of procedures from policy.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Jared Roten, Electronic Accessibility Coordinator  
Anthony Espinoza, Chief Information Officer  
Dr. Steve Westbrook, Interim President  
Damon Derrick, General Counsel

## Accessibility of Electronic Information Resources

**Original Implementation:** October 18, 2010

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

Stephen F. Austin State University is committed to making electronic information resources accessible to all users. Chapter 213 of the Texas Administrative Code (TAC) establishes standards for electronic and information resources (EIR) including: software applications and operating systems; telecommunication products; video and multimedia products; self-contained closed products; desktop and portable computers; and procurement of these products.

In order for EIR products or service to be considered accessible, the product should offer an alternate format or method for providing information, including product documentation, to people with disabilities. Additionally, it should work with assistive technology commonly used to increase, maintain, or improve functional capabilities for individuals with disabilities.

### Electronic Accessibility Coordinator (EAC)

The university *president or university information resource manager* shall designate an Electronic Accessibility Coordinator to *develop, support, and maintain EIR accessibility rules, standards, and procedures, and monitor policy compliance and* assist university personnel with relevant training information for EIR accessibility. The coordinator will chair the Electronic Accessibility ~~Board~~ Team (EAT) and may be contacted at [accessibility@sfasu.edu](mailto:accessibility@sfasu.edu).

### ~~Electronic Accessibility Board (EAB)~~

~~The EAB is responsible for developing procedures regarding compliance with accessibility standards and this policy. In addition, this board will review all exception requests.~~

### Compliance ~~Exceptions and Exemptions~~

*For compliance review purposes, all EIR vendors/companies must provide accessibility information in accordance with state law.*

~~If a university official believes that achieving compliance with the policy is either not possible, or would impose a significant difficulty or expense, that official should contact the EAC for an Electronic Accessibility Exception Request form.~~

~~Once received, the EAB will review the request and forward it, with recommendations, to the vice president for university affairs. The vice president for university affairs will review and forward the request to the president for a final decision.~~

## **~~Procurement of Electronic and Information Resources~~**

~~All EIR developed, procured or changed through a procured services contract, and all EIR services provided through hosted or managed services contracts, shall comply with Chapters 206 and 213 of the Texas Administrative Code, as applicable, unless an exception is approved by the president, or an exemption has been approved by the Department of Information Resources.~~

~~Departments shall coordinate purchases of EIR with Procurement Services and the EAC. All purchases for EIR shall follow university policy 17.16, Purchase of Electronic and Information Resources.~~

## **~~Web Accessibility and Usability Testing~~**

~~All official and affiliated university Web pages intended for the public *viewing* shall be accessible to, and usable by, all users and compliant with *TAC*~~Texas Administrative Code Section Chapter~~ 206.70, unless an exception is approved by the president, or an exemption has been made.~~

~~Web developers shall follow guidelines established by Cchapter 206 of the *TAC*~~Texas Administrative Code~~, Ssection 508 of the Rehabilitation Act, as amended, to the extent required under law, and criteria established by university procedures to improve the accessibility of all university websites. Website markup should be validated to ensure proper coding and rendering on multiple platforms, browsers, and browser versions. Accessibility issues shall be checked by accessibility websites or software.~~

~~To facilitate compliance, the university EAB recommends that all university Web developers utilize the centrally funded information management tools provided by the university. The university's usability Web site offers guidance on conducting usability tests, and the Web accessibility page provides assistance in accessibility planning.~~

## **~~Web Accessibility Link~~**

~~Each university website that provides entry to members of the public must contain a “Web Accessibility” link to the Electronic Accessibility Site. This site contains the university’s Web accessibility policy and contact information for the university’s EAC.~~

## **~~Suggestions and Concerns~~**

~~Existing website compliance issues can be addressed to the EAC *by sending* .Please send name, contact information, the nature of the accessibility problem, and the website address or specific Web page of concern to [accessibility@sfasu.edu](mailto:accessibility@sfasu.edu).~~

## **~~Grievances~~**

If a user has a complaint about the accessibility of Stephen F. Austin State University websites, or access to other electronic equipment, he/~~or~~—she should notify the EAC at accessibility@sfasu.edu. The EAC, or designee, will contact the complainant regarding the issue and attempt to resolve the complaint. The complainant is expected to cooperate with the ~~EAB~~ EAC and appropriate university personnel in the process of determining a resolution. The EAC will make recommendations to the relevant university departments and officials responsible for making electronic and information resources accessible. ~~This procedure is in addition to any applicable appeal or grievance procedure otherwise available under university policy.~~

### **Additional Information and Resources**

Additional information about accessibility programs in Texas is available from the Governor's Committee on People with Disabilities, *Information Technology Industry Council (ITI)*.

<b><i>EIR Category</i></b>	<b><i>Technical Accessibility Standards</i></b>
<i>Software Applications and Operating Systems</i>	<u><i>1 TAC §213.30</i></u>
<i>Websites</i>	<u><i>1 TAC §206.70 Web Content Accessibility Guidelines (WCAG) 2.0, Level AA</i></u>
<i>Telecommunications Products</i>	<u><i>1 TAC §213.31</i></u>
<i>Video and Multimedia Products</i>	<u><i>1 TAC §213.32</i></u>
<i>Self-Contained, Closed Products</i>	<u><i>1 TAC §213.33</i></u>
<i>Desktop and Portable Computers</i>	<u><i>1 TAC §213.34</i></u>
<i>Functional Performance Criteria</i>	<u><i>1 TAC §213.35</i></u>
<i>Information, Documentation, and Support</i>	<u><i>1 TAC §213.36</i></u>
<i>Compliance Exceptions and Exemptions</i>	<u><i>1 TAC §213.37</i></u>
<i>Procurements</i>	<u><i>1 TAC §213.38</i></u>
<i>Accessibility Training and Technical Assistance</i>	<u><i>1 TAC §213.39</i></u>
<i>Accessibility Survey and Reporting Requirements</i>	<u><i>1 TAC §213.40</i></u>
<i>EIR Accessibility Policy and Coordinator</i>	<u><i>1 TAC §213.41</i></u>

**Cross Reference:** Purchase of Electronic and Information Resources (17.16); University Website (15.10); Web Accessibility Page; 1 Tex. Admin. Code §§ 206.1-.2, .70-.75; 1 Tex. Admin. Code §§ 213.1-.2, .30-.41; Tex. Gov't Code §§ 2054.451-.465; Section 508 of the Rehabilitation Act, as amended, 29 U.S.C. § 794d; 36 C.F.R. 1194

**Responsible for Implementation:** ~~Chief Information Officer~~ Vice President for University Affairs

**Contact for Revision:** Electronic Accessibility Coordinator

**-Forms:** Electronic Accessibility Exception Request Form *Voluntary Product Accessibility Template (VPAT®)*

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Administrative Leave (Faculty and Staff)

**Policy Number:** 12.11

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

**Date of last revision, if applicable:** 7/25/2017

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

**Purpose of Policy (what does it do):** This policy describes administrative leave for both faculty and staff 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:** No substantive changes; only minor revisions were made to leave without pay section

**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

## Administrative Leave (Faculty and Staff)

**Original Implementation:** September 1, 1981

**Last Revision:** ~~July 25, 2017~~ July 23, 2019

### Purpose

This policy describes administrative leave for both faculty and staff employees. It excludes all casual employees and employees who are in positions that require them to be a student as a condition of employment.

### General

The university may grant administrative leave for specific reasons described in the following sections. Each type of leave may have specific documentation requirements that must be completed and/or turned in by the employee prior to approval of the leave request.

### Leave Available for Faculty Employees Only

The university may grant a leave of absence with or without pay to faculty, when departmental needs allow, for the following reasons:

1. To pursue additional education or training for the faculty member in order to strengthen his/her ~~their~~ performance in his/her ~~their~~ position at SFA;
2. To engage in research and writing directly related to responsibilities at SFA;
3. To accept a similar position in a visiting capacity at another institution;
4. To accept a position outside higher education that is directly related to the employee's professional field and has potential for enhancing ~~their~~ his/her future contributions to the university.

Leave may be granted to faculty in good faith that they intend to return to their SFA employment at the end of the leave of absence with the following conditions:

1. Requests for a leave of absence will be directed to the president of the university through administrative channels;
2. No paid or unpaid leave will be approved for more than 12 months;
3. Requests for renewal of leave may be considered when submitted in writing through appropriate administrative channels.

### Leave without Pay for Faculty and Staff Employees

*Leave without pay of less than five (5) working days for faculty and staff may be granted at the discretion of the department subject to approval from human resources.*

The president may grant a leave of absence for five (5) or more consecutive days or multiple intermittent leave without pay to faculty and staff after receiving input from the supervising department regarding

departmental needs and subject to the following provisions:

1. All accumulated paid leave entitlements must be exhausted before granting such leave, with the exception of employees taking leave without pay for disciplinary action, military leave and leave taken under worker's compensation. Sick leave must be exhausted only in those cases where the employee is eligible to take sick leave.
2. Such leaves will be limited in duration to twelve (12) months.
3. The employee must report to the supervisor and human resources if he or she will be unable to return to work at the end of the leave period and must provide an acceptable reason for the delay. Failure to return to work from an approved leave of absence by the intended date and to provide an acceptable reason will be considered job abandonment.

*The appropriate leave without pay form should be submitted for all approval requests.*

### **Administrative Leave with Pay**

As authorized by Texas Government Code 661.911, the administrative head of an agency may grant administrative leave with pay without a deduction in salary as a reward for outstanding performance as documented by employee performance appraisals. Using employee performance appraisals as a basis for doing so, the president may grant administrative leave with pay to staff employed in a position for at least 20 hours per week for a period of at least four and one half months and is not employed in a position for which the employee is required to be a student as a condition of the employment. Full-time staff employees may be granted administrative leave in eight-hour increments and may not exceed 32 hours during a fiscal year. The leave can be reduced proportionately for part-time staff employees.

The president may develop and revise procedures necessary to implement this section in the president's sole discretion, determine the number of hours that will be available in a fiscal year up to the statutory limit of 32 hours, and restrict administrative leave with pay to specific dates or for use throughout the fiscal year.

The two categories of eligibility for administrative leave are as follows:

#### **Category One**

1. The employee must receive a minimum overall rating of "Acceptable" on ~~their~~his/her last annual performance evaluation,
2. The employee must have received no rating below "Acceptable" in any category on ~~their~~his/her last performance evaluation,
3. The employee must have received an "exceeds expectations or exemplary" in at least one category on ~~their~~his/her last performance evaluation, and
4. The employee must not have received any disciplinary action during the last twelve months excluding oral and written reprimands.

#### **Category Two**

1. The employee must have satisfactorily completed ~~their~~his/her most recent performance

- evaluation without negative ratings in any area,
2. The employee must have made a significant contribution to a university initiative, managed a special project or initiative within ~~their~~his/her department and/or demonstrated exceptional performance beyond ~~their~~his/her tenure during ~~their~~his/her probationary period, and
  3. The employee must not have received any disciplinary action during the last twelve months, excluding oral and written reprimands.

Administrative leave with pay is a reward and not an entitlement. Administrative leave is tracked and monitored by the controller's office. The Department of Human Resources maintains procedures to implement administrative leave.

An employee shall not receive payment for administrative leave balances when ~~their~~his/her employment is terminated. Administrative leave balances cannot be transferred to other state agencies.

### **Additional Categories**

**Parental Leave** - Employees who do not qualify for family and medical leave are entitled to parental leave for the birth of a child or the adoption or foster care placement of a child under the age of three. Parental leave cannot exceed 12 weeks. Such parental leave may be taken only for the birth of a natural child or the adoption or foster care placement with the employee of a child under 3 years of age. The leave period begins with the date of birth or the adoption or foster care placement. (See the Family and Medical Leave policy 12.9 for more information.)

**Foster Parent Leave** - An employee, who is a foster parent to a child under the protection of the Department of Family and Protective Services (DFPS), is entitled to a leave of absence with full pay for the purpose of attending meetings held by the DFPS regarding the employee's foster child. In addition, the employee may attend, with a paid leave of absence, the admission, review, and dismissal (ARD) meetings held by a school district regarding the foster child.

**Emergency Leave** - Employees may be granted emergency leave for several reasons.

1. *Bereavement Leave*: Employees will be granted emergency leave for bereavement without a loss in pay when a death occurs in their family. For the purposes of emergency leave due to bereavement, family is defined as the employee's spouse, or the employee's and spouse's parents, children, brothers, sisters, grandparents and grandchildren. The amount of time granted for bereavement leave shall not exceed three days. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, and funeral services. If additional days are needed, a faculty member will be required to use sick leave. Staff employees will be required to use vacation or compensatory time if additional days are needed. Employees who have exhausted all available leave accruals will be required to take leave without pay if extended leave is approved. Requests for bereavement leave should be submitted to the department official who has the authority to approve leave. Requests for bereavement leave for family members, not mentioned above, or for leaves greater than three days are subject to the approval of the director of human resources, the divisional vice president, and the university president. Employees requesting bereavement leave may be required to provide documentary evidence of the relative's death to qualify for paid leave

and attach it to the Bereavement Leave Request form.

2. *Inclement Weather Conditions:* The university president may grant emergency leave in response to inclement weather conditions for the institution as a whole.
3. *Just Cause:* The university president may grant emergency leave for other reasons determined to be for a good cause in good faith that the employee being granted the emergency leave intends to return to ~~the~~his/her position on expiration of the period of emergency leave.
4. *Leave during an Investigation:* The university president may grant emergency leave to an employee who is the subject of an investigation being conducted by SFA or a victim of, or witness to, an act or event that is the subject of an investigation being conducted by SFA.

#### Emergency Leave Reporting Requirements

1. The university is required to report to the state controller's office no later than October 1 of each year, the name and position of each employee granted more than 32 hours of emergency leave during the previous fiscal year along with the reason the leave was granted.
2. The university is required to report to the state auditor's office and Legislative Budget Board the name of each employee given 168 hours or more of emergency leave due to a SFA investigation during each fiscal quarter.

**Educational Activities Leave** - An employee may use up to 8 hours of sick leave each fiscal year to attend educational activities for the employee's children who are in pre-kindergarten through twelfth grade. Educational activities are school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs. Employees must give reasonable notice of intention to use sick leave to attend such activities.

**Jury Duty** - No deduction shall be made from the salary or wages of any employee who is called for jury service. Time allocated to jury duty includes time spent in the jury selection process and serving on a jury during a trial and the sentencing phase of the trial. If an employee is dismissed from jury duty prior to the end of the work day, the employee must return to work or request other appropriate leave for the remaining hours in the workday. Time spent traveling to jury duty location and the workplace shall be considered jury duty.

**Military Leave** -- Employees are eligible for 15 workdays in each federal fiscal year (October 1 through September 30) without loss of pay or benefits to accommodate authorized training or duty for the state's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team. The 15 days of paid leave do not have to be consecutive. If the employee does not use the 15 days of military leave in a federal fiscal year, the employee is entitled to carry the balance forward to the next federal fiscal year, not to exceed 45 workdays.

The university will adjust the work schedule of a member of the Texas National Guard or United States Armed Forces Reserve so that two of the employee's days off each month coincide with two days of military duty. An employee called to active duty during an emergency to serve in reserve component of the Armed Forces under Title 10 or Title 32 of the U.S. Code is entitled to an unpaid leave of absence. The employee may choose, but is not required, to use all or some portion of another form of paid leave before ~~they~~choosing to go on leave without pay while on military leave.

An employee called to state active duty as a member of the state military forces by the governor because of an emergency is entitled to receive emergency leave without loss of military leave or vacation leave. This leave will be provided without a deduction in salary. This time is not limited and does not count against the 15 days maximum military leave per federal fiscal year.

An employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave per calendar year.

A member of the state military forces who is ordered to active state duty by the governor or by other proper authority under the law of this state is entitled to the same benefits and protections provided:

- To persons performing service in the uniformed services in accordance with Title 38 U.S.C. Sections 4301- 4313 and 4316-4319, as that law existed on April 1, 2003; and
- To persons in the military service of the United States in accordance with Title 50 App. U.S.C. Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.

*Military Paid Leave and State Service:* Employees called to active duty during a national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or 32 of the U.S. Code are entitled to state service for longevity purposes, vacation leave accruals, and sick leave accruals while on an unpaid leave of absence. This leave will be accrued but not posted until the employee returns to state employment. In addition, the employee retains ~~their~~his/her leave balances unless the employee chooses to use any accrued leave (vacation or compensatory time) to maintain benefits for the employee or the employee's dependents while on military duty. Additionally, the employee may continue to accrue service credit with ERS by receiving at least one hour of state pay during each month of active military service. The employee may use any combination of paid leave to qualify for state pay.

*Military Differential Pay:* The university shall grant sufficient emergency leave to provide a pay differential if the employee's military gross pay is less than the employee's state gross pay. The combination of gross military pay and emergency leave may not exceed the employee's actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay. The employee should be notified of the university's intent to use emergency leave to supplement ~~their~~his/her military pay to raise it to a rate comparable to the state pay received prior to activation. Only state employees called to active duty in support of a national emergency or Homeland Security mission (under U.S.C. Title 10 or 32) and who's military pay is less than their gross state pay are eligible for differential pay.

Service members involved in routine military training or who are attending military schools are not entitled to this differential pay. If emergency leave is granted to employees activated for military duty, those employees will accrue sick leave and vacation leave, as appropriate, each month they receive pay from the university. The sick and vacation hours will be accrued but not posted until the employee returns to full employment with the university. To determine eligibility, the employee must provide a copy of ~~their~~his/her Military Leave and Earnings Statement each month that emergency leave is going to be granted to look at the total entitlement of military pay received by the service member. The service

member's pay may change during the period of active duty because of a promotion or change in entitlements; any increase in pay may reduce or cease the need for state military differential pay.

***Military Restoration of Employment:*** To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five years after induction, enlistment, or call to duty and must be physically and mentally qualified to perform the duties of the job. If an employee is unable to perform the duties of the previous job due to a service-related disability, the veteran is entitled to be restored to a position that he or she can perform with similar or the nearest possible seniority, status, and pay. Veterans whose employment has been restored may not be dismissed without cause within a year of their reinstatement. Eligible veterans must apply for reinstatement within 90 days after discharge or release from service. The application must be made in writing to the president of the university and must include evidence of discharge under honorable conditions. An individual reemployed is considered to have been on furlough or leave of absence during the time that ~~he/she~~<sup>they</sup> ~~were~~ in military service. As such, the employee may participate in retirement or other benefits to which a state employee is or may be entitled.

***Medical and Mental Health Care Leave for Veterans:*** Veterans receiving health benefits under a program administered by the Veterans Health Administration of the United States are eligible for leave to obtain medical or mental health care administered by Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation. Leave may not exceed 15 days each fiscal year unless the president grants additional leave.

**Certified Red Cross Activities Leave** - Employees who are certified disaster service volunteers of the American Red Cross or are in training to become such a volunteer may be granted a paid leave of absence not to exceed 10 days each fiscal year. The employee must have the approval of his or her supervisor and a formal request from the Red Cross. In addition, the approval of the governor's office is required. An employee on such leave will not lose pay, vacation time, sick leave, earned overtime, and/or compensatory time during this leave. The pool of certified disaster volunteers must not exceed 350 participants at any one time.

**Amateur Radio Operator Leave** -- An employee with an amateur radio station license issued by the Federal Communications Commission will be granted a paid leave of absence not to exceed 10 working days each fiscal year to participate in specialized disaster relief services. An employee on such leave will not lose pay, vacation time, sick leave, overtime leave, or compensatory time. The amateur radio operator leave must be authorized by the employee's supervisor and must have the approval of the governor. The number of amateur radio operators eligible for this leave may not exceed 350 state employees at any one time.

**Volunteer Firefighters/Emergency Medical Services/Search and Rescue Volunteers Training Leave** - Volunteer firefighters~~and~~, emergency medical services volunteers, *and search and rescue volunteers* will be granted a paid leave of absence not to exceed five working days each fiscal year for attending training schools conducted by state agencies *or institutions of higher education*. *Such individuals may also be granted leave without a deduction in salary for the purpose of responding to an emergency fire, medical, or search and rescue situation.*

**Legislative Leave for Peace Officers or Firefighters** - A peace officer is entitled to legislative leave

to serve in, appear before, or petition a governmental body during a regular or legislative session. Legislative leave is not considered a break in service and is treated as any other paid leave.

To be eligible for legislative leave, a peace officer or firefighter must submit a written application to his or her employer on or before the thirtieth day before the employee intends to begin the legislative leave. The application must state the length of requested leave and that the peace officer or firefighter is willing to reimburse the employer for any wages, pension, or other costs the employer will incur as a result of the leave. The length of the requested leave may not exceed the length of the session.

**Assistance Dog Training** - An employee with a disability as defined by Texas Human Resources Code, Section 121.002 shall be granted a paid leave up to 10 working days in a fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be utilized by the employee. This leave is in addition to other leave entitlements.

**Organ or Bone Marrow Donors** - An employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed five working days in a fiscal year to serve as a bone marrow donor or 30 working days in a fiscal year to serve as an organ donor.

**Donation of Blood** - An employee shall be allowed sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee must obtain approval from his/her supervisor prior to taking off. On returning to work, an employee shall provide his/her supervisor with proof that the employee donated blood during the time off. An employee may receive time off not to exceed more than four times in a fiscal year.

**Court Appointed Special Advocate Leave** - An employee who is a Court Appointed Special Advocate (CASA) volunteer is entitled to leave not to exceed five hours each month. Leave is to be used to participate in mandatory CASA training or to perform CASA voluntary services. Employees will not be required to use accrued vacation and sick leave or earned overtime.

**Compliance with a Subpoena** - An employee may not be discharged, disciplined, or penalized for complying with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding. It will be up to the university's discretion in instances of unofficial testimony to decide whether such an absence is considered good cause.

**Time Off to Vote** - Employees will be allowed sufficient time off, without a deduction in pay or accrued leave, to vote in each national, state, or local election if there is not sufficient time to vote outside regular working hours.

**Cross Reference:** Tex. Hum. Res. Code§ 121.002; Tex. Gov't. Code §§ 613.002-.005, 614.003-004, .008, 658.008; 659.005; 661.206, .251-.252, 901(c)-.907, .909-911, .913-.914, .916-924; Tex. Lab. Code § 52.051

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Human Resources

**Forms:** Bereavement Leave Request form; Administrative Leave Request form; Leave without Pay form *for HR Approval, Leave without Pay form for President Approval.*

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Advanced Placement Guidelines

**Policy Number:** 6.5

**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):** This policy outlines the options at SFA for students to earn college credit through placement programs and national examinations.

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

## Advanced Placement Guidelines

**Original Implementation:** September 4, 1979

**Last Revision:** ~~April 12, 2016~~ July 23, 2019

Stephen F. Austin State University (SFA) offers several options for students to earn college credit through placement programs and national examinations: the College Level Examination Program (CLEP), Advanced Placement Program (AP) of the College Board, International Baccalaureate (IB) Program, and SFA internal examinations.

The Office of Admissions is responsible for reviewing these placement programs and national examinations annually, and disseminating information about changes to the appropriate academic units.

To make revisions to course credit earned through AP, CLEP, and IB, academic units will submit recommendations through the dean to the Undergraduate Council's Curriculum Committee. An academic unit proposing a score of more than three (3) on a corresponding AP exam must submit a request to the provost justifying the need for a higher score. A request for a score higher than three (3) must include evidence that a higher score is needed to indicate the student's sufficient preparation for related, more advanced courses for which the lower-division course is a prerequisite.

Individual academic units may initiate an internal advanced placement program (i.e., a system that allows students to bypass certain courses). Academic units will submit requests via a memorandum to offer internal advanced placement programs through the dean of the college to the Undergraduate Council's Curriculum Committee for approval. Academic units will update their advanced placement programs as part of the university's general bulletin revision process.

**Cross Reference:** General Bulletin, Student Handbook and Activities Calendar, Tex. Educ. Code § 51.968

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic Affairs

**Forms:** SFA Advanced Placement Justification

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Assembly and Demonstrations

**Policy Number:** 16.4

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

**Date of last revision, if applicable:** 7/26/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Policy regarding demonstration and assembly procedures on campus grounds.

**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 passage of SB 18 placed a number of requirements on our assemblies and demonstrations policy. Among the biggest changes is that the university can no longer require the submission of a grounds form for employees, students or student groups. The university can require a grounds form for outside groups. The university is also required to declare out outdoor spaces as traditional public forms (they already are, the university just has to explicitly say so). The university also has to establish that individuals who interfere with the “expressive activities” of others may face disciplinary sanctions.

**Specific rationale for deletion of policy:**

*Additional Comments:*

STEPHEN F. AUSTIN  
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Office of the General Counsel

Reviewers:

Lacey Folsom, Interim Assistant Dean for Student Affairs Programs

Dr. Hollie Smith, Interim Dean of Student Affairs

Dr. Adam Peck, Interim Vice President for University Affairs

Damon Derrick, General Counsel

## Assembly and Demonstrations

**Original Implementation:** July 1980

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### I. Introduction

1. *Freedom of expression is of critical importance. It is imperative that public institutions of higher education ensure free, robust, and uninhibited debate and deliberations.* Stephen F. Austin State University (SFA) reaffirms its commitment to the freedoms of speech, expression and assembly by establishing this policy. Individuals have the right to assemble, to speak, and to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.
2. The rules articulated in this policy apply to all students, faculty, staff, and their official organizations, as well as all other persons and groups. Due to practical administrative realities, this policy does not apply to university agents and employees when they are acting in the course and scope of their agency or employment. This exception also includes the official activities of the SFA Alumni Association and the SFASU Foundation.
3. *Common outdoor areas of SFA's campus are deemed traditional public forums. Persons not affiliated with the university are free to express their views orally, by sign or exhibit, on any topic subject to the rules stated in this policy and other applicable SFA policy and procedures.*
4. Students, faculty and staff are free to express their views, individually or in organized groups, orally, by sign or exhibit, on any topic, in all parts of the campus, *subject to the rules stated in this policy and other applicable SFA policy and procedures.* ~~Persons not affiliated with the university are free to express their views orally, by sign or exhibit, on any topic in areas designated for that purpose. These expressions are subject only to rules necessary to preserve equal rights of others and the functions of the university.~~
- 3.5. Teaching, research and other official functions of the university shall have priority in allocating the use of space on campus.

### II. Definitions

1. "Student" shall mean any person registered for academic credit at the university.
2. "Faculty" and "Staff" shall mean any person employed by the university.
3. "Official organization" shall mean any organization recognized by the university.

### III. Rules

These rules shall govern the conduct of all assemblies and demonstrations on university property or at university-sponsored events.

1. Assemblies and demonstrations must be conducted in compliance with these rules, all other applicable university policies, and must not:

- a. result in a breach of peace or violation of law;
  - b. negatively impact the security, health and safety of persons and/or property on campus; interfere with the free and unimpeded flow of pedestrian and vehicular traffic on campus or the entry or exit into university buildings;
  - c. materially *and substantially* disrupt ~~or interfere with~~ the normal activities of the university; *or*
  - d. ~~negatively impact the beauty of~~ *result in damage to* the university's grounds, buildings, and facilities; ~~or~~
  - e. ~~create unnecessary costs and waste university resources.~~
2. No person conducting or participating in an assembly or demonstration on university property or at university-sponsored events may advocate the deliberate violation of the law. For the purposes of this section, "advocate" means speech directed to inciting or producing the audience for imminent action with the likelihood of producing such action, as opposed to the abstract espousal of the moral propriety of a course of action.
  3. Students, faculty, staff and their official organizations may assemble and/or demonstrate, *including to distribute written material*, anywhere on university grounds *without a permit or permission from SFA* between the hours of 8 a.m. and 7 p.m., Monday through Saturday, as long as the assembly and/or demonstration adheres to ~~the provisions of Items 1 and 2 of this subsection and all other applicable university policies and procedures, and a properly submitted SFA Group Grounds Reservation form has been approved.~~
  4. All other persons and groups may assemble and demonstrate in ~~designated common outdoor~~ areas between the hours of 8 a.m. and 7 p.m., Monday through Saturday, as long as the assembly and/or demonstration adheres to ~~the provisions of Items 1 and 2 of this subsection and all applicable university policies and procedures, and a properly submitted Outside Group Grounds Reservation form has been approved.~~
    - a. *Requests by outside groups to reserve campus grounds for an assembly and/or demonstration, including to distribute written material, must be made in writing using the appropriate form. These forms are available in the Office of Student Engagement and on the Student Engagement website. The completed form must be submitted to the assistant dean of student affairs for programs for approval and must be received at least forty-eight (48) hours in advance of the activity. This advance notice allows the university to review whether such assembly or demonstration will be in compliance with these rules and to arrange for adequate security. Any approval or disapproval will be made using only content-neutral and viewpoint-neutral criteria. Each form requires the applicant to provide his/her name, address and phone number, in addition to signing and dating the form.*
    - ~~a.b.~~ *Although a reservation may be requested as many times per year as desired, no single reservation request can exceed five (5) working days. Persons or groups reserving space and not using the space without providing notice may receive a verbal warning for their first offense, a written warning for their second offense*

*and after a third occasion may be restricted from reserving campus grounds for a period not to exceed one year from the date of the last infraction.*

- 4.5. The university may designate certain days in which outdoor spaces may not be reserved. These will include, but are not limited to, commencements, admission office events, Showcase Saturdays or other admission events, final exam week, and new student orientation days. The determination of other days will be made by the assistant dean of student affairs for programs. Appeals may be made to the dean of student affairs.
5. ~~Requests to reserve campus grounds for an assembly and/or demonstration must be made in writing using the appropriate form. These forms are available in the Student Activities office and on the Student Activities website. The completed form must be submitted to the assistant dean of student affairs for programs for approval and must be received at least forty-eight (48) hours in advance of the activity. This advance notice allows the university the opportunity to avoid the problem of simultaneous and/or competing assemblies or demonstrations and to arrange for adequate security. Each form requires the applicant to provide his/her name, address and phone number, in addition to signing and dating the form.~~
6. ~~Although a reservation may be requested as many times per year as desired, no single reservation request can exceed 5 working days. Persons or groups reserving space and not using the space and which results in a violation of subsection 1 above may receive a verbal warning for their first offense, a written warning for their second offense and after a third occasion may be restricted from reserving campus grounds for a period not to exceed one year from the date of the last infraction.~~
6. Persons or groups who violate this policy may, based on the severity of the offense, be restricted from use as long as the assembly and/or demonstration adheres to all applicable university policies and procedures.
7. ~~Persons or groups who violate this policy may, based on the severity of the offense, be restricted from using university facilities or grounds. sing university facilities or grounds.~~ Such restriction will be made by the assistant dean of student affairs for programs and may be appealed to the dean of student affairs.
- 7.8. *Students, official organizations or employees who unduly interfere with the expressive activities of others on campus may be subject to disciplinary action.*

**Cross Reference:** Signs and Exhibits (16.24); Use of Amplified Sound on Campus Grounds (16.31); U.S. Const. amend. I; U.S. Const. amend. XIV, § 1; *Tex. Educ. Code* § 51.9315.

**Responsible for Implementation:** President

**Contact for Revision:** Dean of Student Affairs

**Forms:** SFA Group Grounds Reservation Form; Outside Group Grounds Reservation Form

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Agency Funds

**Policy Number:** 3.1

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** Describes the processes for establishing and administering agency funds held by 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:**

**Specific rationale for each substantive revision:** No substantive revisions; minor wording changes.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Dannette Sales, Controller

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

## Agency Funds

**Original Implementation:** January 20, 1998

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### Purpose

This policy describes the processes for establishing and administering agency funds held by the university.

### Definition

**Agency funds** are funds held by the university as custodian or fiscal agent for the benefit of institutionally associated groups or entities that support or enhance the mission of the university.

### General

Agency funds are deposited with the university for safekeeping *and can be* ~~used or withdrawn~~ by the agency fund's authorized representatives at will. All agency funds must be related to the mission of the university. There should be a mutual benefit in having the university act as fiscal agent for the funds. The university, at its sole discretion, will determine whether or not to establish an agency fund or to terminate an existing agency fund.

Examples of agency funds include but are not limited to:

- Employee, student, or alumni organizations or clubs sanctioned by the university;
- Conferences offered by an outside organization and administered by the university;
- Scholarships and loans where the recipients are chosen by an external agency and the funding is given to the university to distribute.

The university reserves the right to commingle agency funds with university funds, which may be deposited in financial institutions approved by the Board of Regents as university depositories. Agency funds will not earn interest or be assessed administrative fees, except for identifiable bank charges directly related to a specific agency fund. Agency funds deposited in financial institutions will be managed at the same level of safekeeping as university funds. Should authorized representatives of an agency fund wish to conduct an independent audit, they may do so by obtaining their own auditor at their own expense.

The agency fund and its authorized representatives must adhere to applicable federal, state, and local laws. Agency funds are subject to review by university and state officials as well as anyone legally authorized to do so.

### Agency Fund Establishment and Disbursements

A request to establish an agency fund is made using procedural guidelines in the controller's office. Receipts deposited to agency funds are not considered ~~tax-deductible~~ gifts to the university.

Disbursements from an agency fund are guided by procedures established by and published on the controller's website.

### **Negative Balances in Agency Fund Prohibited**

Agency funds ~~established for the benefit of non-university entities~~ are not permitted to carry negative balances. Therefore, the university may assess a \$25 institutional fine each month an agency fund has a negative balance. Requests for a disbursement from an agency fund will not be processed if the agency fund has a negative balance.

### **Transfers**

Transfers between agency funds and other fund groups are prohibited. Agency funds may be assessed charges from another fund through an interdepartmental transfer provided the agency account representatives agree to the assessed charges.

### **Dormant Agency Funds**

Agency funds that have not had any activity in three years will be closed after efforts to contact the agency account representatives have been made. In instances where there is a legitimate claim to an outstanding balance of the agency fund after it has been closed, the agency fund's authorized representative should contact the controller's office to have the university reinstate those funds back into the agency fund and release it to the appropriate representative.

**Cross References:** Establishing a New Departmental Account: Fund–Organization–Program (FOP) (3.12); Purchase Voucher (17.20)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Controller

**Forms:** *Request to Establish an Agency* ~~Establishing a New Departmental Account (Fund–Org–Program) for Non–Grant–Accounts~~; Purchase Voucher; Request for Disbursement from an Agency Fund

**Board Committee Assignment:** Finance and Audit

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Building Design Standards

**Policy Number:** 16.6

**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):**

**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:** Some of the information in this policy is really procedure. In addition, the request to change the name from Building Design Standards to Campus Design Standards is because the policy does not only cover buildings but also site, landscaping, and sidewalks.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Ron Watson, Director of Physical Plant

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

## **BuildingCampus Design Standards**

**Original Implementation:** July 21, 2009

**Last Revision:** ~~April 12, 2016~~ July 23, 2019

### **Purpose**

*This policy provides design and construction teams with general guidance regarding the university's intent to develop a consistent approach to designing and constructing buildings emphasizing the importance of life cycle cost, maintenance reliability, and unified architectural vernacular.*

### **General**

*The university is committed to the highest level of building standards and recognizes that collaboration in design, construction and maintenance is essential to provide the appropriate level of those standards. The Physical Plant Department has the responsibility to oversee and manage design, construction, renovation and landscape projects. Project proposals will be guided by the campus master plan, strategic plan and campus space utilization strategy.*

*Each project's design, materials, and construction shall conform to the most current adopted code editions by the state of Texas, including but not limited to the International Building Codes, Life Safety Codes (adopted by the state fire marshall), National Electric Code, applicable TDLR statutes, ASHRAE (adopted by SECO), US EPA regulations, Americans with Disabilities Act, Texas Accessibility Standards, the Fair Housing Act, Texas Building Energy Code, and all applicable laws of the United State and the state of Texas.*

*SFA Physical Plant Department maintains a set of Design and Building Standards as a guidance for design and construction professionals for all phases of projects. The guidelines serve as a reference and are not intended to replace applicable codes.*

#### ~~1. Statement of purpose~~

~~This standard provides the building designer with general guidance regarding the university's intent to develop a campus of buildings having unified architectural vernacular without restricting building function or efficiency.~~

#### ~~2. Terms followed by an asterisk (\*) appear in Appendix A.~~

#### ~~3. Building planners shall refer to the campus master plan and should be guided by its general intent.~~

#### ~~4. Governing codes and standards shall include current edition(s) of the International Building Code, Life Safety Code, Americans with Disabilities Act, Texas Accessibility Standards, the Fair Housing Act, Texas Building Energy Code, and all applicable laws of the United States and the state of Texas.~~

#### ~~5. Site Standards~~

- ~~I. Buildings shall be setback from streets a sufficient distance to provide transition from city streetscape to campus environment. Building setback dimensions should be governed by the height and mass of the proposed structure and the traffic volume of the adjacent street.~~
- ~~II. Building separation  
Buildings shall be separated by distances governed by the building height and mass; and by the pedestrian load along routes that pass between buildings.~~
- ~~III. Pedestrian malls  
Pedestrian malls should be spacious openings with limited vehicle access.~~
- ~~IV. Sidewalks
 
  - ~~i. Major pedestrian routes should be 8 or more feet wide.~~
  - ~~ii. Secondary pedestrian routes should be 5 feet or more wide.~~
  - ~~iii. Maintenance access walks should be sized to meet the service need but not less than 3 feet wide.~~~~
- ~~V. Site lighting should be provided by campus standard pole lamps\*, typically located 75 feet apart. Individual spacing may vary to avoid conflict with driveways, intersections, and utilities.~~
- ~~VI. Site selection and building placement shall accommodate and prepare for future campus development.~~
- ~~VII. Way finding signs shall conform to Appendix B.~~
- ~~VIII. Building identification signs on the main campus shall conform to Appendix C. The monument shall be cast stone with a cream white finish similar to Indiana limestone. A bronze university seal shall be embedded at monument top. The text field shall be porcelainized steel, white letters on a purple field (CPEC 865-6 Custom Purple). The typeface shall be Univers over Amasis. The designer shall adjust type size and stretch to accommodate building made. Construction and attachment of the text field assembly shall allow the text field to be removed and replaced without modification of the monument.~~
- ~~IX. Building identification signs at remote campus sites shall conform to Appendix C. The monument shall be cast stone with cream white finish similar to Indiana limestone. A bronze university seal shall be embedded at monument top. The designer must proportion the monument to fit the site, road speed, and setback requirements. The text field shall be porcelainized steel, white letters on a purple field (CPEC 865-6 Custom Purple). The typeface shall be Amasis or Univers Bold. The designer shall adjust type size and stretch to accommodate building name and proportions of the monument. Construction and attachment of the text field assembly shall allow the text field to be removed and replaced without modification of the monument.~~
- ~~X. Landscape designers shall refer to the SFA landscape installation maintenance standards which are on file at the Physical Plant Department.~~

# ~~XI.—Roads and bridges~~

~~Campus roads should be lined by concrete curb and gutter. Sidewalks should be separated from road pavements by a grass parkway that should be equal in width to the respective sidewalk.~~

## ~~6.—Architectural Style~~

### ~~I.—Academic buildings shall reflect a stylistic relationship to the university's legacy buildings\*.~~

#### ~~i.—Major buildings\* should express their entrance by use of a podium, monumental stair or canopy.~~

- ~~1.—Pedestrian approach considerations should include one or more covered entrances.~~
- ~~2.—A passenger vehicular approach should be provided with a drop-off point near an entrance.~~
- ~~3.—Service vehicles should have an approach near the building that provides parking for service vehicles.~~
- ~~4.—A dumpster should be located within 50 feet of the building's service entrance. Dumpsters should be screened with brick enclosures.~~

#### ~~ii.—Building height should be limited to 5 floors or 75 feet.~~

#### ~~iii.—Exterior materials palette shall be compatible with the SFA legacy buildings.~~

- ~~1.—Dark brown and brown black brick blends are desirable.~~
- ~~2.—Stone or cast stone selected as a detail shall complement the brick selection.~~
- ~~3.—Standard paint color codes are on file at the Physical Plant Department for most exterior materials~~

#### ~~iv.—Window frames shall be insulated, clear anodized aluminum, bronze anodized aluminum, or white painted aluminum.~~

- ~~1.—Glass shall be fixed, clear, green or bronze double glazing. Reflective finishes should be limited, if not discouraged.~~
- ~~2.—Operable windows are discouraged unless required by code.~~

#### ~~v.—Sloped roofs, if used, shall be architectural standing seam metal with a gray or gray brown color compatible with the brick selection.~~

### ~~II.—Residential halls should reflect a stylistic relationship to Lumberjack Lodge, completed in 2005.~~

#### ~~i.—Building entrance~~

- ~~1.—The building should have one or more entrances with an access control system, protected by a canopy if recessed entrance.~~
- ~~2.—A passenger vehicular approach shall be provided with a drop~~

~~off point near the entrance.~~

~~3. Service vehicles should have an approach that comes near the building and provides parking for service vehicles~~

~~ii. Dumpsters should be located within 50 feet of a secondary building entrance (preferably a service entrance). Dumpster locations should be as discrete as practical and should be screened with brick enclosures but must allow easy access to residents and staff.~~

~~iii. Exterior material palette shall be drawn from the Lumberjack Lodge, completed in 2005.~~

~~1. Brick shall be red and red with black washed blend with stone of east stone detailing.~~

~~2. Roofs shall slope and have architectural standing seam metal roofing with a green or earth green finish.~~

~~3. Window frames shall be insulated, bronze anodized aluminum or bronze painted aluminum.~~

~~a. Glazing shall be double pain clear, bronze or earth green.~~

~~b. Operable window shall be provided in sleeping rooms;~~

~~c. Fixed or operable glazing may be used in common areas.~~

~~III. Auxiliary buildings should reflect an architectural style that relates to the building function, blend with the campus surroundings and when appropriate relate to a legacy style (ref. to paragraph 6.1 above).~~

~~IV. Parking structures~~

~~Parking structures should be constructed of exposed precast concrete with brick accents and detailing as exemplified by the Aikman Garage (2005) with the use of LED lighting.~~

## ~~7. Interior Design~~

~~I. Interior finish and fixture standardization presents a unifying element throughout the university, is more cost effective, efficient and easy to maintain. Overall design should encourage reduction of operating costs by:~~

~~i. utilizing manufacturer standards in lieu of custom solutions when possible.~~

~~ii. working in partnership with university operations and maintenance staff.~~

~~iii. following established SFA interior finish and fixture guidelines which are on file at the Physical Plant Department.~~

~~iv. being compatible with the existing character of the facility in instances of additions or renovations.~~

~~II. The interior design of a facility should:~~

~~i. meet the functional requirements of the intended use.~~

~~ii. be designed for flexibility, life safety and accessibility.~~

~~iii. have superior indoor air quality, proper lighting and acoustics.~~

~~iv. incorporate methods of way finding through the facility, including but~~

- ~~not limited to, the development of an interior signage plan.~~
- ~~III. Any materials selected should take into account:~~
- ~~i. optimum life cycle costs;~~
  - ~~ii. durability and maintainability; and~~
  - ~~iii. a preference for sustainable or “green” principles.~~

**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:** Building and Grounds

**~~Appendix A~~**  
**~~Definitions and~~**  
**~~Terms~~**

**~~Legacy Building~~**—~~Stephen F. Austin Building, 1924; Thomas J. Rusk Building, 1926; Chemistry Building, 1938.~~

**~~Major Building~~**—~~a proposed new building with three or more floors or more than 40,000 square feet.~~

**~~Shall~~**—~~As used in the Building Design Standards, the designer will view the items as a current requirement.~~

**~~Should~~**—~~As used in the Building Design Standards, the designer will view the item as a recommendation.~~

**~~Standard Pole Lamp~~**—~~Holophane, Washington Postlite 76.5 Watt LED, Wadsworth 10' pole on a concrete base.~~

**Appendix B****Exterior Campus Wayfinding  
Signage**

Images below represent existing exterior wayfinding signage on the main campus. Proposed new signs and/or locations require administrative approval and designs should be similar to these. Additional reference data can be found at the Physical Plant Department.



## Appendix C

### Exterior Monumental Signage

Images below represent existing monumental signage on the main campus and at other locations. Proposed new signs and/or locations require administrative approval and designs should be similar to these. Additional reference data can be found at the Physical Plant department.



STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Camps and Conferences

**Policy Number:** 16.7

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

**Date of last revision, if applicable:** 7/26/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Stephen F. Austin State University may host a variety of camps and conferences that make use of university facilities. This policy outlines certain requirements for these events.

**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:** Only minor wording changes.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Nick Stallworth, Interim Director of Student Services  
Adam Peck, Interim Vice President for University Affairs  
Damon Derrick, General Counsel

## Camps and Conferences

**Original Implementation:** 1987

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

Stephen F. Austin State University may host a variety of camps and conferences that make use of university facilities. This policy outlines certain requirements for these events.

