Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS

Nacogdoches, Texas
July 24, 25, and 26, 2016
Meeting 304

TABLE OF CONTENTS
AGENDA BOOK AND BOARD REPORT FOR JULY 24, 25, AND 26, 2016
BOARD OF REGENTS MEETING 304

Page

APPROVAL OF PAST MINUTES

Board Order 16-30
Approval of Minutes for April 8, 11 and 12, 2016 and June 13, 2016 Board of Regents Meetings....6

ADMINISTRATION

Board Order 16-31
Election of President, General Counsel, Chief Audit Executive and Coordinator of Board Affairs for 2016-17....6

PERSONNEL

Board Order 16-32
Faculty Appointments....7
Staff Appointments....8
Changes of Status....10
Retirements....13

Board Order 16-33
Holiday Schedule for 2016-17....14

ACADEMIC AND STUDENT AFFAIRS

Board Order 16-34
Intercollegiate Athletic Policies and Procedures Manual....14

Board Order 16-35
Legal Services – Federal Communications Commission (FCC)....14
Legal Services – Health Law....15
Legal Services – Intellectual Property....15
Legal Services – Immigration....16

Board Order 16-36
Master of Arts Degree in Professional Counseling....16

Board Order 16-37
Approval of Academic and Student Affairs Policy Revisions....17

BUILDING AND GROUNDS

Board Order 16-38
Legal Services – Real Estate....17
Legal Services – Oil and Gas, Mineral Interests, and/or Utilities Matters....18

Board Order 16-39
Approval of the Fiscal Year 2016-2017 Capital Plan....18

Board Order 16-40
Approval of Building and Grounds Policy Revisions....18

FINANCIAL AFFAIRS

Board Order 16-41
Acknowledge Receipt of Audit Services Report....19
Approval of Annual Audit Plan....19
Adoption of Fiscal Year 2016-17 Capital Plan Budget....19
Adoption of Fiscal Year 2016-17 Institutional Operating Budget....19
Approval to Submit the 2018-19 Legislative Appropriations Request....20
Informational Technology Services Capital Fund....20
Network Infrastructure....20
Bond Refunding, Refinancing and Issuance Resolution....20
Grant Awards....21
Legal Services – Tax....21
Legal Services – Wills, Trusts and Estates....21
Legal Services – Public Finance and Bond Issuance....22
Legal Services – Financial....22
Approval of Financial Affairs Policy Revisions....23

APPENDICES

Appendix 1 – Intercollegiate Athletic Policies and Procedures Manual

Appendix 2 – Capital Plan 2016-17

Appendix 3 – Capital Plan Budget 2016-17

Appendix 4 – Higher Education Fund Allocations 2016-17

Appendix 5 – Resolution for Bond Refunding, Refinancing and Issuance

Appendix 6 – Grant Awards

Appendix 7 – Policy Revisions

Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
July 24, 25, and 26, 2016
Austin Building 307
Meeting 304

Sunday, July 24, 2016

The regular meeting of the Board of Regents was called to order in open session at 2:01 p.m. on Sunday, July 24, 2016, by Chair Scott Coleman.

PRESENT:

Board Members:	Dr. Scott Coleman, Chair
	Mr. David Alders
	Mr. Alton Frailey
	Mr. Bob Garrett
	Mrs. Brigettee Henderson
	Mr. Chad Huckaby
	Mr. Barry Nelson
	Mr. Ken Schaefer
	Mr. Ralph Todd
President:	Dr. Baker Pattillo
Vice-Presidents:	Dr. Steve Bullard
	Dr. Danny Gallant
	Ms. Jill Still
	Dr. Steve Westbrook
General Counsel:	Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regent Nelda Blair was unable to attend the meeting.

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

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to policy review process, reported complaints and claims, OCR and EEOC complaints, Title IX, and *Timothy Dugger v. SFASU*. (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 the head women's basketball coach, the athletic director, the general counsel, the chief audit executive, the coordinator of board affairs, the vice presidents and the president (Texas Government Code, Section 551.074)

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)

Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076)

- Texas Administrative Code Section 202 Information Security Audit

- Update from chief information officer

The meeting returned to open session at 6:09 p.m. and recessed for the evening with no further action.

Monday, July 25, 2016

The regular meeting of the Board of Regents was reconvened in open session at 8:01 a.m. on Monday, July 25, 2016, by Chair Scott Coleman.

PRESENT:

Board Members:	Dr. Scott Coleman, Chair Mr. David Alders Ms. Nelda Blair Ms. Brigettee Henderson Mr. Alton Frailey Mr. Bob Garrett Mr. Chad Huckaby, student member Mr. Barry Nelson Mr. Ken Schaefer Mr. Ralph Todd
President:	Dr. Baker Pattillo
Vice-Presidents:	Dr. Steve Bullard Dr. Danny Gallant Ms. Jill Still Dr. Steve Westbrook
General Counsel:	Mr. Damon Derrick

Other SFA administrators, staff, and visitors

The meeting was recessed for committee meetings.

The Building and Grounds Committee meeting convened at 8:01 a.m. and adjourned at 9:00 a.m. The Finance and Audit Committee convened at 9:00 a.m. and adjourned at 12:09 p.m. The Academic and Student Affairs Committee convened at 3:15 a.m. and adjourned at 4:05 p.m.

The chair called to order the Committee of the Whole in open session at 4:05 p.m. and immediately called for an executive session to consider the following items:

Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices (Texas Government Code, Section 551.076)

- Update from chief information officer
- Texas Administrative Code Section 202 Information Security Audit

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

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

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the head women's basketball coach, the athletic director, the general counsel, the chief audit executive, the coordinator of board affairs, the vice presidents and the president (Texas Government Code, Section 551.074)

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to the policy review process, reported complaints and claims, OCR and EEOC complaints, Title IX, and *Timothy Dugger v. SFASU* (Texas Government Code, Section 551.071)

The executive session ended at 7:09 p.m. The Board of Regents meeting returned to open session and recessed for the evening with no further action.

Tuesday, July 26, 2016

The regular meeting of the Board of Regents was called to order in open session at 9:00 a.m. Tuesday, July 26, 2016, in the Austin Building Board Room by Chair Scott Coleman.

PRESENT:

Board Members:	Dr. Scott Coleman, Chair Mr. David Alders Ms. Nelda Blair Mr. Alton Frailey Ms. Brigettee Henderson Mr. Chad Huckaby, student member Mr. Bob Garrett Mr. Barry Nelson Mr. Ken Schaefer Mr. Ralph Todd
President:	Dr. Baker Pattillo
Vice-Presidents:	Dr. Steve Bullard Dr. Danny Gallant Ms. Jill Still Dr. Steve Westbrook
General Counsel:	Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regent Henderson led the pledge to the flags and Regent Alders provided the invocation.

Dr. Pattillo introduced the new student regent, Chad Huckaby.

RECOGNITIONS

Athletic Director Robert Hill presented the Southland Conference Commissioner's Cup for 2015-16 and the 2015-16 Women All Sports Trophy and recognized the administrative team of the athletic department who led the SFA teams to this recognition. He also recognized Jeff Smith, Head Trainer, who was selected as Trainer of the Year by the National Athletic Trainers' Association.

Danny Gallant recognized Billie Baggett, who is retiring from the university after 27 years of service in human resources. Steve Westbrook introduced Ken Morton, director of campus recreation, who has recently been elected as president-elect as the National Intramural Recreational Sports Association (NIRSA). Steve also recognized and thanked George Ellis, from the parking and traffic division of the university police department, who has recently retired.

Steve Bullard recognized Dana Cooper and the team leading the newly established Student Success Center.

Damon Derrick introduced the new assistant general counsel, Emilee Soto.

APPROVAL OF MINUTES

BOARD ORDER 16-30
Upon motion by Regent Todd, seconded by Regent Schaefer, with all members voting aye, it was ordered that the minutes of the April 8,11 and 12, 2016, regular meeting and the June 13, 2016 special telephone meeting be approved as presented.