### Camps and Conference Policy and Procedure Manual

The university will maintain a manual outlining specific policies and procedures related to requesting, scheduling, producing and paying for camps and conferences. This manual will be available online, available from the Student Services office and provided to each camp or conference director.

### Camps and Conferences Coordinator

As the needs of camps and conferences are varied, the university provides a camps and conferences coordinator to assist with planning. This coordinator is the primary position at the university that assists camps and conference directors *with* arrange event inclusions such as housing, meals, meeting space, insurance and other special needs.

### Eligibility

Any camp or conference requesting use of university facilities must have a university sponsor. It is the responsibility of the university sponsor to ensure that all programs and activities conducted on university property are in compliance with the Americans with Disabilities Act and university policy 13.5 (Campus Programs for Minors).

### Insurance Requirements

As a condition of approval, each camp or conference is required to maintain an acceptable level of general liability and accident medical insurance coverage as outlined in the camps and conferences policy and procedure manual.

**Cross Reference:** ~~None~~ *Campus Programs for Minors (13.5)*

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Director of Student Services

**Forms:** Camps and Conferences Policy and Procedure Manual

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Children in the Workplace

**Policy Number:** 13.15

**Is this policy new, being reviewed/revised, or deleted?**    New

**Date of last revision, if applicable:**

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

**Purpose of Policy (what does it do):** The purpose of this policy, which applies to all Stephen F. Austin State University (SFA) employees, is to support the university's commitment to fostering a healthy balance between workplace obligations and family.

**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:** Clarification was needed to prevent disruption to the work environment.

**Specific rationale for each substantive revision:**

**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

## Children in the Workplace

**Original Implementation:** July 23, 2019

**Last Revision:** None

### Purpose

The purpose of this policy, which applies to all Stephen F. Austin State University (SFA) employees, is to support the university's commitment to fostering a healthy balance between workplace obligations and family. The university welcomes young children and families to the campus while at the same time providing guidelines to protect the safety of children in the workplace and to maintain a professional workplace environment.

This policy is not intended to apply to situations including, but not limited to, children utilizing facilities that are open to the public and whose age is appropriate for them to be unsupervised; children attending special occasions that are employer-sponsored, scheduled during the regular work day and where attendance by children is encouraged; or children accompanying a parent or guardian during hours other than the official university hours as defined by university policy.

### Definitions

**Minor child** is defined as any individual under the age of 13.

**Caregiver** is defined as a family member or friend who looks after a minor child in the stead of a parent.

### General

SFA understands that visits by children in the care of its employees occur for a variety of reasons, however, the following principles apply:

1. Minor children remain the sole responsibility of the SFA employee that is the child's parent or caregiver including the supervision of the child while the child is on campus. No other SFA employee should be asked or expected to supervise a child while the employee is on university time.
2. The presence of the minor child cannot disrupt the workplace.
3. Minor children not participating in SFA sponsored activities are prohibited from areas where significant potential safety hazards or liabilities exist and where strict safety precautions are required. These areas might include, but are not limited to, storage rooms, equipment rooms, and certain athletic facilities such as training rooms, courts, fountains, swimming pools, playing fields, and laboratories.
4. Employees may not bring minor children to campus as a substitute for regular childcare.

**Failure to Comply**

The employee's supervisor may ask the employee to remove the minor child from the workplace. Continuous failure to comply with this policy could result in disciplinary action up to and including termination of employment. Disciplinary action will be in accordance with Policy 7.11, Faculty Code of Conduct, or Policy 11.4, Discipline and Discharge.

**Cross Reference:** Faculty Code of Conduct (7.11); Discipline and Discharge (11.4); Working Hours and Holidays (12.24)

**Responsible for Implementation:** Vice President of Finance and Administration

**Contact for Revision:** Director of Human Resources

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Class Meeting Times

**Policy Number:** 4.12

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

**Date of last revision, if applicable:** 11/2/2015

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

**Purpose of Policy (what does it do):** Governs class scheduling for all academic sessions.

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

## Class Meeting Times

**Original Implementation:** Unpublished

**Last Revision:** ~~November 2, 2015~~ July 23, 2019

This policy governs class scheduling for all academic sessions. Standard scheduling times for classes (course sections) provide students with maximum scheduling flexibility, allow academic units to meet unique needs, and efficiently utilize instructional space. Courses exempt from standard class meeting times are:

- (1) specialized programs (e.g., non-university credit training sessions, workshops, conference courses, certificate programs, grant-related courses, and off-campus courses) that do not conflict with the use of campus space;
- (2) distance learning courses;
- (3) ~~500 and 600-level courses~~ ~~graduate classes~~ that begin at 4:00 p.m. or later ~~(i.e., 500 and 600-level courses)~~;
- (4) ~~upper-level (i.e., 300 and 400-level) non-lecture classes; , such as laboratory, field-based, clinical, student teaching, studio, and performance classes that meet one or more days per week for extended periods of time.~~
- (5) *non-lecture evening classes; and*
- (6) *classes meeting at remote locations.*

*Variations to this policy must be approved in writing by the requesting academic unit's dean and the provost and vice president for academic affairs.*

### **Fall and Spring Terms:**

#### ***Day Classes***

~~Day classes~~ (course sections starting between 7:00 a.m. and 3:30 p.m.) offered on the main campus of Stephen F. Austin State University (SFA) on a Monday, Wednesday, and/or Friday schedule must abide by the following guidelines:

- Lecture classes that have start times between 7:00 a.m. and 12:00 noon (inclusive) begin on the hour and have a 50-minute maximum meeting time each day.
- Lecture classes that run for more than 50 minutes cannot begin before 1:00 p.m.
- 100 and 200-level non-lecture classes ~~(such as laboratory, studio, and performance classes)~~ that meet one or more days per week for extended periods of time must start on the hour and no single section class of this type can have a start time before 1:00 p.m.

Classes offered on Tuesday and/or Thursday schedule must abide by the following guidelines:

- Lecture classes begin at 8:00 a.m., 9:30 a.m., or 11:00 a.m. and have a 75-minute maximum meeting time each day.
- Lecture classes that run for more than 75 minutes cannot begin before 12:30 p.m.

- Non-lecture classes (~~such as laboratory, studio, and performance classes~~) that meet one or more days per week for extended periods of time must start at 12:30 p.m., 2:00 p.m. or 3:30 p.m. No single section class of this type can have a start time before 12:30 p.m.

### ***Evening Classes (***

~~Courses~~Evening classes offered on the main campus of SFA *that* start at or after 4:00 p.m.)

-Academic units should coordinate the scheduling of evening classes to allow students to take two classes on the same night.

- Three-hour lecture classes that meet one night per week are scheduled at 4:00 p.m. - 6:30 p.m. and/or 6:45 p.m. - 9:15 p.m.
- One and two-hour lecture classes that meet one night per week cannot overlap with class sessions in Table 1.

~~Non lecture evening classes (such as laboratory, studio, and performance classes) may be exceptions to this policy.~~

~~Classes meeting at remote locations should be scheduled at times that meet the requirements of the locations and the needs of the students.~~

~~Variations to this policy must be approved by the requesting academic unit's dean and the provost and vice president for academic affairs.~~

**Maymester:** Each three-credit hour class meets for three hours and 15 minutes each day for 11 days, Monday through Friday plus the final examination (see Table 2).

**Summer Terms:** Each three-credit hour class meets for one hour and 55 minutes each day, Monday through Thursday for 5 weeks plus the final examination (see Table 3).

<b>Table 1. Standard Day Meeting Times Fall and Spring Terms</b>	
MWF 07:00 – 07:50 a.m.	TR 08:00 – 09:15 a.m.
MWF 08:00 – 08:50 a.m.	TR 09:30 – 10:45 a.m.
MWF 09:00 – 09:50 a.m.	TR 11:00 – 12:15 p.m.
MWF 10:00 – 10:50 a.m.	TR 12:30 – 01:45 p.m.
MWF 11:00 – 11:50 a.m.	TR 02:00 – 03:15 p.m.
MWF 12:00 – 12:50 p.m.	TR 03:30 – 04:45 p.m.
MWF 01:00 – 01:50 p.m.	TR 05:00 – 06:15 p.m.
MWF 02:00 – 02:50 p.m.	TR 06:30 – 07:45 p.m.
MWF 03:00 – 03:50 p.m.	TR 08:00 – 09:15 p.m.
MWF 04:00 – 04:50 p.m.	
MWF 05:00 – 05:50 p.m.	
MWF 06:00 – 06:50 p.m.	
MWF 07:00 – 07:50 p.m.	
MWF 08:00 – 08:50 p.m.	

MW 01:00 – 02:15 p.m.	
MW 02:30 – 03:45 p.m.	
MW 04:00 – 05:15 p.m.	
MW 05:30 – 06:45 p.m.	
MW 07:00 – 07:15 p.m.	
MW 07:30 – 08:45 p.m.	
MW 08:30 – 09:45 p.m.	

<b>Table 2. Standard Meeting Times for Maymester</b>
MTWRF 08:00 – 11:15 a.m.
MTWRF 11:30 – 02:45 p.m.
MTWRF 03:00 – 06:15 p.m.
MTWRF 05:00 – 08:15 p.m.

<b>Table 3. Standard Meeting Times for Summer</b>
MWTR 08:00 – 09:55 a.m.
MWTR 10:15 – 12:10 p.m.
MTWR 12:30 – 02:25 p.m.
MTWR 02:45 – 04:40 p.m.
MTWR 05:00 – 06:55 p.m.
MTWR 07:15 – 09:10 p.m.

**Cross Reference:** Credit and Contact Hours (5.4)

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic Affairs

**Forms:** None

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Compensation from Grants, Contracts and Other Sponsored Agreements

**Policy Number:** 12.1

**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):** This policy establishes guidelines for compensation paid to faculty and professional (exempt) staff from grants, contracts, and other sponsored agreements (grants) that are consistent with federal and state laws, rules and regulations and university policies and procedures.

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

## Compensation from Grants, Contracts and Other Sponsored Agreements

**Original Implementation:** April 17, 2012

**Last Revision:** ~~July 28, 2015~~ July 23, 2019

This policy establishes guidelines for compensation paid to faculty and professional (exempt) staff from grants, contracts, and other sponsored agreements (grants) that are consistent with federal and state laws, rules and regulations and university policies and procedures.

If permitted by a specific grant *and university policy*, ~~faculty and/or staff~~ *an employee* may receive compensation for personal services directly related to the grant in the form of direct salary or additional compensation. The form and amount of compensation depends upon:

- the workload status of the employee (part-time or full-time);
- the type of work being performed;
- *the* employee status (exempt/non-exempt, faculty/staff); and
- *the timing of* ~~time the~~ work is performed (for example, weekends, after normal work hours, and summer months).

### Direct Salary

Compensation from grants is normally paid as a portion of the institutional base salary (IBS) for actual work performed on the grant from which the salary is paid. Compensated services must be performed during the project period and are captured in effort certification reporting as part of the individual's IBS. Compensation from grants can never exceed the individual's normal IBS rate of pay (2 CFR 200.430).

1. Exempt and non-exempt staff – A portion of an individual's IBS may be paid from one or more grants proportional to the effort expended on each grant agreement during the term the work is performed. Individuals paid 100% from grant funds cannot perform any institutional functions outside of their grant-related job duties. See Effort Reporting and Certification of Sponsored Activities policy (8.1).
2. Full-time Faculty - A full-time faculty member's salary may be paid from one or more grants proportional to the effort expended on each grant agreement during the academic term such work is performed. This reassigned time releases the faculty member from teaching and/or research/scholarly/creative and service activities proportional to the level of effort on the grant.

For a full-time nine-month assignment (~~24 Teaching Load Credits, TLC~~), the equivalent

of 20% effort over the term is normally devoted to research/scholarly/creative and service activities. Therefore, for purposes of compensation from grants, paid or cost-shared, a normal three-credit hour course is equivalent to 20% effort (or 0.20 FTE) and non-instructional activities are equivalent to 5% effort (or 0.05 FTE).

3. Faculty Summer Assignments - If a faculty member's teaching workload is less than 100% ~~(6-TLC)~~ during a summer part of term, the faculty member may also be paid from one or more grants proportional to the effort expended, subject to the summer salary calculations outlined in Salary Supplements, Stipends and Additional Compensation policy (12.16). *Faculty can earn no more than their prorated 9-month salary during the summer terms based on the combined grant salary and teaching workload assignment.*

For purposes of compensation from grants (paid or cost-shared), a normal three-credit hour course in a summer part of term is equivalent to 50% effort (or 0.50 FTE) for the summer part of term.

Grant funds cannot be used during the summer months to pay for work performed during the academic year, and cannot be used to supplement institutional compensation that may be paid at a lower rate than the individual's IBS.

### **Additional Compensation**

Additional compensation, or extra service pay, refers to salary paid in excess of the ~~institutional base salary (IBS)~~ for work that is clearly in addition to regularly assigned or contracted duties.

- To ensure equitable and consistent application of SFA's faculty workload policy, these guidelines apply to all sponsored project agreements regardless of the source of funding (federal, state, local government, and/or private entities).
- General requirements for payment of additional compensation are detailed in Salary Supplements, Stipends and Additional Compensation policy (12.16).
- *Principal Investigators/Project Directors (PI/PD) are not eligible to receive additional compensation from their own projects.*
- Non-exempt staff members are not eligible for additional compensation from grants and must be paid overtime at the appropriate rate of pay.
- Additional compensation is accounted for separately and is not captured in effort certification and reporting procedures. See the Effort Reporting and Certification for Sponsored Activities policy (8.1).
- The rate of pay shall not exceed the hourly equivalent of the individual's regular ~~institutional base rate of pay (IBS)~~. This rate is calculated using a monthly basis of 173.33 hours.

Exempt, full-time staff members may be eligible to receive additional compensation for incidental activities (task assignments) if the grant-related activities are (1) clearly unrelated to their current duties as demonstrated by the employee's job description or other documentation; and (2) are performed outside of the employee's regular work hours.

Incidental activities (task assignments) should be based on completion of an assignment or task and ~~are~~is restricted to one-time services or jobs with a time commitment of one month or less.

Full-time faculty members may be eligible to receive additional compensation if the grant-related activities are for (1) intra-university consulting or for (2) incidental activities if it can be clearly demonstrated that the work is in addition to the duties detailed in the appointment contract and Faculty Workload policy 7.13 that serve as a basis for IBS.

1. Intra-university Consulting - Normally, intra-university consulting is considered to be a professional courtesy or normal university faculty obligation for which extra compensation is not paid. However, under unusual circumstances, additional compensation may be paid if all of the following conditions are met: (a) for faculty working across departmental lines or at a separate or remote location, such as outside of the Nacogdoches area; and (b) the services to be provided are essential and cannot be provided by persons receiving salary support from the sponsored agreement, or otherwise compensated for their services by the university.
2. Incidental Activities (task assignments) - If it can be demonstrated that it is crucial to the success of the project, faculty members may be paid from grants for incidental activities. Incidental activities should be based on completion of an assignment or task and ~~are~~is restricted to one-time services or jobs with a time commitment of one month or less.

### Specific Requirements

For sponsors that allow additional compensation to be paid in the form of intra-university consulting or incidental activities, the sponsor must be informed of the intent to charge salary as additional compensation, preferably in the original budget proposal. The budget and/or project narrative of the grant or contract should clearly state:

- that additional compensation above ~~institutional base pay~~IBS will be paid

- to university employees;
- the name or position of the individuals who will be receiving the additional compensation; and
- the work and services to be performed by these individuals.

*In addition,* ~~t~~The amount of the additional compensation should be segregated from regular salary expenses and the budget justification should clearly indicate:

- the total dollar amount of additional compensation requested;
- the percent of additional effort committed to the project, or the hourly rate and number of hours committed to the project; and
- *the* appropriate fringe benefits.

The award document from the sponsoring agency must state that additional compensation is allowed, or the document must imply that the sponsor accepts the proposal with no alterations regarding the request for additional compensation.

Since fixed amount awards are performance based and generally do not require a sponsor-approved budget detail, additional compensation from these projects requires adequate justification from the employee's supervisor. Such requests should be included in the internal budget submitted as part of the proposal clearance process.

### Responsibility for Compliance

1. Individuals requesting additional compensation are required to certify that they meet the eligibility requirements by signing the ~~ORSP-ORGS~~ Additional Compensation Verification form. They also must provide assurance to their immediate supervisor that the work to be performed will not interfere with performance of regular responsibilities.
2. Principal Investigators (PI)/Project Directors (PD) are responsible for assessing and determining if additional compensation is appropriate, is allowed by the sponsor, and follows university policies and procedures. The PI/PD is responsible for initiating internal forms for employee eligibility certification, institutional approval, and payment. PIs/PDs are not eligible to receive additional compensation from their own projects.
3. Department Chairs/Division Directors/Deans are responsible for carefully analyzing the total university commitments of the employee who requests additional compensation from grants to confirm that the work is outside of the employee's contractual obligations to the university. The dean routes the ~~HR~~ Authorization for Additional Compensation Services form to ~~ORSP along with~~ and -the ~~ORSP-ORGS~~

Additional Compensation Verification form *to ORGS* to verify eligibility and sponsor approval.

4. Office of Research and ~~Sponsored Programs~~ Graduate Studies is responsible for verifying ~~sponsor for~~ additional compensation approval *with the sponsor*, either in the form of an approved grant application as submitted, or in the language of the grant, by approved amendment, or from subsequent written correspondence from the sponsor's contracting official.
5. Human Resources is responsible for confirming that the individual has not exceeded the maximum additional compensation limits as outlined in the Salary Supplements, Stipend, and Additional Compensation policy (12.16) and that the IBS rate of pay has not been exceeded.

#### Remedies for Non-Compliance

In the event that repayment of additional compensation paid from grant funds is required by a sponsoring agency, auditor, or other authorized entity, the academic unit with managerial oversight of the sponsored agreement in question is responsible for repayment using departmental or college resources. This includes instances where administrative and/or sponsor approvals were not obtained in advance.

**Cross Reference:** 2 C.F.R. § 200.430; Uniform Grant Management Standards for Texas, UGMS; Distance Education Faculty Competencies and Compensation (7.9); Effort Reporting and Certification for Sponsored Activities (8.1); Faculty Workload (7.13); Outside Employment (11.19); Off-campus Credit Courses (5.13); Grants and Contracts Administration (8.3); Faculty Compensation (12.6); Summer Teaching Appointments (7.28); Salary Supplements, Stipends and Additional Compensation (12.16) .

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact For Revision:** ~~Director~~Dean, Office of Research and ~~Sponsored Programs~~ Graduate Studies

**Forms:** Authorization for Additional Compensation Services and Authorization for Additional Compensation Payment (Human Resources website); Additional Compensation Verification (~~ORSP~~-*ORGS* website).

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Compliance

**Policy Number:** 2.12

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

**Date of last revision, if applicable:** 7/26/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Policy creates and implements the university's compliance program.

**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 change.

**Specific rationale for deletion of policy:**

*Additional Comments:*

**Reviewers:**

Gina Oglesbee, Chief Audit Executive  
Damon Derrick, General Counsel

## Compliance

**Original Implementation:** July 26, 2016

**Last Revision:** ~~None~~ July 23, 2019

### INTRODUCTION

This policy sets forth the rules governing the creation, implementation, and periodic evaluation of an institutional compliance program for the university. The program is designed to provide a framework for promoting an organizational culture that: (1) promotes a commitment to ensure the highest level of compliance with all applicable laws and regulations, institutional policies, procedures and other rules governing higher education, including research and health care to the extent applicable and (2) prevents and detects criminal conduct or other conduct inconsistent with an effective compliance program.

### DEFINITIONS

- A. University - Stephen F. Austin State University (SFA) and all of its components, regardless of the source of funding.
- B. Employee - All persons receiving compensation from the university, including faculty, staff, and students. The term also includes any volunteer who provides services to the university through an official arrangement with the university or a university organization.
- C. Substantial authority personnel - high-level personnel or individuals who exercise substantial discretion when acting within the scope of their authority.

### COMMITTEES

SFA utilizes two committees: Executive Oversight Compliance Committee and Compliance Coordinating Committee.

### EXECUTIVE OVERSIGHT COMPLIANCE COMMITTEE

The Executive Oversight Compliance Committee's primary function is to direct policy and instill the importance of compliance in the university community. This committee monitors progress on key compliance initiatives, reviews updates on compliance developments and best practices, and allocates resources as necessary to achieve the compliance program goals. Its members consist of:

1. President
2. Provost & Vice President for Academic Affairs
3. Vice President for University Affairs
4. Vice President for Finance and Administration
5. Vice President for University Advancement
- ~~6. Associate Provost~~
7. Chief Audit Executive (advisory)
- ~~8.~~ 7. General Counsel

In exercising its overall responsibility for the university's compliance program, the Executive Oversight Compliance Committee shall be regularly briefed by the chair of the Compliance Coordinating Committee about the content and operation of the program, and also when criminal conduct is discovered.

The Executive Oversight Compliance Committee shall take reasonable steps to:

1. Not include within the substantial authority any individual who has engaged in illegal activities or other conduct inconsistent with an effective compliance program.
2. Communicate periodically and in a practical manner the standards and procedures of the compliance program by conducting effective training programs and otherwise disseminating information appropriate to the respective roles and responsibilities of the entire university community involved in the compliance program. Such training may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.
3. Ensure that the compliance program is followed including monitoring and auditing to detect illegal activities or other conduct inconsistent with an effective compliance program.
4. Have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby university employees and agents may report or seek guidance regarding potential or actual criminal conduct or other conduct inconsistent with an effective compliance program without fear of retaliation.
5. Consistently promote and enforce the compliance program throughout the university through appropriate incentives for performing in accordance with the program, and appropriate disciplinary measures for engaging in criminal conduct or other conduct inconsistent with an effective compliance program and for failing to take reasonable steps to prevent or detect such conduct.
6. Respond appropriately after criminal conduct or other conduct inconsistent with an effective compliance program has been detected, including making any necessary modifications to the compliance program to prevent further similar conduct.
7. Assess the risk of criminal conduct or other conduct inconsistent with an effective compliance program and take appropriate action to design, implement, or modify the program to reduce the risk of such conduct identified through this process at least annually.

## COMPLIANCE COORDINATING COMMITTEE

The Compliance Coordinating Committee's primary function is to oversee the implementation of the compliance program throughout the university. This committee disseminates information about compliance updates and activities to the responsible parties and keeps those individuals updated on any changes in laws or regulations and makes recommendations to the Executive Oversight Compliance Committee. Its members consist of:

1. General Counsel (Chair)
2. Chief Audit Executive (Advisory)
3. Assistant General Counsel
- 3.4. *Audit and Legal Support Specialist*
- 4.5. Athletic Director

- 5.6. Controller
- 6.7. Director of Procurement and Property Services
- 7.8. Director of Human Resources
- 8.9. Chief Information Officer
- 9.10. ~~Director of Research and Sponsored Programs~~ *Compliance Coordinator - Research*
- 10.11. Director of Environmental Health, Safety, and Risk Management
- 11.12. Chief of Police
- 12.13. Executive Director of Development
- 13.14. Director of Financial Aid
- 14.15. Executive Director of Enrollment Management
- 15.16. Chair of the Academic Affairs Policy Committee
- 16.17. *Assistant Dean of Student Affairs*
- 17.18. Chair of the Chairs Forum
- 18.19. Registrar

The Compliance Coordinating Committee shall be provided adequate resources and appropriate authority to carry out its duties and responsibilities.

- A. The General Counsel shall chair the Compliance Coordinating Committee and shall regularly brief the Executive Oversight Compliance Committee and the Board of Regents about the content and operation of the university's compliance program, and also when criminal conduct is discovered.
- B. The Compliance Coordinating Committee will utilize a Compliance Matrix to assist the responsible committee members in carrying out their duties. The matrix is designed to further the coordination and documentation efforts of existing and ongoing compliance initiatives and is broken down into different compliance areas assigned to the committee member responsible for ensuring compliance, representative issues associated with the compliance area as well as the applicable laws.
- C. Compliance Calendars will be generated by the Compliance Coordinating Committee and distributed to the committee members. The calendars will aid in tracking the myriad reporting requirements and due dates
- D. The Compliance Coordinating Committee, through its members, shall assist the Executive Oversight Compliance Committee in training the university community which may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.
- E. The Compliance Coordinating Committee is also responsible for creating and maintaining a compliance web page on the university's website. At a minimum the web page will include the Compliance Matrix, Compliance Calendars, Compliance Coordinating Committee members, and instructions on how to anonymously and confidentially report suspected fraud or other criminal conduct or conduct inconsistent with an effective compliance program without fear of retaliation.
- F. The Compliance Coordinating Committee is responsible for implementing and operating a risk-based process that:
  - 1. builds compliance consciousness into daily business processes,
  - 2. monitors the effectiveness of the processes, and
  - 3. communicates instances of non-compliance to appropriate administrative officers for action.

## **DEPARTMENT HEAD RESPONSIBILITY**

The department head of each operating unit within the university is responsible and shall be held accountable for compliance and compliance-related activities in their respective units. The department head shall maintain documented procedures and records for their activities and areas of responsibility.

## **PRESIDENT RESPONSIBILITY**

The president is responsible and shall be held accountable for:

1. the sufficiency of resources allocated to compliance activities, and
2. the appropriateness of corrective and disciplinary action taken in the event of noncompliance.

## **AUDIT SERVICES RESPONSIBILITY**

Audit Services may provide advisory or audit services, as necessary and appropriate, to the compliance operations. The chief audit executive is responsible and shall be held accountable for:

1. independently evaluating the design and effectiveness of the various compliance functions as included on the annual audit plan,
2. making recommendations for improvements, as necessary and appropriate, and
3. reporting recommendations to the Board of Regents Finance and Audit Committee and the president.

## **EMPLOYEE RESPONSIBILITY**

Each employee of the university shall be responsible for establishing an organizational culture that encourages compliance with its legal obligations, complying with all applicable federal and state laws *and university policies and procedures*, meeting and complying with any reporting requirements required by law, and complying with the mandates and standards in this policy.

## **REPORTING STRUCTURE**

The reporting obligations set forth below are to fulfill the purposes of this policy, to enable the university to do a risk assessment to determine if additional resources should be allocated, and to assist the university to respond as needed. These requirements do not replace, change or modify applicable reporting requirements or any other action required of the university under federal or state laws or regulations.

The general counsel and chief audit executive shall report to the Executive Oversight Compliance Committee the workings of the Compliance Coordinating Committee, including agenda items, member concerns, and recommended changes in policies or procedures.

The chair of the Compliance Coordinating Committee shall promptly report to the Executive Oversight Compliance Committee any suspected compliance violation that has caused or poses an imminent risk of injury or harm to persons, property or the surrounding community, or reputational harm, as soon as possible after discovering or receiving the report of the suspected violation.

The general counsel and chief audit executive are responsible to:

1. conduct a compliance program investigation or monitor the investigation conducted by an appropriate operating unit of the suspected violation(s), and
2. as appropriate, make findings and recommendations to the chair of the Board of Regents, chair of the Finance and Audit Committee, and the president.

**Cross Reference:** U.S. Federal Sentencing Guidelines; Fraud (2.7)

**Responsible for Implementation:** President

**Contact for Revision:** General Counsel

**Forms:** None

**Board Committee Assignment:** Finance and Audit

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Compliance with the Americans with Disabilities Act and the ADA Amendments Act

**Policy Number:** 2.5

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

**Date of last revision, if applicable:** 7/26/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Outlines university intent to comply with federal laws protecting the rights of persons with disabilities and the measures taken to prohibit discrimination.

**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. Addition of vice president for university affairs as responsible for policy implementation as the ADA coordinator reports to that vice president.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Tiffany Rivers, ADA Coordinator  
Dr. Adam Peck, Interim Vice President for University Affairs  
Dr. Steve Westbrook, Interim President  
Damon Derrick, General Counsel

## Compliance with the Americans with Disabilities Act and the ADA Amendments Act

**Original Implementation:** October 19, 1993

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

The Americans with Disabilities Act and ADA Amendments Act of 2008 acknowledge the findings of congress that millions of Americans have one or more physical or mental disabilities. The legislation provides a comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

It is the intent of the Board of Regents of Stephen F. Austin State University to comply with both the letter and the spirit of the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA), as well as the Rehabilitation Act of 1973 and other laws protecting the rights of persons with disabilities. Compliance measures should address the necessity to provide opportunities to qualified persons with disabilities in employment and in access to education, where this will not pose an undue burden or fundamentally alter the programs of the institution. The board recognizes that compliance with the ADA and ADAAA requires increased awareness of all university employees and a commitment of institutional resources. Further, it is the intent of the board to continue this institution's strong commitment to meeting the special needs of individuals with disabilities, and that this commitment remain an integral part of the educational mission and service component of Stephen F. Austin State University.

It is the intent of this institution that ADA compliance measures shall include the following:

- Diligently pursue the identification and elimination of physical, communication and attitudinal barriers to activities, programs, or services operated or sponsored by the institution, including employment, academic criteria, student and public services, and facilities.
- Implement procedures for raising awareness of the requirements of the ADA throughout the institution;
- Provide coordinated and timely response to requests from individuals with disabilities;
- Create a task force to support the efforts of an ADA coordinator and ensure continued sensitivity to special needs of individuals with disabilities.

University policy prohibits unlawful discrimination on the basis of race, color, religion, sex, age, national origin, disability, genetic information, citizenship, and veteran status. Additionally, the university prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression.

**Definition:**

Discrimination on the basis of disability includes:

- to limit, segregate, or classify a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's disability;
- to participate in a contract which could subject an applicant or employee with a disability to discrimination;
- to use any standards, criteria or method of administration which could have the effect of discriminating on the basis of disability;
- to deny equal jobs or benefits because of a disability;
- to fail to make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;
- to use selection criteria which exclude ~~disabled persons~~ *individuals with disabilities* unless the criteria are job related and consistent with business necessity; and
- to fail to use employment tests in a manner that ensures that the test results accurately reflect the applicants or employee's skills or aptitude for a particular job.

**Cross Reference:** Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101- 12213 (2000); ADA Amendments Act of 2008, Pub. L. 110-325; Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355

**Responsible for Implementation:** ~~President~~ *Vice President for University Affairs*

**Contact for Revision:** ADA Coordinator

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Comprehensive Scholarship Administration

**Policy Number:** 3.31

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

**Date of last revision, if applicable:** 11/2/2015

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

**Purpose of Policy (what does it do):** This policy outlines scholarship administration for SFA and the SFASU Foundation.

**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 name change from Office of Financial Aid to Office of Student Financial Assistance. Basic edits for clarification purposes.

**Specific rationale for deletion of policy:**

*Additional Comments:*

**Reviewers:**

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

## Comprehensive Scholarship Administration

**Original Implementation:** November 2, 2015

**Last Revision:** ~~None~~ July 23, 2019

Scholarships are one form of financial aid. *Stephen F. Austin State University (SFA)* ~~SFA~~ scholarships are provided through *two* primary sources: ~~Stephen F. Austin State University (SFA), SFA Alumni Association, SFA Alumni Foundation, SFA~~ and the SFASU Foundation. The scholarship team, within the Office of *Student Financial Aid Assistance*, is responsible for the oversight of the university's comprehensive scholarship program and acts as a liaison between academic departments, ~~the SFA Alumni Association, the SFA Alumni Foundation,~~ the SFASU Foundation, the Office of *Student Financial Aid Assistance* and the Office of Enrollment Management. The scholarship team will set deadlines, ensure departments adhere to scholarship guidelines, and verify funds are spent accordingly. This will ensure compliance with the funding sources agreements and that institutional, state and federal regulations are met.

An outside entity not affiliated with the university who controls the funding and selection of applicants is not subject to this policy. Any funds received in this manner will be processed according to donor requirements and treated as an outside scholarship.

### Scholarship Database System

The Office of *Student Financial Assistance Aid* is the primary owner and is responsible for the management and maintenance of the scholarship database. The database provides a consolidated source for scholarship criteria, electronic scholarship applications, committee assignments, and reports. For any *endowed* scholarship award that is provided to an SFA student, it must be documented in the scholarship software database. ~~This includes, but not limited to, endowed, pass-through and departmental scholarships.~~

### Scholarship Establishment

It is the responsibility of the entity to coordinate with the scholarship team and to ensure that both the donor and the university objectives are met. The entity is responsible for sending all required documentation to the Office of *Student Financial Aid Assistance* when a scholarship is created or modified. The scholarship team is responsible for maintaining procedures to monitor scholarship funds.

### Distribution of Scholarship Funds

To maximize scholarship funding and aid in the recruiting of top students, all university scholarship awards must be distributed (fully-awarded) to the best of the ability of the responsible department. ~~For Alumni Association scholarships, refer to policy 3.11.~~ In order for a scholarship award to be made all documentation must be provided to the Office of *Student Financial Aid Assistance* and a *pre-disbursement* form completed.

## Scholarship Processing

Any student wishing to receive scholarship awards must complete the official SFA scholarship application. All students awarded scholarship funds will be required to complete a Conflict of Interest and Disclosure form. This information is recorded in the scholarship database and is accessible to the committees in order for them to make the candidate selection. It is the responsibility of the Office of *Student Financial Aid Assistance* to coordinate all access and provide the procedures to the scholarship committee.

A post disbursement report is generated and sent to the appropriate parties. This report will contain each scholarship recipient data, the scholarship fund name, award amount, amount disbursed, and enrollment hours. This report is used as notification that of the scholarship has been disbursed to the student disbursement.

The account manager of the scholarship program shall will determine whether funds should be repaid if the student withdraws from the university or no longer meets the eligibility criteria. In such situations, the account manager must notify the Office of *Student Financial Aid Assistant* whether to charge back the funds and issue a bill to the student.

## Employee Conflict of Interest and Confidentiality

A conflict of interest can occur when personal interests affect the performance of a professional obligation to the university. All SFA employees must report anything that may have a potential to be a conflict of interest. All SFA employees who are part of a scholarship committee or have access to the scholarship software will be required to annually disclose potential conflicts of interest.

**Cross Reference:** Ethics (2.6); ~~Distribution of SFA Alumni Foundation Scholarships (3.11); Gifts, Loans, Endowments, and Bequests (3.17); Memorandum of Agreement between Stephen F. Austin State University and Stephen F. Austin State University Alumni Foundation, Inc. dated August 16, 2013;~~ Tex. Educ. Code § 51.969

**Responsible for Implementation:** Provost and Vice President for Academic Affairs and Vice-President for University Advancement

**Contact For Revision:** Director of Financial Aid

**Forms:** SFA Scholarship application; Scholarship Authorization and Disclosure form; Employee Disclosure; Disbursement Form; *Pre-Disbursement Form*

**Board Committee Assignment:** Academic and Student Affairs Committee

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Contracting Authority

**Policy Number:** 1.3

**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):** Governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State 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: Updated to match Policy 1.4

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Updated to match revisions in Policy 1.4

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Dr. Steve Westbrook, Interim President  
Damon Derrick, General Counsel

## Contracting Authority

**Original Implementation:** July 18, 1988

**Last Revision:** ~~October 29, 2018~~ July 23, 2019

This policy governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State University.

- I. No member of the Board of Regents shall enter into the discussion, make motions, or vote on a contract, purchase, or agreement of any character in which the member or member's family directly or indirectly has pecuniary or substantial interest unless the general counsel has advised that there is a legally permitted exception to this rule with the regent making the appropriate public disclosures.
- II. The following items shall be submitted to the Board of Regents for approval at either a regular board meeting or a special called board meeting. Each item shall be presented to the board for consideration. ~~The general counsel shall review all contracts and agreements prior to signature.~~
  - a. Contracts, purchases, or agreements in the amount of ~~\$100~~500,000 or more, whether the amount is income or expenditure, for items identified in Section A of Policy 1.4, Items Requiring Board of Regents Approval.
- III. The president shall be delegated the responsibility and authority to enter into contracts, purchases, and agreements for sums less than ~~\$100~~500,000, or amounts over ~~\$100~~500,000 to the extent authorized in Section B of Policy 1.4, Items Requiring Board of Regents Approval, whether the amount is income or expenditure, and to enter into all grants and agreements funded by private individuals, governmental agencies, and foundations without regard to the amount, unless otherwise limited by the Board. At the option of the president, contracts, purchases, and agreements for sums less than ~~\$100~~500,000 may be submitted to the Board of Regents for approval. ~~The general counsel should review and provide legal advice on all contracts or agreements. The department responsible for originating the contract is responsible for maintaining it for the applicable records retention period.~~
- IV. *The general counsel's office shall review all contracts and agreements prior to signature.*
- ~~IV.V.~~ The president may delegate to other employees of the university power to contract, purchase, or enter into agreements delegated to the president in Section III of this policy. The president will remain responsible for all contracts, purchases, and agreements so delegated, and for the proper administration of all grants and agreements funded by private individuals, governmental agencies, and foundations, regardless of delegation of power to contract, purchase, or enter into agreements.
  - a. In the absence of the president, or at such time as the president is unavailable to sign a document by a required deadline, the following individuals are authorized to sign on his behalf: (listed in order of priority) provost and vice president for academic affairs, vice president for finance and administration, vice president for university affairs,

associate vice president for academic affairs. All other delegations must be specific and in writing to be effective. ~~The general counsel should review and provide legal advice on all contracts or agreements.~~

- b. All delegations of contracting authority to persons other than those listed above which were made by a previous president shall be void once a new president assumes office.

~~V. VI.~~ *The department responsible for originating the contract is responsible for maintaining it for the applicable records retention period.*

**Cross Reference:** Items Requiring Board of Regents Approval (1.4)

**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:** Curation of Archaeological Collections

**Policy Number:** 5.6

**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 defines eligible collections, curation fees and revenue sharing for archaeological collections.

**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 change in cross references.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

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

## Curation of Archaeological Collections

**Original Implementation:** April 20, 2010

**Last Revision:** ~~January 26, 2016~~ July 23, 2019

The Anthropology and Archaeology Lab (AAL) is a scientific research facility operated by the Department of Anthropology, Geography, and Sociology. The laboratory is certified by the Texas Historical Commission and is therefore eligible to charge for the curation of held in trust (HIT) archaeological collections. If accepted for curation, collections remain the property of the state of Texas, but Stephen F. Austin State University (SFA) agrees to care for them as stipulated by Texas Historical Commission guidelines. The AAL shall maintain a Collections Management Policy as defined in Rule 29.9 of the Texas Administrative Code. Collections must be prepared, recorded, and described according to the AAL's Collections Management Policy.

### Eligible Collections

To be eligible for curation, a collection must be consistent with the mission statement of the AAL as filed with the Texas Historical Commission. Specifically, collections must be either pre- historic or historic in nature and must be important to the East Texas area. The university reserves the right to refuse any collection for curation. All accepted collections shall be accompanied by an approved deed of conveyance or other appropriate agreement.

### Curation Fees

The AAL will publish a schedule of curation fees and reserves the right to amend these fees based upon the unique requirements of each collection. Curation fees shall be used by the AAL to offset laboratory expenses and to fund capital expenditures. The fee schedule shall be subject to approval by the provost and vice president for academic affairs and the vice president for finance and administration.

### Revenue Sharing

SFA shall negotiate and maintain a revenue sharing agreement for HIT collections housed at the annex Mission Dolores Visitors Center in San Augustine, Texas. Collections existing prior to the execution of the revenue sharing are not eligible for revenue sharing under this policy. The terms and conditions of any revenue sharing agreement must be approved by the provost and vice president for academic affairs and signed by the president.

**Cross Reference:** Archaeological Repository Mission Statement; Collection Management Policy; Curation Fee Schedule; Antiquities Code of Texas, Tex. as Nat. Res. §§ 191.058, .091-.092; 13 Tex. Admin. Code §§ 29.1-.9.

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Chair of the Department of Anthropology, Geography, and Sociology

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Delgated Purchasing Authority

**Policy Number:** 17.5

**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):** The policy exists to support the university's centralized purchasing function and provides for specific delegations outside of the procurement office and handling of unauthorized purchases.

**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 change only.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Kay Johnson, Director of Procurement and Property Services  
 Danny Gallant, Vice President for Finance and Administration  
 Damon Derrick, General Counsel

## Delegated Purchasing Authority

**Original Implementation:** Unpublished

**Last Revision:** ~~July 24, 2018~~ July 23, 2019

### Purpose

This policy supports the university's centralized purchasing function but provides for specific delegations outside of the procurement office and also describes the handling of unauthorized purchases.

### Definitions

**Centralized purchasing** requires the various departments and operational units of the university to make purchases utilizing the knowledge and experience of the procurement department.

An **unauthorized purchase** occurs when a university employee orders a product or service without an authorized purchase order issued by the procurement department.

### General

The university adheres to a policy of centralized purchasing for the purposes of:

- ensuring compliance with state and federal laws, rules, and regulations;
- protecting the university from unauthorized acquisitions of supplies, equipment, and services;
- providing budgetary control and coordination;
- ensuring fair and ethical business practices;
- providing savings through consolidation of requirements and standardization of products where appropriate;
- providing Best Value Procurement (17.1) through various purchasing methods.

The procurement department, under supervision of the director of procurement and property services/HUB coordinator, has sole authority for the negotiation and purchase of all goods and services for the university with the exception of items listed in Items Requiring Board of Regents Approval (1.4), and the following specific delegations that exist under proper administrative approval:

- The director of the university libraries is authorized to purchase books, periodicals, journals, and other related materials needed to maintain university resource collections; ~~and if~~ The curator of the Stone Fort Museum is authorized to purchase general merchandise for resale in the museum gift shop;
- Employees are authorized to make procurement card purchases in accordance with Procurement Card (17.11), and procurement card procedures maintained on the procurement department website;
- Employees without procurement cards may make purchases and request reimbursement if the purchase is approved by the account manager, follows university procurement policy and procedure, and other purchase options are not possible or available (taxes will not be

- reimbursed, except as allowed by law);
- Certain payments may be made by completing a voucher for submission to the controller's office. Purchase Voucher (17.20), provides guidelines for purchase voucher use.

All other purchases are to be submitted as a formal request for the procurement office to secure a good or service. See Purchase Requisition (17.19).

All official correspondence other than that delegated above; i.e., solicitations, purchase orders, change orders, cancellations, etc. shall be issued by the procurement office. The director of procurement and property services/HUB coordinator is delegated authority to sign all titles and associated documents for the purchase, transfer, or sale of vehicles, trailers, or marine equipment.

~~Except as expressly granted in Purchases will be subject to Contracting Authority (1.3), no employee of the university has authority to execute contracts valued at \$100,000 or more.~~

### **Unauthorized Purchases Made Outside of Delegated Authority**

Unauthorized purchases will include inappropriate reimbursement requests that fall outside the scope of university procurement policy and procedure. Except as delegated herein, university employees are not authorized to commit to an expenditure of funds on behalf of the university.

Unauthorized purchases over \$3000 will not be paid by the university unless a justification is submitted to the vice president for finance and administration for review. If approved, the appropriate documentation and payment approval must be submitted to the procurement office to process a purchase order for the unauthorized purchase, and state appropriated funds may not be used to pay for the service or product unless approved by the vice president for finance and administration. If the unauthorized purchase is not approved by the vice president for finance and administration, the employee will be responsible for payment to the vendor unless the order can be cancelled and/or the goods returned. Any freight, shipping costs, or return penalties will be paid by the employee in the event the order is cancelled and/or the goods returned to the vendor.

The following circumstances will not constitute an unauthorized purchase; however, a requisition must be entered in the university's financial system at the earliest practical date so that payment is not delayed resulting in possible late fees:

- emergency purchases as defined by Best Value Procurement (17.1);
- memberships;
- purchases that were to be made with a procurement card that reasonably could have been expected to be less than \$3000;
- magazine or book subscriptions;
- other automatically recurring or renewable fees;
- purchases associated with existing contracts negotiated by the procurement office;
- tournament fees or game guarantees;
- contracts for which a pool of contractors may be contacted, but availability is not known until the event is held; i.e., athletics game workers, etc.;
- guest lecturers, speakers, artists, entertainers, performers, musicians if the contract is signed by

- the president prior to the event;
- other professional services as defined by state comptroller's expenditure codes, if the contract is signed by the president prior to the event;
- service contracts associated with grants as long as the contract is in process with the research and sponsored programs office.

**Cross Reference:** Contracting Authority (1.3); Items Requiring Board of Regents Approval (1.4); Best Value Procurement (17.1); Purchase Requisition (17.19); Purchase Voucher (17.20); Procurement Card (17.11)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** None

**Board Committee Assignment:** Finance and Audit

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Distribution of SFA Alumni Foundation Scholarships

**Policy Number:** 3.11

**Is this policy new, being reviewed/revised, or deleted?**    Delete

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

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

**Purpose of Policy (what does it do):** Describes the methods used to award Alumni Foundation scholarships.

**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:**

**Specific rationale for deletion of policy:** The SFA Alumni Foundation no longer exists, as it merged with the SFASU Foundation on January 1, 2018. Therefore, the policy is obsolete.