ADMINISTRATION

BOARD ORDER 16-31
Upon motion by Regent Schaefer, seconded by Regent Todd, with all members voting aye, it was ordered that the following agenda items be approved.

ELECTION OF PRESIDENT FOR 2016-2017

A performance evaluation was conducted, and Baker Pattillo was reelected president of Stephen F. Austin State University for 2016-2017, at an annual salary of $341,435, effective September 1, 2016.

ELECTION OF GENERAL COUNSEL FOR 2016-2017

A performance evaluation was conducted, and Damon Derrick was reelected general counsel for 2015-2016 at an annual salary of $161,181, effective September 1, 2016.

ELECTION OF CHIEF AUDIT EXECUTIVE FOR 2016-2017

A performance evaluation was conducted, and Gina Oglesbee was reelected chief audit executive for 2016-2017 at an annual salary of $121,723 effective September 1, 2016.

ELECTION OF COORDINATOR OF BOARD AFFAIRS FOR 2016-2017

A performance evaluation was conducted, and Judy Buckingham was reelected coordinator of board affairs for 2016-2017 at an annual salary of $42,766, effective September 1, 2016.

PERSONNEL

BOARD ORDER 16-32
Upon motion by Regent Henderson, seconded by Regent Frailey, with all members voting aye, it was ordered that the following personnel items be approved.

FACULTY APPOINTMENTS

BUSINESS

Kacie Czapla, J.D. (University of Wyoming), Senior Lecturer of Accounting, at an academic year salary of $85,000 for 100 percent time, effective September 1, 2016.

Ashley Hall, Ph.D. (University of Texas at Tyler), Assistant Professor of Business Communication and Legal Studies, at an academic year salary of $78,000 for 100 percent time, effective September 1, 2016.

Calee Holcombe, M.P.A. (Stephen F. Austin State University), Assistant Professor of Accounting, at an academic year salary of $125,000 for 100 percent time, effective September 1, 2016.

Vijetha Koppa, B.A. (Nanyang Technological Institute, Singapore), Assistant Professor of Economics and Finance, at an academic year salary of $80,000 for 100 percent time, effective September 1, 2016.

Wayne Tervo, Ph.D. (University of Texas), Associate Professor of Accounting, at an academic year salary of $135,000 for 100 percent time, effective September 1, 2016.

Jeffrey Whetzel, (M.B.A. (Northwestern University), Lecturer of Management, Marketing and International Business at an academic year salary of $47,000 for 100 percent time, effective September 1, 2016.

EDUCATION

Derek Cegelka, Ph.D. (University of Toledo), Assistant Professor of Kinesiology and Health Science at an academic year salary of $57,000 for 100 percent time, effective September 1, 2016.

Mary Hawkins, Ph.D. (University of Arkansas), Associate Professor of Kinesiology and Health Science, at an academic year salary of $60,000 for 100 percent time, effective September 1, 2016.

FINE ARTS

Mark Hawkins, Ph.D. (University of Arkansas), Senior Lecturer of Theatre, at an academic year salary of $46,000 for 100 percent time, effective September 1, 2016.

Barrett Billew, M.F.A. (Virginia Commonwealth University), Assistant Professor of Theatre, at an academic year salary of $50,000 for 100 percent time, effective September 1, 2016.

FORESTRY AND AGRICULTURE

Kathryn Kidd, Ph.D. (Virginia Tech University), Assistant Professor of Forestry, at an academic year salary of $55,000 for 100 percent time, effective August 1, 2016.

LIBERAL AND APPLIED ARTS

Jose Carbajal, Ph.D. (University of Texas), Assistant Professor of Social Work, at an academic year salary of $58,000 for 100 percent time, effective September 1, 2016.

John Pruit, Ph.D. (University of Missouri), Assistant Professor of Anthropology, Geography and Sociology, at an academic year salary of $53,000 for 100 percent time, effective September 1, 2016.

Shanta Scott, M.S.W. (University of Texas), Clinical Instructor of Social Work, at an academic year salary of $50,000 for 100 percent time, effective September 1, 2016.

LIBRARY

Candice Cloud, MLIS (University of Southern Mississippi), Librarian I, at an annual salary of $40,000 for 100 percent time, effective April 4, 2016.

Jonathan Helmke, MLS (Indiana University), Associate Director of Library Information Services, at an annual salary of $82,000 for 100 percent time, effective July 18, 2016.

STAFF APPOINTMENTS

ATHLETICS

Brandon Bernard, Athletic Marketing Coordinator, at an annual salary of $38,321 for 100 percent time, effective May 23, 2016.

Derrick Jones, Assistant Men's Basketball Coach, at an annual salary of $102,249 for 100 percent time, effective June 1, 2016.

Keith Christopher, Athletics Teams Operations Coordinator, at an annual salary of $32,865 for 100 percent time, effective May 3, 2016.

Wade Mason, Assistant Men's Basketball Coach, at an annual salary of $102,249 for 100 percent time, effective April 29, 2016.

Kayla Scott, Athletics Team Operations Coordinator, at an annual salary of $31,300 for 100 percent time, effective May 23, 2016.

AUDIT SERVICES

Jane Bridges, Auditor (Risk and Compliance), at an annual salary of $75,000 for 100 percent time, effective March 28, 2016.

BUSINESS

Carol Gilliland, Academic Advisor, at an annual salary of $38,000 for 100 percent time, effective April 4, 2016.

CAMPUS RECREATION

Amie Simmons, Coordinator of Fitness and Wellness Programs, at an annual salary of $33,000 for 100 percent time, effective April 18, 2016.

ENROLLMENT MANAGEMENT

Kendall Dotson, Admissions Counselor, at an annual salary of $35,762 for 100 percent time, effective July 7, 2016.

John Sperry, Senior Admissions Counselor, at an annual salary of $40,500 for 100 percent time, effective May 2, 2016.

GENERAL COUNSEL

Emilee Soto, Assistant General Counsel, at an annual salary of $72,000 for 100 percent time, effective July 5, 2016.

INFORMATION TECHNOLOGY SERVICES

Stacy Little, Programmer/Analyst I, at an annual salary of $38,150 for 100 percent time, effective June 20, 2016.

INTERNATIONAL PROGRAMS

Tetyana Kucher, International Programs Coordinator, at an annual salary of $35,000 for 100 percent time, effective May 31, 2016.

LIBRARY

Carolyn White, Program Director of Academic Assistance and Resource Center, at an annual salary of $47,000 for 100 percent time, effective May 16, 2016.

RESIDENCE LIFE

William Avery, Area Coordinator, at an annual salary of $34,000 for 100 percent time, effective July 5, 2016.

STUDENT AFFAIRS PROGRAMS

Canaan Daniels, Student Engagement Coordinator (Activities), at an annual salary of $35,000 for 100 percent time, effective June 1, 2016.

Emily Jefferson, Assistant Director of Orientation Programs, at an annual salary of $38,500 for 100 percent time, effective May 9, 2016.

UNIVERSITY MARKETING COMMUNICATIONS

Kimberly Whitley-Gaynor, Marketing Communications Specialist, at an annual salary of $34,000 for 100 percent time, effective May 2, 2016.

CHANGES OF STATUS

ACADEMIC AFFAIRS

Chelsea Heidbrink, from Academic Advisor in Business at an annual salary of $41,099 for 100 percent time, to Coordinator of Student Success at an annual salary of $55,400 for 100 percent time, effective July 1, 2016.

ATHLETICS

Garrett Altier, from Athletic Marketing Coordinator at an annual salary of $36,720 for 100 percent time, to Athletic Marketing Coordinator with a change in responsibilities at an annual salary of $38,321 for 100 percent time, effective May 1, 2016.

Wade Mason, from Assistant Men's Basketball Coach at an annual salary of $102,249 for 100 percent time, to Assistant Men's Basketball Coach with a change in responsibilities at an annual salary of $96,249 for 100 percent time, effective June 1, 2016.