*Additional Comments:*

Reviewers:

Dannette Sales, Controller

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

## **~~Distribution of SFA Alumni Foundation Scholarships~~*POLICY TO BE DELETED July 23, 2019***

**~~Original Implementation:~~** July 17, 2001

**~~Last Revision:~~** January 26, 2016

~~Stephen F. Austin State University Alumni Foundation, Inc. (Alumni Foundation) scholarships will be awarded by the following method:~~

~~The SFA Alumni Foundation and the SFA Financial Aid Office will process the award through the billing and receivables accounting system. The scholarship will be posted as a credit to the student's account at SFA. The credit will show "SFA Alumni Foundation Scholarship" in the description on the student's bill. The scholarship will be applied to any eligible charge. However, the intent is not to apply these awards to parking fines. Any funds remaining after the student's bill is paid in full will be refunded to the student. If the student withdraws from school, the Alumni Foundation may be eligible for a refund, based on SFA's refund policy.~~

~~The Alumni Foundation will notify the SFA Financial Aid Office of all Alumni Foundation scholarships to be awarded to SFA students. This notification will include the student's name, campus identification number, dollar amount of award, and school term of award. It should be received at the SFA Financial Aid Office at a date set annually by the financial aid office.~~

~~The SFA Controller's Office will bill the Alumni Foundation monthly for awards made through the billing and receivables accounting system. The bill will include each student's name, campus identification number, and dollar amount of award.~~

~~This policy may be modified by mutual agreement between SFA and the Alumni Foundation, or rescinded if proper notice is received by SFA indicating that the Alumni Foundation requests such a change. SFA and the Alumni Foundation will work together to comply with all regulatory compliance issues imposed on SFA for scholarship distribution and reporting.~~

**~~Cross Reference:~~** Memorandum of Understanding between Stephen F. Austin State University and Stephen F. Austin State University Alumni Foundation, Inc. dated August 16, 2013.

**~~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:** Emeritus

**Policy Number:** 7.10

**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 outlines the eligibility, procedures, privileges and responsibilities related to an emeritus appointment.

**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

## **Emeritus**

**Original Implementation:** Unpublished

**Last Revision:** ~~January 26, 2016~~ July 23, 2019

The title of emeritus is a position of great honor conferred only on retirees who have a record of distinguished service to Stephen F. Austin State University (SFA). The title is not automatic upon retirement.

### **Emeritus Appointments for Faculty and Librarians**

#### **A. Eligibility**

To be eligible for an appointment as emeritus, an individual will meet the following requirements:

1. Provide extended service, generally at least 10 years of employment at SFA;
2. Earn a rank of associate professor, professor, librarian III, or librarian IV;
3. Demonstrate distinction in teaching, research/scholarly/creative accomplishments, and service to the university and the profession. Distinguished service could include honors such as Regents Professor, SFA Alumni Distinguished Professor Award, SFASU Foundation Faculty Achievement Award, SFA Teaching Excellence Award, or comparable state and/or national professional recognition and distinction related to external funding.

#### **B. Procedure**

A tenured member of the academic unit may submit a letter of nomination to the academic unit head supporting the candidate's eligibility. The nominated faculty member or librarian will submit evidence supporting eligibility per academic unit procedures, such as providing a current curriculum vitae. Although the emeritus title is an honor, not a promotion, the process will follow unit promotion procedures, but may occur at any time. The appropriate dean will then forward a recommendation to the provost and vice president for academic affairs who will, in turn, submit a recommendation to the university's president. The Board of Regents confers emeritus status.

#### **C. Privileges and Responsibilities**

An emeritus professor will have the following privileges and responsibilities:

1. Name listed as an emeritus in the university's General Bulletin.
2. Recognition at the commencement ceremony following the granting of the emeritus title.
3. A place of honor in any academic procession.
4. Right to use the title of emeritus in professional endeavors.

5. Opportunity to audit courses with fees waived, subject to the availability of space and with the consent of the instructor.
6. Office space, laboratory space, a telephone, and a computer, subject to available space and approval of the academic unit head, the dean, and provost and vice president for academic affairs.
7. Email privileges, a faculty I.D. card, and university business cards.
8. Use of the Ralph W. Steen Library.
9. Access to university parking, and health and wellness privileges.
10. Opportunity to represent the university at community or professional meetings and serve on committees, upon university request.

### **Administrative Official Eligibility**

The title emeritus may be given by the president to a retired administrative official to recognize meritorious service. Privileges and qualifications that accompany the title shall be determined by the president. The conferring of this title is not automatic upon retirement.

**Cross Reference:** None

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact For Revision:** Provost and Vice President for Academic 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:** Faculty Merit Pay

**Policy Number:** 7.6

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** This policy outlines the process for faculty merit pay.

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

## Faculty Merit Pay

**Original Implementation:** September, 1982

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

For merit pay consideration, full-time faculty members (excluding adjuncts) will present to their academic unit head all relevant or requested documentation, including at least the completed annual report of professional activities and performance, as well as any other information required under individual academic unit, college or university policy.

Academic units and/or colleges will establish their own appropriate and specific merit criteria and awarding procedures.

Merit recommendations by the academic unit head will be subject to approval by the dean, provost and vice president for academic affairs, and president.

Merit pay is contingent upon available funds.

**Cross Reference:** Faculty Handbook

**Responsible for Implementation:** President and Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic Affairs

**Forms:** Annual report of professional activities and performance and administrative evaluation form available in the Office of the Provost and Vice President for Academic Affairs

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Fire and Life Safety

**Policy Number:** 13.24

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** Establishes compliance with federal and state regulations related to fire and life safety.

**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:** Major re-write to remove procedures from the policy and reference additional applicable codes and regulations.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Jeremy Higgins, Matt Romig  
 Danny Gallant, Vice President for Finance and Administration  
 Damon Derrick, General Counsel

## Fire and Life Safety

**Original Implementation:** July 16, 2013

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### Purpose

The purpose of this policy is to aid in protecting the physical, human, ~~and fiscal and environmental~~ resources of the university. The Department of Environmental Health, Safety, and Risk Management (EHSRM) has the primary responsibility to establish and enforce procedures that ensure university compliance with fire and life safety guidelines.

### General

*Fire prevention is an important component of the university's fire safety program and being proactive against any potential fire and life safety hazards offers the greatest protection against injury or property loss.* The university's fire and life safety program is designed to prevent or reduce property loss and injury from fire and explosions arising from storage, handling, and use of flammable and combustible substances, materials, and devices. The fire and life safety ~~guidelines and procedures~~ available on the EHSRM website (<https://www.sfasu.edu/safety>) are essential in promoting fire and life safety and enhancing university compliance with applicable ~~codes and regulations~~ fire and life safety standards. Also, the EHSRM provides various personal and group ~~training sessions and fire and life safety inspections throughout the campus on a regular basis.~~

~~Non-compliance with fire safety codes and standards can result in sanctions against the university, as well as posing serious risks to students, employees, visitors, and university property. Disciplinary action may be taken against university students and employees who do not comply with this policy and associated regulations. Offending materials and substances may be confiscated permanently for further protection of the surrounding environment.~~

The university's fire and life safety program will comply with the NFPA 1 Fire Code, ~~and NFPA 101 Life Safety Code, and SFA's fire and life safety procedures while cooperating with the local fire department to ensure fire and life safety procedures comply with local requirements.~~ Compliance with state and local requirements for accessibility to facilities, compatibility of equipment, adequacy of fire suppression water supplies and hydrants is necessary for the safety of responding firefighters and preservation of state property. ~~and all referenced materials therein, as well as all procedures listed in the EHSRM Web page and the SFA Campus Safety Information Web page~~

### EHSRM Responsibilities

The director of EHSRM (or designee) has primary responsibility to administer and oversee compliance with the university's fire *and life* safety program. Duties of EHSRM include:

- a) Inspecting university buildings and property for fire safety hazards, risks, or in response to a notice of a possible violation. In carrying out this duty, the EHSRM *safety* officer or

representative shall have the authority to enter any university building, structure, room, office or laboratory (university employees may accompany the EHSRM *safety* officer on an inspection of their area);

- b) Recommending preventative and corrective action and working with university departments to assure appropriate action is taken;
- c) Establishing and coordinating fire safety training programs (ex: fire drills) to comply with regulatory requirements or upon request of department heads;
- d) Serving as the official university contact with state and local fire marshals and other state agencies regarding fire safety;
- e) Preparing mandated reports and compiling and disseminating data related to the fire safety program;
- f) Communicating local, state, and national fire safety requirements to university officials;
- g) Maintaining records related to the fire safety program in accordance with the record retention schedule of the university and the state of Texas;
- h) Serving as an advisor for the university departments on fire safety issues;
- i) Serving as the Authority Having Jurisdiction (AHJ) for fire safety codes and standards;
- j) Investigating all fires occurring on university property;
- k) Working closely with the local fire department, police department, and other emergency response agencies to assure they are informed about the campus so as to be prepared in case of an emergency; and
- l) Approving waivers of university fire and life safety policies and procedures.

~~m)l)~~

~~Vice presidents, deans, directors, and chairs (or designees) in academic and staff positions have the following responsibilities:~~

- ~~a) Ensuring departmental procedures comply with this policy;~~
- ~~b) Identifying specific fire hazards and deficiencies within their department and purchasing appropriate equipment (such as NRTL approved surge protectors);~~
- ~~c) Ensuring compliance from departmental employees who disregard this policy;~~
- ~~d) Communicating identified hazards and deficiencies to EHSRM;~~
- ~~e) Correcting procedural violations as soon as practical upon receipt of a violation notice;~~
- ~~f) Consulting with the director of EHSRM for fire safety concerns, if necessary;~~
- ~~g) Reporting all fire incidents to EHSRM;~~
- ~~h) Arranging for payment of costs and fees associated with eliminating fire hazards due to the department's negligence; and~~
- ~~i) Training of departmental staff by ensuring employee participation in new employee or new faculty orientation and ensuring employees are aware of all fire exits and building evacuation procedures.~~

~~University employees and students have the following responsibilities:~~

- ~~a) Compliance with university fire safety and related policies and procedures;~~
- ~~b) Reporting deficiencies of fire prevention, suppression, or evacuation features in university buildings to the appropriate university department for repair;~~
- ~~c) Familiarization with fire extinguishers and fire alarm pull station locations in the vicinity of the area occupied;~~

- d) — Reporting all fire incidents to EHSRM;
- e) — Familiarization with emergency protocols established in the campus safety procedures listed on the SFA Campus Safety Information Web page; and
- f) — In the event of a fire alarm, fire drill, or any fire related incident, authorized personnel shall enter the building to conduct life safety assessments while SFA employees and students are required to evacuate the SFA facility and will not reenter the facility until an authority (NFD, UPD, or EHSRM) gives the “all clear” announcement to reenter.

Residence Life will disseminate fire prevention policies and procedures to student residents in their Community Living Guidelines.

Student residents shall abide by all Residence Life Community Living Guidelines and procedures.

Faculty members should inform students of fire safety and evacuation procedures.

### **Fire Prevention Plans and Guidelines**

Fire prevention is an important component of the university’s fire safety program and being proactive against any potential fire and life safety hazards offers the greatest protection against injury or property loss. The EHSRM fire and life safety plans and guidelines are outlined in detail on the EHSRM Web page. All university employees and students need to be aware of potential fire safety hazards and report them to EHSRM for corrective action.

The following fire prevention procedures apply to all university property:

- a) — Open flames, smoldering burners and ignition devices are prohibited in university buildings. This includes candles, fireworks, oil lamps, and any combustible materials activated by sparks or heat.
- b) — Exceptions for the use of open flames, burners and ignition devices include authorized exceptions listed below; these do not require approval prior to use. All other exceptions require written approval from the director of EHSRM. Request for such exceptions must be submitted at least ten working days prior to the proposed use.
  - — commercial cooking in designated food preparation areas complying with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations;
  - — open flame burners used in university approved laboratories complying with NFPA 45, Standard on Fire Protection for Laboratories using Chemicals; and
  - — employees or students engaged in welding, brazing, or similar flame or spark producing operations must obtain authorization from their supervisor or manager. The supervisor or manager in the work area must adhere to all reasonable fire safety protections and procedures and obtain a hot work permit, if applicable.
- c) — Electrical connections must conform to the following requirements:
  - — Electrical equipment must be NRTL listed and shall be plugged into electrical wall outlets. The use of extension cords to provide permanent electrical connections

is prohibited.

- ~~Only power strips that are NRTL approved may be used.~~
  - ~~Power strips cannot be plugged into each other in a series.~~
- d) ~~Flammable and combustible liquids must be stored in specially designed flammable materials storage cabinets and fire resistant containers within campus buildings. Large quantities of flammable materials (more than authorized under NFPA 45, Standard on Fire Protection for Laboratories using Chemicals) must be stored outside of buildings or in special hazardous storage areas in compliance with the NFPA codes.~~
- e) ~~Mechanical rooms and stairwells cannot be used for storage at any time.~~
- f) ~~The use of devices such as doorstops, wedges, or restraints to hold a fire door open is prohibited with the exception of magnetic door hold open devices that are connected to the fire alarm system and are deactivated when the fire alarm is activated.~~
- g) ~~In rooms with sprinkler heads, storage and furnishings must be at least eighteen inches below the sprinkler head to ensure the sprinklers are effective during a fire. No material shall be attached to a sprinkler head.~~
- h) ~~In rooms without sprinkler heads, storage and furnishings shall be at least twenty four inches or more below the ceiling.~~
- i) ~~Corridors and stairways leading to exits must have at least forty four inches clear width of unobstructed clutter free space at all times. Temporary Storage in any hallway or corridor must have approval from the director of EHSM prior to the event. All corridor doors in the path of egress must be operable without the use of keys, special tools, or knowledge.~~
- j) ~~Exit doors must be equipped with a latch equipped with a releasing device having an obvious method of operation to allow easy egress during a fire. Installation of deadbolt locks or additional locking devices is prohibited.~~
- k) ~~Barbeque grills, hibachi type grills, camping stoves, deep fat fryers, and other cooking devices are prohibited in university buildings, in door openings, on balconies, within forty feet of university buildings or near any flammable materials. Organizations grilling for public consumption on campus are required to have an outdoor cooking permit from EHSM. Hot coals must be doused with water and properly disposed of in designated hot coal dumpsters. Tailgating cooking events should follow the official tailgate policies and procedures provided by the athletics department.~~
- l) ~~Holiday decorations must be flame retardant and only up for a maximum of 30 days. Live Christmas trees are prohibited in university buildings and artificial trees must be flame retardant. All holiday lights must be NRTL approved. All decorations should be taken down prior to leaving for the holidays.~~
- m) ~~Portable electric heaters are highly discouraged, but may be used if specifically~~

approved by the department head. Only electric heaters with an automatic shut off when tipped over may be used. If approved, keep all portable heaters at least three feet away from any flammable items and ensure the portable heater is NRTL approved. Portable heaters must be turned off when leaving the room or leaving for the evening.

n) ~~Modifications to university property structures or life safety systems in regards to fire and life safety require authorization of EHSRM. Costs of reversing and correcting unauthorized building/system modifications may be charged to the person or department which caused the modifications.~~

o) ~~Cooking devices, such as popcorn poppers, microwave ovens, and coffee pots used on university property must be NRTL approved. All electrical appliances and devices shall be used in accordance with the manufacturers' instructions and intended use.~~

p) ~~Building occupancy will not exceed the limits set forth by the NFPA 1 Fire Code, NFPA 101 Life Safety Code, or special provisions provided by the EHSRM.~~

### **Fire Safety Systems**

~~The PPD shall maintain and ensure installed fire alarms, sprinklers, fire pumps, and smoke detectors, are operational at all times. Vice presidents, deans, directors, and chairs shall be familiar with the fire systems within their areas.~~

~~Respective departments accountable for building maintenance (PPD, Residence Life, and Auxiliary Services) shall ensure proper monthly and annual inspections are conducted for emergency exit lighting and illuminated EXIT signs per NFPA 101 Life Safety Code.~~

~~EHSRM shall ensure that the proper monthly and annual inspections are conducted for fire extinguishers per NFPA 101 Life Safety Code.~~

~~Departments with cooking exhaust systems are responsible for the maintenance of the hoods, grease removal devices, fans, ducts and fire suppression fuse links in their kitchen areas per NFPA 96. Any non-operational fire safety systems found or observed by the faculty, staff or students must be reported to PPD or EHSRM for immediate corrective action.~~

~~Tampering with the fire safety system is a criminal offense and will be handled as such by the University Police Department.~~

### **Waivers**

The director of EHSRM is responsible for granting waivers to university fire and safety policies and procedures. Waivers may be granted on a case-by-case basis or as a blanket approval which applies to a specific type of event, function, or use.

### **Policy Compliance**

It is imperative that SFA employees comply with federal, state, and local environmental health, safety, and risk management legislation, and relevant government fire and life safety codes *and regulations*. In addition, it is essential that employees observe industry best practices and comply with SFA safety policies, *and procedures, and programs*. *Non-compliance can result in sanctions*

*against the university, as well as posing serious risks to students, employees, visitors, and university property. Disciplinary action may be taken against university students and employees who do not comply with this policy and associated regulations. Offending materials and substances may be confiscated permanently for further protection of the surrounding environment.*

~~Noncompliance may result in disciplinary action.~~

**Cross Reference:** Health and Safety (13.10); Risk Management (13.19); National Fire Protection Association; Texas State Fire Marshal

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Environmental Health, Safety, and Risk Management

**Forms:** None

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Intellectual Property

**Policy Number:** 9.4

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

**Date of last revision, if applicable:** 7/26/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Policy details the university's rules regarding ownership and use of intellectual property developed by university employees 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:** No substantive change.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Damon Derrick, General Counsel

## Intellectual Property

**Original Implementation:** April 9, 1988

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

Stephen F. Austin State University encourages participation by faculty, staff and students in scholarly research and creative activities that support and enhance teaching in its classrooms and laboratories. While research conducted at Stephen F. Austin State University is aimed at discovery and dissemination of knowledge, rather than profit from commercial application, the Board of Regents recognizes that questions regarding intellectual property rights may arise from such activities. The Board of Regents seeks through adoption of this policy to balance the interests of the public, the university and the inventor, author, or creator in intellectual property arising from research and creative activities conducted by employees of the university. The board further seeks to ensure that inventions, discoveries and creative works are used and controlled in an efficient and prudent manner which will result in maximum benefit to the public, the university and the inventor, author, or creator.

### Applicability

This policy shall apply to all persons employed by Stephen F. Austin State University or a component thereof, and to anyone using facilities or funds subject to control or supervision by Stephen F. Austin State University. This policy, as amended from time to time, shall be deemed to constitute part of the conditions of employment of every employee, including student employees. Unless otherwise excluded, this policy shall apply to intellectual property of all types (including any invention, discovery, trade secret, technology, scientific or technological development, computer software, course materials, conception, design, creation or other form of expression of an idea) regardless of whether the intellectual property is subject to protection under patent, trademark, or copyright laws, or common law.

### Copyright

#### 1. Definitions

- a. Copyright is the ownership and control of the intellectual property in original works of authorship. Copyright ownership and the rights thereof are defined by federal law. It is the policy of Stephen F. Austin State University that all rights in copyright shall remain with the creator of the work unless otherwise subject to contractual legal obligations, or the work is a "work made for hire" as that term is defined by federal law. The university will not require faculty to produce "works made for hire" as part of their regular workload or as terms for continued employment unless the production of works made for hire were a part of the faculty member's original conditions of employment, agreement

to produce a “work made for hire” is made in advance between the university and faculty member, or as otherwise provided by university policy.

b. A “work made for hire” is:

If expressly agreed to by the parties in a written instrument, a work specially ordered or commissioned by the university shall be considered a “work made for hire”, including but not limited to a work for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, a course, or an atlas. An “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities. Multimedia courseware specially commissioned by the university shall be included as a work made for hire. “Multimedia courseware” is defined as interactive teaching aids created and deployed with electronic tools. They may incorporate text, graphic video, and audio elements and may be mounted for remote access on a file server or stored onto a removable storage medium for stand-alone distribution. Examples include but are not limited to distance education courses, electronic textbooks, hypertext modules, simulation software, and databases containing numbers, images, or text. Financial support for course development or course reductions offered by the university to aid with course development of on-campus or distance education courses will not by itself constitute a work made for hire unless agreement is reached prior to such arrangements that the resulting course will be a work made for hire.

## 2. Ownership

a. General

In keeping with academic tradition, the university does not claim ownership of copyrightable intellectual property created by faculty during the normal course of their employment unless otherwise agreed in writing. Such property includes but is not limited to: course content, syllabi, course materials, course computer enhancements, authored/created textbooks, books, articles, software, multimedia courseware, data sets in any format and similar works, the intended purpose of which is to disseminate the results of academic research or scholarly study created on the faculty’s own initiative. Further, the university claims no ownership of faculty authored/created popular nonfiction, novels, poems, musical compositions, software or other works of artistic imagination which do not result from projects commissioned or assigned by the university. Unless evidence of excessive use or abuse of university funds or facilities exists, the university will convey, upon request and to the extent consistent with its legal obligations, the copyright in such works to the individual faculty creator(s) or author(s). Faculty members will make such decisions and take such steps to protect works they own, with their discretion. The university reserves the right to use for instructional and research purposes, without obligation to make payment therefore, any works created by

employees or students during their periods of employment or attendance and revisions or derivations of such works.

b. Sponsored Research Agreements

Copyright ownership of all material (including software) that is developed in the course of, or pursuant to, a sponsored research agreement (whether funded by a public or private agency or organization) shall be determined in accordance with the terms of the sponsored research agreement, federal law, or, in the absence of such terms, the copyright shall be negotiated with the author generally following the principles set forth in this policy.

c. Use of University Resources

- i. Copyright in all material (including software) that is developed with the significant use of funds, space, hardware, or facilities administered by the university, including but not limited to classroom and laboratory facilities, but without any obligation to others in connection with such support, resides in the university. The university recognizes and affirms the traditional academic freedom of its faculty to publish freely without restriction. In keeping with this philosophy, the university will not construe the provision of office, computer or library facilities as constituting significant use of university ~~funds~~resources, except for those situations where the funds were paid specifically to support the development of such. Faculty development leaves, faculty development grants, mini-grants and research course reductions will not be construed as a significant use of university ~~funds~~resources unless otherwise agreed to by the university and faculty member.
- ii. Copyright in works resulting from projects that are performed in whole or in part by any person with grants from funds administered by the university shall be determined in accordance with the terms of the support agreement, federal law, or, in the absence of such terms, shall be negotiated by the parties involved. The university will determine whether to register and enforce the copyright on works it owns.

d. Joint Works

Works, including the development or redevelopment of fully online courses, may be created through the joint efforts of faculty, employees working within the scope of employment, and/or others under contract to provide services. Such joint works are jointly owned by the faculty member and university. Ownership agreements shall be executed to memorialize the parties' intentions and avoid later confusion over ownership rights. Any of the joint owners may register and enforce the copyright in the names of all owners with accounting. In the absence of an agreement on the division of revenues, they will be shared pro rata after recouping costs.

e. Grandfather Clause for Ownership of Fully Online Courses

Agreements executed under the Intellectual Property Rights for Distance Education policy (deleted July 26, 2016) still apply.

### 3. Revenue Sharing

#### a. Works Not Owned by Stephen F. Austin State University

If the university does not claim ownership of an intellectual property, authors and creators of intellectual works not owned by the university may copyright the related work, publish it, register the copyright and receive any revenues which may result therefrom.

#### b. Works in Which Stephen F. Austin State University Has a Property Interest (Generally, Commissioned Works or Works Prepared in the Course and Scope of Employment)

- i. Royalty income received by the university through the sale, licensing, leasing or use of copyrightable material in which the university has a property interest will normally be shared with the author. Authorship for this purpose shall be determined by the president or his designee. Compensation and division of royalties, if any, will be negotiated by written agreement prior to commencement of work on the project or as soon thereafter as practical.
- ii. In the event that an author contributes a personal work to the university, a written agreement accepting such contribution shall be executed. The terms of the agreement shall include a statement governing the division of royalties between the university and the author.
- iii. In cases of extramural funding, the terms of the funding agreement shall govern the division of any royalties that may result from commercialization of materials resulting therefrom. In the event that the funding agreement vests royalty rights in the university, and does not provide any royalty share for the author, the terms of Copyright, Section 3.b.(i) shall apply. No such royalty payment to the author, however, may violate the terms of the funding agreement.

### 4. Use of University or Agency Sponsored Materials

- a. Prior to the use of a work in which the university has an interest, the author will consult with the university through appropriate administrators, or provide a reasonable opportunity for such consultation, with respect to its use.
- b. When unresolved questions on use occur, they shall be referred to the president or his designee for resolution.

### 5. Revision of Materials

Materials owned by the university under the terms of this policy shall not be altered or revised without providing the author a reasonable opportunity to assume the responsibility for the revision. If the author declines the opportunity to revise such material, the assignment of responsibility for the revision will be made by the president or his designee in consultation

with the appropriate department or office. This does not apply to the substantial redevelopment of fully developed approved online courses.

## **6. Withdrawal of Materials**

- a. Materials owned by the university under the terms of this policy shall be withdrawn from use when the university, in consultation with the author, deems such use to be obsolete or inappropriate. No withdrawal or other discontinuance that would violate the terms of any licensing or other agreement relating to the materials shall take place.
- b. The university may release to the author(s) the right to any work copyrighted in the name of the university.

## **7. Warranty**

Authors/creators must obtain appropriate permissions and releases necessary to avoid infringing or invading the personal rights of others. An author or creator of any work owned by the university under the terms of this policy warrants that, to the best of his/her knowledge, the work does not infringe on any existing copyright or other legal rights; that work not identified as quotations is the expression and creation of the author; that necessary permission for quotations and the like has been obtained; and that the work contains no libelous material or any material that invades the privacy of others.

## **8. Notice of Copyright**

Although the law does not require copyright notice for legal protection, the university encourages that such notice be applied to all works.

All material owned by the university under the terms of this policy shall be protected by notice of copyright in the name of the university. The proper form of such notice is as follows:

© 20\_\_, Stephen F. Austin State University. All rights reserved.

The date should be the year in which the work was completed or in which it was published, whichever is earlier. The name of the university should be spelled out in its entirety.

Works in the electronic environment are protected under copyright law just as print works are protected, from the moment of fixation in a tangible medium of expression. This is generally understood to include fixation in a central processing unit.

## **Patents**

### **1. Obligations**

- a. Employees and others who are subject to this policy by virtue of their employment or use of university services or facilities shall disclose to the president or his designee (dean with

copy to the general counsel) any invention or discovery (including those made under cooperative arrangements); provide complete information thereon; and cooperate with the university in protecting potential patent and know-how rights in accordance with Administration of Intellectual Property below.

- b. When an invention arises from a project specially commissioned by the university, created in the course of employment, or with use of university facilities or funds beyond the provision of office or library facilities, the inventor hereby assigns all rights, title and interest in and to any such invention to the university or its designee and shall assist the university or its designee in securing patent protection on the invention. The inventor shall, upon request, execute an invention agreement prior to commencement of the project, or as soon thereafter as practical.
- c. All parties privy to inventions, know-how, trade secrets, or other discoveries which may be patentable shall maintain such information in strict confidence, so as to protect the intellectual property (subject to internal disclosure as outlined above). Researchers, consultants, and other individuals hired on projects which may involve the development of patentable property shall execute a non-disclosure agreement. Notwithstanding this provision, all employees shall be subject to non-disclosure and confidentiality obligations on patentable or other trade secret information as a term and condition of employment.

## 2. **Sponsored Research**

- a. In cooperative undertakings sponsored by, or involving, third parties, provisions for the control of patents normally should be consistent with the general policy stated above. The provision of sponsored research funds shall trigger patents section 1.b. above. However, it is recognized that in some cases the interests of other organizations (federal, industrial, etc.) will justify modifications of the general policy. In those cases, the provisions with respect to patents shall appear in the applicable memorandum of understanding or agreement for the review and approval of the president. It is intended and provided that disclosed inventions will be identified and managed in accordance with patent policy and procedures.
- b. Nothing in this policy shall be interpreted as precluding the acceptance of a contract, grant, or agreement that provides for ownership of inventions and patent rights by the cooperating agency or organization.

## 3. **Royalties**

- a. After a deduction of fifteen percent (15%) for administrative costs, and a deduction for the cost of patenting, licensing, and protecting of invention and patent rights, the net royalties or other income arising from an invention or discovery shall be divided as follows:
  - i. Fifty percent (50%) to the inventor(s);
  - ii. Fifty percent (50%) to the university.
- b. Special facts concerning an invention may warrant a different distribution of royalties. Agreements with respect to royalties shall be in writing and signed by the president or his

designee. Any agreement which grants the inventor more than fifty percent (50%) of the net royalties shall require approval of the Board of Regents.

- c. In the event that a person contributes an invention to the university, a written agreement accepting the contribution shall be executed. The terms of the agreement shall include a statement governing the division of royalties between the university and the donor.

#### **4. Use of Inventions and Discoveries**

- a. Prior to the use of an invention or discovery in which the university has an interest, the employee responsible for the invention or discovery will consult with the university through appropriate administrators, or provide a reasonable opportunity for such consultation, with respect to its use. The university reserves the right to use for instructional and research purposes, without obligation to make payment therefore, any inventions or discoveries made by employees during their periods of employment and revisions or derivations of such inventions or discoveries.
- b. When unresolved questions on use occur, they shall be referred to the president or his designee for resolution.

### **Trademarks, Service Marks and Trade Names**

1. Trademarks and service marks may be any work, name, symbol, or device, or any combination thereof adopted and used by the university in the sale or advertising of goods or services to identify and distinguish such goods and services from those sold by others.
2. Trade names include any names used to identify Stephen F. Austin State University and its services.
3. The president or his designee shall be responsible for protection and licensure of trademarks, service marks, and trade names used by or related to Stephen F. Austin State University.
4. No licenses shall be granted to commercial entities for use of trademarks or service marks in connection with inherently dangerous products, products of obscene or disparaging characteristics, health related products, and any other uses which in the opinion of the president or his designee would degrade the reputation or goodwill of the university.
5. Trademark licensing inquiries should be directed to the director of athletics for processing in accordance with the university's licensing program. If the licensing inquiry does not fall within the traditional licensing program, the request should be forwarded to the general counsel.

### **Trade Secrets**

Trade secrets may be comprised, generally, of any formula, pattern, or device, or of information which gives one an opportunity to obtain an advantage over competitors who do not know or use it

in commercial applications. Trade secrets in which Stephen F. Austin State University maintains an interest shall be protected in accordance with the terms of sponsored research agreements or, if none exist, by any lawful means available to the university as determined by the president or his designee.

### **Disclosure of Intellectual Property**

1. Each individual subject to this policy has a duty to disclose promptly, in writing, and prior to any disclosure either to the public or for commercial purposes, any intellectual property created or discovered by such individual. Disclosure shall be made to the president or his designee (dean with copy to the general counsel).
2. The president shall adopt policies and determine procedures for appropriate institutional review of such disclosures. The duty to disclose arises as soon as the individual has reason to believe, based upon his/her own knowledge or upon information supplied by others, that the intellectual property may be protectable under patent, trademark, or copyright law, or common law. Certainty about the protections to be afforded such intellectual property is not required before a disclosure should be made. Each individual subject to this policy shall execute such declarations, assignments, or other documents as may be necessary to protect the university's interest in such intellectual property.
3. Disclosure of equity ownership or management participation in a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property created or discovered by an employee shall be made in accordance with Equity Ownership and Management Participation below.

### **Equity Ownership and Management Participation**

1. Ownership of any equity interest in a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property created or discovered by an employee shall be disclosed to the president or his designee. The president shall take any necessary steps to avoid injury to the university as a result of potential conflicts of interest arising out of such equity ownership.
2. No employee may serve as a director, officer, or employee of a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property in which the university has an ownership interest except upon request of, or prior approval by, the Board of Regents. Authorization to serve as a director, officer, or employee of such a business entity may be subject to one or more conditions established to avoid injury to the university as a result of potential conflicts of interest.
3. In accordance with Section 51.912 of the Texas Education Code, the names of all business entities that have an agreement with the university relating to the research, development,

licensing, or application of intellectual property in which employees own an equity interest, or for which such persons serve as director, officer, or employee, shall be reported to the governor and legislature on an annual basis. The university may accept equity interests as partial or total compensation for rights conveyed in agreements with business entities relating to intellectual property owned by the university. The university may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the university and a business entity relating to intellectual property created, discovered, or developed by the employee and owned by the university.

### **Disposition of Income**

1. In the disposition of any net income accruing to the university or a component from patents, trade secrets, or copyrights, first consideration shall be given to the promotion of research.
2. In the disposition of any net income accruing to the university or a component from licensure of trademarks or service marks, first consideration shall be given to creation or enhancement of scholarship programs.

### **License Agreements**

1. Agreements which grant a third party the right to make, use, or sell a patented invention, invention know-how, or trade secret that has been disclosed and assigned to, or is otherwise owned by, the university shall require approval by the Board of Regents.
2. Agreements which grant a third party the right to reproduce, sell or use a copyrighted work, trademark, service mark, or trade name in which the university owns an interest shall require approval by the president.

### **Administration of Intellectual Property**

1. The president or his designee shall be responsible for administering this policy. Duties encompassed by this responsibility shall include filing appropriate registration forms and supporting documents with the Copyright Office, Library of Congress, or the Patent and Trademark Office, negotiating and drafting licenses and other royalty agreements, drafting necessary agreements for specially commissioned works, determining the applicability of this policy and appropriate law to intellectual property, and adoption of policies and procedures consistent with this policy statement and necessary for determination of ownership or protection of the university's interests in intellectual property. All referrals to the president or his designee, under this policy, shall follow established procedures and administrative channels of communication.
2. In determining the university's ownership interest in any intellectual property and measures necessary for appropriate protection or exploitation of such interests, the president or his

designee may utilize assistance from designated university committees, the general counsel, Texas attorney general, an appropriate private law firm or attorney, or corporations established for the purpose of managing intellectual property.

3. The responsibility for commercial marketing and licensure of intellectual property, and for maintenance of appropriate fiscal records, is assigned to the president or his designee.
4. All expenses of copyright registration, patenting and other forms of protection sought by the university shall be borne by the university, unless otherwise paid by a licensee through a negotiated licensing agreement. If the university fails or refuses to pursue within a reasonable period any registration of copyright or patent, or other protection, for intellectual property in which an employee has an ownership or royalty interest, the employee may independently pursue registration or other protection of such interest. All patents must be filed in the university's name, unless the university relinquishes all rights and interest to the intellectual property in writing, signed by the president. The individual shall be reimbursed for expenses related to such protective action, pursuant to a negotiated written agreement, if the university subsequently decides to assert and exploit the university's interests in the property.

**Cross Reference:** Tex. Educ. Code § 51.912; United States Code, Titles 17, 35

**Responsible for Implementation:** President

**Contact for Revision:** 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:** Interagency and Interlocal Contracts

**Policy Number:** 17.8

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** This policy defines and describes the appropriate usage of Interagency and Interlocal contracts.

**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 clarifications made.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Interagency and Interlocal Contracts

**Original Implementation:** Unpublished

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### Purpose

This policy defines and describes the appropriate usage of Interagency and Interlocal contracts.

### Definitions

**Interagency** – The purchase of goods or services from another agency of the state of Texas is allowed by the Interagency Cooperation Act, except that a state agency may not enter into an agreement or contract that requires or permits the agency to exceed its duties and responsibilities or the limitations of its appropriated funds. An agency may purchase goods, equipment and special or technical services including the services of an employee through an Interagency Cooperation Agreement.

**Interlocal** – The purchase of goods or services from or by a local government such as a city or county government, school district, junior or community college district, or other political subdivision, is handled as an Interlocal Agreement, and is allowed so long as neither the agency nor the political subdivision exceeds its duties and responsibilities or the limitation of its appropriated funds or its governing board or commission.

### General

A state agency may not provide services or resources to another agency that are required by Article XVI, Section 21, of the Texas Constitution to be provided under a contract awarded to the lowest responsible bidder. Printing services may not be purchased through an Interagency or Inter-local Agreement.

*Interagency contracts shall follow financial approval thresholds allowed in university policy 1.4. For some large dollar interagency contracts, board approval may be required; see Items Requiring Board of Regents Approval (1.4). All interagency contracts must conform to appropriate procurement procedures and be approved by an authorized administrator from each agency.*

*An requisition must be submitted to initiate an interagency agreement, if required under applicable law, or interlocal purchase where SFA is the receiving agency. The requisition must include specify the following:*

- a. the kind and amount of goods or services to be provided;
- b. the basis for computing reimbursable costs; and
- c. the maximum cost during the period of the agreement.

~~Where SFA is the performing agency, the procurement office is not involved.~~

*Interlocal contracts must contain a formal written agreement signed by the university agency head, or designee, and the local government, regardless of the dollar amount. ~~A formal written agreement signed by both agency heads is required regardless of the dollar amount. The written agreement must contain the items required to be in the purchase requisition.~~*

~~For some large dollar interlocal contracts, board approval may be required; see Items Requiring Board of Regents Approval (1.4).~~

~~An Interlocal Agreement requires a formal written agreement regardless of the dollar amount. The written agreement must:~~

- a. state the purpose, terms, rights, and duties of the contracting parties; and
- b. specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

~~Forms for interagency, local and interlocal agency agreements/contracts are available on the general counsel's website.~~

**Cross Reference:** Tex. Gov't Code §§ 771, 791; Tex. Const. art. XVI, § 21; Items Requiring Board of Regents Approval (1.4)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** Purchase Requisition (Banner System); Interagency Cooperation Agreement; Interlocal Agreement

**Board Committee Assignment:** Finance and Audit

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Interdepartmental Transfer (IDT)

**Policy Number:** 17.9

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** Defines and describes the appropriate usage of Interdepartmental Transfers.

**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:*

Made minor formatting and wording changes. Clarified that the Interdepartmental Transfer Request form may also be used to make correcting journal entries as requested by the department.

Reviewers:

Dannette Sales, Controller

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

## Interdepartmental Transfer (IDT)

**Original Implementation:** Unpublished

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### Purpose

This policy defines and describes the appropriate usage of ~~i~~Interdepartmental ~~t~~Transfers.

### Definitions

An ~~i~~**Interdepartmental tTransfer (IDT)** is used by a university department to pay for goods and services received from another department. With appropriate documentation, this process provides an internal mechanism to expense and credit university accounts in those exchanges.

### General

The department providing the goods or services should initiate the IDT using *the* procedures established by the controller's office *and the Interdepartmental Transfer Request form*. The initiating department must retain copies of the documentation as required by Records Management (2.9). As with any other purchase, funds must be available in the applicable account.

An IDT is not to be used to shift balances or move budgets from one account to another. An IDT is not to be used to transfer capital equipment from one department to another. Such transfers are handled through Procurement and Property Services. See Property Inventory and Management (17.14). However, if an exchange of funds is involved in the equipment transfer, an IDT may be used for the transaction.

Departments that initiate IDTs must develop written internal procedures that include:

- a segregation of duties in recording, reconciling, authorizing, and approving IDT transactions;
- IDT documentation, distribution, location, and retention responsibilities;
- a process to review accounts and verify IDT charges and credits.

**Cross Reference:** Records Management (2.9); Property Inventory and Management (17.14)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Controller

**Forms:** Interdepartmental Transfer ~~Request~~ *Summary* available on the SFA Business Forms website

**Board Committee Assignment:** Finance and Audit

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:** 4/30/2019

**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.

**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: Updating to current peer standards

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** The current limit on presidential contracting approval is outdated, is out of line with peer institutions, and creates unnecessary delays in normal university operations.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Dr. Steve Westbrook, Interim President  
Damon Derrick, General Counsel

## Items Requiring Board of Regents Approval

**Original Implementation:** July 5, 1988

**Last Revision:** ~~April 30, 2019~~ July 23, 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.

#### A. Items That Require Approval by the Board of Regents

1. Construction/renovation projects if the estimated cost is ~~\$100~~500,000 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
- 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~~500,000 or more, *and any contract amendment, extension, or renewal that causes the value of the original contract to exceed \$500,000*, except those items that appear in ~~Item~~ Section B below
- ~~5-6.~~ Any lease of any item (building, equipment, etc.) if the total cost of the lease is expected to be \$~~100~~500,000 or more without regard to the length of the lease period
- ~~6-7.~~ Purchase, sale or exchange of real property
- ~~7-8.~~ Depository contracts
- ~~8-9.~~ Food service (or similar) contracts, including changes in existing contracts
- ~~9-10.~~ Contracts and agreements with support or development foundations
- ~~10-11.~~ Settlements, consent decrees, authority to enter into litigation (executive session only, does not require board action for approval)
- ~~11-12.~~ Establishment (or change) of tuition, student fees, room and board 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.
- ~~12-13.~~ Curriculum matters, including
  - a. Establishment or elimination of academic programs
  - b. Establishment or elimination of courses
  - c. Major changes in programs or courses
- ~~13-14.~~ Designation of a name for university buildings, facilities, streets, etc.
- ~~14-15.~~ Annual holiday schedule
- ~~15-16.~~ Private, governmental, or foundation grants or agreements if the purpose of the grant, etc. is not designated ("president's discretion" constitutes a designation)
- ~~16-17.~~ Annual operating budget
- ~~17-18.~~ Increases in existing budgets through a "budget adjustment" if over \$~~100~~500,000, except revolving funds
- ~~18-19.~~ Biennial legislative request
- ~~19-20.~~ Long range master plans and strategic plans

## **B. Items That Do Not Require Approval by the Board of Regents**

1. Construction or renovation projects under \$~~100~~500,000
2. Change orders under \$~~100~~500,000 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~~500,000
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 \$100500,000 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:** Juanita Curry Boynton House

**Policy Number:** 16.32

**Is this policy new, being reviewed/revised, or deleted?**    New

**Date of last revision, if applicable:**

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

**Purpose of Policy (what does it do):** Addresses property inventory and routine audit of university property located at the Juanita Curry Boynton House. Also officially designated event and residential space and the process for making decisions concerning renovations and décor.

**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:** An inventory audit was recently conducted of the Juanita Curry Boynton House. It has been recommended by Audit Services that in the interest of maintaining current record-keeping, an inventory audit be conducted on a regular basis.

**Specific rationale for each substantive revision:**

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Gina Oglesbee, Chief Audit Executive

Kay Johnson, Director of Procurement and Property Services

Damon Derrick, General Counsel

## Juanita Curry Boynton House

**Original Implementation:** July 23, 2019

**Last Revision:** None

### Purpose

This policy affirms that the Juanita Curry Boynton House (Boynton House) serves as a university event space and as the residence of the university president. It prescribes responsibility for the university property used and/or stored at the facility and inventory management procedures; it officially designates event and residential space and the process for making decisions concerning renovations and décor.

### Property

The president is designated as the property custodian for all university property located at the Juanita Curry Boynton House and grounds. The president is responsible for maintaining an accurate and current inventory, documented by photographs, of all university property located at the Boynton House in the Juanita Curry Boynton House property log. The updated log will be provided by the Office of the President to the director of procurement and property services and the chief audit executive on an annual basis coinciding with the annual property inventory audit.

The Department of Procurement and Property Services is responsible for conducting a periodic property inventory audit in accordance with policy 17.14, Property Inventory and Management. In addition, during the periodic inventory, the Department of Procurement and Property Services will spot check items on the Juanita Curry Boynton House property log. The Department of Audit Services may audit any and all property as considered necessary.

### Space Allocation

The Juanita Curry Boynton House serves as a dual-use facility; the facility serves as both an event/hosting space for the university and as a personal residence of the president. The following prescribes the nature of the various spaces within the facility:

#### University Event Space

- Formal Living Room and Main Foyer
- Commercial Kitchen
- Dish Storage Room
- Formal Dining Room
- Guest Bathroom

- Outdoor areas

#### Hybrid Space

- East Wing Room
- Bar

#### Residential Space

- Master Bedroom/Bathroom
- Upstairs Rooms 1-4
- Residential Kitchen
- Den/TV Room

Notwithstanding these allocations, the president is not restricted to use solely of the residential space; rather, the president may make use of the entire facility, subject to any restrictions provided in this policy.

### **Renovation, Furnishing, and Décor**

Any decisions regarding renovation, furnishing, and décor will be brought before the Juanita Curry Boynton House committee. This committee shall consist of the following individuals: the chair of the Board of Regents (or designee), the vice president for university advancement, the director of the physical plant department, a representative from Interior Design program in the School of Human Sciences, the chief audit executive (ex officio), and the general counsel (ex officio). The chair of the Board of Regents (or designee) will serve as chair of this committee. The committee may designate additional individuals to advise it as desired.