BUSINESS

Marsha Bayless, from Professor of Business Communication and Legal Studies at an academic year salary of $97,227 for 100 percent time, to Professor and Chair of Business Communication and Legal Studies at an 11-month salary of $125,000 for 100 percent time, effective August 15, 2016.

Mikhail Kouliatsev, from Professor and Interim Chair of Economics and Finance at an academic year salary of $94,172 with an additional stipend of $1,000 per month for interim duties, to Professor and Chair of Economics and Finance at an 11-month salary of $125,000 for 100 percent time, effective April 1, 2016.

EDUCATION

Rachel Jumper, from Assistant Director of Institutional Assessment at an annual salary of $57,680 for 100 percent time, to Assistant Professor of Human Sciences at an academic year salary of $56,000 for 100 percent time, effective September 1, 2016.

Kelly Morgan, from Administrative Assistant in Secondary Education at an annual salary of $36,335 for 100 percent time, to Academic Advisor in Education at an annual salary of $38,500 for 100 percent time, effective June 27, 2016.

ENROLLMENT MANAGEMENT

Brittany Beck, from Senior Admissions Counselor at an annual salary of $37,500 for 100 percent time, to Senior Admissions Counselor with a change in responsibilities at an annual salary of $40,500 for 100 percent time, effective March 21, 2016.

Raquel Skidmore, from Academic Advisor in Education at an annual salary of $39,689 for 100 percent time, to Academic Advisor at an annual salary of $40,850 for 100 percent time, effective June 10, 2016.

FINE ARTS

Scott Shattuck, from Associate Professor and Director of the School of Theatre at an annual salary of $108,008 for 100 percent time, to Associate Professor and Associate Dean at an annual salary of $118,248 for 100 percent time, effective September 1, 2016.

Gary Wurtz, from Professor and Interim Director of the School of Music at an annual salary of $73,964 for 100 percent time with an additional stipend of $1,000 per month for interim duties, to Professor and Director of the School of Music at an annual salary of $115,000 for 100 percent time, effective July 1, 2016.

FORESTRY AND AGRICULTURE

Kara Goodson, from Admissions Counselor at an annual salary of $35,461 for 100 percent time, to Academic Advisor in Forestry at an annual salary of $39,000 for 100 percent time, effective July 5, 2016.

INTERNATIONAL STUDIES

Lerin Blackmon, from Admissions Counselor at an annual salary of $32,966 for 100 percent time, to International Admissions Coordinator at an annual salary of $36,000 for 100 percent time, effective July 5, 2016.

LIBERAL AND APPLIED ARTS

Marc Guidry, from Associate Professor of English and Associate Dean at an annual salary of $105,760 for 100 percent time, to Associate Professor of English and Interim Dean at an annual salary of $105,760 for 100 percent time, with an additional stipend of $1,000 per month for interim duties for four months, effective May 14, 2016.

LIBRARY

Zachary Wisniewski, from Assistant Supervisor of Library Access Services at an annual salary of $36,196 for 100 percent time, to Supervisor of Library Access Services at an annual salary of $44,500 for 100 percent time, effective June 1, 2016.

Hayley Gillen, from Program Associate in Education at an annual salary of $33,619 for 100 percent time, to Library Acquisitions/Loans Supervisor at an annual salary of $45,000 for 100 percent time, effective March 7, 2016.

PROCUREMENT AND PROPERTY SERVICES

Rebecca Galatas, from Administrative Assistant at an annual salary of $28,427 for 100 percent time, to Contracting Specialist an annual salary of $37,000 for 100 percent time, effective May 27, 2016.

SCIENCES AND MATHEMATICS

Lesa Beverly, from Professor of Mathematics and Statistics at an academic year salary of $73,081 for 100 percent time, to Professor and Chair of Mathematics and Statistics at an annual salary of $115,000 for 100 percent time, effective June 1, 2016.

STUDENT AFFAIRS PROGRAMS

Sylvester Harris, from Student Engagement Coordinator (Activities) at an annual salary of $39,923 for 100 percent time, to Student Engagement Coordinator (Greek Life) at an annual salary of $42,500 for 100 percent time, effective April 1, 2016.

STUDENT AFFAIRS SUPPORT SERVICES

Jamie Bouldin, from Academic Advisor at an annual salary of $42,339 for 100 percent time, to Director of Career Services at an annual salary of $56,270 for 100 percent time, effective June 6, 2016.

Brandi Derouen, from Career Services Coordinator at an annual salary of $37,874 for 100 percent time, to Assistant Director of Career Services at an annual salary of $45,000 for 100 percent time, effective May 23, 2016.

Cyndra Krogen-Morton, from Visiting Lecturer of Kinesiology and Health Science at an academic year salary of $48,350 for 100 percent time, to Compliance Specialist (Title IX) at an annual salary of $50,000 for 100 percent time, effective July 1, 2016.

STUDENT SERVICES

Gavin McCarty, from Manager of Post Office at an annual salary of $45,600 for 100 percent time, to Manager of the Post Office and Interim Director of Printing Services at an annual salary of $45,600 for 100 percent time with an additional stipend of $500 per month for interim duties for four months, effective May 16, 2016.

Nick Stallworth, from Manager of Guest Services at an annual salary of $46,182 for 100 percent time, to Associate Director of the Student Center at an annual salary of $62,000 for 100 percent time, effective April 18, 2016.

UNIVERSITY MARKETING COMMUNICATIONS

Stephanie Ballard, from Marketing Communications Specialist at an annual salary of $36,015 for 100 percent time, to Marketing Communications Specialist with a change in responsibilities at an annual salary of $38,000 for 100 percent time, effective April 4, 2016.

UNIVERSITY POLICE DEPARTMENT

Marcus Madden, from Sergeant at an annual salary of $54,076 for 100 percent time, to Lieutenant at an annual salary of $58,837 for 100 percent time, effective May 19, 2016.

RETIREMENTS

The following retirements were accepted:

Diana Boubel, Director of Procurement and Property Services/ HUB Coordinator, effective May 31, 2016, with 34 years of service.

Carrie Brown, Director of Research and Sponsored Programs, effective August 31, 2016, with 12 years of service.

Ann Ellis, Librarian IV, effective June 30, 2016, with 21 years of service.

Lori Hines, Charter School Teacher, effective May 31, 2016, with 7 years of service.

Melissa McMillian-Cunningham, Senior Lecturer of Theatre, effective May 31, 2016, with 15 years of service.

Evelyn Pierce, Supervisor of Library Access Services, effective May 31, 2016, with 38 years of service.

Becky Price-Mayo, Lecturer of Social Work and Program Director, effective June 30, 2016, with 18 years of service.

BOARD ORDER 16-33
Upon motion by Regent Blair, seconded by Regent Schaefer, with all members voting aye, it was ordered that the holiday schedule for 2016-2017 be approved:

The following schedule will allow SFA to be closed for Labor Day, two days at Thanksgiving, eight working days during Christmas, five working days during Spring Break, Memorial Day, and Independence Day which totals 18 days. Employees will be required to take three days of vacation or compensatory time on December 28, 29 and 30, and two days of vacation or compensatory time on March 16 and 17. Campus buildings will be closed for 12 days during the Christmas break and nine days during Spring Break.

September 5	Labor Day
November 24-25	Thanksgiving Break
December 21-30	Christmas Break
March 13-17	Spring Break
May 29	Memorial Day
July 4	Independence Day

ACADEMIC AND STUDENT AFFAIRS

BOARD ORDER 16-34
Upon motion by Regent Alders, seconded by Regent Todd, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

INTERCOLLEGIATE ATHLETIC POLICIES AND PROCEDURES MANUAL

The revisions to the Athletic Policies and Procedures Manual were approved as presented in Appendix 1.

BOARD ORDER 16-35
Upon motion by Regent Alders, seconded by Regent Blair, with all members voting aye, it was ordered that the following academic and student affairs items be approved.