The renovation, furnishing, and décor of university event space and hybrid space is within the sole purview of the Juanita Curry Boynton House committee. For hybrid space, the committee will solicit and consider input from the president.

Furnishing and décor of residential space is the sole purview of the president. Any request for renovation, including but not limited to construction, space modification, and paint and/or wallpaper, will be submitted to the Juanita Curry Boynton House committee for approval.

All university policies and procedures apply, including but not limited to those regarding procurement and establishment of a budget.

**Cross Reference:** Property Inventory and Management (17.14)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services

**Forms:** Juanita Curry Boynton House Property Log

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Military Service Activation

**Policy Number:** 6.14

**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):** This policy outlines the available options related to the academic coursework and financial obligations of students who are called to active military service

**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 update of reference policy name.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

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

## Military Service Activation

**Original Implementation:** April 20, 2010

**Last Revision:** ~~April 12, 2016~~ July 23, 2019

Through the course of an academic term, a student may be called to active military service. ~~as a reservist, member of the National Guard, or otherwise.~~ In the event of activation or mobilization, students are required to present a copy of their official orders to facilitate verification of inclusive dates. Students called to active military service have several options available to them for the treatment of their academic coursework and financial obligations.

### Excused Absence for Military Service Activation

Should a student called to active military service choose not to withdraw, the university will excuse the student from attending classes or engaging in other required activities upon receipt of a copy of the military orders. Excluding the final examination period, the maximum amount of time a student may be excused will be no more than twenty-five percent (25%) of the total number of class meetings, or the contact hour equivalent. The university will not penalize the student for that absence (including any travel associated with the service) and the student will be allowed to complete any assignment or take any examination within one year after the completion of active service. The university may provide as an accommodation, if reasonable and appropriate under the individual circumstances, extended time for course completion and additional services for those returning from active military service with documented duty-related disabilities. See Academic Accommodations for Students with Disabilities (6.1). During this time, the syllabus and a record of the coursework completed prior to activation will be retained by the instructor or academic unit. The student will be able to complete the course without penalty and under the same requirements as when the student initially enrolled in the course. Upon returning from active military service, the student will provide to the registrar a written request to complete the course. Upon receipt, the registrar will contact the academic unit head who will coordinate the completion of the course. If the student fails to complete any coursework or examinations, the student will receive the grade earned up to that point. Any dispute under this policy will be handled under normal academic procedures. See ~~Academic Appeal by Students~~ *Final Course Grade Appeals by Students* (6.3).

### Withdrawal from University for Active Military Service

Any withdrawal from a course due to active military service will be treated as if the student had not enrolled in that course. If a student elects to withdraw from the university due to military service activation, the university, at the student's written request and upon receipt of a copy of the military orders, will

1. refund the tuition and fees paid by the student for the semester in which the student withdraws;
2. petition the instructor to assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of coursework and who has demonstrated

sufficient mastery of the course material. The decision will be at the instructor's discretion; or,

3. grant the student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript.

**Cross Reference:** Tex. Educ. Code §§ 51.9111, 54.006(f); 19 Tex. Admin. Code § 4.98; Course Grades (5.5); *Course Add/Drop* (6.10); Student Fiscal Appeals (6.19); Satisfactory Academic Progress for Financial Aid Recipients (6.16); Academic Accommodations for Students with Disabilities (6.1); *Final Course Grade Appeals by Students*~~Academic Appeals by Students~~ (6.3).

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

**Contact for Revision:** Registrar

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Misconduct for Scholarly or Creative Activities

**Policy Number:** 7.19

**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 outlines the scope of misconduct in scholarly activity at SFA as well as procedures when a university official receives an allegation of possible misconduct in scholarly activity.

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

## Misconduct in Scholarly or Creative Activities

**Original Implementation:** July 17, 2012

**Last Revision:** ~~January 26, 2016~~ July 23, 2019

### I. Introduction

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

Faculty, staff, and students at SFA are expected to comply with generally understood and accepted standards of professional conduct, which include following accepted practices of scholarship and acknowledging collaborators and sources used in reports, publications, and presentations.

Any inquiry or investigation of allegations of misconduct in scholarly or creative activity must proceed promptly and with due regard for the reputation and rights of all individuals involved.

The university will take all reasonable steps to assure that the persons involved in evaluating 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.

### II. Scope

This policy applies to all non-federally funded research and other scholarly or creative activities (hereafter referred to as “scholarly activity”). Furthermore, 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.

Misconduct in scholarly activity includes fabrication, falsification, or plagiarism in proposing, performing, reviewing, or reporting scholarly results, or in conducting, reporting, and/or publishing scholarly activities. This includes improprieties of authorship, abuse of confidentiality, violation of generally accepted research practices, failure to comply with university requirements affecting research (such as use of human subjects, care and use of animals, and use of hazardous materials), misuse of funds for personal gain, and misrepresentation of qualifications.

Misconduct in scholarly activities does not include honest error or differences of opinion. Procedures for misconduct in research funded by federal agencies are outlined in

Misconduct in Federally Funded Research (8.7). Student academic dishonesty is covered under Student Academic Dishonesty (4.1).

### III. Procedures

This policy and its procedures will apply when a university official receives an allegation of possible misconduct in scholarly activity. Circumstances in individual cases may require variation from normal procedures to meet the best interest of the university or an external sponsor, if applicable. 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 scholarly misconduct officer (SMO).

The SMO is the associate provost and has primary responsibility for implementing the university's policies and procedures for allegations of scholarly misconduct. Responsibilities of the SMO include: (1) assessing allegations of scholarly misconduct to determine if they fall within the definition of scholarly misconduct and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of scholarly misconduct may be identified; (2) overseeing inquiries and investigations; and (3) handling other responsibilities as described in this policy.

- A. Reports of alleged misconduct in scholarly activity may be submitted to ~~any a~~ university ~~academic~~ official, including ~~department chairs~~ ~~unit heads~~, college deans, ~~graduate school dean, the director~~ ~~dean~~ of the Office of Research and Sponsored Programs ~~Graduate Studies~~, the associate provost, —, and the provost and vice president for academic affairs. The allegation should be submitted in writing and should detail the nature of the allegation and state if any efforts have been made to address the complaint.
- B. All proceedings will be confidential and will protect the rights and reputations of the individuals involved. *Notwithstanding, information may be disclosed in order to adequately conduct an inquiry.*
- C. Within 10 working days of receipt of an allegation of misconduct in scholarly activity, the written allegation will be forwarded to the SMO who, in consultation with appropriate individuals, will determine whether misconduct in scholarly activity may have occurred and whether an inquiry is warranted.
- D. If an inquiry is warranted, the SMO will inform the individual(s) of the allegation and will determine if a formal review is required or if the allegation can be resolved by the SMO with the parties involved.
- E. If the need for a formal review is determined, the SMO will establish a three-member investigative committee consisting of one member appointed by the SMO and one member selected by the individual(s) in question. These two members will select the third member *from the SFA faculty*. In all cases, the individuals selected should not create, or create the appearance of, a conflict of interest.

- F. The committee will hear from the complainant and any witnesses, and after reviewing the evidence, will hear from the individual(s) and review evidence they may provide. Upon conclusion of these activities, the committee will draft a report of findings to the SMO that states whether in its judgment, misconduct in scholarly activity has occurred, will detail the evidence that supports the conclusion, and will make recommendations for appropriate corrective actions.
- G. A copy of the draft report of findings will be presented to the complainant and the individual(s) for review. The complainant and individual(s) have five working days upon receipt of the report to submit written comments to the committee.
- H. Within 30 calendar days of receiving the draft report, a final report will be prepared by the committee, including any comments provided by the complainant and the individual(s).
- I. The final report with recommendations and outcomes will be reviewed and considered for approval by the SMO. Once approved, the complainant and the individual(s) will receive a copy of the final report.
- J. Corrective actions may include but are not limited to:
  - notification to involved parties, as appropriate;
  - withdrawal or correction of all pending or published abstracts and papers involving the misconduct;
  - removal of the responsible person(s) from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, or initiation of procedures leading to revocation of tenure or termination of employment;
  - restitution of funds to a grantor agency or other entities; and
  - other actions appropriate to the misconduct.
- K. *In cases warranting corrective action, the final report and/or other information regarding the complaint or inquiry may be disclosed as necessary to effectuate any recommendations or corrective actions, or otherwise notify affected individuals.*

The individual(s) may appeal the decision to the provost and vice president for academic affairs within ten working days of receipt of the final report. In considering the appeal, the provost and vice president for academic affairs will consider the final report, comments submitted by the individual(s), and any other evidence deemed relevant.

**Cross Reference:** Student Academic Dishonesty (4.1); *Faculty Code of Conduct* (7.11); Financial Conflicts of Interest in Sponsored Activities (8.2); Misconduct in Federally funded ~~Funded~~ Research (8.7); Ethics (2.6).

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic 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:** Missing Student Notification

**Policy Number:** 13.13

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

**Date of last revision, if applicable:** 5/16/2019

**Unit(s) Responsible for Policy Implementation:** University Police Department

**Purpose of Policy (what does it do):** Provide guidelines and procedures for missing 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:** Updates only

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

John Fields, Executive Director and Chief of Police  
Dr. Adam Peck, Interim Vice President for University Affairs  
Damon Derrick, General Counsel

## Missing Student Notification

**Original Implementation:** July 20, 2010

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### Purpose:

This policy, along with its accompanying procedures, establishes a framework for cooperation among members of the *Stephen F. Austin State University* ~~university~~ community, in accordance with the Higher Education Opportunity Act (HEOA) of 2008, aimed at locating and assisting currently enrolled students who reside *on and off campus* ~~in on-campus student housing~~ and have been reported missing.

Any person having reason to believe that a student may be missing should immediately contact the *Stephen F. Austin State University Police Department (UPD)* ~~Department of Public Safety~~. The ~~Department of Public Safety~~ *university police* shall investigate each report and immediately notify the appropriate university administration.

A student is presumed to be missing when his or her absence is inconsistent with his or her established patterns of behavior, and the deviation cannot be readily explained. Before presuming that a person is missing, reasonable measures should be taken to determine whether or not the student is at another place of residence and whether or not anyone familiar with the person has seen or heard from the person recently or is aware of where he or she may be.

### Contact Information:

All students shall have an opportunity to designate a contact person who will be notified in the event the student is determined to be missing. This contact information is separate from the emergency contact information a student may have provided as part of the registration process and will not be disclosed outside of a missing person investigation.

If a student fails to provide a separate contact person to be notified in a missing person investigation, the university may contact any person listed as an emergency contact for the student.

If the student deemed missing is younger than 18 years of age and is not emancipated, the ~~Department of Public Safety~~ *University Police Department* is required to notify the parent or guardian of the missing student within 24 hours after that determination is made.

**Procedure:**

- Anyone who suspects a student may be missing should notify the ~~Department of Public Safety~~*University Police Department* immediately at 936-468-2608.
- Any report of a missing student made to a university office or employee, should be directed immediately to the ~~Department of Public Safety~~*University Police Department* at 936-468-2608.
- When a student is reported missing, the ~~Department of Public Safety~~*University Police Department* shall;
  - Initiate an investigation to determine the validity of the missing person report;
  - Notify the ~~vice president for university affairs~~*the assistant vice president and dean of students*;
  - Make a determination as to the status of the missing student;
  - If the student is determined to be missing:
    - notify the confidential contact person identified by the missing student as the emergency contact within 24 hours;
    - ~~notify the dean of student affairs and the director of student services~~;
  - If the student has failed to provide a confidential contact person, notification may be made to any person listed as an emergency contact for the student;
  - Notify the student's custodial parent or guardian as contained in the records of the university within 24 hours of the determination that the student is missing if the student is younger than 18 years of age and is not emancipated.
- The vice president for university affairs shall initiate any action he or she deems appropriate under the circumstances to be in the best interest of the missing student.
- The ~~Department of Public Safety~~*University Police Department* may request the assistance of other law enforcement agencies as deemed necessary in the investigation.

**Awareness:**

A statement of this policy and the missing student notification procedures shall be provided in the university's annual security report in accordance with federal law and regulations.

The *assistant vice president and dean of student affairs* shall have the responsibility to inform students of the provisions of this policy, and the procedures set forth above.

**Cross Reference:** 20 U.S.C. § 1092(j); 34 C.F.R. § 668.46

**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:** 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:** 4-30-19

**Unit(s) Responsible for Policy Implementation:** University Police Department

**Purpose of Policy (what does it do):** Regulate parking on 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: Compliance with Payment Card Industry Data Security Standard

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Updates only. The purpose of these changes is to respond to the cost of compliance with the Payment Card Industry Data Security Standard. Without these changes, SFA would incur a liability of \$1,000,000 per transaction, and would require more than \$250,000 in upgrades to our current software and equipment in the Baker Pattillo Student Center Garage. The change in the permit cost for parking in the garage is being made to increase the number of permits sold - changing the funding mix from daily parking to permit parking. This can be accomplished without jeopardizing the ability to meet demand for visitor parking or parking for special events.

**Specific rationale for deletion of policy:**

*Additional Comments:*

STEPHEN F. AUSTIN  
STATE UNIVERSITY  

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Office of the General Counsel

Reviewers:

John Fields, Executive Director and Chief of Police

Cindy Haile, Director of Parking and Traffic

Dr. Adam Peck, Interim Vice President for University Affairs

Damon Derrick, General Counsel

## Parking and Traffic Regulations

**Original Implementation:** September 1, 1961

**Last Revision:** ~~April 30, 2019~~ July 23, 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.

*~~I.J.~~ With approval of the vice president for university affairs, UPD and PPT may authorize*

*an alternative method for the payment of fines that is consistent with the university's mission such as community service hours or the collection of food for area foodbanks.*

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 for which the area is reserved. Parking along Aikman Drive is reserved for employees that are issued AA permits 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.

#### 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. Permit purchase is through an online permit application for the next academic year beginning April 1. 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 *paying by the hour or day* ~~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.
- L. Park or store a vehicle during May and summer semesters I and II without explicit permission from the director of parking.
- 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:**

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.

**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.

**10. Emergency Vehicle Parking:** Emergency vehicles are exempt from the provisions of these regulations when being operated in response to an emergency situation.

**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.

**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.

**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.

**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.

**15. Special Events:** Any university department hosting an event on campus may request event parking.

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).

**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. 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. 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. 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 *or approved by the department head for non-academic areas.*

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. 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 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 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](mailto: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 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 permit issued 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**

### **2019-2020 Parking Violations**

Code	Violation Description	Fine
<b>General Violations</b>		

A1	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> )	\$40
A2	Parking backward in a parking space	\$30
A3	Failing to display a valid parking permit	\$40
A4	Not parking properly within the lines of a parking space	\$30
A5	Parking in a space designated "20 minute only" for more than 20 minutes	\$30
A6	Displaying a permit assigned to another vehicle	\$30
A7	Display two or more valid permits	\$30
A8	Failure to display proper permit on registered vehicle (three warnings per academic year, then \$10 per incident)	\$10
A9	Expired short-term parking	\$30
<b>Flagrant Violations</b>		
B1	Parking in a reserved parking space without displaying a proper permit ( <i>plus tow fee if applicable</i> )	\$40
B2	Parking a vehicle in a no-parking zone ( <i>plus tow fee if applicable</i> )	\$40
B3	Parking in any manner which obstructs vehicular traffic ( <i>plus tow fee if</i>	\$40
B4	Parking in a manner which obstructs a crosswalk ( <i>plus tow fee if applicable</i> )	\$40
B5	Parking in a fire lane ( <i>plus tow fee if applicable</i> )	\$75
B6	Parking in a tow-away zone ( <i>plus tow fee if applicable</i> )	\$40
B7	Parking in a loading zone or service driveway ( <i>plus tow fee if applicable</i> )	\$40
B8	Parking on a lawn, curb, sidewalk or other area not set aside for parking ( <i>plus tow fee if applicable</i> )	\$40
B9	Parking on campus while parking privileges are suspended ( <i>plus tow fee if applicable</i> )	\$150
C1	Moving a barricade or parking within any barricaded area ( <i>plus tow fee if applicable</i> )	\$40
C2	Using a forged, altered, false, fictitious or stolen permit ( <i>plus tow fee if</i>	\$150
C3	Falsifying or altering vehicle registration information ( <i>plus tow fee if</i>	\$100
C4	Parking in/blocking a handicapped space, ramp, or unloading zone w/o placard ( <i>plus tow fee if applicable</i> )	\$150
C5	Having a vehicle towed from campus	**
C6	Citation with move	\$40

C7	Vehicle moved to another location on campus	**
C8	Vehicle has been wheel locked	\$75
C9	Parking in violation of the direction of a traffic control officer	\$40
C10	Theft of property or damaging property by unauthorized boot removal or tampering/attempted removal of the boot (plus replacement cost of damaged property)	\$150
C11	Improper exit from a university parking garage (plus maximum daily fee	\$75
C12	Parking in a garage without payment (limited to once a semester)	\$15

**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

2019-2020 SFA Parking Permits				
Permit Sales Rate Chart				
Faculty and Staff				
Permit	Description	Annual		
AA	Faculty/Staff AA Permit	*see below		
F	Faculty/Staff Assigned Lot Permit	*see below		
PG	Annual Student Center Garage Permit	<del>\$740</del> 435	NA	NA
	Semester Student Center Garage Permit	<del>\$330</del> NA	<del>\$330</del> 200	<del>\$330</del> 200
M	Motorcycle Permit	\$60		
B	Faculty/Staff Daily Permit	\$3/Day	\$3/Day	\$3/Da
Student				
Permit Type	Description	Sept 2019	Jan 2020	May 2020
PG	Annual Student Center Garage Permit	<del>\$740</del> 435	NA	NA

	Semester Student Center Garage Permit	\$330 200	\$330 200	\$80 35
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/Day	\$3/Da
K	Campus Resident Daily Permit	\$3/Day	\$3/Day	\$3/Da
M	Motorcycle Permit	\$60	\$43	\$22
<b>Miscellaneous</b>				
<b>Permit Type</b>	<b>Description</b>	<b>Sept 2019</b>	<b>Jan 2020</b>	<b>May 2020</b>
W	Fitness Permit	\$ 20	\$ 20	\$20
CV	Contractor/Vendor Permit	\$170	\$114	\$58
T	Trailer Permit	\$ 50	\$ 33	\$17
RV	Occupied Recreational Vehicle**	\$ 40		
DV	Qualifying Veteran Permit	\$0		
** Per night, after four (4) days				

<b>Student Center Garage Hourly Parking</b>	
0-30 Minutes	No Charge
First Hour	\$2.00
Each Hour Thereafter	\$1.00
Maximum Daily Charge	\$8
Lost Parking Ticket	\$15
<b>Short-Term Paid Parking Lot 21</b>	
First Hour	\$2.00
Each Hour Thereafter	\$1.00
<b>Fees</b>	
Replacement Permit	\$15
Bicycle Release Fee	\$25
Lost/Stolen Replacement Permit	\$25

Grad Assistant Upgrade	\$10
Dual Credit Upgrade	\$ 5

<b>*Faculty/Staff or Other Government Agencies Annual Permit Fees</b>						
Salary \$19,999.99 and Less	Salary \$20,000 - \$39,999.99	Salary \$40,000 - \$59,999.99	Salary \$60,000 - \$79,999.99	Salary \$80,000 - \$99,999.99	Salary \$100,000 - \$119,999.99	Salary \$120,000 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:** Performance Evaluation of Faculty

**Policy Number:** 7.22

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** This policy includes the standards for evaluating faculty.

**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 change for clarification of the dean's role in the process

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

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

## Performance Evaluation of Faculty

**Original Implementation:** August 26, 1997

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

To ensure continued excellence in faculty performance and pursuant to Section 51.942 of the Texas Education Code, Stephen F. Austin State University (SFA) regularly evaluates the performance of faculty. The evaluation process will focus on improving faculty performance and incorporate commonly recognized academic due process rights, including notice of the manner of scope of the evaluation and the opportunity to provide documentation during the evaluation process.

The process of evaluating faculty at SFA includes several basic components:

- a. an annual administration evaluation of faculty performance;
- b. a comprehensive performance evaluation of all tenured faculty at least once every six years; and
- c. a plan for assisted faculty development prompted by deficiencies identified in the annual administrative evaluation or comprehensive performance evaluation.

### STANDARDS FOR PERFORMANCE EVALUATION OF FACULTY

Rigorous standards to determine what constitutes appropriate minimum performance must be developed by members of the academic unit holding faculty rank. These standards will be in keeping with the mission of the university, the mission and goals of the college, and the mission and goals of the academic unit. They are to be based on, but need not be limited to, the professional responsibilities of the faculty member in teaching, scholarship, research and creative activity, and service. “Rigorous standards” are a set of verifiable standards that are developed by tenured faculty in the academic unit. The standards should recognize the need to allow for legitimate variation in the development of faculty careers. A copy of these standards will be forwarded to the college dean and the provost and vice president for academic affairs for review and approval.

The standards will be subject to periodic review by the academic unit at least every five years, unless requested earlier by the academic unit head or dean. Any modifications are subject to review and approval by the appropriate academic dean and by the provost and vice president for academic affairs.

### THE ANNUAL ADMINISTRATIVE EVALUATION

Each faculty member will prepare and submit to the academic unit head an annual report of the professional activities and performance during the previous calendar year. As part of this report, academic units may require a self-evaluation that includes statements identifying an individual’s strengths and weaknesses and specifying plans for the upcoming academic year aimed at strengthening the faculty member’s performance. The college dean may meet with the academic unit head to review faculty evaluations prior to or following a face-to-face evaluation meeting.

During a face-to-face evaluation meeting with the faculty member, the academic unit head will provide the written administrative evaluation of faculty performance. Upon receipt from the academic unit head, the dean will forward the administrative evaluation and any supporting documentation to the provost and vice president for academic affairs. Faculty who receive two unsatisfactory annual evaluations in any three-year period will be subject to the procedures outlined in the plan for assisted development (PAD).

## THE PERIODIC COMPREHENSIVE PERFORMANCE EVALUATION OF TENURED FACULTY

Every tenured faculty member with less than a 0.5 FTE administrative appointment will undergo a comprehensive performance evaluation every sixth year after receiving tenure, returning to a faculty position following an administrative assignment, or after a previous comprehensive performance evaluation (including promotion or successful completion of a plan for assisted faculty development). Failure to submit a post-tenure review portfolio automatically leads to a plan for assisted development.

With approval from the dean and the provost and vice president for academic affairs, the post-tenure review clock will be suspended for all faculty holding administrative positions within the academic unit (e.g., academic unit heads) or holding at least a 0.5 FTE administrative position.

The comprehensive performance evaluation will be conducted on the same schedule as tenure and promotion evaluations at the unit level and in accordance with the following process:

- a. Each tenured faculty member will be reviewed by the tenured faculty in his/her academic unit, the academic unit head, and the dean.
- b. Academic unit review committees must be comprised of a minimum of three tenured faculty members. In academic units with three or fewer tenured faculty, the dean of the college, in consultation with the academic unit head, will appoint tenured faculty members from other academic units.
- c. Academic unit heads and deans with supervisory authority for faculty under review cannot be included in the academic unit review committee.
- d. Recommendations and decisions on the comprehensive performance evaluation will not discriminate on any basis prohibited by law or policy.
- e. The review committee must consistently follow the comprehensive performance evaluation procedures when evaluating all tenured faculty within an academic unit.
- f. This review will make use of annual administrative evaluations of the faculty activities and performance for the five most recent years.
- g. Each critical area—teaching, research/scholarly/creative accomplishment, and service—must be evaluated and rated separately and will include criteria addressing collegiality. An overall comprehensive performance evaluation rating must also be provided.
- h. At a minimum, the rating system must include two levels—satisfactory/meets expectations and unsatisfactory/does not meet expectations.
- i. Within the academic unit review, a simple majority of the voting faculty will determine the tenured faculty committee recommendation that the faculty member meets or does not

meet the adopted standards of the unit.

- j. Academic unit heads and deans may consider other pertinent information during the review process.
- k. Each faculty member will be notified in writing within five (5) class days after the academic unit head completes all recommendations regarding the comprehensive performance evaluation. Within five (5) class days of reviewing the written recommendations and supporting comments, the tenured faculty members may attach a letter of response addressing errors of fact in the decision. Such a notification and any subsequent response by the tenured faculty will become part of the faculty's periodic comprehensive evaluation materials.
- l. Each faculty member will be notified in writing within five (5) class days after the dean completes all recommendations regarding the comprehensive performance evaluation.
- m. Each faculty member determined as meeting standards at the academic unit and at the dean's level will require no further action.
- n. ~~Should the reviewed faculty member fail to meet the adopted standards of the unit, and the dean, then he/she~~ Each faculty member determined as not meeting standards at the academic unit or dean's level will be subject to the procedures outlined in the plan for assisted development.

## PLAN FOR ASSISTED DEVELOPMENT

The plan for assisted development (PAD) will incorporate a significant peer component and will have as its main intentions professional growth, personal reflection, and performance improvement.

- a. A committee will be appointed by the academic unit head in consultation with the faculty member and subject to approval by the dean. It is the task of this committee, in consultation with the academic unit head and the faculty member, to formulate a PAD to remediate any performance deficiencies identified in the comprehensive performance evaluation. A timeline for remediation not to exceed 24 calendar months with tangible benchmarks of progress will be established at this time.
- b. The annual evaluation process is suspended while a faculty member is under a PAD.
- c. The PAD will be signed by the faculty member, the academic unit head, and the dean to indicate their agreement with the terms of the plan. If the academic unit head, faculty member, and peer evaluation committee members are unable to come to agreement on a suitable PAD, then the faculty member will be required to adhere to the PAD as formulated by the dean, academic head, and committee. A copy of the plan will be sent to the provost and vice president for academic affairs.
- d. After the PAD has been created, the peer committee will remain in place and will meet at appropriate intervals with the academic unit head to review progress in meeting benchmark goals. The academic unit head will then hold meetings with the faculty member to assess progress. Failure to meet benchmark goals may result in an immediate determination that the faculty member has failed to satisfy the PAD, regardless of how much time remains in the PAD timeline.
- e. Upon completion of the PAD term, there are three possible outcomes:

- (1) When, with the recommendation of the peer committee and in the determination of the academic unit head, the faculty member has succeeded in restoring his/her performance to an acceptable level by meeting the goals of the PAD in a timely manner, the academic unit head will notify in writing the faculty member, ~~and the peer committee, and the dean.~~
- (2) The academic unit head may recommend extending the time for completion of the PAD for a maximum of one academic year. The dean of the college will choose to allow or deny the extension and will communicate this decision in writing to the academic unit head and faculty member within seven (7) calendar days of receiving the recommendation.
- (3) If, after seeking the opinions of the faculty peer committee, it is the judgment of the academic unit head that the faculty member has failed to satisfy the PAD, then the academic unit head will so inform the dean, the peer committee, and the affected faculty member in writing.

Upon receipt of the determination from the academic unit head, the dean will review the report of the academic unit head. The dean will personally confer with the faculty member regarding his/her performance under the PAD, with the appropriate academic unit head, and, if necessary, with the peer evaluation committee members. Following the review, the dean will forward a recommendation to the provost and vice president for academic affairs. The dean may recommend to the provost and vice president of academic affairs any of several actions, including, but not limited to:

- a. restoring the faculty member to a regular status (the faculty member then becomes subject to the standard periodic comprehensive performance evaluation process);
- b. requiring another PAD be formulated, with a different peer committee; or
- c. instituting dismissal proceedings or other appropriate action in accordance with SFA policy. A faculty member subject to dismissal on the basis of evaluations conducted under this policy will receive specific written reasons for the dismissal and have the opportunity for referral of the matter to a non-binding alternative dispute resolution process as described in Chapter 154, Civil Practices and Remedies Code. The opportunity for non-binding alternative dispute resolution will be available only after all internal procedures are exhausted.

**Cross Reference:** Tex. Educ. Code § 51.942; Tex. Civ. Prac. & Rem. Code Ch. 154; Faculty Handbook; Academic Freedom and Responsibility (7.3); Academic Appointments and Titles (7.2); and Tenure and Continued Employment (7.29).

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic 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:** Petitions and Handbills

**Policy Number:** 16.19

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

**Date of last revision, if applicable:** 7/25/2017

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

**Purpose of Policy (what does it do):** Provide guidelines spetitions and handbills on 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:** Updates only. Changes reflect compliance with Senate Bill 18 regarding expressive activities on campus.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Dr. Adam Peck, Interim Vice President for University Affairs  
Damon Derrick, General Counsel

## Petitions and Handbills

**Original Implementation:** July, 1980

**Last Revision:** ~~July 25, 2017~~ July 23, 2019

These rules shall govern the circulation and distribution of all petitions (a document embodying a formal written request made to an official person or organization) and handbills (a printed sheet that is distributed by hand), on university property.

1. Students, employees, and their approved organizations may circulate and distribute petitions and handbills on university property, except in academic buildings unless otherwise authorized by law.
2. Visitors, defined as any person who is not presently enrolled as a student nor is presently employed by the university, may circulate and distribute petitions and handbills *as part of an assembly or demonstration. (See policy 16.4, Assembly and Demonstrations.)* ~~in assigned areas of campus upon approval.~~
3. Students, employees, and their approved organizations shall require no previous approval to circulate or distribute petitions and handbills on university property so long as the individual or group(s) sponsoring the petitions or handbills is clearly identified in writing on the material itself.
4. All persons or organizations seeking to distribute a petition or handbill without identifying information must complete a registration form with the Office of Student Engagement and deposit a true and correct copy of the petition or handbill to be circulated or distributed.
5. Areas and times of circulation and/or distribution are as follows:
  - a. Students, employees, and their approved organizations may circulate and distribute properly registered (if required by this policy) petitions and handbills on university property at any time and in any location, except in academic buildings unless otherwise authorized by law.
  - b. Visitors *with an approved grounds form* may circulate and distribute ~~properly registered petitions and handbills in common outdoor areas between the hours of 8 a.m. and 7 p.m., Monday through Saturday~~ *the area of campus assigned as a part of the registration process. The submission and approval of the grounds form is detailed in university policy 16.4, Assemblies and Demonstrations. On the days visitors have been approved to be on campus, they may circulate and/or distribute petitions and/or handbills between the hours of 8:00 a.m. and 7:00 p.m. on the days registered for.*
  - c. Handbills may not be placed on parked vehicles or any other stationary object, (i.e., table, bench, etc.) as a means of distribution.
- ~~6. Registration must be made through the Office of Student Engagement at least twenty-four (24) hours in advance to facilitate orderly scheduling of the circulation and/or distribution area(s).~~
- ~~7.6.~~ Circulation and distribution by all parties must be conducted in compliance with these rules and university policy and 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 *and substantially* disrupt ~~or interfere with~~ the normal activities of the university.

~~8.7.~~ The person or organization circulating or distribution these materials shall clean and remove any litter which results from this activity.

~~9.8.~~ No person or organization may circulate or distribute a petition or handbill that:

- a. violates the university's policy on solicitation;
- b. contains material that is obscene or libelous; or
- c. advocates the deliberate violation of law.

For the purposes of this section "advocacy" means preparing the group addressed for imminent action and directing it to such action with the likelihood of producing that action, as opposed to the abstract espousal of the moral propriety of a course of action.

All decisions regarding prohibition of a petition or handbill based on content would follow the procedures *regarding removal of signs* outlined in the signs *and exhibit* policy, 16.24, ~~Section IV.~~

~~10.9.~~ In addition to these rules, petitions and handbills to be circulated and distributed by students, faculty, and staff, and their approved organizations, in:

- a. residence halls must comply with the rules governing residence halls; and
- b. the Baker Pattillo Student Center must comply with the rules governing this building.

~~11.10.~~ These rules do not apply to:

- a. the university, and its agents, servants, or employees, acting in the course and scope of their agency or employment; and
- b. the Stephen F. Austin State University Alumni Association and the Stephen F. Austin State University Foundation.

**Cross Reference:** U.S. Const. amend. I; Signs and Exhibits (16.24); *Assembly and Demonstrations* (16.4)

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student Affairs

**Forms:** Registration Form, Student Affairs/Student Engagement

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Piney Woods Conservation Center

**Policy Number:** 16.21

**Is this policy new, being reviewed/revised, or deleted?**    Delete

**Date of last revision, if applicable:** 11/7/2016

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

**Purpose of Policy (what does it do):** Provides guidelines for the use of the PWCC.

**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:**

**Specific rationale for deletion of policy:** The Piney Woods Conservation Center is no longer available for reservations or use.

*Additional Comments:*

Reviewers:

Dr. Steve Bullard, Provost and Vice President for Academic Affairs  
Damon Derrick, General Counsel

## **~~Piney Woods Conservation Center Policy to be deleted July 23, 2019~~**

**~~Original Implementation:~~** September 1, 1986

**~~Last Revision:~~** November 7, 2016

The Piney Woods Conservation Center (PWCC) is managed by the Arthur Temple College of Forestry and Agriculture.

### Housing Capacities

~~A 24 person minimum is required for all groups using the PWCC. However, smaller groups either may be accommodated at a higher rental rate or may be scheduled with another group.~~

The following capacities apply with two rooms sharing one bath (suite):

- ~~▪ 1 person or couple per suite capacity 16 individuals or 16 couples~~
- ~~▪ 1 person per room capacity 32~~
- ~~▪ 2 people per room capacity 64~~
- ~~▪ 3 people per room capacity 96~~
- ~~▪ 4 people per room capacity 128~~

### Reservations

~~The facilities of the PWCC are available for daytime, evening, or overnight events. Reservations must be made with the PWCC program coordinator.~~

~~A deposit is required to hold reservations for a specific date. The deposit may be waived for state agencies. The university's colleges, schools, departments, and sponsored programs must submit an Interdepartmental Transfer (IDT) for deposit and billing purposes. The deposit or IDT is submitted to the PWCC program coordinator with a letter detailing the following:~~

- ~~▪ Title and nature of program;~~
- ~~▪ Name, phone number, email, and postal address of program contact person;~~ ▪ ~~Estimated number of participants;~~
- ~~▪ Arrival and departure dates and times;~~
- ~~▪ Number of meals required;~~
- ~~▪ Number of participants by gender for dorm assignments; and,~~
- ~~▪ Special requests, i.e., menu preferences, sack lunches, number of classrooms, etc.~~

~~A final count of participants is due no later than seven (7) days prior to the event. The PWCC program coordinator will send a letter or e-mail of confirmation.~~

### Billing

~~Rates are established and adjusted periodically for standard meals and accommodations. Special arrangements and prices can be negotiated for large groups, miscellaneous equipment, etc. Standard rates are available upon request. Arrangements may be made for accident insurance coverage for qualified groups.~~

~~Each group is responsible for collecting meal and housing fees for its program. The PWCC will submit an invoice at the completion of the program based on the reservation. Payment is due no later than ten (10) days after receipt.~~

~~Checks should be made payable to Stephen F. Austin State University and mailed to the Arthur Temple College of Forestry and Agriculture, P.O. Box 6109, SFA Station, Nacogdoches, TX 75962-6109.~~

**~~Cross Reference:~~** ~~Use of University Facilities (16.33)~~

**~~Responsible for Implementation:~~** ~~Provost and Vice President for Academic Affairs~~

**~~Contact for Revision:~~** ~~Dean of the Arthur Temple College of Forestry and Agriculture~~

**~~Forms:~~** ~~None~~

**~~Board Committee Assignment:~~** ~~Building and Grounds~~

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Policy Development and Format

**Policy Number:** 1.6

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

**Date of last revision, if applicable:** 7/30/2016

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Policy describes the policy review and formation process and contains the format each policy must follow

**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 change.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Damon Derrick, General Counsel

## Policy Development and Format

**Original Implementation:** July 16, 2013

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### A. POLICY FORMAT

Each policy will have a title that is concise but descriptive.

Each policy is indexed with a numeric indicator which indicates the position of the entry within the policy manual. Each policy contains two sets of numbers separated by a period. The number preceding the period refers to the subject area and the number following the period identifies the sequentially numbered policy within that subject area. The index number will be noted in the footer.

Each policy will have the following captions, defined as follows:

- **Original Implementation:** All new policies must be approved by the board of regents. The caption specifies the date of original approval of the policy by the board of regents. If the date of original implementation could not be determined accurately, Unpublished is substituted.
- **Last Revision:** All revisions to policies must be approved by the board of regents. This caption indicates the latest date that the policy was approved by the board of regents; the text of the policy is the latest revision, as of this date.
- **Cross Reference:** These consist of other policies or statutory references that may have a direct impact upon the policy.
- **Responsible for Implementation:** This caption indicates the position title of the senior university administrator who has been delegated by the board of regents and/or the president with the responsibility of administering this policy. This caption should state either the president or the vice president(s) to whom the president has delegated this responsibility. If the policy is a university-wide policy, the responsible office listed is president; if the policy affects or is administered by a division of the university, the vice president of the division is listed.
- **Contact for Revision:** This caption lists the position title of the university employee who directly administers the policy on a day-to-day basis and/or has been assigned the responsibility for revision of the policy. In some cases, there are multiple employees listed as responsible for revision and each must collaborate in the revision to coordinate changes that will impact more than one university division.
- **Forms:** Forms necessary to implement the policy are listed by title, followed by a parenthetical reference which indicates where the form may be obtained.
- **Board Committee Assignment:** This caption indicates which committee of the Board

of Regents is responsible for initial review and recommendation for approval by the board.

Each policy will have a footer containing the page number, title and index number of the policy.

Policies will be styled consistent with the most recent version of the *Associated Press Stylebook*.

The general counsel may modify policies to revise contact information or as necessary to ensure compliance with this section. Additionally, the general counsel may modify the structure and format of the policy manual as needed to increase its usability and effectiveness.

## B. PROCESS FOR PROPOSAL OR REVISION OF POLICIES

Policies may be revised by the Board of Regents at any time it becomes necessary or advisable. At a minimum, policies are to be reviewed every three years, with the exception of the following policies which require annual review:

- 2.13 Sexual Misconduct
- 3.20 Investments – Endowment Funds
- 3.21 Investments
- 10.4 Student Conduct Code ~~Code of Conduct~~
- 13.14 Parking and Traffic Regulations

The employee listed as contact for revision in each policy is responsible for initiating the review process and submitting the suggested policy changes through administrative channels to the president or to the vice president of the appropriate university division. In the academic affairs division, policy revisions should be submitted to the provost/vice president through a policy review committee.

New policies may originate from individual students, faculty or staff members, administrators, or from ad hoc or standing committees, groups, or boards; new policies must be submitted through the same process described above for policy revisions.

New or revised policies should be submitted for approval to the Office of the Board of Regents by the president, vice presidents, general counsel, or chief audit executive. The deadline for submission is approximately six weeks before each quarterly board meeting. Each submission must include a completed Policy Summary Form. The coordinator of board affairs will format the submitted policies for consistency and post online at [www.sfasu.edu/regents](http://www.sfasu.edu/regents) for campus-wide review and input. Additionally, copies will be sent to the president and vice presidents. All policies are reviewed by the general counsel. Proposed policies or revisions should be submitted to the board members in the agenda book ten days before each regular board meeting.

Following approval by the Board of Regents policies are available online at ~~www.sfasu.edu/policies~~ *in the online policy manual*. A campus-wide email will be sent to highlight policy changes after each board meeting. Each university division will brief its staff

concerning changes to relevant policies during staff meetings that follow each board meeting.

**Cross Reference:** None

**Responsible for Implementation:** President

**Contact for Revision:** General Counsel; Coordinator of Board Affairs

**Forms:** Policy Summary Form (Board of Regents Office)

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Prohibition of Enrollment Inducement of Military Service Members

**Policy Number:** 6.23

**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):** SFA prohibits inducements to any individual or entity for the purpose of securing enrollments of military service members or obtaining access to tuition assistance (TA) 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:** Reviewed with no changes recommended.

**Specific rationale for deletion of policy:**

*Additional Comments:*

**Reviewers:**

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

## Prohibition of Enrollment Inducement of Military Service Members

**Original Implementation:** July 16, 2013

**Last Revision:** ~~January 26, 2016~~ July 23, 2019

Stephen F. Austin State University prohibits inducements (including any gratuity, favor, discount, entertainment, hospitality, loan, transportation, lodging, meals, or other items having a monetary value of more than a de minimus amount) to any individual or entity (other than salaries paid to employees or fees paid to contractors in conformity with all applicable laws) for the purpose of securing enrollments of military service members or obtaining access to tuition assistance (TA) funds. This includes:

- Refraining from high-pressure recruitment tactics such as making multiple unsolicited phone calls to military service members for the purpose of securing their enrollment.
- Refraining from providing any commission, bonus, or other incentive payment based directly or indirectly on securing enrollments or federal financial aid (including TA funds) to any persons or entities engaged in any student recruiting, admission activities, or making decisions regarding the award of student financial assistance.

Fraud or ethics concerns should be reported to Audit Services at [www.sfasu.edu/audit/fraudreport.asp](http://www.sfasu.edu/audit/fraudreport.asp).

**Cross Reference:** None

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic 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:** Reasonable Workplace Accommodation for Disabilities

**Policy Number:** 11.22

**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 Finance and Administration

**Purpose of Policy (what does it do):** The policy outlines the process and requirements used by SFA to offer reasonable workplace accommodations to both applicants for employment and employees with disabilities.

**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; only minor revisions 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

## Reasonable Workplace Accommodation for Disabilities

**Original Implementation:** April 20, 2004

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### Purpose

Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or *state regulations*~~the Texas Commission on Human Rights Act~~, which does not constitute an undue hardship to the university.

### Definitions

A **disability** is a known mental or physical impairment that substantially limits one or more major life activities of an individual either evidenced by a record of such ~~an~~ impairment; or by being regarded as having such ~~an~~ impairment.

A **qualified individual with a disability** is an individual who meets all the skills, experience, knowledge, educational and other job requirements of the position. In addition, the individual can perform the essential functions of the position with or without reasonable accommodation.

**Reasonable accommodations** are modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable SFA's employees with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

An **undue hardship** is incurred when an accommodation request impacts the operations or business through the cost factors involved, or the effect on the safety of the requestor or other individuals, *or due to the impact on the university's ability to conduct business.*

### General

Job postings will include a statement that all responsible workplace accommodations are requested by calling the human resources department. The director of human resources or ~~their~~*his/her* designee will be responsible for overseeing the reasonable workplace accommodation policy and the procedures to ensure compliance.

Any employee requiring an accommodation shall notify his/her immediate supervisor as soon as practical, informing the supervisor of the nature of the disability. Any supervisor notified of a disability shall immediately report it to the director of human resources or ~~their~~*his/her* designee.

The employee shall provide to the director of human resources or ~~their~~*his/her* designee the following within a reasonable time from the date of notification, not to exceed fourteen (14) days:

- A letter from an appropriate healthcare or rehabilitation professional. The letter shall contain a diagnosis, prognosis, and an evaluation as to the effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position.
- A copy of all documentation relevant to making a decision about reasonable accommodation. Relevant documents may include, but are not limited to, medical records.

The director of human resources or ~~their~~*his/her* designee may request a letter from the employee that includes:

- The nature and extent of the physical or mental impairment;
- A complete medical diagnosis by a qualified professional, including the results of any tests conducted to verify the extent of the condition;
- Which, if any, of the major life functions are substantially limited as a result of the employee's condition;
- A prognosis, including the permanent or temporary nature of the condition and a list of all job functions or tasks the employee cannot perform but can perform if reasonable accommodation is provided; and
- Recommendations for appropriate accommodations based on the job description and current duties, if applicable, including the source and type of any special equipment that may be needed.

The director of human resources or ~~their~~*his/her* designee shall confer with the employee to ascertain the employee's requirements and input on a reasonable accommodation.

Before making a decision regarding the accommodation, the director of human resources or ~~their~~*his/her* designee may submit the employee's request for accommodation, accompanying documentation and medical records to an appropriate health care professional or a disability committee of appropriate university employees familiar with determining disability status for evaluation and recommendations at the university's expense. All information will be kept confidential by the expert or committee and all documentation provided to the expert/committee will be returned to the university by the expert/committee.

Based on the relevant information provided, the director of human resources or ~~their~~*his/her* designee shall determine what, if any, reasonable accommodation will be made and shall convey it to the employee and management. If accommodation would constitute undue hardship on the university, supporting documentation will state the reasons. An undue hardship determination will conform to definitions provided by the courts, ADA Amendments Act of 2008, and *state regulations*~~the Texas Commission on Human Rights Act~~. Factors that may affect an accommodation decision should include, but are not limited to, the availability of funding, the amount of disruption of work of other employees, and the impact on the university's ability to conduct business.