LEGAL SERVICES – FEDERAL COMMUNICATIONS COMMISSION (FCC)

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys for Federal Communications Commission (FCC) related

matters. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel for FCC related matters through August 31, 2017: Husch Blackwell, LLP and Wilkinson Barker Knauer, LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

LEGAL SERVICES – HEALTH LAW

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of health law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of the following firm for inclusion on the university's pre-approved list of outside counsel in the field of health law through August 31, 2017: Husch Blackwell, LLP; Jackson Walker, LLP; and Norton Rose Fulbright US LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

LEGAL SERVICES – INTELLECTUAL PROPERTY

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of intellectual property. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of intellectual property through August 31, 2017: Husch Blackwell LLP; Jackson Walker, LLP; John Lindsay, Esq.; Kilpatrick Townsend & Stockton, LLP; Law Office of Delphine James, PLLC; Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.; and Norton Rose Fulbright US LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

LEGAL SERVICES – IMMIGRATION

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of immigration law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of immigration law through August 31, 2017: Husch Blackwell, LLP; Jackson Walker, LLP; Monty & Ramirez, LLP; and Phillips Lytle, LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

BOARD ORDER 16-36
Upon motion by Regent Alders, seconded by Regent Todd, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

MASTER OF ARTS DEGREE IN PROFESSIONAL COUNSELING

WHEREAS, the board members considered the following: The Department of Human Services in the Perkins College of Education seeks to offer the MA Professional Counseling program beginning in fall 2016. The proposed new professional counseling program will consolidate three existing programs: school counseling, clinical mental health counseling, and rehabilitation counseling. The accrediting bodies for these counseling programs recently merged creating a need for change in existing programs. In addition, the Licensed Professional Counseling Board of Examiners has changed the licensure requirement to 60 credit hours. In order to meet the new accreditation standards, the programs will become a 60-hour Master of Arts degree in Professional Counseling with three concentration areas: Clinical Mental Health Counseling, School Counseling, and Clinical Rehabilitation Counseling.

Changes in curriculum originate in the departments and are reviewed by the colleges and university curriculum committees, the graduate council, the appropriate dean and the provost and vice president for academic affairs. After approval by the Board of Regents, curriculum changes are submitted to the Texas High Education Coordinating Board.

THEREFORE, the Board of Regents approved the M.A. in Professional Counseling curriculum change to be effective for fall 2016.

BOARD ORDER 16-37
Upon motion by Regent Alders, seconded by Regent Henderson, 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 7:

Academic Promotion 7.4
Administrative Evaluation of Faculty Performance and Consideration for Merit Pay 7.6
Compliance with the Americans with Disabilities Act and the ADA Amendments Act 2.5
Computer System Access 14.3
Distance Education Faculty Competencies and Compensation 7.9
Dual Employment 11.7
Electronic Accessibility 16.9
Emergency Operations Plan 13.8
Intellectual Property 9.4
Intellectual Property Rights for Distance Education 9.5 TO BE DELETED
Missing Student Notification 13.13
Policy Development and Format 1.6
Post-tenure Review 7.22
Reasonable Workplace Accommodations for Disabilities 11.22
Sexual Misconduct 2.13
Student Code of Conduct 10.4
Students Displaying Serious Psychological Issues 10.13
Tenure 7.29
Transfer Admissions and Credits 6.20

BUILDING AND GROUNDS

BOARD ORDER 16-38
Upon motion by Regent Nelson, seconded by Regent Todd, with all members voting aye, it was ordered that the following Building and Grounds items be approved.

LEGAL SERVICES – REAL ESTATE

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of real estate. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of real estate through August 31, 2017: Andrews Kurth, LLP; Edgardo E. Colon, P.C.; Husch Blackwell, LLP; Jackson Walker, LLP;

Looper Goodwin P.C.; M.M. Simpson & Associates, P.C. dba Simpson Law; and Norton Rose Fulbright US LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

LEGAL SERVICES – OIL AND GAS, MINERAL INTERESTS, AND/OR UTILITIES MATTERS

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of oil and gas, mineral interests, and/or utilities. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of oil and gas, mineral interests, and/or utilities through August 31, 2017: Husch Blackwell, LLP; Jackson Walker, LLP; and M.M. Simpson & Associates, P.C. dba Simpson Law. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

BOARD ORDER 16-39
Upon motion by Regent Nelson, seconded by Regent Todd, with all members voting aye, it was ordered that the following Building and Grounds item be approved.

APPROVAL OF THE FISCAL YEAR 2016-17 CAPITAL PLAN

WHEREAS, the board members considered the following: The university has a long term campus master plan that addresses capital renewal, planned maintenance and renovation projects. The 2016-17 capital plan includes academic, student life, building, and life safety initiatives.

THEREFORE, it was ordered that the $6,065,440 fiscal year 2016-17 capital plan presented in Appendix 2 be approved. It was approved with project funding as listed, the source of funds as presented, and authorization of the president to sign associated purchase orders or contracts.

BOARD ORDER 16-40
Upon motion by Regent Nelson, seconded by Regent Blair, with all members voting aye, it was ordered that the following Building and Grounds item be approved.

APPROVAL OF BUILDING AND GROUNDS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 7:

Assembly and Demonstrations 16.4

Camp and Conference Reservations 16.7
Fire and Life Safety 13.24

FINANCIAL AFFAIRS

BOARD ORDER 16-41
Upon motion by Regent Schaefer, seconded by Regent Frailey, with all members voting aye, it was ordered that the following financial affairs items be approved.

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

WHEREAS, board members considered the following: The audit services report as presented includes the following:

- Contract Management and Purchasing Audit
- Languages, Cultures, and Communication Departmental Audit
- Management, Marketing, and International Business Departmental Audit
- Anthropology, Geography, and Sociology Departmental Audit
- Vice President of University Affairs Departmental Audit
- TAC 202 Information Security Audit
- External Quality Assurance Review
- Annual Risk Assessment
- Update on Audit Plan

THEREFORE, the Board of Regents acknowledged receipt of the audit services report as presented.

APPROVAL OF ANNUAL AUDIT PLAN

The annual audit plan for 2016-17 was approved as presented.

ADOPTION OF FISCAL YEAR 2016-17 CAPITAL PLAN BUDGET

The Board of Regents ordered adoption of the $6,065,440 fiscal year 2016-17 capital plan budget with project funding as listed in Appendix 3, the source of funds as presented, and authorization of the president to sign associated purchase orders or contracts.

ADOPTION OF THE FISCAL YEAR 2016-17 INSTITUTIONAL OPERATING BUDGET

WHEREAS, the board members considered the following: In accordance with Article III of the State of Texas General Appropriations Act for the 2016-17 biennium, the recommended institutional budget totaling $250,313,733 for fiscal year 2016-17 is submitted for approval. The proposed budget includes faculty promotions, staff reclassifications, Fair Labor Standards (FLSA) salary increases, equity increases and a two percent merit pool for faculty and staff. A detailed Higher Education Fund allocation is included in Appendix 4.

THEREFORE, the 2016-17 annual operating budget was approved as presented.

APPROVAL TO SUBMIT THE 2018-19 LEGISLATIVE APPROPRIATION REQUEST

WHEREAS, the board members considered the following: As required by Texas Government Code Sec 401.042, the university is preparing the State of Texas Legislative Appropriations Request (LAR) for the 2018-19 biennium. The LAR is due August 5, 2016. The document contains information prescribed by the Texas Legislative Budget Board (LBB) that includes general revenue, general revenue-dedicated, human resources and state-appropriated expenditure information. As directed by the LBB, the baseline request will include a four percent reduction in certain non-formula items.

THEREFORE, the Board of Regents approved submission of the State of Texas Legislative Appropriation Request to the Texas Legislative Budget Board and other required state agencies.

INFORMATION TECHNOLOGY SERVICES CAPITAL FUND

WHEREAS, the board members considered the following: To maintain secure, reliable systems and services it is necessary to upgrade and replace aging systems in the Boynton data center and the telecommunication and networking data center. These funds support the expansion of the centralized storage and virtual environments, and the disaster recovery capabilities in both data centers. The new equipment will allow for the initial exploration of relocating equipment to a remote disaster recovery site in another city.

THEREFORE, the information technology services capital fund was approved at a cost not to exceed $200,000 using the higher education fund. The president was authorized to sign associated purchase orders and contracts that are greater than or equal to $100,000.

NETWORK INFRASTRUCTURE

WHEREAS, the board members considered the following: To maintain secure, reliable network connectivity to wired and wireless networks, it is necessary to upgrade and replace networking infrastructure equipment and wireless access points. Currently there are pieces of network equipment that are over ten years old that need to be replaced. The changes in wireless networking standards and the constant introduction of new wireless enabled devices necessitates that wireless networking equipment be replaced every few years. These funds will set in motion a seven-year replacement cycle for wired network equipment and a five-year replacement cycle for wireless networking equipment.

THEREFORE, the network infrastructure fund was approved at a cost not to exceed $630,000, using the higher education fund. The president was authorized to sign purchase orders and contracts greater than or equal to $100,000.

BOND REFUNDING, REFINANCING AND ISSUANCE RESOLUTION

WHEREAS, the board members considered the following: To prepare for potential favorable bond refinancing market conditions, the administration presents a bond resolution in Appendix 5 that provides for a one-year period whereby the university is authorized to issue one or more series of

bonds to refinance outstanding bonds or issue bonds as presented in the resolution. For refinancing purposes, the resolution requires a minimum three percent savings threshold and delegates issuance responsibility to a designated financial officer.

THEREFORE, the bond refunding and issuance resolution in Appendix 5 was approved. The vice president for finance and administration was authorized to serve as the designated financial officer in the functions described in the resolution.

GRANT AWARDS

WHEREAS, board members considered the following: To date, the university has received multi-year grant awards applicable to fiscal year 2016 totaling $21,539,098, an increase of $2,409,053 since the last report. Of this total, grant awards allocable to fiscal year 2016 are currently $7,380,745, an increase of $611,037 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, the additional grant awards allocable to fiscal year 2016 that total $611,037 were approved and ratified. The grant awards are detailed in Appendix 6.

LEGAL SERVICES – TAX

WHEREAS, board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of tax law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of the following firm for inclusion on the university's pre-approved list of outside counsel in the field of tax law through August 31, 2017: Andrews Kurth, LLP; Husch Blackwell, LLP; Jackson Walker, LLP; and Norton Rose Fulbright US LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

LEGAL SERVICES – WILLS, TRUSTS AND ESTATES

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel

prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of wills, trusts and estates. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of wills, trusts and estates through August 31, 2017: Charlotte Key, PLLC; Husch Blackwell, LLP; Jackson Walker, LLP; and Norton Rose Fulbright US LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

LEGAL SERVICES – PUBLIC FINANCE AND BOND ISSUANCE

WHEREAS, the board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of public finance and bond issuance. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of public finance and bond issuance through August 31, 2017: Andrews Kurth, LLP; Baker Williams Matthiesen, LLP; Edgardo E. Colon, P.C.; Haynes & Boone; Husch Blackwell, LLP; McCall, Parkhurst & Horton, LLP; and Norton Rose Fulbright US LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

LEGAL SERVICES – FINANCIAL

WHEREAS, board members considered the following: Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally, Title 1, Section 57 of the Texas Administrative Code requires the university to issue a request for qualifications for outside counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2016 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of financial law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2017.

THEREFORE, the Board of Regents approved selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of financial law through August 31, 2017: Andrews Kurth, LLP; Charlotte Key, PLLC; Edgardo E. Colon, P.C.; Husch Blackwell,

LLP; Jackson Walker, LLP; Looper Goodwin P.C.; and Phillips Lytle, LLP. The president was authorized to sign any associated contracts for legal services not requiring specific board deliberation.

APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 7:

Agency Accounts 3.1
Compliance 2.12 NEW
Interagency and Interlocal Contracts 17.8
Interdepartmental Transfers (IDT) 17.9
Vendor Protests 16.36

REPORTS

The president provided a report to the regents on the following topics:

- Upcoming Dates
- Carillon Bells
- Campus Carry
- Tobacco Free Campus
- 2016 East Texas Regional 60x30TX Workshop
- Paint the Town Purple
- August Commencement

Dr. J.D. Salas, faculty senate chair, gave a report on the following topics:

- Introductions
- Faculty Senate Activities – Late Spring 2016
- Summer Preparations for 2016-17 Session
- Faculty Accomplishments

Jessica Taylor, SGA president, gave a report on the following topics:

- Introduction
- Goals for 2016-17
- Athletics Fee

The meeting was adjourned by Chair Coleman at 10:04 a.m.

Athletic Manual Policy Revisions		
POLICY NAME	POLICY #	ACTION/CHANGE
Commitments	102	Modified nondiscrimination statement
AAD External Job Description	302O	Added vendor liaison to area of responsibility
Budget Formulation	401A	Minor change
Receivable: Receipt, Custody	402A	Change deposit responsibilities
Receivable: Invoicing Accounting	402B	Change sources and response
Accountability: State Property	403A	Minor change
Receivable: Inventory Control	403B	Revised role of supervisor of facilities
Purchasing Procedures	404	Revised purchasing amounts
Disbursements: Payroll	405B	Added bowling to bonus compensation
Disbursements: Travel/Entertain	405C	Major rewrite
Printing	406	On campus printing procedure, dept. copiers
Telephones	407	Updates to reflect changes in placing calls
Ticket Office: Operations	408A	Minor change
Ticket Office:Sales	408B	Added on-line reporting
Ticket Office:Distribution	408D	Revised media level seating
Business Contracts	410	Major rewrite to include equipment and professional services
Computer Services	411	Minor change
University Motor Pool	412B	Minor change
SA Recruitment	502A	Minor change
SA Eligibility	502C	Minor change
SA Financial Aid	502D	Minor change
Summer School	503B	Major rewrite
SA Awards	505	Major rewrite
SA Medical Policy	506A	Added illness/mental policy; Revised uninsured section
SA Transfer Release Policy	506F	Added NCAA required info on transfer release implications
Departmental Staff: Ethics	508A	Modified nondiscrimination statement
Departmental Staff: Hiring	508B	Modified nondiscrimination statement
Departmental Staff: Vacations	508D	Minor change
Departmental Staff: Special Event	508I	Minor change
Amorous Relationships	508K	Policy references updated
NCAA SLC Rules Review	509A	Update to reflect by-law changes
NCAA Certification of Compliance	509B	Minor change
Outside Employment	510B	Added updated outside employment language
Travel: Teams	601B	Minor change
Prospective SA	601C	Revised to reflect NCAA rule change
Scheduling Events/Special Events	602A	Procedural changes pertaining to game contracts
Scheduling: Practices	602B	Major revision
Equipment	603A	Major rewrite
Athletic Events: Music & Ent.	605C	Minor change
Media Coverage-Staff Responsible	606A	Minor change
Media Coverage-Publicity Material	606C	Added multimedia rights holder
Media Coverage-Radio-TV	606E	Added multimedia rights holder
Manual Updates	608	Major revision

COMMITMENTS

It is the policy of Stephen F. Austin State University to provide quality educational opportunities to all students. In support of this commitment, SFA is dedicated to providing a setting within which students can achieve the highest possible level of intellectual, physical and personal development.

The Department of Intercollegiate Athletics is an integral element in the achievement of these goals, as its programs are designed to be a significant part of the educational mission of the University. The intercollegiate athletics program provides student, faculty, alumni and friends with opportunity to share in the life of the collegiate community through some form of physical activity. They may participate formally or informally as individuals, as members of a team, or as spectators.

Department of Intercollegiate Athletics

Stephen F. Austin State University is a comprehensive, state-supported university committed to excellence in undergraduate and graduate education. This commitment extends to maintaining a successful intercollegiate athletic program as a substantial contributor to a comprehensive collegiate environment. The goals of the University and the Intercollegiate Athletic Department include excellence in achievement through specialized and multidisciplinary development, training and competition.