Reasonable workplace accommodations taken may include making existing facilities readily available; modifications or adjustments to the work environment or manner or circumstances under which the position's essential functions are customarily performed; modifications or adjustments that enable the individual with the disability to enjoy equal benefits and privileges as other similarly situated employees without disabilities; and other appropriate adjustment to the work environment of a qualified individual with a disability.

Unless extenuating circumstances exist, the review process should not exceed a period of thirty (30) days.

The director of human resources or ~~their~~*his/her* designee shall periodically confer with the employee with the disability to determine continuance of the workplace accommodation and shall notify the appropriate university personnel regarding the continuation or discontinuation of the workplace accommodation.

In addition to ADA information, all medical information concerning the employee requesting an accommodation shall remain confidential and separate from personnel files. This includes any doctor's statements,; leave forms, or any other information that pertains to the medical condition or medical history of the employee.

This pertains not only to all records kept by the human resources department, but extends to any records kept in the departmental offices. The president or ~~their~~*his/her* appointed representative shall periodically review and update this policy and procedures to ensure compliance with EEO laws.

**Cross Reference:** ~~Non-Academic Employee Handbook;~~ Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. § 793, 34 C.F.R. § 104, 41 C.F.R. § 60-741; the Americans with Disabilities Act of 1990, Pub. L. No. 110-325, 42 U.S.C. §§ 12101-12213 as amended by the American with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553; ~~and the Texas Commission on Human Rights Act, Tex. Lab. Code §§ 21.051-129~~

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Human Resources

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Regents Professor

**Policy Number:** 7.24

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

**Date of last revision, if applicable:** 11/2/2015

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

**Purpose of Policy (what does it do):** This policy outlines the criteria for Regents Professor.

**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:**

Name change to Regents Scholar proposed to clarify award as an honorary title and not an academic rank. Change minimum service to SFA from 10 years to 5 years because 10 year service time considered too long to qualify for award. Faculty nomination seconded by another faculty member to strengthen nomination process by involving more than just one faculty nominator. Submit letter of nomination through academic unit leader, dean then provost and vice president for academic affairs. Removed procedure from policy regarding dossier requirements. Faculty nominees not selected remain in candidate pool for two additional years to increase qualified candidate pool each year. Add additional recognitions to raise profile of the award. Delete public lecture requirement due to consistently low participation by campus and off-campus community for many years.

**Specific rationale for deletion of policy:**

*Additional Comments:*

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

Reviewers:

Academic Affairs Policy Committee

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

## Regents ~~Professor~~Scholar

**Original Implementation:** October, 1979

**Last Revision:** ~~November 2, 2015~~ July 23, 2019

The title of Regents ~~Professor~~Scholar is the highest honor that the university may bestow upon a member of the faculty. The honor is reserved for faculty members who are exemplary role models to the university community. The title of Regents ~~Professor~~Scholar is not an academic rank, *but an honorary title held for the duration of the recipient's service to the university* ~~and is held for one academic year.~~

1. Only tenured full professors are eligible for nomination. They must have served a minimum of ~~ten~~five years at Stephen F. Austin State University, ~~have been in rank for a minimum of five years,~~ and will remain on active service during the academic year of the award. Previous recipients of the award are ineligible.
2. Faculty members are nominated on the basis of extraordinary merit in teaching, research/scholarly/creative accomplishment, and service. Evidence of exceptional performance must exist in each category.
3. *A nomination may be submitted by any tenured member of the university faculty. The nomination must be seconded by another tenured member of the faculty. The nomination and second are submitted by letters through the relevant academic unit leader and dean, then to the provost and vice president for academic affairs.* ~~A letter of nomination may be submitted by any tenured member of the faculty to the provost and vice president for academic affairs.~~
4. Upon acceptance of a nomination, the *nominator and second will assist the nominee* ~~must~~in preparing a dossier. *The instructions for preparing and submitting the dossier can be found on the "Regents Scholar Award" page of the Academic Affairs website.* ~~that includes: a current curriculum vitae, evidence of exceptional teaching, evidence of exceptional research/scholarly/creative accomplishment, and evidence of exceptional service.~~
5. The provost *and vice president for academic affairs* appoints a review panel of six from the ranks of former Regents ~~Professors~~Scholars (formerly titled *Regents Professors*) and deans, with attention to disciplinary balance. The review panel will examine the dossiers independently and vote by anonymous ballot.
6. The provost *and vice president for academic affairs* will receive the ballots from the panel and, on the basis of the input, decide whether to recommend a ~~single~~ nominee ~~or none at all~~ to the Board of Regents, through the president. *The applications of nominees not selected will remain in the pool for two additional years.*

7. The designation as Regents ~~Professor~~ *Scholar* may be made only by the Board of Regents.
8. The recipient is awarded a Regents *Scholar* medallion, a framed certificate, and ~~receives a~~ *one-time stipend. The recipient will be recognized by the Board of Regents at the fall board meeting. The recipient will have the opportunity to participate as a member of the platform party during commencement ceremonies throughout the academic year.*
9. ~~The Regents Professor will provide a public lecture scheduled through the University Lecture Committee.~~

**Cross Reference:** None

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic 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:** Second Baccalaureate Degrees

**Policy Number:** 6.18

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

**Date of last revision, if applicable:** 11/2/2015

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

**Purpose of Policy (what does it do):** This policy outlines the conditions that apply to earning a second baccalaureate degree at SFA.

**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 changing the order of the bullets as well as rewording for clarification and accuracy.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

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

## Second Baccalaureate Degrees

**Original Implementation:** January 25, 2010

**Last Revision:** ~~November 2, 2015~~ July 23, 2019

Stephen F. Austin State University (SFA) is committed to facilitating the timely completion of academic degrees and providing opportunities to achieve second degrees at the baccalaureate level.

Students who hold a baccalaureate degree from an accredited institution, including SFA, may earn a second baccalaureate degree from SFA.

The following conditions apply to a second baccalaureate degree:

- *Students who earned a first baccalaureate degree from another accredited institution must complete all requirements for the Texas Core Curriculum, at least 30 semester hours at SFA, as well as all the requirements for a second degree with at least 15 hours taken in the major field at the upper-level.*
- ~~Students must earn a minimum of 30 semester hours in addition to the hours required for the first degree.~~
  - *Students who earned a first baccalaureate degree from SFA may apply up to 12 hours in transfer credit to the second degree.*
  - Students must satisfy all prerequisites, co-requisites, and major requirements for the second degree program *as required by the academic unit.*
  - ~~Students who earned a first baccalaureate degree from SFA may apply up to 12 hours in transfer credit to the second degree.~~
  - ~~Students who earned a first baccalaureate degree from another accredited institution must complete all 30 semester hours at SFA with at least 15 hours taken in the major field at the 300-level or above.~~
  - Students seeking a second baccalaureate degree requiring a minor may use the major completed in the first bachelor's degree in lieu of a minor.
  - At the discretion of the major advisor or academic unit head, courses completed successfully in the first bachelor's degree may be applied to the requirements for the second bachelor's degree.

**Cross Reference:** None

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic 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:** Sexual Misconduct

**Policy Number:** 2.13

**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:** President

**Purpose of Policy (what does it do):** Addresses prohibition of sexual misconduct and other sex based offenses related to Title IX and VAWA 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:**

- 1) Elaborated on the general policy statement and identified Title IX Coordinator as primary authority for Title IX compliance and related regulations.
- 2) Added a few definitions and clarified other, most notably the definition of Responsible Employee to comply with updated Education Code amended by SB 212 from 86R session.
- 3) Made other clarifications related to reporting requirements including a required reporting deadline for Responsible Employees.
- 4) Renamed policy to more accurately reflect scope of policy

**Specific rationale for deletion of policy:**

*Additional Comments:*

STEPHEN F. AUSTIN  
STATE UNIVERSITY  

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Office of the General Counsel

Reviewers:

Michael Walker, Assistant Dean of Student Affairs Support Services  
Adam Peck, Interim Vice President for University Affairs  
Damon Derrick, General Counsel

# **~~Sex- and Gender-Based Discrimination, Violence, Harassment, and Sexual Misconduct~~**

**Original Implementation:** July 27, 2015

**Last Revision:** ~~July 24, 2018~~ July 23, 2019

## **1. General Policy Statement**

Stephen F. Austin State University (university) is committed to maintaining a learning and working environment that is free from ~~sex-sex and gender-based~~ discrimination. Sexual harassment, sexual violence, relationship violence, and stalking ~~Misconduct is~~ are forms of ~~sex-sex and gender-based~~ discrimination and will not be tolerated. *The university will take prompt disciplinary action against any—* Individuals or organizations, within its control, who violate this policy. An employee who violates this policy is subject to disciplinary action up to and including termination. A student who violates this policy is subject to disciplinary action up to and including expulsion. ~~who engage in Sexual Misconduct will be subject to disciplinary action.~~

### **1.1 Title IX of the Education Amendments of 1972**

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

### **1.2 Title IX Coordinator**

*University official with the responsibility of coordinating the university's efforts to comply with and carry out its responsibilities under Title IX and implementing its regulations, including the investigation of reported violations of this policy in accordance with Title IX, Violence Against Women Act, Clery, and the Campus SaVE Act.*

*Contact information for the Title IX coordinator is outlined in Section 4.7. This information is subject to change. The most updated contact information for the Title IX coordinator can be found at [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).*

~~1.1 The university will take prompt disciplinary action against any individuals or organizations within its control who violate this policy. The university encourages any student, faculty, staff, or visitor to promptly report violations of this policy to an individual identified in Section 4.7.~~

## **2. Applicability**

This policy applies to all university administrators, faculty, staff, students, and third parties within the university's control, including visitors and applicants for employment. It applies to conduct regardless of where it occurs, including off university property, if it potentially affects *someone's equitable access to the Complainant's* education or employment with the university. *This policy* ~~It~~ also applies regardless of the sex, gender, gender identity, or sexual orientation of the *individual(s) involved* ~~Complainant or the Respondent~~. In addition, it applies whether the reported policy violation was made by, or against, a third party, and whether the reported policy violation was

made verbally or in writing.

*Instances of sex and gender-based discrimination related to hiring and compensation practices at the university are governed by the Discrimination Complaints policy (2.11).*

### 3. Definitions, Prohibited Conduct, and Examples<sup>1</sup>

#### Definitions

##### **Complainant:**

~~t~~—~~Refers to~~ the individual(s) who ~~is~~~~are~~ alleged to have been impacted by a violation of this policy.

##### **Respondent:**

~~—Refers to~~ the individual(s) who is accused of violating this policy.

##### **Reporting Party:**

~~—Refers to~~ the individual(s) who ~~submits a~~~~submitted/made the~~ report alleging a violation of this policy. The ~~r~~Reporting ~~p~~Party and ~~c~~Complainant may or may not be the same person.; ~~F~~For example, reports submitted by *third parties, witnesses, a*~~Advisors~~, or anyone designated as a ~~Responsible Employee~~*responsible employee* under this policy *are considered a r*~~Reporting p~~Party.

##### **Responsible Employee:**

*Pursuant to Title IX and Texas State law, a responsible employee is a mandatory reporter when in the course and scope of their employment at SFA, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes prohibited behavior defined in this policy, when the incident is alleged to have been committed by or against a person who was at the time of the incident a student, employee, or visitor of the university. Responsible employees include all university full and part time employees and certain student employees including but not limited to students employed in the following areas: residence life, athletics, student affairs, and others student employees who have substantive and recurring contact with students (such as graduate teaching assistants and academic tutors).*

##### **Advisor:**

Can be any individual who is chosen by the complainant or respondent to assist them in navigating the investigation proceedings and provide support and advice. An advisor does not act as a representative on behalf of the complainant or respondent except in limited circumstances as described in the investigation ~~hearing~~ process.

##### **Consent:**

~~This~~— involves a voluntary, ongoing, mutual understanding among all participants that *clearly* indicates a willingness, through words or ~~clear unambiguous~~*clear unambiguous*— actions,— and demonstrates— a ~~k~~Knowing,; intentional agreement to engage in each instance *and stage* of sexual activity. Knowledge of ~~c~~Consent is the responsibility of each person involved in every instance of

<sup>1</sup> The definitions provided in the main body of the text are the definitions adopted by the university. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

sexual activity and ~~c~~Consent can be withdrawn at any time.

### Examples of Ineffective or Absence of Consent

The following list provides examples of when ~~Consent~~*consent* has not been obtained or is not effective. This *definition includes but is not limited to* ~~list is not exhaustive~~:

Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary agreement to engage in each act of sexual activity has been demonstrated.

Consent is not effective if one person knew or reasonably should have known that another person involved was ~~I~~ncapacitated.

Consent to one act does not imply ~~c~~Consent to another; past ~~c~~Consent does not imply future ~~c~~Consent.

Consent to engage in sexual activity with one person does not imply ~~c~~Consent to engage in sexual activity with another.

Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of ~~c~~Consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) ~~I~~ntimidation, (d) Coercion, (e) Incapacitation or (f) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship ~~or, manner of dress does not~~, by itself, ~~is not sufficient to~~ constitute ~~c~~Consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly demonstrates a willingness to engage in each instance of sexual activity.

The definition of ~~c~~Consent for the crime of ~~s~~Sexual ~~a~~Assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.<sup>2</sup>

### **Incapacitation:**

—A state of being that prevents an individual from having the *mental ability, emotional stability, or maturity to provide capacity to give* ~~c~~Consent *at the time the alleged behavior occurs*.

<sup>2</sup> Texas Penal Code, Section 22.011(b) states that a ~~s~~Sexual ~~a~~Assault is without ~~c~~Consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not ~~c~~Consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not ~~c~~Consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

Incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability or medical condition.

“Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one’s actions. The effects of alcohol and drug consumption often occur along a continuum. For example, inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which they appear to give consent but do not have conscious awareness or the capacity to consent.”—

### ***Preponderance of the Evidence:***

*The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining responsibility for allegations of sex and gender-based discrimination under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.*

### **Prohibited Conduct**

#### **Intimidation:**

—A person commits intimidation by intentionally or knowingly threatening another person with bodily harm or threat of bodily harm. ~~Unlawfully~~ Intimidation occurs when placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the person to actual physical attack.

#### **Coercion:**

*The use of pressure and/or other oppressive behavior, including expressed or implied threats of physical harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words or conduct amounts to coercion if they wrongfully limit the other’s ability to freely choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substance that impairs the person’s ability to give consent.* ~~the practice of compelling another party to act by use of intimidation or threats.~~

### **Dating Violence<sup>3</sup>:**

<sup>3</sup> Dating violence is defined by the Family Code, Section 71.0021 as:

- (a) an act, other than a defensive measure to protect oneself, by an actor that:
  - (1) is committed against a victim:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or Sexual Assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or Sexual Assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
  - (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.

~~—Includes~~ abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature *constitutes dating violence*. The existence of such a relationship shall be determined by the individual subjected to the violence with consideration of the following factors:

- a) The length of the relationship;
- b) The type of relationship; and
- c) The frequency of interaction between the persons involved in the relationship.

*Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.*

Dating ~~v~~Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

#### **Domestic (Family) Violence<sup>4</sup>:**

~~—Includes~~ felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the individual subjected to the violence, by a person with whom the individual subjected to the violence shares a child in common, by a person who is cohabitating with or has cohabitated with the individual subjected to the violence as a spouse or intimate partner, by a person similarly situated to a spouse of the individual subjected to the violence under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth subjected to the violence who is protected from that person's acts under the domestic or family violence laws of the state of Texas.

#### **Hostile Environment:**

~~—Exists when sex-sex and/or gender-based harassment is sufficiently severe, persistent, or~~ pervasive *that is unreasonably interferes with, limits, or deprives an individual's to deny or limit the individual's ability to participate in or benefit from the university's programs or activities or an employee's terms and conditions of employment. A hHostile eEnvironment can be created by anyone involved in a university's program or activity (e.g., administrators, faculty members, employees, students, and university visitors).*

In determining whether ~~sex-sex and/or gender-based~~ harassment has created a *hHostile eEnvironment*, the university considers *if the conduct in question has been sever, persistent, or*

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(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Texas Penal Code, Section 22.01 provides the criminal penalties associated with ~~a~~Dating ~~v~~Violence

<sup>4</sup> Family Violence is defined by the Texas Family Code Section 71.004 as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or Sexual Assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or Sexual Assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections [261.001](#)(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) Dating ~~v~~Violence, as that term is defined by Section [71.002](#)1.

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.

*pervasive* from both a subjective and objective perspective *of a reasonable person*. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a *hHostile eEnvironment*, the university must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a *hHostile eEnvironment* exists for an individual(s) ~~or individuals~~, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the ~~sex-sex and/or gender-based~~ harassment, including:

- a) ~~(1)~~ the ~~nature~~type, frequency, severity, and duration of the conduct;
- b) ~~(2)~~ the identity and relationships of the persons involved;
- c) ~~the effect of the conduct on a person's mental or~~ emotional state
- d) ~~(3)~~ the number of individuals involved;
- a) ~~(4)~~ the location of the conduct and the context in which it occurred; and
- e)
- b)f) ~~(5)~~ the degree to which the conduct affected an individual's education or employment.

The more severe the ~~sex-based~~sex-based harassment, the less need there is to show a repetitive series of incidents *in order to support a* ~~to find a~~ *hHostile eEnvironment*. Indeed, a single instance of ~~sSexual aAssault~~ may be sufficient to create a *hHostile eEnvironment*. Likewise, a series of incidents may be sufficient even if the ~~sex-sex and/or gender-based~~ harassment is not particularly severe.

First Amendment ~~c~~Considerations: This policy does not impair the exercise of rights protected under the First Amendment.

### ***Sexual Misconduct:***

*A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, stalking, and other inappropriate sexual conduct. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.*

**~~Other Inappropriate Sexual Conduct~~** ~~Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of Sexual Harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.~~

**~~Preponderance of the Evidence~~** ~~The greater weight of the credible evidence. Preponderance of the Evidence is the standard for determining allegations of Sexual Misconduct under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.~~

**~~Responsible Employee~~** ~~A university employee who has the duty to report incidents of Sexual Misconduct to the Title IX coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible Employees include all administrators, faculty, supervisory staff, residence life directors and advisors, and graduate~~

teaching assistants. Any employee with confidentiality obligations related to their primary duties to the university as defined in Section 4.5 is excepted.

**Retaliation**—Any adverse action threatened or taken against someone because the individual has filed, supported, or provided information in connection with a report of Sexual Misconduct. Retaliation includes, but is not limited to: intimidation, threats, or harassment against any Complainant, Reporting Party, Respondent, witness, or third party involved with the report, investigation, or disposition of a policy violation. This includes any action made directly by an individual or indirectly through coordination with a third party, by any means including but not limited to: verbal threats in person, by phone, email, text, social media; adverse impact on employment or grading decisions; interference with access to services or resources; or behavior or contact, including a pattern of behavior or contact, with a person that could influence the outcome of an investigation by preventing a fair, reliable, impartial, or proper investigation.

### **Sexual Assault/Violence<sup>5</sup>:**

~~A~~Refers to any sexual contact, *intercourse, attempted or actual penetration*— ~~or intercourse of~~ with a person without the person's Consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of cConsenting to the contact or intercourse and includes but is not limited to any offense that meets the definition of ~~r~~Rape, ~~f~~Fondling, ~~i~~Incest, or statutory ~~r~~Rape:

- a) *Rape*: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the person.
- b) *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification without the cConsent of the person, including instances where an individual is incapable of giving cConsent because of the person's age or because of a temporary or permanent mental incapacity.
- c) *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of cConsent.

### **Sexual Exploitation:**

—Occurs when an individual takes non-consensual or abusive sexual advantage of another for ~~their~~his or her own benefit, or to benefit anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to: engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to ~~or of~~

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<sup>5</sup> Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person's cConsent; or
- b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person's cConsent; or
- c) Causing the sexual organ of another person, without that person's cConsent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex *without consent from all parties involved*, or knowingly transmitting a sexually transmitted infection (STI) to another.

### **Sexual Harassment:**

—Unwelcome conduct of a sexual nature including but not limited to ~~unwelcome~~ sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature *whether verbal, non-verbal, graphic, or otherwise and includes harassment based on sex, gender, sexual orientation, gender identity, or gender expression. Such conduct is sufficiently severe, pervasive, and objectively creates a hostile environment* when submission to or rejection of such conduct is made, either explicitly or implicitly, *as a term or condition of a person's student status, academic standing, employment, or participation in university activities.*; ~~such conduct is sufficiently severe or pervasive that it interferes with an individual's education, employment, or participation in university activities, or creates an objectively Hostile Environment;~~ *or Sexual harassment occurs when such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in university activities, or creating an intimidating, hostile, or offensive environment. Sexual harassment is a form of sex-sex and gender-based– discrimination and that includes but is not limited to:*

- a) Sexual ~~vViolence~~, ~~sSexual aAssault~~, ~~sStalking~~, ~~dDomestic vViolence~~ and ~~dDating vViolence~~ as defined herein.
- b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
  - i. unwelcome intentional touching; or
  - ii. deliberate physical interference with or restriction of movement.
- c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
  - i. explicit or implicit propositions to engage in sexual activity;
  - ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
  - iii. gratuitous remarks about sexual activities or speculation about sexual experiences;
  - iv. persistent, unwanted sexual or romantic attention;
  - v. subtle or overt pressure for sexual favors;
  - vi. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials; or
  - vii. deliberate, repeated humiliation or intimidation based upon sex or gender.

**Sexual Misconduct**—~~A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes Sexual Assault, Sexual Exploitation, sexual intimidation, Sexual Harassment, domestic violence, Dating Violence, Stalking, and Other Inappropriate Sexual Conduct. Sexual Misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.~~

**Other Inappropriate Sexual Conduct:**

*Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or university environment, and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or university environment.*

**Stalking<sup>6</sup>:**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for ~~their~~<sup>his or her</sup> safety or the safety of others, or suffer substantial emotional distress. *The university will utilize the definition as defined by the Texas Penal Code, Section 42.072. For the purposes of this definition—*

- a) *Course of Conduct: Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or communicates to or about a person threats, that a reasonable person would regard as threatening bodily injury or death of that person, their family members including someone with whom the person is dating or interferes with that person's property.*
- b) *Reasonable Person: Is a person under similar circumstances and with similar identities to the person subjected to the stalking behavior would fear for their safety or the safety of others, or suffer substantial emotional distress.*
- c) *Substantial Emotional Distress: Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.*

**Retaliation:**

*Any adverse action threatened or taken against someone because the individual has filed, supported, participated in, or provided information in connection with a report or investigation of sex or gender-based discrimination. Retaliation includes, but is not limited to: intimidation, threats, or harassment against any complainant, reporting party, respondent, witness, advisor, or third party involved with the report, investigation, or disposition of a policy violation. This includes any action made directly by an individual or indirectly through coordination with a third party, by any means including but not limited to: verbal or written threats in person, by phone, email, text, or social media; adverse impact on employment or grading decisions; interference*

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<sup>6</sup> Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  - i. bodily injury or death for the other person;
  - ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - iii. that an offense will be committed against the other person's property;
- b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- c) would cause a reasonable person to:
  - i. fear bodily injury or death for himself or herself;
  - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - iii. fear that an offense will be committed against the person's property; or
  - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

*with access to services or resources; or behavior or contact, including a pattern of behavior or contact, with a person that could influence the outcome of an investigation by preventing a fair, reliable, impartial, or proper investigation. Retaliation is prohibited and is considered a stand-alone policy violation without regard to any finding of responsibility for violation of this policy.*

- ~~→ Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.~~
- ~~→ Reasonable person means a reasonable person under similar circumstances and with similar identities to the person subjected to the Stalking behavior.~~
- ~~→ Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~

## **7.4. Reporting Violations**~~Reporting a Violation~~

### **7.14.1 Reporting Expectations and Requirements**

~~All Members of the University Community, Third Party, and Anonymously Reported Policy Violations.~~

~~Any All person with knowledge of a violation outlined in this policy is~~administrators, faculty, staff, students, and third parties ~~are~~ strongly encouraged to ~~to immediately~~ report any violations of this policy~~incidents of Sexual Misconduct and Other Inappropriate Sexual Conduct~~ to the Title IX coordinator or one of the deputy Title IX coordinators immediately, as well as university police if the alleged violation is also a criminal offense. – Reporting options and online reporting forms can be found at the following website: [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care). In addition, a link to reporting information will be maintained on the university home page. Reports can be submitted anonymously except for responsible employees as defined in this policy. Responsible employees must report violations within two (2) business days to the Title IX coordinator when in the course and scope of their employment at SFA witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes prohibited behavior defined in this policy. The university completes publicly available record-keeping under the Clery Act report and includes disclosures, without the inclusion of personally identifying information, on: dating violence, domestic violence, sexual assault, stalking, as well as other Clery reportable crimes that occur on campus. More information about campus safety and a copy of the Annual Campus Security Report can be found on the University Police Department website.

#### **a. Anonymity**

Individuals wishing to remain anonymous may report a suspected policy violation by completing the online “[Sexual Misconduct Reporting Form](#)” without providing any personal identification, or by telephone or written communication with the Title IX coordinator or –a deputy Title IX Coordinator. Electing to remain anonymous may significantly limit the university’s ability to stop the harassment, collect evidence, or take effective action against individuals or organizations accused of violating the policy. Retaliation against a person making a report or participating in an investigation is prohibited as outlined in Section 9.1 of this policy.

b. Confidentiality in the Reporting Process

*Information shared by an individual with the designated confidential resources outlined in this policy cannot be revealed to any other individual, including the Title IX office or law enforcement, without the expressed permission of the individual, with the exception of minor involvement or a threat to harm themselves or others. These campus and community professionals include mental health providers, such as psychologists, counselors, and therapists; healthcare providers, such as doctors and nurses; ordained clergy; and sexual assault advocates, while working in their professional capacity. The university will share information only as necessary and only with people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, administrators, and the parties involved in the alleged violation. The Title IX officials work to maintain confidentiality in the reporting process and when providing interim measures when possible. ~~The university has an obligation to maintain an environment free of sex discrimination, thus many university employees have mandatory reporting and response obligations and may not be able to honor a Complainant's or Reporting Party's request for confidentiality.~~ Complainants and rReporting pParties who want to discuss an alleged policy violation in strict confidence may use the resources outlined in Section 4.5.*

~~g. Timeliness of Report~~

~~Reports of policy violations should be made as soon as possible after the Complainant or Reporting Party becomes aware of the inappropriate conduct. Delays in reporting can greatly limit the university's ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.~~

4.2 Responsible Employees

Incidents of sexual misconduct may also be reported to rResponsible eEmployees. A rResponsible eEmployee is a university employee who has the duty to report incidents of sexual misconduct to the Title IX coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible eEmployees include all administrators, faculty, supervisory staff, residence life directors and academic advisors, and graduate teaching assistants. Any employee with confidentiality obligations as defined in Section 4.5 is excepted.<sup>7</sup> Responsible eEmployees should report incidents of sexual misconduct to the Title IX Coordinator as soon as possible using the [Responsible Employee - Title IX Reporting Form](#). Responsible eEmployees can find contact information for the Title IX Coordinator and deputy coordinators at the following website: [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).

a) Timeliness of Report

*Delays in reporting can greatly limit the university's ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy. Texas State law requires responsible employees to report policy violations promptly and if it is determined that a responsible employee knowingly fails to make a report, the individual may be subject to criminal charges and termination. For the purposes of this policy, the university defines prompt as occurring within two (2) university*

<sup>7</sup> For example, a student may make a report to an employee in the Office of the Dean of Student Affairs, a faculty member, or residence life staff. Each of these individuals is considered a rResponsible eEmployee and accordingly each is obligated to report to the Title IX coordinator or other appropriate designee.

*business days of witnessing or learning of a policy violation.*

*Responsible employees must include in the report all information concerning the incident known to them that is relevant to the investigation and, if applicable, any actions to redress the incident, including whether an alleged complainant expressed a desire for confidentiality in reporting the incident.*

*Individuals identified as responsible employees are not required to report under this policy if they are the victim of any prohibited behavior outlined in this policy. Additionally, responsible employees are not required to report if they learned of the incident from a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution.*

#### 7.44.3 Reporting to Law Enforcement

Reports of criminal offenses occurring on campus, including but not limited to sexual assault, dating violence, domestic violence, and stalking ~~Sexual Misconduct~~ may also be made to the Stephen F. Austin State University Police Department (UPD) at 936-468-2608 (non-emergency) or 911 (emergency) or to the City of Nacogdoches Police Department 936-559-2607 (non-emergency) or 911 (emergency) or to other local law enforcement authorities. Regardless of where the incident occurred UPD can assist in making a report to the appropriate law enforcement agency. Individuals are not required, but strongly encouraged to report all criminal violations to law enforcement. The Title IX coordinator and deputy title IX ~~co~~ deputy coordinators can assist individuals in contacting these law enforcement agencies as well as the confidential resources outlined in Section 6.1 C of this policy. Employees and students with protective or restraining orders relevant to a report are encouraged to provide a copy to the University Police Department. ~~Individuals are strongly encouraged to report all criminal violations to law enforcement.~~

If a report of a policy violation ~~Sexual Misconduct~~ is made to the University Police Department, ~~officers~~ it will advise the ~~c~~Complainant or ~~r~~Reporting ~~p~~Party of their right to file a report under this policy. To the extent allowed by law and university policy, the University Police Department shall also notify the Title IX coordinator of the report, and provide the Title IX coordinator, or the individual investigating the reported policy violation, access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation.

#### 7.54.4 Reporting to Outside Entities

An individual wishing to make a report may also contact the U.S. Department of Education, Office for Civil Rights (OCR) to complain of sex discrimination or sexual misconduct including sexual violence:

Office for Civil Rights  
U.S. Department of Education 1999 Bryan

St., Suite 1620 Dallas, TX 75201  
 Phone:– (214) 661-9600  
 FAX: (214) 661-9587

Employees may also contact the U.S. Equal Employment Opportunity Commission or Texas Workforce Commission Civil Rights Division to complain of sex discrimination or Sexual Harassment:

U.S. Equal Employment Opportunity Commission Houston  
 District Office  
 1919 Smith St., 6<sup>th</sup> Floor Houston, TX  
 77002  
 Phone:– (800) 669-4000  
 FAX:– (713) 651-4987

Texas Workforce Commission Civil  
 Rights Division  
 101 E 15<sup>th</sup> St., Rm 144-T  
 Austin, TX 78778  
 Phone: (888) 452-4778

#### ~~7.64.5~~ Confidential Support and Resources

Physical and mental health care professionals (including those who act in that role under the supervision of these individuals), are prohibited by confidentiality laws from reporting any information about an incident to anyone in any way that identifies the ~~c~~Complainant or ~~r~~Reporting ~~p~~Party, without the ~~c~~Complainant's or ~~r~~Reporting ~~p~~Party's permission *with exception to incidents involving minors or threats to harm themselves or others.* University employees who learn of a reportable violation while providing confidential services outlined above are not required to report identifying information to the Title IX coordinator, but are required to submit a non-personally identifiable report so statistical reports can be accurately produced *in accordance with the Clery Act*. Thus, students may discuss an incident with a counselor or counseling trainee ~~at~~in the SFA Counseling ServicesCenter or SFA Counseling Clinic, School Psychology Assessment Center, or a health care provider in the Student Health Clinic. In addition, the university has designated the Project Coordinator for the U.S. Department of Justice Office on Violence Against Women (DOJ OVW) as a confidential reporting source. *Contact information on these resources are available in Section 6.* Any person can report a violation of this policy to any of these confidential reporting sources without concern that personally identifiable information related to the incident will be reported to the Title IX Coordinator. Employees may seek assistance from the SFA Counseling Clinic, their own personal health care provider, or an off-campus resource without concern that the incident will be reported to the Title IX Coordinator. *More information about university and community resources that provide such confidential services can be found on the following website: [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).*

~~information about university and community resources that provide such confidential services can be found on the following website: [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).~~

#### ~~7.84.6~~ Immunity

~~Amnesty~~

In an effort to encourage reporting ~~and participation of Sexual Misconduct~~ under this policy, the university will grant ~~immunity~~ ~~amnesty~~ from disciplinary action related to other minor policy violations (such as alcohol possession, community guidelines, etc.) that may be discovered in the course of an investigation so long as those actions were not a contributing factor in the prohibited behavior. ~~— Additionally, —~~ any person who voluntarily initiates a report under this policy of Sexual Misconduct, assists a complainant, or cooperates with the investigation by either providing testimony or evidence, or otherwise participates in a disciplinary process or judicial proceeding arising from a reported violation of this policy, if that person acts in good faith in reporting a policy violation or participating in an investigation, is immune from certain civil, criminal, and disciplinary action as outlined by state law. Specifically, civil and criminal liability for offenses punishable by fine only, that might otherwise be incurred or imposed as a result of those actions; and students and employees may not be subjected to any disciplinary action by the university for any violation of prohibited conduct reasonably related to the incident for which suspension, expulsion, or termination is not a possible outcome. ~~— This amnesty~~ Immunity does not apply to a person who perpetrates or assists in the perpetration of a prohibited behavior outlined in this policy. ~~does not extend to the person's own violations of this policy.~~

#### 7.94.7 Title IX Coordinator and Deputy Title IX Coordinators

These are the SFA officials with responsibility for coordinating the university's efforts to comply with and carry out its responsibilities under Title IX, *Violence Against Women Act*, *Clery Act*, and *Campus SaVE Act* and associated ~~and its~~ guidance and regulations, including the investigation of reported violations to this policy and Title IX violations.

Contact information for the Title IX coordinator and Deputy Title IX coordinators is outlined below. This information is subject to change and ~~t~~—The most updated contact information for the Title IX coordinator and deputy coordinators can be found at [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).

~~The SFA Title IX Coordinator~~ is the *Director of Community Standards* ~~Assistant Dean of Student Affairs for Support Services~~

~~Rusk Building~~ McKibben Education Building, Suite 304, Room 304 | titleIX@sfasu.edu | (936) 468-8292

Deputy Title IX Ceordinator for Students is the Assistant Dean of Student Affairs for Programming

Baker Pattillo Student Center, Suite 3.302 | titleIXstudents@sfasu.edu | (936) 468- 7249

Deputy Title IX Ceordinator for Faculty, Staff, and Third Parties is the Director of Human Resources

Austin Building, Suite 201 | titleIXemployees@sfasu.edu | (936) 468-2304

Deputy Title IX Ceordinator for Athletics is the Senior Woman Administrator, SFA Intercollegiate Athletics

SFA Athletic Fieldhouse | titleIXathletics@sfasu.edu | (936) 468-3751

Deputy Title IX Ceoordinator for the SFA Charter School is the CEO/Principal SFA Charter School | 2428 Raguet Street | titleIXcharter@sfasu.edu | (936) 468- 5899

### 8.5. Parties' Rights Regarding Confidentiality and Privacy

The university has great respect for the confidentiality and privacy of the parties in a reported policy violation. Under federal *and state* law, however, ~~r~~Responsible ~~e~~Employees who receive a report of *prohibited conduct* ~~Sexual Misconduct outlined in this policy~~ must share that information within two (2) business days to the Title IX coordinator and/or a deputy Title IX Ceoordinator. The Title IX official~~se~~ ~~individuals~~ may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the ~~c~~Complainant's or ~~r~~Reporting ~~p~~Party's request for confidentiality.

All university employees who are directly involved in the university's response to allegations of *prohibited— sexual misconduct* outlined in this policy including investigators, members of appellate committees, sanctioning authorities, and administrative personnel, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Such a review is essential to protecting the safety of the ~~c~~Complainant, the ~~r~~Respondent, any other individuals involved in the process, and the broader campus community and to maintaining an environment free from sex discrimination and gender-based harassment.

Privacy and confidentiality have distinct meanings under this policy *when referencing the Title IX process as follows:-*

#### Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited group of individuals. The use of the information is limited to those university employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process as much as possible to ensure a fair, reliable, impartial, and proper investigation is completed.

#### Confidentiality

~~Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, such as psychologists, counselors, and therapists; healthcare providers, such as doctors and nurses; ordained clergy; and sexual assault advocates, while working in their professional capacity where this privilege is attached. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or as otherwise required by law.~~

~~In the course of the investigation, the university may share information only as necessary with~~

~~people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, and the Respondent. The university will take all reasonable steps to ensure there is no Retaliation against a Complainant, Reporting Party, Respondent, witness, or third party. The university will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Sec. 51.971, as applicable, and other confidentiality laws as they apply to Title IX investigations. To the extent possible, the university will also protect the privacy of all parties involved in a report of Sexual Misconduct.~~

### **Confidentiality**

*Once a policy violation is reported to the Title IX Office, officials work to maintain confidentiality when providing interim measures when possible. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in this policy as confidential.*

*In the course of the investigation, the university may share information only as necessary with people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, and the respondent to ensure a fair, reliable, impartial, and proper investigation is completed. Outside of the limited release of identities needed to respond to the alleged violation, the identities of and information about the complainant and respondent will remain confidential and will only be released with the written authorization of that person or their legal guardian, except as required by law. The university will take all reasonable steps to ensure there is no retaliation against a complainant, reporting party, respondent, advisor, witness, or third party. The university will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Sec. 51.971, as applicable, and other confidentiality laws as they apply to Title IX investigations. To the extent possible, the university will also protect the privacy of all parties involved in a report of sex and gender-based discrimination.*

## **9.6. Resources**

### **9.16.1 On Campus ~~Immediate~~ Assistance**

SFA Counseling Services~~Center~~

(936) 468-2401 / ~~\_\_\_\_\_~~counseling@sfasu.edu

SFA Student Health Clinic

(936) 468-4008 / ~~\_\_\_\_\_~~healthservices@sfasu.edu

SFA University Police

(936) 468-2608 ~~\_\_\_\_\_~~updemail@sfasu.edu

Family Crisis Center of East Texas – Campus Office (936) 468-7233

(800) 828-7233 (24 hour crisis line)

SFA University Police

(936) 468-2608 / updemail@sfasu.edu

### A. Healthcare

An individual who experiences any form of sexual, domestic, or ~~dating~~ violence is encouraged to seek immediate medical care. Also, preserving forensic and DNA evidence can be key to identifying the perpetrator in a sexual assault/violence case. A person who has experienced sexual assault/violence is strongly encouraged to seek medical and psychological care even if the person does not plan to report the assault to the police. Individuals can undergo a Sexual Assault Nurse Exam (SANE) forensic medical exam to preserve physical evidence crucial to investigating a case by with contacting law enforcement. A person may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted. A complainant can also request a SANE or without police involvement by contacting the Family Crisis Center of East Texas 24-hour hotline. If possible, a SANE this should be done immediately after the incident or recommended within 96 hours. Extensions to this time frame may be possible by a SANE nurse depending on circumstances since the assault.

### B. Police Assistance

The university strongly encourages individuals who have experienced sexual assault/violence, dating/domestic violence, or any other criminal violation Misconduct to make a report to law enforcement the police. While it is important to note that a police department's geographic jurisdiction depends on where the Sexual Misconduct criminal violation occurred, any law enforcement office can take your report and assist you in connecting to the correct law enforcement agency. No matter the location of the incident, SFA university police can assist the complainant in filing a report with the appropriate law enforcement agency. If the incident occurred on the university campus, or if a person needs assistance in knowing the correct jurisdiction, a report may be filed with the SFA University Police Department by calling 936-468-2608 or in person at the police headquarters at 232 East College Street, even if time has passed since the assault occurred. SFA university police can also inform the complainant on how to obtain an emergency protective order protective order.

Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a separate process for a university disciplinary hearing. If the university police are called, an officer will be sent to the scene to take a detailed statement. A report may be filed with the university police even if the alleged assailant has no relation to the university is not a university student or employee.

~~If the incident occurred off-campus a report may be filed with the appropriate law enforcement agency. No matter the location of the incident, SFA university police can assist the Complainant in filing a report with the appropriate law enforcement agency. If a report is made to a law enforcement agency, an officer will usually contact the Complainant to take a written report.~~

### C. Counseling and Other Support Services

~~D. A person who has experienced Sexual Violence is strongly encouraged to seek medical and psychological care even if the person does not plan to report the assault to the police. A person may~~

~~be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted.~~

~~E.C.~~

In accordance with this policy, students involved in a case alleging any prohibited behavior related to this policy, including any ~~c~~Complainant, ~~r~~Reporting Party, or ~~r~~Respondent, will be offered counseling. When Counseling Services is made aware, *counseling will be provided to students by a counselor who does not provide counseling to any other person involved in the incident, to the greatest extent practicable based on the number of counselors employed by the institution. Complainants and respondents can make this request directly to Counseling Services or a* referral ~~can~~*will* be made by the Title IX coordinator or designee to the director of Counseling Services when there is a request made for counseling to inform ~~Counseling Services~~ ~~counseling services~~ of the need for separate appointment times and providers *for those involved.*

Medical care for students can be provided at the Student Health Clinic, at a local emergency room, or by a private physician. Psychological support for students can be provided by ~~the SFA Counseling Services Center~~. Individuals seeking to have a *Sexual Assault Nurse Exam* performed may contact law enforcement or the Family Crisis Center of East Texas.

Students desiring counseling ~~can~~*should* contact:

SFA Counseling– ~~Services Center~~  
(936) 468-2401

*Faculty, staff, students, and third parties desiring counseling can contact:*

*The Department of Human Services Counseling Clinic  
(936) 468-1041*

~~Victims of sexual violence Faculty, and staff, and students can~~*should* contact:

Family Crisis Center of East Texas (936) 468-7233  
(800) 828-7233 (24 hour crisis line)

## 9.26.2 Interim Measures and Ongoing Assistance

In addition to the services provided by on and off-campus providers, the university will take immediate and interim measures to assure the safety and well-being of the ~~c~~Complainant, to maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members.

For example, if the accused is an employee, interim action may include reassignment and/or suspension. If the accused is a student, interim action may include suspension, no contact orders, changing living arrangements, modifying the course schedule, or modifying other aspects of the educational environment. Interim action may also include allowing the ~~c~~Complainant to move to a new residence hall, change work schedules, alter academic schedules, and withdraw from or retake a class without penalty. Moreover, the university may be able to provide additional accommodations for a ~~c~~Complainant while an investigation is pending.

At the outset of an investigation, students alleging policy violations involving violence, including but not limited to ~~s~~Sexual ~~a~~Assault, ~~d~~Domestic ~~v~~Violence, ~~d~~Dating ~~v~~Violence, or ~~s~~Stalking, and who are enrolled in the same course with a ~~r~~Respondent, may withdraw from the course without any academic penalty as an interim measure.— This same options ~~are~~ is available to the ~~r~~Respondent.

## **10.7. Complaint Resolution Procedures**~~Intake Procedures and Protocol~~

### **10.17.1 Key Officials in an Investigation**

#### **A. Title IX Coordinator**

The Title IX coordinator is the senior university administrator who oversees the university's compliance with Title IX *and this policy*. The Title IX coordinator is responsible for leading the administrative investigation of reports of ~~sex-sex based discrimination~~Sexual Misconduct and is available to discuss options, provide support, explain university policies and procedures, and provide education on relevant issues. The Title IX coordinator may designate one or more deputy Title IX ecoordinators.

Any member of the university community may contact the Title IX Ceordinator, ~~or a~~ deputy Title IX coordinators, *or Title IX compliance specialist* with questions.

#### **B. Investigators**

The Title IX coordinator will ensure that reported policy violations are properly investigated under this policy *by assigning the investigation to the appropriate investigating authority. All investigators shall have appropriate and ongoing training regarding issues related to sex- and gender-based discrimination, domestic violence, dating violence, sexual assault, sexual misconduct and stalking, as well as, on how to conduct an investigation that protects the civil rights of both complainants and respondents.*

~~The Title IX coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this policy.~~

### **10.27.2 Assessment of Reported Policy Violation**

The Title IX coordinator or designee will conduct a preliminary assessment of the reported policy violation, ~~and~~ *determine if a policy violation has occurred, and* whether a formal resolution or an informal resolution should occur.

### **10.37.3 Notification to Complainant of University Offices Offering Assistance**

After receiving a reported policy violation, the Title IX coordinator or designated Title IX official~~puty coordinator~~ shall inform the cComplainant of available resources and assistance *including counseling and advocacy agencies. Complainants are informed of their access to confidential resources and right to an advisor during this process and given contact information for reporting to law enforcement should they choose to do so.*

#### 10.47.4 Informal Resolution of Certain *Policy Violation*~~Sexual Misconduct~~ Reports. (OPTIONAL)

Informal resolution may be appropriate:

- (a) With a report *that does not involve*~~ing~~ sexual assault/violence as defined in this policy; and
- (b) When both parties are categorically similar (i.e. employee/employee or student/student).