The University and the Intercollegiate Athletic Department provides a successful, high-quality program that involves a broad range of sports for students throughout the campus community, conforms to NCAA and Southland Conference regulations, and focuses on the educational, physical, mental, and social well being of student-athletes.

The University and the Intercollegiate Athletic Department ensures that all student-athletes meet academic standards set by the University and NCAA. Each student-athlete is encouraged to complete chosen academic programs and become contributing citizens. Their health and safety receive the highest priority.

The University and the Intercollegiate Athletic Department are committed to providing equal opportunities for all student-athletes and members of the athletics staff.

National and Conference Affiliations

The University, as an official member institution of the National Collegiate Athletic Association (NCAA) and the Southland Conference, is governed by their constitutions, bylaws and sports directives. In creating Departmental policies and procedures, every effort has been employed to comply with NCAA and Southland Conference rules and regulations so as to appropriately implement all policies recommended by these authorities. This commitment encompasses all administrative and coaching aspects of the intercollegiate athletics program, as well as the management of student-athlete activities. Further, as a member of these governing bodies, the University strives to actively participate in these organizations by serving on committees and in other official capacities as requested.

Equal Employment and Opportunity

University policy prohibits *unlawful* discrimination ~~in education and/or employment~~ on the basis of race, color, religion, ~~sex, age,~~ national origin, *sex, age,* disability, *genetic information, citizenship and*~~or disabled~~ veteran status~~, subscribing to the following statutes:~~

~~Title VI and VII, Civil Rights Acts of 1964, as amended:~~

~~Executive Order 11246, as amended;~~

~~The Equal Pay Act of 1963;~~

~~The Rehabilitation Act of 1973;~~

~~Titles VII and VIII of the Public Health Service Act;~~

~~Title IX of the Education Amendments of 1972;~~

~~The Age Discrimination in Employment Act of 1967; as amended; and~~

~~The Age Discrimination Act of 1975.~~

Additionally, the university prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression. The Board of Regents of Stephen F. Austin State University, as well as the President of the University and the Director of Athletics, are committed to both the letter and spirit of the above cited state and federal regulations.

The University's Human Resources Office is available for assisting with the application and interpretation of laws that impose special obligations on the University.

SFA
7/~~2009~~*2016*

JOB DESCRIPTION
Associate Athletic Director for External Affairs

Reports To: Director of Athletics

Positions Directly Supervised: Director of Media Relations
Video Coordinator
Marketing Coordinators
Director of ~~Annual Giving~~*Athletic Development*
~~Director of Athletic Corporate Sales~~

Basic Function

Responsible for all external programs conducted on behalf of the athletic department, including the supervision of ~~all planning, directing, coordinating and securing private gifts and athletic sponsorships from corporations, foundations and individuals, as well as the supervision of~~ the development and implementation of marketing plans for the department, and oversight of all athletic promotional, public relations*, media relations, fundraising, multi-media sponsorships* and ticket sales efforts. Coordinates with appropriate staff as the liaison for the athletic department to the office of development, alumni association~~s~~, public relations and booster groups in developing fund raising priorities and strategies. Work with athletic department administrative staff and coaches, university administration and community/state leaders in furthering the presence and image of SFA Intercollegiate Athletics. Coordinates with appropriate staff the development and implementation of strategies to increase ticket sales and overall attendance at athletic events.

Duties and Responsibilities

1. Supervise the development and implementation of all comprehensive athletic fund-raising, ~~corporate partnership and~~ marketing and promotions plans for the ~~University~~*Athletic Department*.

2. Coordinate the Athletic Department's public relations effort.

3. Supervise the Director of Athletic Development who coordinates the Athletic Annual Fund.

4. With appropriate staff, coordinate department communications and coordinates activities with all University fund raising agencies, including the Alumni Office, the Advancement office and outside parties.

5. Oversee the planning of all athletic fund raising events.

6. Oversee the design of proposals requesting gifts ~~and/or sponsorships~~ from donors, businesses or corporations and private foundations.

7. Ensure that staff inform~~s~~ donors/sponsors on a consistent basis regarding the location of their donations/sponsorships and how it is benefiting the Athletic Department and the University.

8. Manage the University's licensing program, and serve as primary liaison with the University's licensing representative~~, CLC IMG College~~.

9. ~~Coordinate and supervise volunteer effort.~~*Manage the Athletic Department's on-line store and serve as primary liaison with the Department's vendor.*
10. *Serve as primary liaison with the local general manager for the sponsorship rights holder and provide any assistance and counsel necessary to monetize the Athletic Department's multi-media sponsorship inventory.*

~~10~~*11*. Adhere to all applicable NCAA and Southland Conference rules and regulations.

~~11~~*12*. Serve as the athletic department liaison with the Office of ~~Public Affairs~~*Marketing Communications*.

~~12~~*13*. Attend luncheons or meetings ~~with volunteers as needed~~*to promote the Athletic Department*.

~~13~~*14*. Engages in speaking commitments to promote the University.

~~14~~*15*. Travels in order to locate potential donors.

~~15~~*16*. Handle university receipts and has receipt processing duties as per university policy.

~~16~~*17*. May receive and/or supervise the receipt of payments from corporations, donors, students and others for department sponsored activities

~~17~~*18*. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland *Conference* (SLC).

~~18~~*19*. Compliance matters will also be included in your annual Performance Management Review.

~~19~~*20*. Perform other duties as assigned by the Athletic Director.

SFA
7/~~2015~~2016

BUDGET: FORMULATION

All departments within Stephen F. Austin State University submit annual budget requests which, once approved, are incorporated into the University's annual operating budget. This budget becomes the basis of authority for the financial operations of each individual department within the University during the fiscal year, which begins September 1.

Budget priorities for the Department of Intercollegiate Athletics are established each year by the Director of Athletics, who sets overall Departmental goals (e.g., salary improvements, enhancement of student support services, facility improvements, etc.). The allocation of funds is ultimately based on the justification of programs using the following criteria:

1. The objectives of the intercollegiate athletics program, as defined in its Philosophy and Objectives (see Policy 101 in this Manual);

2. The short and long-term goals for Departmental operations;

3. The activities and programs needed to achieve these goals, to include facilities and capital equipment improvements; and

4. An analysis of factors and situations which may affect planned activities (e.g., competition schedules, O & M costs, program expansion, salary competitiveness, etc.).

The Assistant Athletic Director for Business Affairs coordinates budget formulation activities for the Department with the approval of the Director of Athletics.

Budget Planning Cycle

~~During years in which the Texas State Legislature is in session, the University's budget planning cycle begins approximately April 15, or when the Legislature approves funding for the University. During these years, the Department's budget is finalized during the July meeting of the Board of Regents. In the years in which the State Legislature does not meet, the budget planning cycle begins in mid-February, with approval in mid-April.~~

The Assistant Athletic Director for Business Affairs receives budget planning sheets, prepared by the University's Budget Office which include; budget worksheet(s), projected revenues and historical performance data. The Assistant Athletic Director for Business in consultation with head coaches and administrative staff members projects the actual cost of the operations necessary to perform the required functions in their sport or administrative area. Priority is given to scholarships, salaries (as determined by the University guidelines), team and recruiting travel, and other required operating accounts. Capital needs are funded only after other needs are addressed.

The Assistant Athletic Director for Business Affairs combines individual budget requests into a total Department of Intercollegiate Athletics proposed balanced budget. The Director of Athletics and Assistant Athletic Director for Business Affairs review the proposed budget and make necessary adjustments as dictated by Departmental needs, ensuring compliance with University guidelines.

Revenue Estimates

Revenue projections are developed annually by the Assistant Athletic Director for Business Affairs with the assistance of the Director of Athletics and used as the basis for overall budget preparation. Department revenues are derived from the following sources:

- Gate Receipts;
- Student Service Fees;
- Game Guarantees;
- Designated Tuition; and
- Other Income (e.g., licensing royalties, ~~radio rights fees~~*multi-media rights*, NCAA revenue distribution, etc.).