If informal resolution is deemed appropriate by the Title IX coordinator or designee, then the individual will be provided assistance with informally resolving the alleged *policy violation*~~Sexual Misconduct~~. Assistance may include, depending on the reported policy violation, providing the *c*Complainant with strategies for communicating with the *r*Respondent that the behavior is unwelcomed and should cease, directing a university official to inform the offending party to stop the unwelcomed conduct, *a mutual no-contact order*, or other informal resolutions designed to stop *the violation*, remedy *its effects*, and prevent future incidents. However, the university may take more formal action, including disciplinary action, to ensure an environment free of ~~sex-sex and gender-based discrimination~~*Sexual Harassment or Sexual Misconduct*. A *c*Complainant may end this informal process at any time and proceed with a formal report and investigation.

##### Timeframe

Informal resolutions ~~should~~*should* be completed no later than 10 business days after the Title IX coordinator receives the request for *a specific* informal resolution. Should an informal resolution take longer, a justification for the delay will be provided to the parties by the Title IX coordinator.

##### Confidentiality and Documentation

The university will document informal resolutions *and t-*The Title IX coordinator will retain the documentation according to the university's record retention standards and Federal regulations. If the *c*Complainant or *r*Reporting *p*Party wishes to remain anonymous, the university's ability to establish facts and eliminate the alleged misconduct will be limited. The university will attempt to find the right balance between the *c*Complainant's desire for privacy and confidentiality and its responsibility *and obligation* to provide an environment free of ~~sex-sex and gender-based discrimination~~*Sexual Misconduct*.

#### 10.57.5 Formal Complaint and Investigation

##### Formal Complaint

To begin the investigation process, the *c*Complainant or *r*Reporting *p*Party should ~~submit~~*provide* a signed, written statement *to the investigator* setting out the details of the conduct that is the subject of the reported policy violation, including the *c*Complainant's name, signature, and contact information; the name of the person(s) directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged

violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documentation or information that is relevant to the reported policy violation. The university may initiate an investigation regardless of the manner in which a reported policy violation is received; however, a detailed written complaint may enhance the investigation *process*. If the complaint is not in writing, the investigator ~~shall~~<sup>8</sup> prepare a statement of what he or she understands the reported violation to be after the initial interview and ask the *c*Complainant to verify that statement.

#### Investigation and Finding(s)

- A. An investigator will be assigned to investigate the reported policy violation *by the Title IX coordinator*.
- B. As part of the investigation process, the *c*Complainant and the *r*Respondent will be provided notice of the reported policy violation and be allowed five (5) business days to respond in writing. If the *c*Complainant or *r*Respondent has evidence that there is a conflict of interest or other bias between them and the Title IX coordinator or investigator assigned to the investigation, such individual should describe and provide the evidence of the conflict of interest or bias in their response. Substantiated conflicts of interest or other bias will be handled in accordance with Section 8.3 of this policy.
- C. As part of their response *and throughout the investigation*, the *c*Complainant and the *r*Respondent may present any *witness*, document, or information that is believed to be relevant to the reported policy violation.
- D. Persons thought to have information relevant to the reported policy violation will be interviewed and those interviews will be appropriately documented. Both the *r*Respondent and the *c*Complainant may recommend witnesses for interview and suggest questions that should be asked. Neither the *c*Complainant nor the *r*Respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.
- E. After the investigation is complete, a written report<sup>8</sup> will be issued to the Title IX coordinator and the appropriate administrator. The appropriate administrator will depend on the status of the *r*Respondent (i.e., student, faculty, employee, or third party). The report shall include a summary of the reported policy violation and investigation, factual findings, and a conclusion regarding whether a policy violation occurred (based on a *p*Preponderance of the *e*Evidence standard).
- F. Prior to completing the final written ~~report~~*report*, the *c*Complainant and *r*Respondent ~~shall~~<sup>8</sup> be provided an opportunity to review a preliminary report outlining the reported policy violation and investigation process including relevant evidence and factual findings. The *c*Complainant and *r*Respondent will be provided an opportunity to review this information, *including any evidence or other materials used by the investigator in preparation of the report*, and respond to the investigator if any relevant information or

<sup>8</sup> Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971, to the extent applicable.

evidence has not been included or is misrepresented in the preliminary report. If necessary, additional investigation or clarifications will be made before completing the final written report, which will include a conclusion regarding whether a policy violation occurred based on preponderance of the evidence.

- G. The ~~c~~Complainant and ~~r~~Respondent shall be informed concurrently in writing of the finding(s). Each will be allowed to inspect the report *and evidence or other materials used by the investigator in preparation of the report* or, at the university's discretion, be provided letters summarizing the findings in the report in keeping with FERPA and Texas Education Code, Section 51.971 to the extent applicable.
- H. If the ~~r~~Respondent is found responsible for violation of this policy, *and* after the *optional* appeal process in Section 7.6 has concluded, the matter will be referred to the appropriate administrator who will impose disciplinary action or sanction(s) in accordance with applicable policies and procedures dependent on the status of the ~~r~~Respondent (i.e. student, faculty, or employee).

#### ~~10.6~~7.6 Appeal

Each party will have five (5) business days from the date the report/letter is issued via e-mail to each party to submit a written appeal of the finding(s) using the "Sexual Misconduct Appeal of Investigation Findings" online form to the Title IX coordinator. An appeal is not intended to re-hear or re-argue the matter and is limited to the following grounds:

- (a) substantive procedural error that resulted in preventing a fair, impartial, or proper investigation. Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
- (b) discovery of substantial new evidence that was unavailable at the time of the investigation and which reasonably could have affected the findings of the investigator; and/or
- (c) finding(s) not supported by the evidence.

If an appeal is filed, the other party will have ~~two~~-five (25) business days to file a response to the appeal.

Appeals will be reviewed within seven (7) business days after being received. The Title IX coordinator will submit all appeal materials to an appeal panel consisting of three (3) members from a pool of trained individuals, typically— ~~d~~Deputy Title IX coordinators, *other Title IX officials, or* ~~or~~ investigators not affiliated with the *initial investigation*~~matter~~. The appeal panel may:

- (a) affirm or uphold the determination;
- (b) request further investigation into the reported policy violation; or
- (c) take— such— other action— as— may— be— warranted— —under— the circumstances.

The ~~c~~Complainant and the ~~r~~Respondent shall be informed concurrently in writing of the decision.

#### ~~10.7~~7.7 Standard of Proof

All ~~findings investigations~~ under this policy will use the ~~p~~Preponderance of the ~~e~~Evidence standard to determine violations of this policy. *This standard is met if the allegation is deemed more likely to have occurred than not.*

#### ~~10.87.8~~ Timelines

Barring any unforeseen and reasonable delays, the university will make a good faith effort to conduct a thorough, fair, reliable, and impartial investigation in a timely manner. If an investigation and resolution ~~goes~~~~go~~ beyond sixty (60) calendar days after the initial report was received and the ~~r~~Respondent was placed on notice the university will notify all appropriate parties in writing of the reason for the delay and the expected time frame adjustment. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the university may defer its fact-gathering until after the initial stages of a criminal investigation. The university will nevertheless communicate with the ~~c~~Complainant regarding their rights, procedural options, the status of the investigation, and the implementation of interim measures to ensure the safety and well-being of the ~~c~~Complainant. The university will also communicate with the ~~r~~Respondent regarding the rights, procedural options and information regarding the status of the investigation as they relate to the ~~r~~Respondent. The university will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time.

The university will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The university has an independent duty to investigate reported policy violations of ~~sex-sex and gender-based discrimination~~Sexual Misconduct.

The filing of a complaint under this policy does not excuse the ~~c~~Complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the university's investigation of the reported policy violation.

#### ~~10.97.9~~ Remedies

In addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the university will take appropriate action(s), including but not limited to those below to resolve reported ~~policy-violations of this policy~~Sexual Misconduct, prevent any recurrence and, as appropriate, remedy any effects:

- (a) Imposing sanctions against the ~~r~~Respondent, including attending training, suspension, termination or expulsion;
- (b) Ensuring the ~~c~~Complainant and ~~r~~Respondent do not share classes, working environments, or extracurricular activities;
- (c) Making modifications to the on campus living arrangements of the ~~r~~Respondent or ~~c~~Complainant (if the ~~c~~Complainant requests to be moved);
- (d) Providing comprehensive, holistic support services including medical, counseling, and academic support services, such as tutoring;

- (e) Providing the *c*Complainant extra time to complete or re-take a class or withdraw from a class without academic penalty, and minimizing any financial implications to the extent permitted by applicable law or regulation;
- (f) Determining whether sexual misconduct adversely affected the *c*Complainant's university standing;
- (g) Conducting, in conjunction with university leaders, a university climate check to assess the effectiveness of efforts to ensure that the university is free from sexual misconduct, and using that information to inform future proactive steps that the university will take;
- (h) Providing targeted training for a group of students or employees if, for example, the *s*Sexual *m*Misconduct created a *h*Hostile *e*Environment in a residence hall, department, student organization, or on an athletic team. Bystander intervention and sexual misconduct prevention programs may be appropriate;
- (i) Issuing policy statements or taking other steps to clearly communicate that the university does not tolerate sexual misconduct and will respond to any incidents and to any individual who reports such incidents.

These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the university's investigation. If the *c*Complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the *c*Complainant ~~should still be offered~~, and is still entitled to, appropriate final remedies that may include services the *c*Complainant declined as an interim measure. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

#### ~~10.10~~ 10.10 Sanctions and Discipline

Disciplinary action against faculty and employees will be handled under the university's policies for discipline and dismissal of faculty and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and ~~termination~~ dismissal. The vice president for university affairs, or designee, will impose disciplinary action, if any, against a student under the university's student disciplinary procedures. Student disciplinary actions may include, but are not limited to, probation, suspension, or expulsion.

In accordance with federal law, when disciplinary action is commenced because of a violation of this policy, both parties will have equal opportunities in all aspects of the sanctioning process including notices and ~~a~~Advisor assistance. Further, the standard of proof in determining the outcome will be the *p*Preponderance of the *e*Evidence, as defined in this policy.

### ~~11.8~~ 11.8 Provisions Applicable to the Investigation

#### ~~11.18.1~~ 11.18.1 Assistance

During the investigation process, a *c*Complainant or *r*Respondent may be assisted by an ~~a~~Advisor of their choosing, however, the ~~a~~Advisor may not actively represent the *c*Complainant or *r*Respondent in any meeting or interview. Failure to abide by this policy may result in the ~~a~~Advisor being dismissed from the meeting or interview.

## 11.28.2 Documentation

The university shall document reported policy violations and their resolution and retain copies of all materials in accordance with state and federal records laws and university policy.

## 11.38.3 Conflicts of Interest

In the event a conflict of interest (or related bias) exists between a ~~c~~Complainant *or* ~~r~~Respondent and a university official responsible for any part of the investigation or disposition of the reported policy violation, the university will determine if a conflict of interest (or other related bias) exists, and, if so, make appropriate substitutions for that individual's role in the process.

## 12.9. Additional Conduct Violations

### 12.19.1 Retaliation

*Any administrator, faculty member, student, or employee who knowingly and intentionally engages in any retaliatory action or behavior as outlined in this policy against any individual(s) involved in a case or investigation is subject to additional disciplinary action, up to and including expulsion and/or termination from the university. Individuals considered involved in a case or investigation include, but are not limited to, the complainant(s); reporting party(ies); respondent(s); any witness(es); and anyone who has provided information in connection with a violation and/or participated in an investigation or disciplinary process of a reported violation.* ~~Any administrator, faculty member, student, or employee who knowingly and intentionally engages in any retaliatory action or behavior as outlined in this policy against any individual(s) involved in a case or investigation is subject to additional disciplinary action, up to and including expulsion and/or termination from the university. Individuals considered involved in a case or investigation include, but are not limited to, the Complainant(s); Reporting Party(ies); Respondent(s); any witness(es); and anyone who has provided information in connection with a violation, and/or participated in an investigation or disciplinary process of a reported violation.~~

### 12.29.2 False Reports

A charge of filing a false report may be made by the university against any person who knowingly and intentionally files a false report, ~~t~~ *provides false or misleading information to the investigator, or encourages others to do so* under this policy. An individual found responsible for making a false report ~~w-ith the intent to harm or deceive~~, is subject to *criminal and disciplinary action up to and including termination of employment for employees dismissal or expulsion from the university for students.* ~~— separation from the university.~~ A finding of non-responsibility does not indicate a report was false.

### 12.39.3 Interference with an Investigation

Any person who knowingly and intentionally interferes with an ongoing investigation

conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the university. Interference with an ongoing investigation may include, but is not limited to:

- (a) attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
- (b) removing, destroying, or altering documentation relevant to the investigation; or
- (c) providing false or misleading information to the investigator, or encouraging others to do so.

#### **12.49.4 No Effect on Pending Personnel or Academic Actions Unrelated to the Reported Policy Violation**

The filing of a report under this policy will not stop or delay any action unrelated to the report, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated university rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a university employee. Nothing in this section shall limit the university's ability to take interim action.

### **13.10. Dissemination of Policy and Educational Programs**

#### **13.10.1 Policy Availability and Access**

This policy is available to the public online at <http://www.sfasu.edu/policies/>; additionally, a direct link to the policy can be found on the Lumberjacks Care website ([www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care)) to provide additional related information and resources identified in the policy. References to this policy and related resources will also appear in other university publications. Periodic notices will be sent to university administrators, faculty, staff, and students about the university's ~~Sexual Misconduct~~ *sex and gender-based discrimination, violence, harassment, and misconduct* policy. All currently enrolled students will be sent email notices *with information on Title IX* at the start of each academic term before the official reporting date. The notice will include information about ~~Sexual Misconduct~~ *this policy*, including the reporting procedure, and about university disciplinary policies and available resources, such as support services, health, and mental health services. The notice will specify the right to file a complaint under this policy and with law enforcement and will refer individuals to designated offices or officials for additional information.

#### **13.210.2 Ongoing ~~Sexual Misconduct~~ Discrimination Prevention Training and Lumberjacks Care Public Awareness Campaign**

The university's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained university personnel. The university will regularly educate and train employees and supervisors regarding the policy and conduct that could constitute a violation of the policy. Preventive education and training programs will be provided to university administrators, faculty, staff, and students and will include information

about risk reduction, including bystander intervention. Training on sexual harassment and sexual violence policy and procedures will be provided to law enforcement personnel, including training on their obligation to advise university administrators, faculty, staff, and students of their rights to file a complaint under this policy and their right to file a criminal complaint. More information about training and our Lumberjacks Care public awareness campaign can found at <http://www.sfasu.edu/Lumberjacks-Care/>

### ~~13.3~~10.3 Training of Coordinators and Investigators

All Title IX coordinators, deputy *Title IX* coordinators, investigators, and those with authority over the administration of this policy shall receive training each academic year on the elements of this policy.

### ~~14.11~~ Annual Reporting and Notice

The university's non-discrimination statement will be made available to all students, faculty, and employees online, in required publications, and in specified departments. On a regular basis, and upon any updates to this policy, the university will send notice of its compliance with Title IX as required by law. The notice shall designate the Title IX coordinator and deputy *Title IX* coordinators, explain which offenses are prohibited, ~~and~~ where to report violations of this policy, provide information regarding available resources, and provide a link to this policy and other related university websites.

**Cross Reference:** Faculty Code of Conduct (7.11); Faculty Disagreements (7.25); Tenure and Continued Employment (7.29); Discipline and Discharge (11.4); Grievance and Appeals (11.15); Student Code of Conduct (10.4); 42 U.S.C. § 2000e, e-2, e-3; 42 U.S.C. § 1981; 20 U.S.C. §§ 1681, 1684; 42 U.S.C. § 12101; 29 U.S.C. § 623; 29 U.S.C. § 794; 29 U.S.C. § 206(d); 8 U.S.C. § 1101; Pub. L. 88-352; Pub. L. 102-166; Pub. L. 110-233; Tex. Lab. Code Ch. 21; Tex. Penal Code § 39.03; Tex. Educ. Code §§ 51.251-.260, 281-.284, .93635-.9366

**Responsible for Implementation:** President

**Contact for Revision:** Title IX Coordinator

**Forms:** [Sexual Misconduct Reporting](#) Form, [Sexual Misconduct Appeal of Investigation Findings](#) Form, [Responsible Employee - Title IX Reporting Form](#)

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Signs and Exhibits

**Policy Number:** 16.24

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

**Date of last revision, if applicable:** 5/16/2019

**Unit(s) Responsible for Policy Implementation:** University Police Department

**Purpose of Policy (what does it do):** Provide guidelines signs and exhibits on 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:** Updates only; changes reflect compliance with Senate Bill 18 regarding expressive activities on campus.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Dr. Adam Peck, Interim Vice President for University Affairs  
Damon Derrick, General Counsel

## Signs and Exhibits

**Original Implementation:** July, 1980

**Last Revision:** ~~July 25, 2017~~ July 23, 2019

### I. Introduction

Stephen F. Austin State University reaffirms its commitment to the freedoms of speech and expression by establishing this policy. Individuals have the right to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. This policy outlines the rules that govern the use of signs and exhibits to attract the attention of others.

Students, faculty, and staff are free to express their views, individually or in organized groups by sign or exhibit, on any topic, in all parts of the campus. Persons not affiliated with the university are free to express their views by sign or exhibit in areas designated for that purpose. ~~These postings and exhibits are subject only to rules necessary to preserve the equal rights of others and the functions of the university. Teaching, research, and other official functions of the university shall have priority.~~

### II. Definitions

"Student" shall mean any person registered for academic credit at the university.

"Faculty" and "staff" shall mean any person employed by the university.

"Official organization" shall mean any organization recognized by the university.

A "sign" means any method of displaying a visual message to others, except transferring possession of a copy of the message will be considered distribution of literature and not a sign.

A "banner" is a sign hung from a structure, or between two buildings, structures, or poles. A banner posted as part of a manned exhibit may be considered to be a "sign".

A "kiosk" is an outdoor structure designated by the university for the posting of signs.

A "yard sign" is a temporary outdoor sign displayed above the ground. Yard signs must not exceed 18 inches x 24 inches in size.

An "exhibit" is a temporary outdoor display used for marketing or informational purposes. This includes all free-standing products, sandwich boards, easels, etc.

“Chalking” is use of water soluble sidewalk chalk on paved areas.

### III. **Applicability**

The rules articulated in this policy apply to all students, faculty, staff and their official organizations, as well as all other persons and groups. Due to practical administrative realities, this policy does not apply to the university and its agents, servants, or employees, acting in the course and scope of their employment. This exception also includes official activities of the SFA Alumni Association and SFASU Foundation.

### IV. **Signs**

*All individuals or groups ~~student, faculty member, staff member or their official organization~~ may display a sign as part of an assembly or demonstration. (See Assembly and Demonstrations (16.4). ~~by holding it, carrying it; by displaying it at a table, or by posting it on a kiosk, bulletin board, or at another designated location.~~ Signs on sticks, poles, or otherwise attached to any device are prohibited. ~~Signs may not be posted in any other location.~~*

#### A. **Posting Signs on Kiosks**

1. Only students, faculty, staff and their official organizations may post signs on kiosks. No advance permission is required so long as the sponsoring individual or person is clearly identified in writing on the material. Each sign posted on a kiosk must identify the student, employee or organization that posted the sign by using the full name of the individual or organization and contact information.
2. All persons or organizations seeking to display a sign without identifying information must complete a registration form with the Office of Student Engagement and deposit a true and correct copy of the sign to be displayed.
3. Students and employees posting signs as individuals may not post any sign advertising goods or services for sale except at locations designated for that purpose [see Solicitation on Campus (16.25)].
4. Due to space considerations, no sign posted on a kiosk may be larger than 11 inches by 17 inches.
5. Each sign must state the date the sign was posted or the date of the event being advertised.
6. Students, faculty, staff and their official organizations must take care to use the names and marks of the university on postings only in ways that are allowable and never in a way that would give the impression an event was sponsored by the university if that is not the case.
7. Signs may not be posted more than 14 days before the date of the event they advertise.

8. The person or organization that posts a sign on a kiosk must remove that sign no later than 14 days after it was posted, or 24 hours after the event it advertised has concluded, whichever is earlier. The university reserves the right to remove sign from kiosks after the date of the event has passed.
9. No sign may be posted on a kiosk over another properly posted sign.
10. No person or organization may post more than two of the same signs on any one kiosk at the same time. If space is limited, the university reserves the right to remove multiple signs for the same event, program, or service, or signs sponsored by the same individual or organization, even if each is materially different.
11. A list of all officially designated kiosks and of locations where students, faculty and staff may post signs advertising goods or services for sale will be available in the student engagement office and on their website.

## **B. Signs in Other Designated Locations**

Each academic or administrative unit of the university may authorize the posting of signs in spaces that unit occupies and controls.

The use of posting space controlled by academic or administrative units may be limited to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.

## **C. Removal of Signs**

The dean of student affairs, or their designee, may remove any sign that violates any of the rules outlined in this policy, or any sign that meets the legal standards below:

1. A sign may be removed if it contains expressions that are an incitement to imminent lawlessness. Such removals may be conducted only with the advice of the general counsel and approval of the vice president for university affairs. Careful consideration must be given to the actual circumstances surrounding such expression, and removal can only occur if it appears that such provocation causes an immediate likelihood of violence or illegal acts. Advocacy of lawlessness is insufficient, and the speech must be directed to inciting or producing imminent lawless action and likely to incite or produce such action.
2. A sign may be removed if it contains "fighting words" expressions. Such removals may be conducted only with the advice of the general counsel and approval of the vice president for university affairs. "Fighting words" are similar to expressions of imminent lawlessness, except they are addressed to individuals on a personal scale. Only those "fighting words" that pose an immediate likelihood to provoke the average person to retaliation and thereby cause a breach of the peace should be

considered under this exception. Again, careful consideration must be given to the actual circumstances surrounding such expression.

3. Signs may be removed if they contain obscenity. Such removals may be conducted only with the advice of the general counsel and approval of the vice president for university affairs. In determining what constitutes obscene material, a three-part test applies:
  - a. The average person applying contemporary community standards would find that the work taken as a whole, appeals to the prurient interest;
  - b. The work depicts or describes in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
  - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

## V. Banners, Yard Signs and Exhibits

Banners, yard signs and exhibits may be posted and displayed only by academic or administrative departments of the university. Those that do not clearly identify the sponsoring department may be removed.

## VI. Tables

Students, employees and their official organizations may set up tables from which to display literature and disseminate information, subject to this policy.

### A. Locations

Students, employees and their official organizations may set up tables in any outdoor location on the campus and in any indoor location subject to the rules governing the building housing this location.

Persons not affiliated with the university may set up tables in designated locations outdoors on campus and in indoor locations subject to the rules governing the building or grounds of the location.

### B. ~~Table Permits~~ *Reservations*

*Tables may be reserved using the event checklist form. ~~Tables may not be set up without a permit. Reservations for space must be made at least 48 hours in advance using the Grounds Reservation Form.~~ This form is available in the student engagement office and on the student engagement website. ~~This process allows the university the opportunity to provide orderly scheduling of areas that may become crowded.~~ Tables may also be available on a first-come, first-served basis.*

### C. Restrictions

Tables *may not*~~cannot~~ disrupt university functions and/or interfere with vehicular and pedestrian traffic.

Use of amplified sound at tables is governed by the policy, Use of Amplified Sound on Campus Grounds (16.31).

Tables may not be set up on the lower level of the Stephen F. Austin statue plaza.

Tables may only be set up inside any building with permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time. Academic or administrative units may specify additional rules by restricting tables to reasonable locations in spaces occupied by that unit.

Each table must have a sign or literature that identifies the ~~student, faculty, staff or organization~~ sponsoring of the table.

Any person or organization sponsoring a table shall remove litter from the area that resulted from tabling activity.

Students, faculty, staff and their official organizations may supply their own tables.

### VII. Chalking

Chalking is permitted *by students, faculty, staff, and their official organizations* in approved designated areas as indicated on *event checklist form*~~Grounds Reservation Form~~.

**Cross Reference:** Use of Amplified Sound on Campus Grounds (16.31); Solicitation on Campus (16.25); *Assembly and Demonstrations (16.4)*

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student Affairs

**Forms:** None

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Student Code of Conduct

**Policy Number:** 10.4

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

**Date of last revision, if applicable:** July 24, 2018

**Unit(s) Responsible for Policy Implementation:** Academic and Student Affairs

**Purpose of Policy (what does it do):** Defines student conduct procedures

**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:** The addition of a transcript notations for sanctions that result in separation from the university has been added that note the separation status and duration but not the specific conduct that resulted in the sanction. This is to help improve safety in Higher-Ed for transfer students to provide notice to transfer institutions to consider requesting conduct records to assess for any safety concerns before accepting transfer students.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Other changes represent minor clarifications or updated to improve alignment and consistency with related policies.

STEPHEN F. AUSTIN  
STATE UNIVERSITY  

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Office of the General Counsel

Reviewers:

Veronica Beaver, Interim Director of Student Rights and Responsibilities  
Lacey Folsom, Interim Assistant Dean of Student Affairs  
Dr. Michael Walker, Assistant Dean of Student Affairs, Student Support Services  
Dr. Hollie Smith, Interim Dean of Student Affairs  
Dr. Adam Peck, Interim Vice President for University Affairs  
Damon Derrick, General Counsel

## Student Code of Conduct

**Original Implementation:** January, 1998

**Last Revision:** ~~July 24, 2018~~ July 23, 2019

Choosing to join the SFA community obligates one to adhere to a code of civilized behavior that embraces academic and personal integrity; respect for the dignity, rights and property of others; and an intolerance of bigotry. In keeping with this obligation, students and student organizations are expected to conform to the standards outlined in the Student Code of Conduct.

Additionally, at SFA, the community holds itself to a standard called The SFA Way. At its basis, The SFA Way encourages the entire university community to “strive for personal excellence in everything we do.” While the Student Code of Conduct articulates the minimum expectations of those in the community, the university encourages students to “hold themselves and others accountable” to the higher standards of The SFA Way *root principles: Respect, Caring, Responsibility, Unity, and Integrity.*

This document is organized into the following sections:

Article I: Definitions

Article II: Proscribed Conduct

Article III: Procedures

Article IV: Non-Discrimination, Interpretation and Revision

### ARTICLE I: DEFINITIONS

1. The term “university” means Stephen F. Austin State University.
2. The term “student” includes all persons enrolled at the university. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but have a continuing relationship with the university, or participate in university sponsored activities prior to enrollment, are considered “students;” as are persons who are living in university residence halls, although not enrolled.
3. The “vice president for university affairs” is the person designated by the university president to be responsible for the administration of the Student Code of Conduct.
4. The term “student conduct administrator” means a university official authorized by the vice president for university affairs or his/her designee to impose sanctions upon any student(s) found to have violated the Student Code of Conduct.
5. The term “student conduct authority” means any person or persons authorized by the vice president for university affairs or designee to determine whether a student has violated the Student Code of Conduct and to recommend or impose sanctions when a violation has been committed.
- ~~5-6.~~ The term “complainant” means any individual(s) who are alleged to have been impacted by a violation of this policy.
- ~~6-7.~~ The term “respondent” means any student accused of violating this Student Code of Conduct.
- ~~7-8.~~ The term “reporting party” means any ~~person-individual who submits a charge alleging a student has violated this Student Code of Conduct.~~ submits a report alleging a violation of this Student Code of Conduct. The reporting party and complainant may or may not be the same person.
- ~~8-9.~~ The term “due process” means a respondent has or will be given notice of the accusation and an opportunity for a hearing. In a case involving a ~~reporting party~~complainant, the ~~reporting~~

~~party~~complainant will have the same access to due process as the respondent. The term, “university-recognized medium” refers to means of communicating with students. In most cases, this will mean the student’s official SFA email address.

- 9-10. The term “student conduct hearing” means a meeting between the student conduct authority and a respondent(s) to determine, through a sharing of information, whether the student(s) has violated the Student Code of Conduct as well as the need for any sanction.
- 10-11. The term “administrative disposition” means a hearing with a Student Conduct Authority to determine whether a student has violated the Student Code of Conduct and imposing sanctions on students found responsible for violations.
- 11-12. The term “advisor” means an individual accompanying a respondent or a ~~complainant~~reporting party in a student conduct hearing. An advisor may not participate in the hearing in any capacity other than providing advice *and support* to the student they are accompanying. *The student may select anyone to serve as their advisor but may only have one advisor present during the course of any meeting. If the chosen advisor is an attorney, the student must inform the student conduct official in advance to allow for the university's attorney to also be present during any meeting or hearing where the advisor--attorney will also be present.*
- 12-13. The term “appeal” means the review by the designated appellate authority of the full record of a disciplinary hearing and the sanction imposed by a student conduct administrator or student conduct hearing board to determine the adequacy of the procedures used and the fairness of the sanctioning. The appeal may or may not include a meeting with the respondent and/or ~~complainant~~reporting party.
- 13-14. The term “appellate authority” means any person or persons authorized by the vice president for university affairs or designee to consider an appeal regarding a student conduct authority’s determination as to whether a student has violated the Student Code of Conduct or regarding the sanctions imposed by the student conduct administrator.
- 14-15. The term “faculty member” means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
- 15-16. The term “university official” includes any person employed by the university while in the act of performing assigned responsibilities.
- 16-17. The term “member of the university community” includes any person who is a student, faculty member, university official or other person employed by the university. A person’s status in a particular situation shall be determined by the student conduct administrator.
- 17-18. The term “university premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).
- 18-19. The term “organization” means any number of students who have met as a group, whether as a registered student organization or ~~not~~ as an *unaffiliated student organization while on campus or at a recognized university event.*
- 19-20. The term “policy” means the written regulations of the university as found in, but not limited to, the Student Code of Conduct, the student handbook, residence life handbook and/or community guidelines, the university web page and online policy manual, computer use policies, graduate and undergraduate general bulletins and the schedule of classes.
- 20-21. The term “complicity” means being present during the planning or commission of any violation of the Student Code of Conduct in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of the Student Code of Conduct are expected to remove themselves from association or participation and are encouraged to report the violation *immediately*.

~~21~~-22. The term “interim suspension” refers to the suspension of a student after notice but prior to a student conduct hearing *when necessary to ensure the safety and well-being of members of the university community. Examples of when an interim suspension may be appropriate include but are not limited to the following: the preservation of university property or programs; to ensure the student’s own physical or emotional safety and well-being; and/or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.*

~~22~~-23. The term “shall” is used in the imperative sense.

~~23~~-24. The term “may” is used in the permissive sense.

## ARTICLE II: PROSCRIBED CONDUCT

### A. Jurisdiction of the Student Code of Conduct

This Student Code of Conduct shall apply to conduct that occurs on university premises, at university sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the university and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The vice president for university affairs or designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion. Student conduct which may be the result of psychological issues may be reviewed under policy 10.13 (Students Displaying Serious Psychological Problems). Student conduct which may be defined as sexual misconduct will be reviewed under policy 2.13 (Sexual Misconduct).

### B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating or plagiarism as defined in university policy 4.1 (Student Academic Dishonesty), or other forms of academic dishonesty or breach of integrity such as but not limited to the distribution or selling of lecture notes, handouts, readers or other instructor-provided materials without permission.
  - b. Furnishing false information to any university official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
  - d. Fraud as defined in university policy 2.7 (Fraud).
2. Disorderly conduct, disruption or obstruction of teaching, research, administration, living environments, disciplinary proceedings, other university activities, including public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises. These acts include, but are not limited to:
  - a. Making or causing any false report, warning, or threat of fire, explosion, or other emergency.
  - b. Interfering with police, fire or emergency service.
  - c. Failure to evacuate a building or area when directed.
  - d. Willfully disregarding any emergency or fire alarm signal.
  - e. Disorderly conduct or disruptions in classrooms, other instructional areas and university

events. *This includes unduly interfering with expressive activities or infringing upon the constitutionally protected speech of students, employees, visitors or invited guest.*

- f. Violation of rules set forth in the Residence Life Community ~~Living~~ Guidelines.
3. Physical abuse, fighting, assault, verbal abuse, threats, intimidation, harassment, bullying, coercion, stalking, or other conduct defined in university policies 13.3 (Annual Disclosure of Crime Statistics) or 2.13 (Sexual Misconduct), which threatens or endangers the health or safety of any person that is not an exercise of constitutional rights.
4. Discrimination, as defined in university policy 2.11 (Discrimination Complaints), sexual assault, sexual abuse, and other sexual misconduct defined in university policies 13.3 (Annual Disclosure of Crime Statistics) or 2.13 (Sexual Misconduct).
5. Attempted or actual theft of and/or damage to property of the university or property of a member of the university community or other personal or public property, on or off campus. This includes possession of stolen property and other related conduct defined in university policy 13.3 (Annual Disclosure of Crime Statistics).
6. Hazing, as defined in university policy 10.3 (Hazing).
7. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
8. Wrongful use of university goods, services or information including but not limited to:
  - a. Unauthorized possession, duplication or use of keys to any university premises or unauthorized entry to or use of university premises.
  - b. Unauthorized possession or use of security codes, long distance access codes or calling cards, or cable service.
  - c. Sale or use of university property for personal gain.
  - d. Misuse of proctoring, tutoring, testing or student accommodation services.
9. Violation of any university policy, rule, or regulation published in hard copy or available electronically on the university website.
10. Violation of any federal, state or local law including, but not limited to:
  - a. Arson,
  - b. Robbery,
  - c. Burglary,
  - d. Forgery,
  - e. Gambling, and
  - f. Trespassing.
11. Use, possession, manufacturing, or distribution of any illegal substance as delineated in university policy 13.11 (Illicit Drugs and Alcohol Abuse), or a simulated illegal substance, or drug paraphernalia.
12. Use, possession, manufacturing, or distribution of alcoholic beverages or products (except as expressly permitted by university policy 13.11 regarding Illicit Drugs and Alcohol Abuse), or public intoxication or other alcohol-related crime. Alcoholic beverages or products may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
13. Illegal or unauthorized possession of firearms, ammunition, explosives, fireworks, other weapons, or dangerous chemicals, as outlined in university policy 13.9 (Firearms Explosives and Ammunition) or use of any item, such as a weapon replica, even if legally possessed, in a manner that harms, threatens or causes fear to others. Possession of weapon replicas will be determined on a case-by-case basis.

14. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
15. Theft, destruction or other abuse of computer facilities and resources, as delineated in university policies including, but not limited to: university policies 14.2 (*Acceptable Use of Information Resources*~~Computer and Network Security~~), 9.3 (Digital Millennium Copyright), or 9.24 (*Reproduction of Copyrighted Works by Educators and Librarians*~~Computing Software Copyright~~). Examples of prohibited acts in these policies include *but not limited to*:
  - a. Unauthorized entry into a file or account, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer, copying or download of a file or software.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or university official.
  - e. Use of computing facilities and resources to send obscene or abusive messages.
  - f. Use of computing facilities and resources to interfere with normal operation of the university computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.
  - h. Violation of any departmental or lab policy.
  - i. Use of any device that interferes with the normal operations of the university computing system.
16. Interfering with the freedom of expression of others on university property or at university-sponsored events.
17. Abuse of the student conduct system, including but not limited to:
  - a. Failure to obey the notice from a student conduct *administrator* ~~hearing~~ or hearing board or university official to appear for a meeting or hearing as part of the student conduct system.
  - b. Falsification, distortion, or misrepresentation of information before a student conduct *administrator* or hearing board.
  - c. Disruption or interference with the orderly conduct of a student conduct hearing board proceeding.
  - d. Institution of a student conduct code proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
  - f. Attempting to influence the impartiality of a member of a student conduct hearing board prior to, and/or during the course of, the student conduct hearing board proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a *student conduct administrator* or member of a student conduct hearing board prior to, during, and/or after a student conduct code proceeding.
  - h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
  - i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
  - j. Retaliating against any party involved in the student conduct process.
18. Violating any rule, regulation, or law for which the university could be penalized including but not limited to fire, safety or environmental codes.
19. Failure to complete required student trainings/assessments within the timeframe determined by university officials.

### C. Violation of Law and University Discipline

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the vice president for university affairs or designee.

Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law:

- a. The university will not request or agree to special consideration for that individual because of his or her status as a student.
- b. The university may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the university community.
- c. The university will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with campus rules or sanctions.
- d. ~~Individual students and other members of the university community, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.~~

## ARTICLE III: PROCEDURES

### A. Introduction

The following rules of procedure in student disciplinary matters are adopted to ensure that the university will fulfill the requirements of procedural due process in student disciplinary proceedings, ~~that the Stephen F. Austin State University outlined in the Student Code of Conduct (10.4) and Residence Life Community Living Guidelines, both of which are updated annually. may be secured to all students and that the d~~Disciplinary procedures within Stephen F. Austin State the uUniversity shall be definite and determinable *as outlined in the Student Code of Conduct (10.4) and the Residence Life Community Guidelines.*

These rules of procedure shall be followed in any disciplinary proceeding, subject to the authority of the Board of Regents and the authority delegated to the president of the university to exercise jurisdiction over disciplinary matters of the university. Cases involving sexual misconduct will be investigated according to university policy 2.13 (Sexual Misconduct).Sanctioning and appeals of sanctions in cases involving sexual misconduct will be conducted under this policy.

### B. Overview of the Process

When a complaint is received in the Office of Student Rights and Responsibilities, the respondent will be contacted through a university-recognized medium or personal delivery. The student will be provided with a notice to appear for an administrative disposition with the student conduct authority. Details of administrative disposition procedures are provided below. Once a decision has been made,

either the respondent, *complainant* ~~reporting party~~ or both shall have the right to request a hearing under the hearing procedures after the conclusion of an administrative disposition. Details of hearing procedures are provided below. A student may appeal the finding of the hearing to the dean of student affairs or his/her designee. If a student desires, they may waive their right to a hearing in favor of a hearing with the dean of student affairs or designee so long as they are appealing the sanction received and not the findings of the student conduct authority. The ruling of the dean of student affairs or designee shall be final. Procedures governing appeals are provided below.

### **C. Filing the Complaint**

Any member of the university community may file a complaint against a student alleging a violation or violations of the Student Code of Conduct. Complaints may be submitted in writing to the Office of Student Rights and Responsibilities. Anonymous complaints may be made; however, *electing to remain anonymous may significantly limit the university's ability to investigate, collect evidence, or take effective action against individuals or organizations accused of violating the policy* ~~limited involvement by the reporting party could impact the ultimate finding of responsibility.~~

### **D. Filing a False or Frivolous Complaint**

Knowingly filing a false or frivolous complaint or knowingly providing false information to intentionally mislead university officials who are investigating or reviewing a complaint is expressly forbidden. A frivolous complaint is one that is made in retribution for another student filing a complaint and that can be clearly demonstrated as lacking merit. Violators may face charges up to and including suspension or expulsion. The university is the sole party who may file charges of a false or frivolous complaint.

### **E. Notice of Allegations/Charges**

Upon receiving a report of an alleged violation of the Student Code of Conduct, the student conduct administrator will review the report and, if needed, conduct an initial investigation. If there is sufficient evidence to indicate that a violation may have occurred, a notice of allegations/charges will be sent to the respondent, including the alleged incident date and the nature of the charges, with instructions to appear in person at a designated location within five (5) business days to begin the student conduct process. The official means of contacting a student will be through university email or postal mail. If the student does not respond as instructed, another notice will be sent allowing another five (5) business days to respond. Failure to respond to the second notice may lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place at least until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed. Appeals to student conduct findings and/or sanctions heard in absentia must be filed within five (5) business days of the student conduct authority or student conduct hearing board's decision.

Where an incident has or can be reasonably expected to greatly disrupt the university environment, falls within the category of a suspendable offense, or occurs at the beginning or very near the end of a semester, the student may be contacted to come in immediately to begin the process. In addition to notices by email and postal mail, attempts will be made to contact the student by phone or by in-person contact by a university employee. This expedited contact is intended to preserve the university living/learning environment and can offer a student found responsible of an infraction options that may be time-limited or time-based, such as withdrawing prior to financial penalties or beginning a suspension period in a timely manner.

Failure by a student to have current contact information on file will not invalidate the notices.

### **F. Immediate Response**

The university reserves the right to take any action as may be reasonably appropriate, upon receipt of a complaint, to protect the ~~complainant~~~~reporting party~~ or university community pending the final outcome of these procedures. These actions may include housing reassignments, class schedule changes, and/or restrictions from entering certain buildings or participation in certain events. These actions will be handled on a case-by-case basis.

### **G. Investigation**

The student conduct administrator, or designee, will begin an investigation of the case as an impartial party, not as a representative of the ~~complainant~~~~reporting party~~. The investigator will interview the ~~reporting party~~, ~~complainant~~~~reporting party~~, the ~~accused~~~~respondent~~ and any other persons who may have pertinent factual information about the case. The process and the potential outcomes will be explained to both the ~~reporting party~~~~complainant~~ and the accused, especially the use of the investigatory results in the student conduct process. All persons interviewed will be advised that this is a confidential investigation.

The investigator will meet with the respondent and provide the student access to the written complaint. The respondent may choose to respond verbally in the interview or in writing within a specified time. If the respondent accepts responsibility for the complaint allegations, the case can be resolved at that time through an administrative disposition or other remediation and the ~~complainant~~~~reporting party~~ contacted with the outcome to the extent allowed by law, as well as the Title IX and ADA coordinators as appropriate. Both students have the right to request a hearing under the hearing procedures after the conclusion of an administrative disposition or to appeal the outcome as outlined in the appeals section of this policy.

The investigator may also gather and examine documents and other evidence relevant to the complaint and may consult with appropriate personnel for advice and guidance as applicable. The investigation should be completed within 20 business days. The investigator will document any reasons for an investigation taking longer than 20 business days. The investigation includes the preparation of the report of findings and recommendations (if appropriate).

### **H. Burden of Proof**

The burden of proof is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more probable than not. The rules of evidence do not apply in any hearing nor are the proceedings to be conducted as judicial trials; however, care shall be taken to comply with the intent of the procedural safeguards provided by these guidelines.

### **I. Administrative Disposition**

Administrative dispositions will be conducted with a single-member student conduct authority who will review the initial report, allow the student to respond or offer additional evidence, render a decision and determine sanctions as deemed appropriate. The ability to present witnesses to the alleged incident may be limited in this format. If the student conduct authority is unable to render a decision, or if the details of the case make a hearing more advisable, he/she may refer the case to the student conduct hearing board for a hearing. Otherwise, a student must request a hearing under the hearing procedures after the conclusion of an administrative disposition or appeal the sanction to the dean of student affairs

or designee within five (5) business days of the decision or the decision becomes final.

### **J. Hearing**

A multi-member board composed of at least three individuals (typically two faculty/staff and one student) will conduct hearings. The faculty/staff members will be selected from a pool of appointees from the vice president for university affairs. The students will be selected from and representative of the general student population with input from the student government association president. A respondent will be advised of the board members in the hearing notification described below and have one business day to challenge a board member's participation based on known facts that would impact impartiality or conflict of interest. The university may replace the student member of the board for certain cases that require additional training or involve sensitive student information. Any alterations to the typical board composition will follow the same notification procedure.

### **K. Notice of Hearing**

The hearing board chair will provide notice of the hearing, transmitted either through a university-recognized medium or personal delivery to the respondent. The notice will set forth the date, time and place of the alleged violation, the conduct in question, and the date, time and place of the hearing before the student conduct hearing board. The respondent will be informed that an advisor may accompany the respondent to the hearing. The student must notify the student conduct hearing board chair if an attorney is chosen as an advisor to allow the university's attorney to also be present. Failure by the respondent to have a current local address on record with the university or to access notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall be given at least five (5) consecutive calendar days prior to the hearing, unless a shorter or longer time is fixed by the chair for good cause. Any request for continuance shall be made in writing to the chair, who has the authority to reschedule the hearing if it is determined the request is timely and for good cause.

If a new hearing must be set for either the failure of the respondent to show or for a continuance, the chair will notify the student conduct administrator and the respondent of the new date for the hearing. Failure to appear for the newly scheduled hearing will lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place at least until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed.

Appeals to student conduct findings and/or sanctions must be filed within five (5) business days of the student conduct authority's decision as outlined in the appeal section of these procedures.

### **L. Role of the Chair in Hearings**

The chair manages the hearing according to the procedures outlined in this document and ensures it is conducted in a manner consistent with the ascertainment of the truth and the orderly process of justice. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the chair.

Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee at their request, in which event the ruling of the committee by majority vote shall be final.

The chair may also seek guidance from the general counsel prior to or during the hearing on procedural issues.

### **M. Role of the Student Conduct Administrator**

In serving both the student conduct hearing board and the respondent, the role of the student conduct administrator is impartial and supportive in nature and there is no involvement in the final determination of the board. The student conduct administrator provides a summary of the case and initial investigations and can also be called to testify about the outcomes of previous similar cases and the conduct background of the respondent for consideration by the student conduct hearing board for sanctioning if the student is found responsible for a violation of the student code of conduct.