The Assistant Athletic Director for Business Affairs prepares the revenue portion of the Department's formulated budget based on actual data and historical data, figuring variances due to competition scheduling, etc.

Budget Approval

With the approval of the Director of Athletics, the Department of Intercollegiate Athletics' proposed budget is submitted to the President of the University for final approval. The approved Departmental budget is a component of the University's operating budget. The completed University budget is then submitted to the Board of Regents for adjustment and approval. Following final approval, staff members with budgetary responsibilities within the Department of Intercollegiate Athletics receive copies of the approved budget.

SFA
7/~~2007~~*2016*

RECEIVABLE: RECEIPT, CUSTODY AND DEPOSIT OF UNIVERSITY FUNDS

A true and full accounting of funds collected is recorded and maintained by the Assistant Athletic Director for Business Affairs. Accountability for funds received begins from the point of collection and continues until they are deposited with the SFA Business Office ~~in the Administration Building~~. Funds come into the Department of Intercollegiate Athletics from NCAA/Southland Conference disbursements, game program ~~advertising fees~~*sales*, ~~radio rights fees,~~ novelty/apparel sales, facilities use fees, licensing royalties, *luncheon sales, event fees,* donations/gifts, and game guarantees. In addition, funds from ticket sales are received and processed by the SFA Baker Pattillo Student Center Ticket Office.

Definition of Funds

Funds are defined as receipts including currency, coins, personal checks, bank drafts, money order, cashier's checks, and credit card transactions.

Deposit of Funds

Funds received from game program ~~advertising fees~~*sales*, ~~radio rights fees,~~ facilities use fees, NCAA/Southland Conference disbursements, *luncheon fees, event fees* and game guarantees are receipted by the Assistant Athletic Director for Business Affairs, who is responsible for the preparation of receipts for deposit in accordance with University Policy 3.26 "Receipts and Deposits".

The Associate Athletic Director for External Affairs receives and processes funds from apparel sales, *multi-media sponsorships,* and licensing fees. Funds received for donations and gifts are processed by the Director of ~~Annual Giving~~*Athletic Development*. ~~while funds from corporate sponsorships are processed by the Director of Corporate Sales.~~

Funds are submitted to the University's Business Office the day they are received, whenever possible or within 48 hours, as appropriate. A University Receipt or Deposit Transaction Summary accompanies all cash and checks deposited with the University's Business Office. The Administrative Assistant to the Director of Athletics or a designated member of the secretarial staff deposits funds with the University's Business Office. Ticket sales are received, processed and deposited by the Student Center Ticket Office.

Verification of Deposits

Revenues received by the Department*, with the exception of gifts and donations,* are verified by the Assistant Athletic Director for Business Affairs who is responsible for reconciling income detail lists by checking the Department's ledgers against deposit slips. *Gifts and donations received by the Department are verified by the Director of Athletic Development who is responsible for forwarding to the Office of Development for processing.*

Proofs of deposit (e.g., copies of deposit forms, cash receipts forms, etc.) are used to verify receipt of income to the Department.

Security

All funds are physically secured while in the Department of Intercollegiate Athletics.

Segregation of Duties

The Department of Intercollegiate Athletics ensures that there is a segregation of duties in the receipt process by having more than one person involved in the receipt, custody, deposit, recording, reconciliation, review, and reporting of funds.

SFA
7/~~2014~~*2016*

RECEIVABLES: INVOICING AND ACCOUNTING

Actual monies due the Department of Intercollegiate Athletics which are directly invoiced and accounted for by the Department are derived from the following sources:

~~Advertising fees;~~

- Facility Usage fees
- Game guarantees.
- ~~Corporate Sponsorships~~
- Touchdown Club Seating
- Pressbox Suite Rentals

Invoicing Procedure

The ~~Associate Athletic Director for External Affairs~~*Director of Athletic Development* generates and issues Departmental invoices for ~~advertising fees,~~ Touchdown Club seating and press box suite rentals. Facility usage fees are invoiced by the Coordinator of Athletic Operations. Game guarantees are not invoiced since they are a contractual agreement between SFA and another university. Corporate sponsorships are invoiced by ~~Daktronics Sports Marketing~~*the sponsorship rights holder* as per contractual agreement with SFA.

Management of Outstanding Invoices

Open accounts receivables are checked monthly by the ~~Associate Athletic Director for External Affairs~~*appropriate staff member* and follow-up notices are sent, when appropriate. ~~An annual report of aged outstanding receivables and uncollectible accounts is compiled by the Associate Athletic Director for External Affairs and reported to the Assistant Athletic Director for Business Affairs and the Director of Athletics.~~

SFA
7/~~2011~~*2016*

ACCOUNTABILITY: STATE PROPERTY LAW

The Department of Intercollegiate Athletics adheres to the University's policy concerning property control. University property includes all purchased or otherwise acquired for use by Stephen F. Austin State University. Title to such property belongs to the University and not to the Department of Intercollegiate Athletics. The rules and procedures for the use of SFA property are outlined in the Bylaws of the Board of Regents. These procedures are administered by the SFA Purchasing and Inventory Department.

The President of the University, or his designee, is responsible for all real property owned by SFA. Delegated responsibility for accountable property housed within the Department rest with the Director of Athletics. The Assistant Athletic Director for Business Affairs in conjunction with the Supervisor of Facilities and Equipment, ensures compliance with State Property Law within the Department.

The Department may acquire property through any of the following methods:

- By purchase;
- By gift;
- By transfer;
- From surplus inventory; or
- From excess State and Federal Programs.

University property and/or equipment is to be used only in the performance of University activities. Moreover, it is against University policy for anyone to remove University property and/or equipment from the buildings and grounds of the University for purposes other than University business. Requests to remove equipment from the University's premises must be made in writing and approved by ~~the Purchasing and Inventory Department~~ *Procurement & Property Services* prior to removal.

As required by State law, ~~the Purchasing and Inventory Department~~ *Procurement & Property Services* has established an orderly accounting system for movable property and/or equipment (i.e., items of a non-expendable nature costing or being valued at any value with a useful life in excess of one (1) year). A physical inventory of such "capital and controlled equipment" is conducted each year by ~~Departmental~~ *Procurement & Property Services* staff to verify the accuracy of the University's inventory records. (For more specific procedural information, see Policy 403B, Accountability: Inventory Control Procedures, in this Manual.) In addition, spot checks may be performed periodically by the State Auditing Department.

Any theft, damage or loss of Departmental equipment must be reported to the Supervisor of Facilities and Equipment, acting as the Department's Property Manager, within 24-hours.

University Inventory Identification Numbers

In most cases, equipment items are issued a University inventory identification number in Central Receiving. The Supervisor of Facilities and Equipment ensures that each new piece of equipment obtained with Departmental funds, or as a result of a gift, transfer or on-site fabrication, is reported to the Purchasing and Inventory Department. Data on capital and controlled inventory is entered directly to State Property Accounting (SPA). SPA is governed by the State Comptroller's Office.

Disposal of State Property

All materials purchased for the University remain the property of the State until consumed or disposed of through the Purchasing and Inventory Department. No item, regardless of age or condition may be disposed of by the Department. When excess property or property no longer utilized by the Department is to be removed from the Department, a Property Transfer Form (see Appendix 403A-1) or Salvage Property Request is completed. The form is then sent to the Purchasing and Inventory Department. Pickup of the item if needed is also scheduled through the Physical Plant.

Donation and Sale of University Property

All State-owned property must be disposed of by or with the approval of the Purchasing and Inventory Department. Donations made by one University group to another must follow applicable State rules.

SFA
7/~~2007~~*2016*

ACCOUNTABILITY: INVENTORY CONTROL PROCEDURES

All capital equipment which is the property of Stephen F. Austin State University must be properly identified, registered and secured. This includes equipment acquired through the University's purchasing system or by donation to the Department of Intercollegiate Athletics.