### **N. Order of Proceedings**

The student conduct hearing board chair will preside at the hearing, determine the presence or absence of the respondent, verify the receipt of notices of charges by the respondent, call for or report any continuances (rescheduling) requested or granted, determine the presence of any advisor of the respondent and explain any special or extraordinary procedures to be employed during the hearing. The hearing will be recorded in either voice or video format.

The student conduct administrator will begin the process by presenting a general overview of the case to the board outlining the basic nature of the case, the types of evidence to be used, and the findings of any investigation prior to the hearing. This information is prepared at the direction of the student conduct hearing board chair after a review of the initial report of the alleged incident. The student conduct administrator is not a part of the student conduct hearing board and serves to provide the board and the respondent with assistance in obtaining the information necessary for as full a hearing of the facts as possible.

The respondent can choose to make opening remarks after the student conduct administrator gives the overview or wait until any defense witnesses or evidence are presented. The respondent's advisor may advise the respondent, but may not participate in the hearing, for example by questioning witnesses or addressing the board.

The student conduct hearing board and the respondent may call and cross-examine witnesses and present evidence. The respondent may address the board and inspect and copy the board's findings and determinations. The respondent can, but cannot be required to, testify. Any person testifying, including the respondent, shall be subject to cross-examination, subject to other provisions specified in this policy.

The respondent will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The student conduct administrator will assist in securing the cooperation of witnesses. The student conduct administrator cannot compel other students to appear at a hearing but can assist students being called as witnesses with class absence notifications when necessary.

The student conduct administrator will make available any necessary documents and other evidence within the university's control, to the extent allowed by law. Depending on the nature of the evidence, it may be made available to the respondent during normal university business hours but not released to the respondent and/or in an alternate format such as a photograph or recording.

The hearing is meant to be an exchange of information and a presentation of facts and evidence by witnesses having direct knowledge of the alleged infraction. The student conduct hearing board chair

may limit the number of, or disallow completely, character witnesses that have no knowledge of the alleged incident. Witnesses are called beginning with those the student conduct hearing board requested. The board members and the respondent may both ask questions.

The board chair may direct the respondent to direct questions to the chair to be asked on the respondent's behalf at the chair's discretion. When this process is completed, the respondent may call any witnesses or present any additional evidence or information relevant to the current complaint.

After all witnesses and evidence has been presented, the respondent may make a closing statement, if desired. The chair may then call on the student conduct administrator for a range of sanctions for the alleged infraction. At this time, the student conduct administrator, the respondent, and any advisor are excused, the recording stopped, and the student conduct hearing board analyzes the information gathered, determines what it believes are the facts of the case, renders a finding of responsible or not responsible, and an appropriate sanction, if necessary. These findings are to be delivered to the student conduct administrator within 3 business days where an outcome letter will be prepared for the respondent. The respondent may appeal the decision within five (5) business days of the date of the letter of findings as outlined in the appeal section of these procedures.

Hearings are closed to the public. The general counsel may be consulted in procedural matters of the student conduct hearing board and may be present at hearings. All information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

#### **O. Hearing Procedures with a *Complainant/Reporting Party***

When a hearing is held with a ~~student reporting party~~*complainant*, the process will follow the general pattern of the regular hearing in this manner:

- a. Summary of the case and initial investigations by the student conduct administrator
- b. Opening statement by the *complainant* ~~reporting party~~ (five minutes)
- c. Opening statement by the respondent if the respondent chooses (five minutes)
- d. Presentation of witnesses and evidence by ~~reporting party~~*complainant*
- e. Presentation of witnesses and evidence by respondent
- f. Closing statement by the *complainant* ~~reporting party~~ (five minutes)
- g. Closing statement by the respondent if the respondent chooses (five minutes)

The burden of proof is by a preponderance of the evidence. Cross-examination of the witnesses is allowed by both parties. In cases of alleged victimization, the parties shall not be permitted to directly question each other. The student conduct hearing board is permitted to question the parties and/or witnesses at any time during the proceeding. At the conclusion of the *complainant's* ~~reporting party's~~ closing statement, the student conduct administrator, the *complainant* ~~reporting party~~, the respondent, and any advisors are excused, the recording stopped, and the student conduct hearing board analyzes the information gathered, determines what it believes are the facts of the case, renders a finding of responsible or not responsible, and an appropriate sanction, if necessary. These findings are to be delivered to the student conduct administrator within three (3) business days where an outcome letter will be prepared and sent to the respondent and the *complainant* ~~reporting party~~ to the extent allowed by law and to the Title IX and/or ADA coordinator as appropriate. Any appeal to the board's decision must be made within five (5) business days of the date of the letter of findings as outlined in the appeal section of these procedures.

Hearings are closed to the public. The general counsel may be consulted in procedural matters of the student conduct hearing board and may be present at meetings. All information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

In addition to the procedures outlined elsewhere, the following will also apply:

- a. Both the respondent and the *complainant* ~~reporting party~~ will receive the notice of the hearing.
- b. Both the respondent and the ~~reporting party~~ *complainant* will have the right to challenge a board member's participation based on known facts that would impact impartiality or conflict of interest. This selection must be made prior to the hearing, within one day of receiving the notice.
- c. Both the respondent and the ~~reporting party~~ *complainant* have the right to have an advisor present.
- d. Both the respondent and the ~~reporting party~~ *complainant* may ask for a continuance.
- e. Both the respondent and the ~~reporting party~~ *complainant* will have the same opportunity to obtain witnesses and evidence and have the assistance of the university as described.
- f. Both the respondent and the *complainant* ~~reporting party~~ will have the right to testify or refuse to testify.
- g. Both the respondent and the ~~reporting party~~ *complainant* will have opportunity to cross-examine all witnesses and are subject to cross-examination if choosing to give testimony. An intercom or other remote audio or video device may be used in hearings to allow a *complainant* ~~reporting party~~ to testify and respond to questions and cross-examinations without face- to-face contact with the respondent.
- h. Both the respondent and the *complainant* ~~reporting party~~ will have the ability to submit a written response to the charges.

## **P. Appeal Procedures**

Students have one level of appeal for every student conduct case. The final appellate authority shall be the vice president for university affairs or his/her designee. There shall be two grounds for appeal. The first is appealing the findings of responsibility and the second is an appeal of the sanction received. Respondents sanctioned under this policy for violation of the Sexual Misconduct policy (2.13) may only appeal the sanction(s) administered under this policy.

### *Appeal of the Findings of Responsibility*

The respondent may appeal the finding of responsibility to the dean of student affairs. The student must file a signed and dated written appeal in the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, any extenuating circumstances the respondent wishes to have considered and a request(s) to continue to reside on campus and/or attend classes during the appeal process.

### *Appeal of the Sanction*

The respondent may accept the finding of responsibility and appeal the sanction to the vice president for university affairs or his or her designee. The signed and dated written appeal must be filed in the Office of the Dean of Student Affairs no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent 's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, any extenuating circumstances the respondent wishes to have considered and a request(s) to continue to reside on campus and/or attend

classes during the appeal process.

### **Q. Confidentiality and Records**

All hearings and records (written, electronic, audio or video recording, etc.) pertaining to hearings will be considered education records and will be treated as designated by current law. Student conduct records are kept for two years beyond a student's final enrollment at the university.

Records for cases where a student has been suspended or expelled are held permanently.

*Disciplinary actions which result in extended separation from the university and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension, expulsion, or debarment) along with the effective dates of the sanction. Students may request in writing that the notation be removed upon completion of the sanction. Written requests must include the student's name and student identification number and may be submitted to the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities will verify a student's eligibility for the transcript notation to be removed and will notify the Registrar's Office for removal of the transcript notation.* ~~are not noted on a student's academic transcript.~~

There will be no disclosure of file contents outside of the university without the written permission of the student, unless required or allowed by law. Disclosure within the university is limited to those employees having legitimate need of the information to conduct university business. Incident reports are generally not released to students to protect the privacy rights of other students involved in the incident. A student may make a written request for a personal copy of their incident report and receive a redacted copy. Disclosure to victims of violent crimes, nonforcible sex offenses or other offenses with reporting requirements will be handled according to current law.

Hearings are audio and/or video recorded. All hearings are closed to the public.

### **R. Rights of Students in Disciplinary Proceedings**

The rights outlined below will be accorded to any student in an administrative disposition or hearing for an alleged violation of the student code of conduct. Both respondent and *complainant reporting party* shall have the same rights under this Student Code of Conduct unless additional rights are provided to either party under the law.

- a. to be present at the hearing;
- b. to meet with the student conduct administrator to discuss the disciplinary process;
- c. to submit a written account of the alleged incident;
- d. to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling (a continuance) for good cause;
- e. to be present at the hearing and to be accompanied by an advisor of the student's choosing during the hearing process, although the advisor will not be permitted to speak for the student during the hearing;
- f. to testify at the hearing;
- g. to decline to testify, with knowledge that all relevant evidence will be considered and the alleged violation adjudicated;
- h. to hear or examine evidence presented against the respondent;
- i. to have and cross-examine witnesses, as specified in this policy;

- j. to make any statement in mitigation or explanation of the conduct in question;
- k. to be informed in writing of the finding and any sanction imposed to the extent allowed by law;
- l. to appeal the finding and/or sanction to the proper authority;
- m. to waive hearing deadlines as outlined in these procedures.

### **S. Additional Rights of *Complainant* ~~Reporting Parties~~ in Disciplinary Proceedings Involving Victimization**

Some actions that violate university policy involve victimization of one or more students by another student(s). This behavior may include physical violence and other acts that endanger the safety of others in the university community. Individuals initiating a complaint involving victimization or respondents in these cases are entitled to certain rights during the disciplinary process. Cases involving victimization defined as sexual misconduct will be investigated according to university policy 2.13 (Sexual Misconduct).

If a complaint is filed with the student conduct administrator, it is important to remember that the respondent is being charged with violating a university rule or regulation; therefore, the university is ultimately responsible for investigating, initiating charges, imposing sanctions if the respondent chooses to admit the violation, implementing the hearing process, and determining sanctions following a finding of responsibility. Although a ~~reporting party~~complainant's input may be sought during the disciplinary process, the ultimate disposition of the case rests with the university. If a ~~reporting party~~complainant withdraws a complaint during the course of the disciplinary proceeding, the university reserves the right to proceed with the case on the basis of evidence other than the testimony of the ~~reporting party~~complainant.

During the course of a disciplinary proceeding, a ~~reporting party~~complainant in cases involving victimization has the following rights:

- a. to meet with the student conduct administrator to discuss the disciplinary process;
- b. to have reasonable assistance from the university in remediating any situation where the victim must be in contact with the respondent, such as a change in residence hall or course section assignment or restrictions on entering specific buildings or attending certain events;
- c. to make an impact statement, either in person or in writing, to the student conduct hearing board for consideration during the sanctioning phase;
- d. to know the outcome of the process as allowed by laws related to the particular incident.

### **T. Sanctions**

**Penalties Admonition:** is a warning.

**Conduct Probation:** is for a specified period of time and requires that a second offense will result in disciplinary probation or suspension.

**Disciplinary Probation:** is for a specified period of time and may carry with it other conditions to be met (e.g., restriction of participation in extracurricular activities, holding student office, pledging or joining campus organizations).

**Special Action:** is a sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include the requirement of a special program or class (the cost of this program will be paid by the student), removal from university housing, payment of damages, extracurricular activity restrictions, community service, educational sanctions, counseling referrals, removal from any class or program, or restrictions on enrollment in any class or program.

**Suspension of an Individual:** is a bar from attending the university for a specific period of time and begins at the date and time specified by the student conduct authority considering the case. A suspension also carries with it the following conditions:

- A. The respondent must remain off the campus during the period of suspension, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- B. A student under suspension may not live or board in university facilities.

**Suspension of a Student Organization:** is loss of university recognition for a specified period of time as outlined in university policy 10.9 (Student Organization Formation and Recognition).

Student organizations are required to cease all activities during the specified period. Student organizations that continue to function during the suspension will be considered in violation of their suspension. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended student organizations must submit a new application as an organization at the end of the suspension period.

**Expulsion:** is a permanent bar from attending the university whereby the student is not eligible for readmission to the university and begins at the date and time specified by the student conduct authority considering the case. An expelled student's status will also carry the following conditions:

- A. The expelled student must remain off the campus, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- B. A student under expulsion may not live or board in university facilities.

**Debarment:** is equivalent to suspension from the university applied to persons not currently registered at the time the penalty is imposed.

**Interim Suspension:** The student conduct authority may, with the approval of the vice president for university affairs, suspend a student for an interim period pending disciplinary proceedings when there is evidence that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions. The student conduct authority may provide for the interim suspension to become immediately effective without prior notice to the student. However, the student conduct authority shall provide notice to the student at the first reasonable opportunity.

The student conduct authority shall inform the student that he/she is entitled to a hearing to be held within five (5) university business days from the effective date of the interim suspension. If the student desires a preliminary hearing shall then be held on the following issues only:

- A. the reliability of the information concerning the student's conduct, including the matter of

his/her identity;

- B. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions.

If the student conduct authority finds the information concerning the respondent's conduct is unreliable or that the respondent has been misidentified, charges may be dismissed. If the student conduct authority finds that allowing the respondent to remain on campus poses no threat or disruption, the student may be allowed to remain on campus pending the completion of the hearing process.

#### **T.U. Status during Appeal**

In cases of suspension or expulsion where an appeal is filed within the required time, a respondent may petition the Office of the Dean of Student Affairs in writing for permission to continue to reside on campus and/or attend classes pending final determination of the appeal. The officer may permit either of these requests under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community.

### **ARTICLE IV: NON-DISCRIMINATION, INTERPRETATION AND REVISION**

Decisions under this policy will be made based on observations of a student's conduct, actions and statements and not on the basis of a student's race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the vice president for university affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the vice president for university affairs or designee.

**Cross Reference:** *Tex. Educ. Code §§ 51.9315, .9364; Fraud (2.7); Discrimination Complaints (2.11); Sexual Misconduct (2.13); Student Academic Dishonesty (4.1); Reproduction of Copyrighted Works by Educators and Librarians (9.2); Digital Millennium Copyright (9.3); Hazing (10.3); Student Organization Formation and Recognition (10.9); Students Displaying Serious Psychological Problems (10.13); Annual Disclosure of Crime Statistics (13.3); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9); Acceptable Use of Information Resources (14.2); Residence Life Community Guidelines*  
~~Computing Software Copyright (9.1); Digital Millennium Copyright (9.3); Hazing (10.3); Students Displaying Serious Psychological Problems (10.13); Annual Disclosure of Crime Statistics (13.3); Computer and Network Security (14.2); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9)~~

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student 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:** Student Records

**Policy Number:** 2.10

**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 VPAA

**Purpose of Policy (what does it do):** Policy represents the university's compliance statement with regards to the Family Educational Rights and Privacy Act (FERPA).

**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 change.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Lynda Langham, Registrar

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

## Student Records

**Original Implementation:** 1974

**Last Revision:** ~~January 26, 2016~~ July 23, 2019

The purpose of this policy is to comply with federal law which: (1) grants to students the right of access to their education records, (2) protects students from illegal use of their education records and (3) restricts the disclosure of the social security numbers of students.

### I. Definitions

For the purposes of this policy, the university adopts the following definitions:

- A. Student means any person who attends or who has attended the university.
- B. Education records means any record (in handwriting, print, *digital*, tapes, film, or other medium) maintained by the university or an agent of the university which is directly related to a student, except:
  - 1. a personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute;
  - 2. an employment record of an individual whose employment is not contingent on the fact that he/she is a student, provided the record is used only in relation to the individual's employment;
  - 3. records maintained by the University Police Department if the records are maintained solely for law enforcement purposes, are revealed only to law enforcement agencies of the same jurisdiction, and the department does not have access to education records maintained by the university;
  - 4. records maintained by University Health Services if the records are used only for treatment of a student and made available only to those persons providing the treatment;
  - 5. records maintained by University Counseling Services if the records are used only for treatment of a student and made available only to those persons providing the treatment; and,
  - 6. alumni records that contain information about a student after he/she is no longer in attendance at the university and the records do not relate to the person as a student.
- C. A school official is a person employed by the university in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has

contracted as its agent to provide a service instead of using university employees or officials (such as an attorney, auditor or collection agent); a person serving on the Board of Regents; a scholarship committee, for the sole purpose of evaluating scholarship recipients; an outside individual/entity involved in the financial aid process reviewing information regarding financial aid eligibility; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the university. University employees, including student employees, with access to student education records will annually complete Family Educational Rights and Privacy Act (FERPA) training. Initial training must be completed no later than thirty (30) days from start of employment.

## II. **Annual Notification**

Annual notification is published on the SFA website and in the ~~schedule of classes~~ *annual Welcome Edition of the Pine Log*. Specific information may be obtained by consulting with administrative officials listed in this policy.

## III. **Student Rights**

Each student has the right to:

- A. receive a list of the types of education records maintained by the university;
- B. inspect and review the contents of his/her records, excluding the exceptions included in this policy;
- C. obtain copies of his/her records at personal expense if failure to provide such copy would effectively prevent the student from inspecting or reviewing the record;
- D. receive explanations and interpretations of his/her records; and,
- E. request a hearing to challenge the contents of his/her records.

## IV. **Procedure to Inspect Education Records**

Students may inspect and review their education records upon request to the appropriate record custodian.

Students should submit to the record custodian or an appropriate university staff person a written request that identifies as precisely as possible the record or records they wish to inspect.

The record custodian or an appropriate university staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place

where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records that relate to him/her.

#### V. Types and Custodians of Student Records

Type of Record	Content	Custodian
Academic	Grades, classification, academic standing, application for admission and admissions scores.	Registrar, Executive Director of Enrollment Management
Financial	Amount of financial assistance given by university and type of assistance.	Director of Financial Aid, Controller
Disciplinary	Nature of offense and type of university action.	Director of Student Rights and Responsibilities
Placement	Academic record and documents of recommendations.	Director of Career Services
Health	Medical history to include all treatment by university physicians.	Director of Health Services
Counseling	Test scores and counseling sessions.	Director of Counseling Services

#### VI. Fees for Copies of Records

The fee for copies of education records will be ten (10) cents per page.

#### VII. Right of University to Refuse Access

The university reserves the right to refuse to permit a student to inspect the following records:

- A. the financial statement of the student's parents;
- B. letters and statements of recommendation for which the student has waived his/her right of access, or that were placed on file before January 1, 1975;
- C. records connected with an application to attend the university if that application was denied; and,
- D. those records that are excluded from the definition of education records.

## VIII. Refusal to Provide Copies

The university reserves the right to deny transcripts or copies of records not required to be made available by law in any of the following situations:

- A. the student has an unpaid financial obligation to the university.
- B. there is an unresolved disciplinary action against the student.

## IX. Disclosure of Education Records

The university will disclose information from a student's education records only with the written consent of the student, except:

- A. to school officials who have a legitimate educational interest in the records;
- B. to officials of another school, upon request, in which a student seeks or intends to enroll;
- C. to certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs;
- D. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- E. in compliance with a state law requiring disclosure that was adopted before November 19, 1974;
- F. to organizations conducting certain studies for or on behalf of the university;
- G. to accrediting organizations to carry out their functions;
- H. to parents of an eligible student who claim the student as a dependent for income tax purposes, *unless the student has a confidentiality request on file*;
- I. to comply with a judicial order or a lawfully issued subpoena;
- J. to appropriate parties in a health or safety emergency; and
- K. other disclosures that the Family Educational Rights and Privacy Act (FERPA) authorizes without consent.

Proof of status from the requesting individual or organization will be required to gain access to education records.

## X. Record of Requests for Disclosure

The university will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record of requests may be reviewed by the student.

## **XI. Directory Information**

The university designates the following items as directory information:

- A. name,
- B. all addresses, including university issued email addresses,
- C. all telephone numbers,
- D. major field of study,
- E. academic classification,
- F. participation in officially recognized activities and sports,
- G. weight and height of members of athletic teams,
- H. dates of attendance and enrollment status,
- I. degrees and awards received,
- J. previous schools attended,
- K. photograph, and
- L. class roster.

The university may disclose any of these items without prior written consent, unless the student ~~notifies the registrar in writing to the contrary by the twelfth class day of a regular semester or the fourth class day of a condensed semester~~ *files a Request to Prevent Disclosure of Directory Information form with the Registrar's Office. Students have until the twelfth class day of a regular semester or the fourth class day of a condensed semester to file the form before information may be released by the university for that semester.*

## **XII. Review and Destruction of Education Records**

The university may destroy obsolete records provided the right to access has been followed as outlined in Section 3 of FERPA.

## **XIII. Correction of Education Records**

A student has the right to request a correction on his/her education records that he/she believes is inaccurate, misleading or in violation of his/her privacy rights. The university shall attempt to settle the disputed contents of an education record by informal proceedings. If informal proceedings fail to achieve a satisfactory settlement, the student may request a formal hearing using the following procedures.

- A. To receive a hearing, a student must file a written request with the president of the university. In so doing, the student should identify the part of the education record he/she wants amended and specify why he/she believes it is inaccurate, misleading or in violation of his/her privacy rights.
- B. Within 10 working days of receiving the request, the president will arrange for a

- hearing, and notify the student at least five working days in advance of the date, place and time of the hearing.
- C. The hearing will be conducted and the decision rendered by a hearing officer, appointed by the president, who does not have a direct interest in the outcome of the case. The president shall name the hearing officer in the written notice sent to the student.
  - D. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues listed in the original request to amend his/her education records.
  - E. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing.
  - F. If the hearing officer decides that the disputed contents of the education record are inaccurate, misleading or in violation of the student's right to privacy, the officer will amend the record and notify the student in writing that the record has been amended.
  - G. If the hearing officer decides that the disputed contents of the education record are not inaccurate, misleading or in violation of the student's right to privacy, the officer will notify the student of his/her right to place a statement in the education record commenting on the disputed contents and/or a statement setting forth the student's reasons for disagreeing with the decision.
  - H. The student's statement will be maintained as part of the student's education record as long as the disputed contents are maintained by the university. If the university discloses the disputed contents of the education record to any person, it must also disclose the student's statement to the person.

#### **XIV. Disclosure of Social Security Number**

Federal law requires that when any federal, state or local government agency requests an individual to disclose his/her social security number (SSN), that individual must also be advised whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it. Accordingly, students, or applicants for admission as students, are advised that disclosure of a student's SSN is mandatory as a condition for participation in certain activities at the university.

Under the mandatory category, the SSN is used to verify the identity of the student, and as an identifier to record necessary data accurately for activities such as admissions; housing and food services; determining and recording eligibility for student financial assistance to include loans, scholarships, and grants; student employment; recording entitlement to and disbursement and repayment of loans; recording entitlement to and payment of scholarships, grant allowances, and official student travel and per diem; determining and recording eligibility for and participation in athletic and similar events; and other related requirements which may arise.

Disclosure of a student's SSN is voluntary for certain other activities. Under the voluntary

category, the SSN is used to verify the identity of the student and to record data accurately for such activities as testing, reporting and evaluation of the ACT and the SAT; recording and reporting student grades and related academic data; registering for placement services to include preparation of resumes and furnishing information to prospective employers and such other related uses which may arise.

Authority for requiring the disclosure of a student's SSN is grounded in federal law that provides that an agency may continue to require disclosure of an individual's SSN as a condition for the granting of a right, benefit or privilege provided by law where the agency required this disclosure under statute or regulation prior to January 1, 1975, in order to verify the identity of an individual.

Pursuant to statutes passed by the state of Texas and the federal government and to regulations adopted by agencies of the state of Texas and the federal government, and by the Board of Regents of the university, the disclosure of the SSN may be required on student application forms and other necessary student forms and documents.

**Cross Reference:** Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; 34 C.F.R. Part 99; 5 U.S.C. § 552a

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Provost and Vice President for Academic Affairs; 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:** Students Displaying Serious Psychological Problems

**Policy Number:** 10.13

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

**Date of last revision, if applicable:** 7/26/2016

**Unit(s) Responsible for Policy Implementation:** Academic and Student Affairs

**Purpose of Policy (what does it do):** Defines response to students experiencing serious psychological problems that place themselves or others at risk.

**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 corrections made.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Dr. Michael Walker, Assistant Dean of Student Affairs, Student Support Services  
 Dr. Hollie Smith, Interim Dean of Student Affairs  
 Dr. Adam Peck, Interim Vice President for University Affairs  
 Damon Derrick, General Counsel

## Students Displaying Serious Psychological Problems

**Original Implementation:** October 12, 1982

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

Stephen F. Austin State University (university) is committed to maintaining a learning and working environment that is safe for all students and staff. This policy establishes guidelines to address the needs of students who are experiencing serious psychological problems that may compromise their safety or the safety of others.

### Definitions

**Serious psychological problems** result in behaviors, occurring on campus, in which a student is a danger to themselves or others or causes significant disruptive activity.

**Emergency Situation:** occurs when a student is an imminent danger to self or others or there is reasonable certainty of this danger occurring in the immediate future. Examples of emergency situations are, but are not limited to, a suicide attempt, threat of a suicide attempt, actual physical harm to another person or threat of imminent harm to another person.

**Non-emergency Situation:** occurs when the student's behavior is such that it is reasonable to believe that further deterioration of the behavior could result in significant disruptive behavior and/or become dangerous to any member of the university community. Examples of non-emergency situations include, but are not limited to, repeated aberrant behavior such as inappropriate outbursts in classrooms or university offices or obvious non-lethal threats of aggression or increased levels of risk from behavioral distress, disturbances or deregulation.

**Behavior Intervention Team (BIT):** a team composed of university professionals who review and evaluate reported student behavioral situations that are concerning to evaluate the student's observed conduct and actions. In addition to the evaluation of qualified mental health and medical providers, the team may evaluate the student's risk level utilizing standardized threat assessment measures. Membership of the BIT may vary depending on the nature of the situation.

**Qualified Mental Health Provider:** a professional licensed by a state-recognized board to offer mental health services in Texas or in another state if the student returns to another state for evaluation and/or treatment.

**Psychological Review Board:** composed of a student conduct authority, the assistant dean

of student affairs for support services, the ADA coordinator, a staff counselor from Counseling Services, and a physician from the Student Health Center acting as chair. The director of health services acts as the contact person to initiate hearing proceedings and may appoint alternate members when deemed necessary.

**Student Conduct Authority:** any person or persons authorized by the vice president for university affairs or designee to determine whether a student has violated the Student Code of Conduct and to recommend or impose sanctions when a violation has been committed.

### **Reporting and Response**

Anyone with knowledge of a student displaying behavior that could place the student or others in imminent danger should immediately contact the University Police Department (UPD). UPD will coordinate the response to the incident.

Response will be based upon the severity of the behavior and may range from obtaining medical/mental health assistance for the student to taking the student into custody.

### **Emergency Procedures**

When an incident is deemed to be an emergency situation, UPD will contact a student conduct authority as soon as is reasonably possible after responding to the reported incident. The student conduct authority, under the direction of the vice president for university affairs/designee, may send a letter to the student indicating the student is barred from campus and class attendance until certain conditions are met. These conditions may include, but are not limited to, meeting with the student conduct authority to review the case, an evaluation and release from a qualified mental health provider stating the student is ready to return to campus and class and/or that the student agrees to refrain from the behavior displayed in the incident. Also within the letter, the student will be informed of their right to have a hearing with the Psychological Review Board within five (5) working days for reconsideration of the incident and the required conditions.

The student may:

- a) accept the required conditions stated in the letter and return to campus and class without a hearing, or
- b) request a hearing and remain off campus and not attend class until the matter is resolved, or
- c) do neither and, after the fifth day, be suspended from the university for at least the remainder of the semester and until the required conditions are met.

The request for a hearing must be made in writing and delivered to the student conduct authority within two (2) working days of receipt of the letter to preserve the right of a hearing within five (5) days. A request filed after two (2) days but before the end of the fifth day will preserve the right of a hearing but not the right of a hearing within the five (5) day timeframe; however, the

university will make every attempt to hold the hearing as quickly as is reasonably possible. Upon receipt of the written request, the student conduct authority will contact the director of health services, who chairs the Psychological Review Board, as soon as is reasonably possible to begin hearing proceedings.

The student conduct authority may, under the direction of the vice president for university affairs/designee, refer the case immediately to the Psychological Review Board for a hearing within five (5) working days in cases where suspension from the university and/or removal from a class, program or service may be a possibility. The student conduct authority will send a letter to the student with initial notice of the hearing and state that the student is barred from campus and attending class until the hearing is held and the matter is resolved. The formal notice of the hearing date, time and place and the hearing process will follow the procedures outlined in the Hearing Procedures section of this policy.

If no imminent danger is found, UPD will contact the student conduct authority who may continue under non-emergency procedures.

### **Non-Emergency Procedures**

A student conduct authority can receive a report of an incident from the University Police Department or anyone with knowledge of a student displaying behaviors described in the non-emergency situation definition of this policy. The student conduct authority will begin an initial investigation into the incident that may include interviewing involved parties and seeking input from appropriate professional resources. The student in question will be directed to report to the student conduct authority as soon as is reasonably possible for an initial meeting. At this meeting, student conduct authority will interview the student and make one of the following findings:

- The student's condition is currently such that the student is an imminent danger to self or others. In this case, the student conduct authority will immediately contact UPD to begin emergency procedures.
- The student's condition is currently such that further deterioration could reasonably result in harm or danger to a member of the university community or the condition continues to display significant disruptive behavior. In this case, the student conduct authority will immediately issue an initial notice to the student that a hearing with the Psychological Review Board will be held within the next five (5) working days and will contact the director of health services as soon as is reasonably possible to begin hearing proceedings. The formal notice of the hearing date, time and place and the hearing process will follow the procedures outlined in the Hearing Procedures section of this policy.
- The student's condition is currently such that counseling or other services would benefit the student. The student conduct authority will assist the student in making the necessary referrals. If the student's condition is drug or alcohol related, the student conduct

authority will follow the procedures outlined in the Illicit Drugs and Alcohol Abuse (13.11) policy.

- The student's behavior was not related to a serious psychological problem. The case may, at the discretion of the student conduct authority, be handled through the regular disciplinary procedures outlined in the Student *Code of Conduct* Code-(10.4).
- The student's condition and behavior is found to require no action.

### **Behavior Intervention Team**

If the Behavior Intervention Team convenes, the meeting will incorporate an individual assessment of the student that includes observations of actions that could indicate safety or code of conduct issues. This assessment includes input from qualified health and mental health professionals to help determine the risk of substantial harm and whether a student is “otherwise qualified” to take classes or remain in the residence halls. The members will also determine if there are reasonable ways to accommodate the student to decrease risk and/or to ensure compliance with policies and the Student Code of Conduct. If no reasonable accommodations can be determined, the student will have a right to a hearing before the Psychological Review Board before a final decision is made to dismiss or withdraw the student. In exigent circumstances, the vice president for university affairs/designee may take immediate measures to suspend the student until a final decision is made.

### **Psychological Review Board Procedures**

#### **Pre-hearing Process**

The chair of the Psychological Review Board will give written notice of the hearing to the student at least three university business days before the date of the hearing. This notice will contain the date, time and place of the hearing; the date(s), time(s), place(s) and a brief description of the behavior in question; and the rights accorded to the student in the hearing. The hearing may be held sooner than three (3) days at the request of the student. The hearing will be closed unless the student requests otherwise. The student conduct authority will be responsible for coordinating the gathering of witnesses and other evidence and delivering a witness list and evidence to the chair.

#### **Hearing Process**

At the hearing, the chair will rule on all procedural matters and the admissibility of evidence. The informal nature of this proceeding does not require strict adherence to formal courtroom procedures or rules of evidence. All parties will be afforded the opportunity for reasonable oral argument, to question any participant present in the hearing, and be permitted to file written briefs.

The student has the right to:

- be present during the presentation of all evidence,

- be accompanied by an advisor,
- present such witnesses and documentary evidence as may be pertinent, and
- cross-examine witnesses offered by other parties.

The record of the hearing will consist of the summary notes of the chair or a secretary appointed by the board, a tape recording or transcription of testimony, along with any exhibits admitted as evidence.

Immediately after the hearing, the board will decide upon a recommendation to make to the vice president for university affairs. The recommendation may include withdrawal of the student from the university or any class, program or service. The recommendation, along with the record, will be forwarded to the vice president for university affairs by the chair as soon as possible, but no later than two (2) university working days from the adjournment of the hearing.

Within three (3) university working days following the receipt of the recommendation of the board, the vice president for university affairs will either concur, in whole or in part, with the recommendation of the board and direct appropriate action to implement the recommendation, or will overrule the recommendation. The vice president will inform the student of the action to be taken and is the final authority in these proceedings.

### **Suspension Procedures**

In cases where a student is suspended from the university under this policy, occurring through failure to accept to the required conditions, failure to request a hearing or through recommendation of the board, the vice president for university affairs will direct the student conduct authority to notify the student in writing that the student is barred from re-enrollment to the university until the required conditions are met. The student conduct authority will place a bar on the student's university account preventing the student from re-enrollment until approval is obtained from the student conduct authority. Other university offices will be contacted as necessary for completion of the suspension.

### **Retention of the Record and Confidentiality**

Any records dealing with an incident of a student displaying serious psychological problems will be held indefinitely by the student conduct authority as a confidential file, apart from disciplinary records, to be released or accessed only by those having legitimate need as defined by state and federal laws.

### **Non-Discrimination**

Decisions under this policy will be made based on observations of a student's conduct, actions and statements and not on the knowledge or belief that a student is an individual with a disability.

**Cross Reference:** Illicit Drugs and Alcohol Abuse (13.11); Student Code of Conduct (10.4)

**Responsible for Implementation:** Vice President for University Affairs

**Contact For Revision:** Dean of Student 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:** Texas Comprehensive Research Fund

**Policy Number:** 8.10

**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 outlines the purpose of Texas Comprehensive Research Funds and limitations defined by the Texas Higher Education Coordinating Board. It also provides guidelines for use of comprehensive research 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:** Revisions include changing name of ORSP to ORGS and changing Director to Dean in Contact for Revision.

**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

## Texas Comprehensive Research Fund

**Original Implementation:** January 19, 2006

**Last Revision:** ~~January 26, 2016~~ July 23, 2019

The Texas Comprehensive Research Fund can only be used for activities at eligible general academic teaching institutions “that promote increased research capacity” at the institution (Texas Education Code §62.097).

The Comprehensive Research Program (CRP) at Stephen F. Austin State University uses these funds to directly support the university’s research agenda and to increase competitiveness in acquiring external funds for research and development.

Therefore, use of CRP funds will be limited to research and development activities as defined by the Texas Higher Education Coordinating Board (Texas Administrative Code, Part 1, Chapter 13, Subchapter G, Rule §13.122):

- Research means “a systematic study directed toward fuller scientific knowledge or understanding of the subject studied.”
- Development means “the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.”
- Curriculum development activities are also eligible for funding when “the primary purpose of the project is developing and testing an instructional or educational model through appropriate research methodologies (i.e., data collection, evaluation, dissemination, and publication).”

Comprehensive Research Program funds cannot be used to supplant funds for research activities or to purchase or maintain equipment supported by other sources.

In the expenditure of Comprehensive Research Program funds, recipients are subject to all university policies and procedures, and local, state, and federal regulations.

Before initiating research that involves human subjects, vertebrate animals, or hazardous materials, researchers must obtain written approval from the chair of the appropriate university board or committee.

Recipients of Comprehensive Research Program funds must meet deadlines for deliverables, including annual reports, as required by the Office of Research and *Graduate Studies Sponsored Programs (ORSP) (ORGS)*.

Publications resulting from the CRP will acknowledge the source of funds as the Stephen F. Austin State University Comprehensive Research Program. Copies of publications will be submitted to ~~ORSP-ORGS~~ and the Center for Digital Scholarship in the Steen Library.

Deans submit requests for Comprehensive Research Program funds on behalf of their faculty and research staff to the director of ~~ORSP-ORGS~~ who makes awards based on criteria established by the director and the provost and vice president for academic affairs. For awards of \$50,000 or greater, the director makes recommendations for funding to the provost and vice president for academic affairs.

**Cross Reference:** Human Research Subjects Protection (8.4); Institutional Animal Care and Use Committee (IACUC) (8.6); Recombinant DNA and/or Infectious Biohazards in Teaching and Research (8.9); Tex. Educ. Code §§ 62.091-.098; 19 Tex. Admin. Code §§ 13.120-.127

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

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

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Use of University Facilities

**Policy Number:** 16.33

**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:** President, Vice President for Finance and Administration, Vice President for University Affairs, Provost and Vice President for Academic Affairs

**Purpose of Policy (what does it do):** Provides guidelines for the use of university facilities.

**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:

Michaelyn Green, Director Administrative Services  
Dr. Danny Gallant, Vice President for Finance and Administration  
Dr. Adam Peck, Interim Vice President for University Affairs  
Dr. Steve Bullard, Provost and Vice President for Academic Affairs  
Dr. Steve Westbrook, Interim President  
Damon Derrick, General Counsel

## Use of University Facilities

**Original Implementation:** April 11, 1980

**Last Revision:** ~~January 26, 2016~~ July 23, 2019

### *Purpose*

*This policy provides guidelines for the use of university facilities by individuals and groups, outlines the process for reserving facilities, and establishes financial policies relating to facility usage.*

~~All Stephen F. Austin State University buildings, facilities, equipment, and grounds will be used only in the pursuit of the stated objectives of the university -- academic, cultural, and public service. Groups not affiliated with the university may be granted use of university facilities according to the general policies provided herein and an agreement to adhere to the specific rules and procedures governing the use of the individual facilities.~~

~~It is the responsibility of the user to become acquainted with and abide by these specific rules.~~

### Definitions:

1. ~~"Student"~~ *is defined as* ~~means~~ a person who is currently enrolled for academic instruction or research at the university.
2. ~~"Campus"~~ *is defined as* ~~will mean~~ all real property over which the university has possession and control by law.
3. ~~"University group"~~ *is defined as* ~~will mean~~ a registered student organization, other student group, or faculty and staff group. No group shall be considered a university group if it includes a person who is not a student, faculty member, or employee of the university unless that person is a member of the immediate family of a student, faculty member, or employee of the university.
4. ~~"Outside group"~~ *is defined as* ~~will mean~~ any organization or group that is not included within the term "university group."
5. ~~"Outside individual"~~ *is defined as any individual that is not a student, faculty member, or employee of the university, and a student, faculty member, or employee of the university not acting within the scope of their employment.*
6. ~~"Sponsoring organization"~~ *will mean a university group that vouches for an outside group's use of a university facility.*

**"University official"** ~~is defined as~~ means a person charged with the responsibility for supervising the use of a university facility.

6.

**"University agency"** ~~is defined as~~ will mean an academic school unit, department college, or program, or a university council, committee or auxiliary enterprise.

## **General**

*All university facilities will be used only in the pursuit of the stated objectives of the university -- academic, cultural, and public service. While academic space exists primarily for academic instruction, individuals and groups may utilize available academic space in accordance with this policy. Groups not affiliated with the university may be granted use of university facilities according to the general policies provided herein and an agreement to adhere to the specific rules and procedures governing the use of the individual facilities.*

*It is the responsibility of the user to become acquainted with and abide by these specific rules.*

## **Priorities and Limitations for Use of University Facilities**

### **Mission of the University**

~~Nothing contained in this policy will be construed to prohibit or hinder operation of the university in fulfilling its mission as a public institution of higher education. All activities associated with that the mission of the university will have priority regarding in the use of the university's facilities. university agencies/groups and :~~

### **Individuals**

#### Individuals

~~Individuals engaged in the educational mission of the university will have the right to may use the university's facilities~~ *university facilities* in accordance with federal, state, and local laws, as well as the rules and regulations of the university.

~~As a general rule, p~~ *Priority for the use of the university's facilities* *university facilities* will go first to the students and second to the faculty and staff. Exceptions to this rule may be made in certain instances by the university administration.

~~Immediate family members of students, faculty, and staff may be granted limited use of university facilities through established programs designed to promote the enrichment of campus life and to enhance the living learning environment of the university.~~

a. ———

b. ~~\_\_\_\_\_~~ Groups

c. ~~\_\_\_\_\_~~

~~a) Only outsiders~~ organized groups (no individuals) sponsored by a university agency conducting an activity that is  
 \_\_\_\_\_ within ~~its~~ the university agency's established role and scope may be allowed the use of university facilities. -

~~b) Outside individuals and/or~~ groups without a sponsor may be permitted to use the facilities of the student center, subject to all other appropriate guidelines contained in this policy.

## Reservations and Use by

### University Groups/Agencies

Application for use of university facilities by university groups/agencies will be made to the appropriate university official as follows:

<i>Facility</i>	<i>Appropriate University Official</i>
<i>Academic facilities</i>	<i>Academic Deans with jurisdiction over that space</i>
<i>Student Center</i>	<i>Director, Student Center</i>
<i>Residence halls</i>	<i>Director, Residence Life</i>
<i>Library carrels and seminar rooms</i>	<i>Director, University Library</i>
<i>Johnson Coliseum and Homer Bryce Stadium</i>	<i>Coordinator of Athletic Operations</i>
<i>Health and Physical Education Complex</i>	<i>Chair, Department of Kinesiology, or Director, Campus Recreation; as outlined in Policy 16.18, Norton HPE Complex</i>
<i>Student Recreation Center, intramural fields and other outside recreational facilities</i>	<i>Director, Campus Recreation</i>
<i>Other outside areas of campus</i>	<i>Dean, Student Affairs</i>

*Fees for Use:* Fees for use by university groups are established at rates which will, at a minimum, ensure recovery of the operating cost of the facility that is attributable directly or indirectly to such use, including but not limited to the proposed facility and expected size of the audience, anticipated

*need for campus security, any necessary accommodations, and relevant history of compliance or noncompliance with university policies and procedures. Such fees may differ from the fee charged to an outside group. The current fee schedule will be available from the appropriate university official. An advance deposit (specified in the fee schedule) may be required for reservations for an event conducted by an outside group.*

*Income: Excess income over expenses, including the fee for use of the facility derived from an event sponsored by a university agency/group, may be retained by the university agency/group to further its activities and programs. Excess expenses over income of an event will be absorbed by the sponsoring university agency/group.*

~~Student Recreation Center, Intramural Fields and Other Outside Recreational~~      ~~Director, Campus Recreation~~

<del>Other Outside Areas of the Campus</del>	<del>Dean, Student Affairs</del>
--	----------------------------------

### ***Reservations and Use by Outside Individuals and/or Groups***

a. \_\_\_\_\_ Application for use of university facilities by outside *individuals and/or* groups will be ~~made-submitted~~ to the vice president for finance and administration, except for the coliseum, stadium, student recreation center, and student center, which will be ~~made-submitted~~ to the individual indicated above.

b. \_\_\_\_\_

### **Usage**

: \_\_\_\_\_ The university may establish additional procedures and/or policies for the reservation and use of each university facility.

Consumption of food or beverages in SFA academic buildings is permitted subject to the approval of the appropriate dean or designee, provided such permission does not conflict with other policies or applicable laws.

### **Identification of Sponsor:**

-The user may not assign or delegate any control or responsibility to any other user or co-  
-sponsor, agent, or third party without prior written approval of the appropriate university official. All users or co-sponsors of an event must be clearly identified prior to confirmation of a reservation. Reservations for ~~presenting~~ one event may not be ~~used-modified~~ for ~~presenting~~ a different event

without written approval by the appropriate university official.

### Fees for Use

: Fees for use by outside *individuals and/or* groups are established at rates which will, at a minimum, ensure recovery of ~~that part of~~ the operating cost of the facility that is attributable directly or indirectly to such use, *including but not limited to the proposed facility and expected size of the audience, anticipated need for campus security, any necessary accommodations, and relevant history of compliance or noncompliance with university policies and procedures* ~~by an outside group~~. The current fee schedule will be available from the appropriate university official. An advance deposit (specified in the fee schedule) may be required for reservations for an event conducted by an outside group.

*Income: If an outside individual and/or group (other than a public entity or summer camp) using a university facility charges those attending an event any admission or registration fee, or accepts donations from those in attendance, a complete accounting of all funds collected and of the actual cost of the event must be submitted upon request to the vice president for finance and administration within (30) days after the event. If the funds collected exceed the actual cost of the event, the user is required to remit such excess funds to Stephen F. Austin State University as an additional charge for use of the facility. The university reserves the right to audit all records pertaining to income and expenses, to prescribe methods of collection, and to participate in audits of funds at the point of receipt. Additional cost of maintenance and services, including standbys, custodial services, and utilities will be considered an expense of the event.*

### Bond and insurance

: Outside *individuals and/or* groups using a university facility may be required to provide a contract performance bond as well as evidence of appropriate levels of liability insurance in amounts and under policies satisfactory to the vice president for ~~F~~finance and ~~A~~administration. Copies of such policies will be furnished to the vice president for ~~F~~finance and ~~A~~administration no later than thirty (30) days prior to the event and in all cases prior to announcement of the event.

### **Financial Policies *Applicable to All Users***

#### University agency/groups

~~÷ Excess income over expenses, including the fee for use of the facility derived from an event~~

sponsored by a university agency/group, may be retained by the university agency/group to further its activities and programs. Excess expenses over income of an event will be absorbed by the sponsoring university agency/group. Additional cost of maintenance, including standbys, custodial, and utilities will be considered an expense of the event.

#### Outside group

∴ If an outside group (other than a public entity or summer camp) using a university facility charges those attending an event any admission or registration fee, or accepts donations from those in attendance, a complete accounting of all funds collected and of the actual cost of the event must be submitted upon request to the vice president for Finance and Administration within (30) days after the event. If the funds collected exceed the actual cost of the event, the user is required to remit such excess funds to Stephen F. Austin State University as an additional charge for use of the facility. The university reserves the right to audit all records pertaining to income and expenses, to prescribe methods of collection, and to participate in audits of funds at the point of receipt. Additional cost of maintenance, including standbys, custodial, and utilities will be considered an expense of the event.

#### Payment for damages

: All users and sponsors will be responsible for payment for damages to the university facility, its fixtures, and equipment, whether caused by the user or its patrons, *with the exception of* ordinary wear and tear-excepted.

#### Broadcast and recording rights:

The university reserves all rights and privileges for radio and television broadcasts, whether live or transcribed for delayed transmission, and all visual or audio recordings originating from the university facility. Should the university grant to the user such privilege, the university has the right to require advance payment of any estimated related costs to the university, such as installation of equipment. Such permission must be granted in writing by the university president in advance of broadcast or recording.

#### **General Policies for Outside Groups Applicable to All Users**

Any proposed use of the-a university facility must be appropriate and suited to the size, structure, - purpose and operating costs of the facility. For outside groups, - There must be good reason to expect that a proposed event will require features unique to the facility or which are otherwise unavailable in the community. All proposed events must be conducted in accordance with applicable state and federal laws and regulations, as well as the rules, regulations and policies of the university Board of

Regents. Users must demonstrate, to the satisfaction of the appropriate university official, that they have the staff, experience, contracting authority, financial status and other qualifications necessary for carrying out the proposed events in a satisfactory manner.

#### Review of contracts:

All contracts related to the presentation of an event, including contracts between user and performers, speakers, sub-contractors, managers, and others, are subject to review and approval by the general counsel and the appropriate vice president.

#### Hazards:

If the university, in its sole discretion, determines that a proposed event poses a potential hazard to public safety, the event may be canceled or denied. No user may install or operate any equipment, fixture or device, nor operate or permit to be operated any engine, motor or other machinery, or use gas, electricity or flammable substances in the facility except with prior written approval of the appropriate university official, and then under such conditions and restrictions as the university official may specify. All electrical connections must be made by university personnel under direction of the staff of the appropriate university official and all house equipment must be operated by university personnel. No equipment, device or fixture may be used which, in the opinion of the university official, endangers the structural integrity of the facility.

#### Conflict with university activities:

An event will not be permitted for any purpose which, although in *accordance* with the general purposes of the university, is of such character or occurs at such circumstances that they are likely to interfere or cause major conflict with any university activity, program or event, or are inimical to the interests of the university.

#### Management functions

: Management functions are retained by the university and may be delegated to users or others only with the written permission of the appropriate vice president. The functions include, but are not limited to, all facets of ticketing and ticket policies, including scaling, acquisition, distribution, and sale; and all matters of staffing, crowd control, technical arrangements, promotions, and advertising.

#### Concessions and catering

: Use of the university facility does not carry the right for the user to control concessions. Sale and distribution of food, beverages, souvenirs, or other concession items are reserved ~~for~~ the university or its concessionaires.

#### Signs and displays:

No signs, messages or other materials may be posted, displayed, distributed or announced in, on or adjacent to, the university facility by user or sponsor without prior written approval of the university official. Such materials may not be fastened to any part of the facility except in spaces provided for this purpose and may not be permitted to interfere with crowd movement and safety.

#### Religious organizations (*Outside Group*):

A religious organization applying for use of a facility must submit written evidence to the appropriate university official from the Internal Revenue Service that *the* organization has been granted an exemption from taxation under Section 501(c)(3) of Title 26 of the United States code (Internal Revenue Code), and will be permitted to use the facility no more than one (1) time during a calendar year.

#### Political organizations (*Outside Group*):

A political organization applying for use of the facility must present written evidence to the appropriate university official that the organization had candidates for either national, state, district or local offices listed on the ballot at the last general election, and will be permitted to use the facility no more than one (1) time during a calendar year.

#### Individual candidates for political office:

Individual political candidates and their election organizations are not permitted to reserve a university facility. However, if a candidate is invited by a university group, then he or she may appear in the facility, provided that the group extending the invitation is responsible for reserving the facility and meeting all costs related to the event.

#### Advertising:

All ~~news~~-press releases, handbills, advertisements, television and radio announcements, *social media* or other media utilized to inform the public of a non-university event to be held in a university

facility must carry a disclaimer, approved by the general counsel, to the effect that use of Stephen F. Austin State University facilities does not imply endorsement of the event or the sponsoring organization by the university.

#### Amplified Sound:

Amplified sound may only be used at indoor campus facilities with prior authorization of the university. Use of these devices is restricted to specific areas. Decibel limits may be imposed on the use of amplified sound at any event. Any event exceeding these sound limits will be first asked to turn the volume down; if the problem persists, the university reserves the right to immediately terminate the event. Use of amplified sound on campus grounds is governed by policy 16.31, Use of Amplified Sound on Campus Grounds.

### **Penalty and Hearing**

#### Suspension:

If a user or sponsor violates the provisions of this policy, or the laws regulating the use of state property, the appropriate university official with the approval of the vice president to whom he/she reports may suspend the use of university facilities, or certain university facilities, by the user or sponsor for a specified period of time not to exceed one (1) year. Suspension will mean that reservation requests by the user or sponsor will be denied by the university during the specified period of time.

#### Notice of Suspension:

When a university official suspends a user or sponsor from the use of university facilities, the official will notify *the user or sponsor* in writing, ~~the user or sponsor~~, and the vice president ~~who has~~ responsibility for space assignment, of the suspension. The written notice will contain all the following:

- a. that the user or sponsor may not use university facilities, or certain designated university facilities, for a specified period of time, not to exceed one (1) year from receipt of the notice;
- b. the name and title of the university official imposing the suspension, along with an address where the university official may be contacted during regular working hours;
- c. a brief statement of the acts or omissions resulting in the suspension; and
- d. notification that the suspended user or sponsor is entitled to a hearing on the suspension.

#### e. Request for Hearing:

f. \_\_\_\_\_

g. \_\_\_\_\_

h. \_\_\_\_\_ A suspended user or sponsor may submit a written request for a hearing on the suspension to the appropriate university official within fourteen (14) days from the date of receipt by the user or sponsor of the notice of suspension. The university official will grant a hearing not later than seven (7) days from the date of receipt of the request and will immediately mail written notice of the time, place, and date of the hearing to the requester person.

i. The hearing will be held before a discipline committee reviewing the suspension in question.

**Cross Reference:** *Course Scheduling (4.13)*; Turner Auditorium (16.30); Norton HPE Complex (16.18); Kennedy Auditorium ~~Reservation and Use~~ (16.14); Homer Bryce Stadium and William R. Johnson Coliseum (16.13); Piney Woods Conservation Center (16.21); The Ed and Gwen Cole Art Center and the Griffith Gallery (16.27); Austin Building Conference Rooms (16.5); Academic Facilities for Non-Academic Activities (16.1); Use of Amplified Sound on Campus Grounds (16.31); *Tex. Educ. Code § 51.9315*

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

**Contact for Revision:** President

**Forms:** None

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Vendor Protests

**Policy Number:** 16.36

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** This policy establishes guidelines for the submission and evaluation of vendor protests in connection with the solicitation, evaluation, or award of a contract with 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:**

**Specific rationale for each substantive revision:** Minor wording changes only.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Kay Johnson, Director of Procurement and Property Services  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

STEPHEN F. AUSTIN  
STATE UNIVERSITY  

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Office of the General Counsel

## Vendor Protests

**Original Implementation:** July 14, 1998

**Last Revision:** ~~July 26, 2016~~ July 23, 2019

### Purpose

This policy establishes guidelines for the submission and evaluation of vendor protests in connection with the solicitation, evaluation, or award of a contract with the university.

### General

Any actual or prospective bidder, offeror, or contractor who feels aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the director of procurement and property services/HUB coordinator of Stephen F. Austin State University. Such protests must be in writing and received in the procurement director's office ~~within 10 working days after the protesting party knows, or should have known, of the occurrence of the action which is protested:~~  
*(1) by the end of the posted solicitation period if the protest concerns the solicitation documents or actions associated with the publication of the solicitation documents; (2) by the day of the award of a contract resulting from the solicitation if the protest concerns the evaluation or method of evaluation for a solicitation; or (3) no later than ten (10) days after the notice of award if the protest concerns the award.*

Formal protests must conform to the requirements of this policy, and shall be resolved in accordance with the procedure set forth herein. Copies of the protest must be mailed or delivered by the protesting party to any other interested parties. For the purposes of this policy, "interested parties" means all vendors who have submitted bids, proposals, or other expressions of interest related to the solicitation and/or contract involved.

In the event of a timely protest or appeal, Stephen F. Austin State University shall not proceed further with the solicitation or award of the contract unless the procurement director, after consultation with the end user, makes a written determination that the award of contract without delay is necessary to protect the best interests of the university.

A formal protest must be sworn and contain:

1. A specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. A precise statement of the relevant facts;
4. An identification of the issue or issues to be resolved;
5. Argument and authorities in support of the protest; *and*
- ~~5-6. An explanation of the subsequent action sought. and~~  
~~6. A statement that copies of the protest have been mailed or delivered to other identifiable interested parties.~~

The procurement director shall have the authority, prior to appeal to the vice president for finance and administration, to settle and resolve the dispute concerning the solicitation, evaluation, or award of a contract. The procurement director may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the procurement director will issue a written determination on the protest.

1. If the procurement director determines that no violation of rules or statutes has occurred, he/she shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination.
2. If the procurement director determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he/she shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
3. If the procurement director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he/she shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

The procurement director's determination on a protest may be appealed by the protesting party to the vice president for finance and administration. An appeal of the *procurement* director's determination must be in writing and must be received in the vice president's office no later than 10 working days after the date of the *procurement* director's determination. The appeal shall be limited to review of the procurement director's determination. Copies of the appeal must be mailed or delivered by the protesting party to any other interested parties and must contain a certified statement that such copies have been provided.

~~The general counsel shall review the protest, procurement director's determination and the appeal and prepare a written opinion and recommendation to the vice president for finance and administration. The vice president may, in his/her discretion, refer the matter to the president for his/her consideration or issue a written decision on the protest.~~

~~When a protest has been appealed to the vice president for finance and administration and has been referred to the president by the vice president, the following requirements shall apply.~~

1. Copies of the appeal and responses of interested parties, if any, ~~and general counsel recommendation~~ shall be delivered to the ~~president~~ *vice president or president, as applicable ("appellate authority")*.
2. ~~All interested parties who wish to make an oral presentation at an open meeting with the president are requested to notify the general counsel at least 48 hours in advance of the open meeting.~~
3. ~~The president may consider oral presentations and written documents presented by SFA staff and interested parties. The president shall set the order and amount of time allowed for presentations.~~ *The appellate authority may, in his/her sole discretion, hold a hearing on the appeal if he/she believes the written record is not sufficient to render a determination. If a*

*hearing is held, the appellate authority will set the order and amount of time allowed for presentations. The general counsel may be present as an advisor to the university.;*  
 4.3. The ~~president's~~ appellate authority's determination of the appeal shall be final.

Unless good cause for delay is shown or the ~~president~~ appellate authority determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely *or containing all required information* will not be considered.

A decision issued in writing ~~either by the president or in writing by the vice president for finance and administration~~ *by the appellate authority*, shall be the final administrative action of Stephen F. Austin State University.

**Cross Reference:** Tex. Gov't Code § 2155.076; 34 Tex. Admin. Code §§ 20.384531-.538

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** None

**Board Committee Assignment:** Finance and Audit

## **Capital Plan Items**

### **1. Power Plant 1 Upgrade**

#### **Explanation:**

The mechanical and utility distribution needs of the fine arts expansion project require an enhancement to the current utility distribution system. The project requirements provide an opportunity to address the entire Power Plant 1 utility distribution system with additional lines and HVAC equipment.

#### **Recommendation:**

With the use of the Higher Education Fund (HEF), the administration recommends approval to upgrade Power Plant 1 to support the fine arts project and provide additional utility support capacity at a cost not to exceed \$3,500,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

### **2. Culinary Café Relocation and Renovation**

#### **Explanation:**

The Human Sciences Culinary Café is located in the College of Education Annex Building on Raguet Street. The current location and space are inadequate for hospitality instruction, outreach and growth. To support the program's academic growth and outreach, the administration wishes to renovate the home located at 1401 Mound Street and relocate the Culinary Café to that site.

#### **Recommendation:**

The administration recommends approval to renovate the residence located at 1401 Mound Street and relocate the Culinary Café from its current location in the College of Education Annex to that site. With the use of the Higher Education Fund (HEF), the administration recommends approval of the project at a cost not to exceed \$1,500,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

### **3. University Police Department Radio System**

#### **Explanation:**

The University Police Department needs to replace its radio communication system. The department has had the current Motorola system for more than 11 years. Officers have experienced numerous communication failures with the system. In addition, interoperability between the city, county and school districts first responders is limited. The system is at the end of its operational life span and Motorola no longer supports it.

#### **Recommendation:**

With the use of auxiliary fund balance, the administration recommends approval to purchase a radio system for the University Police Department at a cost not to exceed \$350,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

### **4. Steen Library Renovation Phase 1**

#### **Explanation:**

At the July 25, 2017 meeting, the board of regents authorized the university to hire an architectural firm to assess Steen Library space and functional needs. The administration would like to address the library's renovation needs beginning in fiscal year 2020.

#### **Recommendation:**

With the use of the Higher Education Fund (HEF), the administration recommends approval of the Steen Library Phase 1 renovation at a cost not to exceed \$250,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

## **5. Residence Life Furniture Replacement**

### **Explanation:**

The Residence Life Department works diligently to maintain our vintage residence halls so that they are attractive and inviting for new and current residential students. Hall 14 was built in 1964. This four-story, 69,595 sq. foot, traditional-style residence hall has approximately 400 revenue beds for incoming first-year students. This building has built-in dressers and desks. The existing moveable furniture was purchased in the early 1990s and needs to be replaced.

### **Recommendation:**

With the use of budgeted auxiliary funds, the administration recommends approval of the Hall 14 furniture project at a cost not to exceed \$220,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

## **6. Fire Safety Upgrades**

### **Explanation:**

The State of Texas Fire Marshal is requiring state agencies to have all fire doors and dampers inspected and certified by a third party to comply with the NFPA fire code 5.2.1 (doors) and 19.4.1 (dampers). The SFA Safety Department has identified vendors who will work alongside SFA employees to certify these fire and life safety devices to ensure a safe working and learning environment.

### **Recommendation:**

With the use of the Higher Education Fund (HEF) and auxiliary funds, the administration recommends approval of fire safety upgrades at a cost not to exceed \$200,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

## **7. Residence Life Building Card Access System**

### **Explanation:**

Many of the residential rooms on campus are equipped with electronic card-swipe access systems. Some of these systems are 13 years old and the parts are not available to replace/repair the units. The Residence Life Department is working with the ITS department to replace some of the older systems in the residence halls.

### **Recommendation:**

With the use of budgeted auxiliary funds, the administration recommends approval to purchase and install a residence life building card access system, at a cost not to exceed \$184,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

## **8. Residence Life Wireless Network Upgrades**

### **Explanation:**

The Residence Life Department in conjunction with the ITS department on campus must begin a yearly plan to replace wireless switches and access points in the residence halls. This will begin phase one of a five-year project. This initiative is necessary to keep up with the technology needs of our 5,000 campus residents.

### **Recommendation:**

With the use of budgeted auxiliary funds, the administration recommends approval of the residence life wireless network upgrade project at a cost not to exceed \$151,000. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

## **9. Health Services HVAC and Duct Replacement**

### **Explanation:**

According to Texas Department of State Health Services a clinical laboratory is required to have an air supply isolated from other patient and staff areas. A separate HVAC unit will satisfy this requirement.

### **Recommendation:**

With the use of auxiliary fund balance, the administration recommends approval of the Health Service HVAC and duct replacement at a cost not to exceed \$107,600. The administration further recommends authorization to sign associated purchase orders and contracts as necessary.

**Stephen F. Austin State University  
Capital Plan  
Fiscal Year 2019-20**

<b>Capital Item</b>	<b>Total Project Budget</b>	<b>Source of Funds</b>		
		<b>HEF</b>	<b>Budgeted Auxiliary Funds</b>	<b>Auxiliary Fund Balance</b>
Power Plant I - Utility Infrastructure Upgrade	3,500,000	3,500,000		
1401 Mound Street Culinary Café Renovation	1,500,000	1,500,000		
University Police Department Radio System	350,000			350,000
Library Renovation Phase 1	250,000	250,000		
Hall 14 Furniture Replacement	220,000		220,000	
Fire Safety	200,000	150,000	50,000	
Residence Life Building Access Card System	184,000		184,000	
Residence Life Wireless Network Upgrades	151,000		151,000	
Health Services HVAC and Duct Replacement	107,600			107,600
<b>Total Capital Plan</b>	<b>6,462,600</b>	<b>5,400,000</b>	<b>605,000</b>	<b>457,600</b>

**Stephen F. Austin State University  
HEF Allocation  
Fiscal Year 2019-20**

<b>Fiscal Year 2020 Higher Education Fund Appropriation</b>	<b>11,636,163</b>
<b>HEF Fund Balance</b>	<b>2,589,302</b>
<b>Total Funds Available</b>	<b><u>14,225,465</u></b>
Debt Service	4,284,217
Power Plant I Upgrade - College of Fine Arts Expansion	3,500,000
ITS Infrastructure Support	1,659,858
Culinary Café Relocation and Renovation (KBH House)	1,500,000
Library Materials	1,461,302
Cloud-Based Software Operating Funds Reallocation	1,420,088
Library Phase 1 Renovation	250,000
Fire Safety	<u>150,000</u>
<b>Total HEF Allocation</b>	<b><u>14,225,465</u></b>

Changes in Course Fees - July 2019							
College of Education							
<u>Department</u>	<u>Course</u>	<u>Course #</u>	<u>Section</u>	<u>Description</u>	<u>Present Amount</u>	<u>Proposed Amount</u>	<u>Status</u>
Human Services	SPE	558	all	Practicum in Visual Impairment	\$300	\$30	modify
Kinesiology	KIN	417L	all	Analysis of Movement Lab	\$30	\$0	delete
Secondary Ed and Ed Leadership	AED	554	all	Practicum for School Principals	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	601	all	Connecting Leadership Theory and Practice	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	596	all	Internship for the School Superintendent	\$100	\$0	delete
Secondary Ed and Ed Leadership	AED	602	all	Inquiring into the Foundations of Ethics and Philosophy	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	603	all	Exploring Contemporary and Emerging Paradigms	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	604	all	Examining the Dynamics of Organizational and ...	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	611	all	Critical Voice Design Analysis Educational Policy	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	612	all	Conceptualizing Scholar-Practitioner Model of...	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	613	all	Operationalizing the Dynamics of Change in Education	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	621	all	Examining Human Inquiry Systems	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	623	all	Designing Research within Educational Settings	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	633	all	Investigating Cultural and Societal Platforms	\$20	\$0	delete
Secondary Ed and Ed Leadership	AED	681	all	Internship	\$100	\$0	delete
Secondary Ed and Ed Leadership	AED	682	all	Developing the Dissertation Research Proposal	\$20	\$0	delete
Secondary Ed and Ed Leadership	SED	514	all	Investigations in School Subjects	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	524	all	Secondary Teacher as Constructivist Leader	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	534	all	Power and Pedagogy	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	535	all	Advanced Instructional Technology	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	560	all	Technology and Teaching	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	563	all	Analyzing Teaching	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	588	all	Foundations of Culturally Responsive Pedagogy	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	591	all	Practical Inquiry and Action Research I	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	592	all	Practical Inquiry and Action Research II	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	370	all	Sociocultural and Historic Perspectives in America	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	371	all	Curriculum and Instructional Design for All Learning	\$6	\$0	delete
Secondary Ed and Ed Leadership	SED	372	all	Disciplinary Literacy	\$40	\$0	delete
Secondary Ed and Ed Leadership	SED	460	all	Motivating and Managing the Active Learning E...	\$6	\$0	delete

**Stephen F. Austin State University  
Exemptions & Waivers Report**

**July 22, 2019**

M/O	CITATION	TYPE	NAME	OVERVIEW OF ITEMS EXEMPTED OR WAIVED	PROGRAM PURPOSE	FY2018 HEAD COUNT	FY2018 AMOUNT
M	TEC 54.351	Exemption	Children of Disabled Fireman/Peace Officers	Tuition and fees (120 attempted hours or until student's 26th birthday)	Provide a benefit to the children of eligible public servants who have been killed in the line of duty, or who have been disabled in the line of duty.		
M	TEC 54.343	Exemption	Children of Prisoners of War	All tuition and fees	Exempt from tuition and fees while parent is a POW or MIA.		
M	TEC 54.355	Exemption	Children of Professional Nursing Program Faculty	All tuition - (10 semesters only)	Provide an exemption of tuition to eligible students to encourage their parents to continue employment as professional nurse faculty or staff in the state of Texas	5	\$32,770
M	TEC 54.011	Exemption	Tuition Limit in Cases of Concurrent Enrollment	Reduced tuition at the second institution.	Provide a break in tuition charges to students enrolled at two public institutions of higher education at the same time.		
M	TEC 54.222	Waiver	Economic Development and Diversification	As part of a state economic plan, a dependent of a person that moves to Texas is eligible for residency.	Texas Higher Education Coordinating Board determines eligibility for waiver.		
M	TEC 54.342(b)	Exemption	Prisoners of War	All charges - not to exceed 120 hours	For all residents of Texas first classified as a POW on or after January 1, 1999.		
M	TEC 54.206	Waiver	Foreign Service Officers	Waiver of non-resident tuition	Charge resident of Texas rate to a foreign service officer employed by the US Department of State and is assigned to an office that is located in a bordering nation.		
M	TEC 54.366	Exemption	Foster Care - Aged Out	Tuition and fees	Provide college financial assistance to students who once were in Texas Department of Family Protective Services foster care and never adopted.	13	\$82,380
M	TEC 54.367(a)	Exemption	Foster Care - Adopted	Tuition and fees	Provide college financial assistance to students who once were in TDFPS foster care and have been adopted.	55	\$445,639
M	TEC 54.341(b)	Exemption	Hazlewood - 100% Disabled Veteran-Spouse/Child	Tuition and fees, excluding student service fee, general deposit, and room and board			
M	TEC 54.341(b)	Exemption	Hazlewood - Deceased Veteran-Spouse/Child	Tuition and fees, excluding student service fee, general deposit, and room and board		62	\$460,514

**Stephen F. Austin State University  
Exemptions & Waivers Report**

**July 22, 2019**

M	TEC 54.341(a)	Exemption	Hazlewood Exemption	Tuition and fees, excluding student service fee, general deposit, and room and board		72	\$314,061
M	TEC 54.341(k)	Exemption	Hazlewood Legacy	Tuition and fees, excluding student service fee, general deposit, and room and board		533	\$4,006,736
M	TEC 54.364(b)	Exemption	Hearing Impaired	Tuition and fees - all but room and board	Help enable blind and deaf students to attend public colleges or universities in the state of Texas	33	\$228,484
M	TEC 54.364(b)	Exemption	Visually Impaired	Tuition and fees - all but room and board	Help enable blind and deaf students to attend public colleges or universities in the state of Texas	21	\$117,327
M	TEC 54.241(d),(I),(k)	Waiver	Military Personnel and Dependents	Waiver of non-resident tuition		20	\$194,386
M	TEC 54.345(b)	Exemption	Assistance for Members of State Military Forces	Tuition and mandatory fees limited to 12 semester credit hours per semester	Adjutant general shall provide a certified list of eligible members.		
M	TEC.54.232	Waiver	NATO Agreement	Waiver of non-resident tuition	For nonimmigrant aliens who reside in Texas in accordance with the agreement between NATO members.		
M	TEC 54.211	Waiver	Faculty and Dependents	Waiver of non-resident tuition	For faculty and their family members.	6	\$27,390
M	TEC 54.3531	Exemption	Peace Officers Enrolled in Certain Courses	Tuition and lab fees offered as part of a law enforcement-related or criminal justice curriculum	Encourage persons employed as peace officers to take college courses designed to help them in their work.	1	\$7,872
M	TEC 54.356	Exemption	Preceptor for Professional Nursing Education Programs	The child of a preceptor may receive a tuition exemption \$500 or actual, whichever is less, for up to 10 semesters.	Encourage nurses to serve as clinical nurse preceptors by providing a partial exemption from tuition to them and/or their children.	11	\$9,000
M	TEC 54.354	Exemption	Education Benefits for Certain Survivors	Tuition, all fees and textbooks and possibly room and board. (200 hours or until bachelors degree is awarded)	Provide free tuition and fees, free textbooks, and possibly free room and board or stipend to certain students whose parent or spouse was killed in the line of duty while employed in certain public service positions.		

**Stephen F. Austin State University  
Exemptions & Waivers Report**

**July 22, 2019**

M	TEC 54.344	Exemption	Participants in Military Funerals	\$25 voucher per performance	Provide students who play taps at military funerals with a voucher for tuition and fee reduction.		
M	TEC 54.212	Waiver	Teaching or Research Assistant	Waiver of non-resident tuition	For teaching assistant or research assistant and the spouse and children.	33	\$194,635
M	TEC 54.624 & TEC 54-621	Contract	Texas Guaranteed Tuition	Tuition and fees, excluding course, lab and distance learning fees	Parents bought a number of hours and contractually the student is guaranteed those hours.		
M	TEC 54.624	Exemption	Senior College Plan	Tuition and fees	Pays the difference between what the parents were guaranteed and what the State collected.	275	\$71,791
M	TEC 54.624 & TEC 54-621	Contract	Texas Tomorrow Fund	Tuition and fees, excluding semester fees.	Same as Texas Guaranteed Tuition but does not pay semester fees.		
M	TEC 54.624 & TEC 54-621	Contract	Texas Tuition Promise Fund	Tuition and fees, excluding course fees, lab fees, and distance learning fees	Replaced Texas Tomorrow Guaranteed plan. The parents buy units. The unit pays an amount set by the State.		
M	TEC 54.352	Exemption	Disabled Peace Officers and Fire Fighters	Tuition and fees - changed to mandatory 9/1/2019	Provide a benefit to persons who were injured in the line of duty while serving as Peace Officers.		
M	TEC 54.353	Exemption	Fire Fighters	Tuition and lab fees that are a part of a fire science curriculum	Encourage persons employed as fire fighters or active members of volunteer fire departments to take college courses designed to help them in their work		
M/O	TEC 54.231(c), (b.4)	Waiver	Resident of Bordering State or Nation	Waiver of non-resident tuition	The Texas Higher Education Coordinating Board (THECB) establishes the program		
O	TEC 54 213 (a)	Waiver	Competitive Scholarship	Waiver of non-resident tuition	The student must compete with other students for the scholarship and be awarded by a scholarship committee approved by THECB	209	\$1,918,205
O	TEC 54.218	Exemption	Online or ITV Only	Exempts certain fees		3388	\$596,751

**Stephen F. Austin State University  
Exemptions & Waivers Report**

**July 22, 2019**

O	TEC 54.216	Exemption	Dual Credit	Authorized by Board of Regents	To encourage high school students to take challenging courses and get started on their college degrees	466	\$1,277,136
O	TEC 54.331(a)	Waiver	Good Neighbor Exemption	One year of tuition (fall, spring, summer). Student must reapply each year.	Provide assistance for tuition to students from other nations of the Western Hemisphere (except Cuba)	7	\$111,048
O	TEC 54.0601	Waiver	Nonresident Tuition Rates at Certain Institutions	Border tuition rate which is lower than nonresident rate but higher than resident rate	THECB determines what is in the best interest of the university	89	\$618,372
O	TEC 54.231(d)	Waiver	International Student Exchange Program	Contract	Exchange students pay each other's tuition and fees	1	\$0
O	TEC 54.365( c)	Exemption	Senior Citizens	All tuition for students age 65 or older (limited to 6 hours per semester)	Encourage senior citizens to continue their education and keep involved with local colleges and universities.	3	\$3,690
O	TEC 54.301	Exemption	Highest Ranking Texas High School Graduate	Tuition only for both semesters of the first regular session	Provide an award to students graduating first in their class in high school.	23	\$154,554
O	TEC 54.5035	Waiver	Waiver of Fees - Educational Leadership	Board authorized waiver of mandatory and discretionary fees	Used for Educational Leadership program. Optional exemption from fees associated with activities, services or facilities students cannot reasonably use.	512	\$819,540
O	TEC 54.014(f)	Waiver	Tuition for Repeated or Excessive Undergraduate Hours	Charge resident tuition rate.	Hardship or good cause exemption as determined by THECB		
O	TEC 54.263	Waiver	Students 55 years of Age or Older	All or part of Tuition	To encourage senior citizens to continue their education and keep involved with local colleges and universities.		
O	TEC 54.261	Exemption	Designated Tuition Exemption	All or part of designated tuition - set by Board of Regents	Payment of such tuition would cause an undue hardship on the student		
O	TEC 54.217	Waiver	Students Enrolled in Fully Funded Courses	Waive tuition and fees	Students attending courses that are fully funded by federal or other sources		
O	TEC 54.368	Exemption	Inter-institutional Academic Programs	Tuition and fees	Students taking a course at the institution under an inter-institutional academic agreement but is enrolled primarily at another institution.		

**Stephen F. Austin State University  
Exemptions & Waivers Report**

**July 22, 2019**

O	TEC 54.225	Exemption	Non Semester Length Developmental Education Interventions	Tuition	Students participating in an approved non-semester-length developmental education intervention		
O	TEC 54.251	Waiver	Registered Nurses in Postgraduate Nursing Degree Programs	Waiver of non-resident tuition			
O	TEC 54.5025	Exemption	Prorated Fees for Term Length	Prorated amount is set by Board of Regents	Optional program providing for reduced fees for students based on the length of the semester		
O	TEC 54.010	Exemption	Reductions in Tuition	Reduction in tuition charged for more than 15 semester credit hours	To increase the average semester credit hour course load of students enrolled for at least 15 hours at Texas public colleges or universities		
O	TEC 54.365(b)	Exemption	Senior Citizens - Audited Classes	Tuition and fees	To encourage senior citizens to continue their education and keep involved with local colleges and universities.		
O	TEC 54.361	Exemption	One-Year Exemption for Certain Texas Aid for Needy Families	Tuition and fees for first academic year			
<b>TOTALS</b>						<b>5,838</b>	<b>\$ 11,692,281.00</b>

M Mandatory  
M\* Mandatory waiver if school participates in program  
O Optional  
O\* Optional because no funding is available

**Report to the Board of Regents – July 2019**  
 Grants<sup>1</sup> awarded between April 1, 2019 and June 21, 2019

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**Fiscal Year 2019 – as of June 21, 2019**

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**Amounts allocable to FY19** (detailed in this report)

Direct Federal	\$ 0
Federal Pass-through	\$ 95
State and State Pass-through	\$ 215,789
Private and Local Government	\$ 12,952
<b>TOTAL</b>	<b>\$ 228,836</b>

<b>Cumulative amount allocable to FY19</b>	<b>\$ 5,534,776</b>
<b>New awards</b> (detailed in this report, all project years)	<b>\$ 1,011,732</b>
<b>Cumulative award total, all project years</b>	<b>\$11,301,019</b>

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*New, Additional, or Previously Unreported Awards for FY 2019*

**Direct Federal**

**Federal Pass-through**

*Previously Described Awards with Modifications*

***Special Education Consolidated Grant FY18 (IDEA-B)***

**Award Total:** \$65,036 **Amount allocable to FY 2019:** \* \$ 95

**Subtotal Amounts Allocable to FY2019 (this report) = \$ 95**

**Subtotal New Direct Federal Awards (total award) = \$65,036**

**State and State Pass-through Awards**

**Title:** \**Risk of Snake Entanglement in Erosion Control Materials*

**Sponsor:** Texas Parks and Wildlife

**Award Term:** April 15, 2019 – August 31, 2019

**PIs/PDs:** Dr. Christopher Schalk, Forestry

**Total Award** \$34,935 **Amount Allocable to FY 2019** \$34,935

*Research will focus on how erosion control products may negatively impact wildlife and to create management practices to reduce such an impact.*

*Previously Described Awards*

***\*Identification of Existing Geologic Hazards within TxDOT Right-of-Way in Culberson County, Phase 2***

**Award Total:** \$889,279 **Amount allocable to FY 2019:** \$51,865

*\*New awards or additional funds added to a current award*

<sup>1</sup>*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.*

**Report to the Board of Regents – July 2019**  
 Grants<sup>1</sup> awarded between April 1, 2019 and June 21, 2019

***Mathematics Co-Requisite Embedded Support Technique CSRM-2018)***

**Award Total:** \$105,437

**\*Amount allocable to FY 2019:** \$30,450

***\*Nacogdoches Naturally - Community Outdoor Outreach Program (COOP) FY 19-20***

**Award Total:** \$30,069

**Amount allocable to FY 2019:** \$22,552

***\*Peers Against Tobacco Program – FY19***

**Award Total:** \$1,000

**Amount allocable to FY 2019:** \$1,000

***Subtotal Amounts Allocable to FY 2019 (this report) = \$215,789***  
***Subtotal New State and State Pass-through Awards (total award) = \$985,733***

**Private Entity and Local Government Awards**

**Title:** ***\*East Texas Health Spending Research Project***

**Sponsor:** Episcopal Health Foundation

**Award Term:** June 1, 2019 – December 31, 2019

**PIs/PDs:** Dr. Freddie Avant, School of Social Work, Rural Research Center

**Total Award** \$25,904 **Amount Allocable to FY 2019:** \$12,952

*This research project will include key informant interviews in Angelina and Harrison Counties to assist the Foundation and community leaders in strategic planning for the communities.*

***Subtotal Amounts Allocable to FY2019 (this report) = \$12,952***  
***Subtotal New Private and Local Awards (total award) = \$25,904***

***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*

<sup>1</sup>*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.*

## Stephen F. Austin State University Board of Regents Evaluation

*The Board of Regents hereby conducts this self-evaluation of its responsibilities and expectations, with consideration given to 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 SFA strategic plan.*

### Orientation and Education

- i. New members of the Board are provided an orientation session with university leadership and direct reports. This orientation provides an overview of each area of operations in advance of those members' first meeting and introduces the legal obligations of members of the Board. The Texas Higher Education Coordinating Board further provides an orientation session regarding legal obligations and best governance practices.

*Current orientation content and process meets the needs of new Board members, and new Board members understand the legal obligations and expectations.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

☐ *Steps for Improvement:* \_\_\_\_\_

- ii. At the request of the chair, the Board may be provided a refresher training regarding their duties and responsibilities, including those duties required by law, and best practices in board governance. This includes, but is not limited to, the policy-making role of the Board, its fiduciary responsibilities in the management of funds, proper influence of external stakeholders, essential responsibilities, and accountability.

*The Board is aware of its legal obligations and expectations. Current process for refresher training meets the Board's needs.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

☐ *Steps for Improvement:* \_\_\_\_\_

### Legal Responsibilities

- i. The Board is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees.

*The Board effectively advocates for the university's independence and ability to manage its own affairs.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree

				X
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☐ *Steps for Improvement:* \_\_\_\_\_

- ii. The Board shall enhance the public image of each institution under its governance.

*The Board actively and effectively enhances the public image of the university.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

☐ *Steps for Improvement:* \_\_\_\_\_

- iii. The Board shall interpret the community to the campus and the campus to the community.

*The Board actively and effectively manages and nurtures community-university relations.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* Improve in the way of fostering community relationships in both Nacogdoches and Angelina Counties, most specifically with: Angelina College and the City of Nacogdoches.

- iv. The Board shall nurture each institution under its governance to the end that each institution achieves its full potential within its role and mission.

*The Board actively and effectively nurtures the university, enabling it to achieve its full potential within its stated role and mission.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

☐ *Steps for Improvement:* \_\_\_\_\_

- v. The Board shall insist on clarity of focus and mission of each institution under its governance.

*The Board ensures the focus and mission of the university is clear to the university community.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

☐ *Steps for Improvement:* \_\_\_\_\_

- vi. The Board shall provide the policy direction for each institution of higher education under its management and control.

*The Board actively and effectively provides policy direction for the university.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
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				X
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☐ *Steps for Improvement:* \_\_\_\_\_

## Organization and Structure

- i. Board Rules are reviewed and revised on an as-needed basis, usually due to a change in law or regulation.

*The Board Rules are reviewed and revised in an appropriate manner.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

☐ *Steps for Improvement:* \_\_\_\_\_

- ii. Board Rules provide that regular quarterly meetings will take place, usually in January, April, July, and October. The annual meeting in April is required by law.

*Current meeting structure meets the Board's needs.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* Increase frequency of committee meetings.

- iii. There are three elected officers of the Board: Chair, Vice Chair, and Secretary.

*Current officer structure and duties meets the Board's needs.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

☐ *Steps for Improvement:* \_\_\_\_\_

- iv. There are four standing committees of the Board: Executive, Academic and Student Affairs, Building and Grounds, and Finance and Audit. A nominating committee is selected by the Chair at the October meeting. Special committees may be appointed as necessary.

*Current committee structure and duties meets the Board's needs.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

☐ *Steps for Improvement:* \_\_\_\_\_

- v. The Board elects four positions directly: President, General Counsel, Chief Audit Executive, and Coordinator of Board Affairs. The Board Rules briefly describe the duties and responsibilities of each position. These positions are appointed on an annual basis and serve at

the pleasure of the Board.

*Current selection and evaluation process meets the Board's needs.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- vi. The Board Rules require the chair of the Board to ensure the Board is apprised of its duties and responsibilities provided under law, and assign which areas of the university each committee will oversee. University policy lists any items that require Board approval prior to the university taking action.

*Board Rules and university policy effectively clarify the role and limits of the Board.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- vii. The Board Rules detail the authority, duties and responsibilities of the university president. The duties and responsibilities are also supplemented by university policy approved by the Board.

*Board Rules and university policy effectively clarify the role and authority of the president.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* Review language to ensure meets current needs.

- viii. By law, the Board must provide the policy direction for the university. The Board Rules state that the president “shall have discretionary powers broad enough to effectively administer the university within the policies and procedures as set forth” by the Board.

*Board Rules and university policy effectively distinguish the roles between the Board and the president.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* Language can be more prescriptive.

- ix. The format and content of the Board Report is described in the Board Rules. It must be submitted to all members of the Board and the secretary at least ten days in advance of a meeting.

*Current board report structure and process meets the Board's needs.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- x. Most board action items must be first presented through one of the standing committees. Exceptions include personnel and gifts/donations. An item must have a majority vote of the committee to proceed to the full Board for consideration. A majority vote of the Board will result in the item passing. The Chair will vote in the event of a tie.

*Current approval structure for action items meets the Board's needs and is sufficient to prevent undue influence by a minority of members or by external forces.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- xi. At each quarterly meeting, the Board approves the minutes from the prior meeting. These minutes are prepared by the coordinator of board affairs and organized by committee. They further contain a listing of any reports presented to the Board at the meeting, and any appendices accompanying each item.

*Board minutes are clear and accurate, providing sufficient detail to capture the results of deliberations.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- xii. Board rules and SFA policy prohibit the approval of any 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. Members are required to self-disclose any potential direct or indirect pecuniary or substantial interests in matters pending before the Board. Information regarding known potential conflicts is maintained by SFA's procurement department.

*Current safeguards and procedures are sufficient to identify and prevent conflicts of interest.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- xiii. The Board serves in a fiduciary role. The board receives an update from its financial managers and approves SFA's investment policy on an annual basis. A regent serves as an investment liaison officer to administration. The Board receives an update on outstanding construction projects and significant contracts every quarter.

*Current practice keeps the Board informed of the financial health of SFA.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* Need an executive summary in layman's terms.

## SFA Strategic Plan

- i. SFA's mission, as stated in SFA Envisioned, 2015-2023 Strategic Plan is as follows: *"Stephen F. Austin State University is a comprehensive institution dedicated to excellence in teaching, research, scholarship, creative work, and service. Through the personal attention of our faculty and staff, we engage our students in a learner-centered environment and offer opportunities to prepare for the challenges of living in a global community."* The Board acts to uphold this mission through its approval of personnel and initiatives, and evaluation of leadership.

*The Board supports and maintains its focus on the mission of SFA.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* Sharpen the focus moving forward.

- ii. SFA Envisioned has the overarching goal of "Transformative Experiences for SFA Students." This goal states that SFA will be deeply committed to providing high impact, experiential learning for all SFA students; students will be engaged and empowered; and students will graduate with the marketable skills and qualities necessary to be leaders in their fields. The Board acts to support this overarching goal through its approval of personnel and initiatives, and evaluation of leadership.

*The Board supports and maintains its focus on the overarching goal of SFA Envisioned.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- iii. SFA Envisioned has the foundational goal of "Meaningful and Sustained Enrollment Growth." This goal states that SFA will expand its reach and increase enrollment, not merely for the sake of growth, but because it is committed to its responsibility to Texans. It further adds this will be accomplished through an appropriate mix of programs, delivery methods and locations. The Board acts to support this overarching goal through its approval of personnel and initiatives, and evaluation of leadership.

*The Board supports and maintains its focus on the foundational goal of SFA Envisioned.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- iv. SFA Envisioned has a supporting goal to “Attract and Support a High-Quality Faculty and Staff”. This goal contains two broad strategies: (1) provide salary support that reflects the importance of current faculty and staff and aids in recruitment of new faculty and staff; and (2) provide attractive quality-of-life support and incentives to current and new faculty and staff that reflect a professional environment. The Board acts to support this overarching goal through its approval of personnel and initiatives, and evaluation of leadership.

*The Board supports and maintains its focus on this supporting goal of SFA Envisioned.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* \_\_\_\_\_

- v. SFA Envisioned has a supporting goal to “Foster Academic and Co-Curricular Innovation.” This goal has already implemented several recommendations from working groups, including the Student Success Center, funds for classroom furniture and technology, re-branding of the Center for Career and Professional Development, introduction of the Lumberjack GROW program, and a marketing campaign aimed at the development of soft skills. Teams are currently reviewing recommendations regarding educator development opportunities and co-curricular programs. Other strategy teams include student mentoring and affordability. The Board acts to support this overarching goal through its approval of personnel and initiatives, and evaluation of leadership.

*The Board supports and maintains its focus on this supporting goal of SFA Envisioned.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* Have administration provide more information in this area and other strategic areas.

- vi. SFA Envisioned has a supporting goal to “Redefine University Culture.” The goal focuses on increasing employee engagement in three areas: (1) leadership enhancement programs; (2) paradigm change from a culture of compliance to one of goal/value based initiatives; and (3) cultural construction and communication. The Board acts to support this overarching goal through its approval of personnel and initiatives, and evaluation of leadership.

*The Board supports and maintains its focus on this supporting goal of SFA Envisioned.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* The Board is better informed in areas of finance and facilities; additional information needed in this area.

- vii. SFA Envisioned has a supporting goal to “Increase Connections.” This goal includes building

relationships with a variety of constituents, including K-12, two-year institutions, local government, alumni, and corporate partners. The Board acts to support this overarching goal through its approval of personnel and initiatives, and evaluation of leadership.

*The Board supports and maintains its focus on this supporting goal of SFA Envisioned.*

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

X *Steps for Improvement:* University is investing more here than in the past, but needs to increase its efforts.

## Evaluation

Considering the board self-evaluations are a SACSCOC requirement and a best practice, what improvements can be made to the self-evaluation processes?

This self-evaluation tool is a good form for the Board to accomplish the task and report on results. The form will need to be adaptive once the current Strategic Plan has concluded and a new one begins.

This evaluation of the Stephen F. Austin State University Board of Regents has been carefully considered and consisted of a critical assessment of Board structure and governance by all regents present on this, the 23<sup>rd</sup> day of July, 2019.

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Chair, Board of Regents