Capital Property/Equipment

All items of non-consumable personal property with a value of $5000 or greater per unit are maintained in SFA's perpetual inventory control system; except that certain "controlled" items valued at $500 or greater, or in some cases any value, are also maintained in the SFA perpetual inventory control system. Items are placed in the State Property Accounting (SPA) system at the time of acquisition and are carried in the system at original cost value until disposed of through surplus. The Procurement and Property Services Department is responsible for assignment and control of inventory numbers and maintenance of inventory records. Inventory control tags are normally applied by the Central Receiving Department prior to delivery to individual University Departments. For additional information, see Policy 403A, Accountability: State Property Law, in this Manual.

The *Procurement and Property Services Department with assistance from the* Department of Intercollegiate Athletics conducts a physical inventory of capital property/equipment on an annual basis, generally during the time period from February through April, or at the completion of a sports season, in accordance with University policy. The Supervisor of Facilities and Equipment, working with the Assistant Athletic Director for Business Affairs, has been designated as the "Property Manager" for the Department and oversees the inventory (see below).

All incoming property and equipment is to be reported to the Department's Property Manager. This report should include a description of the item, its location and serial number, if applicable. Additionally, any time a piece of equipment is moved to a new location, the Property Manager is to be notified **in writing**, where the equipment was previously located in the Department and its new location. Again, a description of the item and a serial number, if applicable, should also be included on the notification.

Excess property is removed from the Department's inventory only after a Property Transfer Form (Appendix 403A-1) or Salvage Property Request is completed and returned to the Purchasing and Inventory Department. This form must include information detailing the condition of the item(s) being removed.

Lost or Stolen Property

When it has been determined that SFA equipment is lost, the Supervisor of Facilities and Equipment reports the loss to the Procurement and Property Services Department by completing a Lost or Stolen Property Report (Appendix 403B-1). SFA is required to report the loss of equipment to the State Attorney General when negligence is determined to have been involved.

In the event that Department equipment appears to be stolen, it is the responsibility of the Supervisor of Facilities and Equipment to report the theft of the property to the University Police Department and the Procurement and Property Service Department. A Lost or Stolen Property Report must be completed as soon as possible after the theft occurs. This report and a written police report are necessary before deletion of the item from inventory. SFA is required to report

the theft of equipment to the State Auditor. Theft is additionally reported to the State Attorney General when negligence is determined to have been involved.

Gifts and Purchases

In the event the Department receives a gift of capital equipment, the Procurement and Property Services Department is notified, in writing, and a tag is sent to the Department with the inventory identification number. The item is added to the University's computerized inventory list at this time.

Annual Inventory

To validate the accuracy of the inventory system, an annual physical inventory is normally conducted during the time period from February through April. During this annual inventory, the *Procurement and Property Services Department with assistance from the* Supervisor of Facilities and Equipment, acting as the Director of Athletics' designee, is responsible for physically counting and verifying by tag number and room location all items on the official Departmental inventory. Once completed, the inventory is sent to the Procurement and Property Services Department. Inventory validation spot-checks are made by Inventory personnel in a routine fashion to allow independent verification approximately every other year. Other spot-checks may be performed.

Current inventory listings in either inventory number sequence or location sequence are available at any time from the Purchasing and Inventory Department.

Athletic Equipment

~~The Supervisor of Facilities and Equipment, with assistance from Equipment Managers and Assistant Equipment Managers, maintains a continuous inventory of all athletic equipment (i.e., game equipment, uniforms and general supplies). These records facilitate the reordering of expendable equipment items and provide data which is useful in budget formulation.~~
Each head coach, with the exception of football, is responsible for maintaining a continuous inventory of all athletic equipment (i.e. game equipment, apparel and non-apparel items) for their sport. The Coordinator of Equipment and Facilities is responsible for maintaining a continuous inventory of football equipment.
~~In June, or at~~*At* the completion of each sport's season, as appropriate, all equipment is counted and all items are evaluated as to their status for the next year (e.g., current, obsolete, in need of repair, etc.). *A copy should be submitted to the Supervisor of Facilities and Equipment.* ~~Obsolete stock is transferred to the Procurement and Property Services Department to be discarded or salvaged for miscellaneous use the next year. Although athletic equipment is not tagged by the University, it is marked as property of the Department of Intercollegiate Athletics. A copy of the athletic equipment inventory should be submitted by the Supervisor of Facilities and Equipment to the Head Coach of each sport.~~

The Supervisor of Facilities and Equipment, or designee, ensures that athletic equipment areas are secured by key or padlock. ~~Whenever feasible, equipment cages are utilized to maintain control points for the distribution and collection of equipment. In addition, a check-out system for clothing is maintained.~~ (See Policy 603A, Equipment: Athletic, in this Manual for more information.)

SFA
7/~~2012~~*2016*

PURCHASING PROCEDURES

The Stephen F. Austin State University's Procurement and Property Services Department has been charged by the Board of Regents with the responsibility for securing maximum value from University expenditures, maintaining liaison with vendors, coordinating the procurement of goods and services for the University and developing the most cost effective supplier sources for equipment, services and materials for the University.

It is the policy of the Department of Intercollegiate Athletics that all Departmental purchase transactions are conducted by the Assistant Athletic Director for Business Affairs. It is the responsibility of the Assistant Athletic Director for Business Affairs to ensure that proper purchasing procedures are followed.

Purchase Requests

All requests for the purchase of goods and service must be made by the Assistant Athletic Director for Business Affairs. Requests for goods and services from internal service units, as well as outside vendors are made electronically through the University financial system (Banner). The Assistant Athletic Director for Business Affairs completes the form and electronically transmits the document to the Procurement and Property Services Department.

A staff member requesting an item for purchase must provide the Assistant Athletic Director for Business Affairs with a specific description of the required item, a vendor name, if appropriate, and an estimated unit cost of each item requested.

Staff Reimbursement for Purchases

There are times when a member of the athletic staff, using personal funds, must make a purchase on behalf of a team or departmental project. This may occur during a holiday, weekend or in case of an emergency when it is impossible to complete a purchase requisition or use a P-Card. Staff members are encouraged to plan ahead to avoid such purchases. Staff members are also encouraged to contact the Assistant Athletic Director for Business Affairs before making a purchase to determine if it can be reimbursed.

Employees of the University are cautioned, under no circumstances to accept payments or gifts from vendors. (See Policy 508A, Departmental Staff: Conduct and Ethics in this Manual for additional business ethics directives.

- Interdepartmental Transfer (IDT)

  The Department may charge purchase of goods and services from other departments within the University by an Interdepartmental Transfer (IDT). Interdepartmental transfers are initiated by the Department through several channels, as appropriate. The Department strictly adheres to the normal purchasing process except for goods or services acquired through the use of an IDT.

  Interdepartmental transfers are not to be used to transfer capital equipment from one Department to another. Such transfers are handled by property management personnel within the Procurement and Property Services Department and may include an Interdepartmental Transfer (IDT).

Purchases over ~~$5,000~~*10,000*

Requests for items costing more than ~~$5,000~~*10,000* but less than $25,000 require a minimum of three (3) informal solicitations, minimum 50% HUBs included in solicitation including one woman-owned and one minority-owned business, unless purchased through an existing University, State or Cooperative contract, or other purchase process that does not require a solicitation.

Procurement Card

Departmental staff members, with oversight provided by the Assistant Athletic Director for Business Affairs, may order supplies and small items in amounts not exceeding ~~$2000~~ *3,000* using a University Procurement Card (P-Card). The only person authorized to use the P-Card is the cardholder whose name appears on the card. The cardholder may not allow someone else to use their card unless the cardholder and account manager have completed a P-Card Use form and it is on file with the Program Coordinator in the Procurement Office.

The Assistant Athletic Director for Business Affairs with approval from the Director of Athletics will determine those staff members who can be issued Procurement Cards. All staff members will be required to attend training and sign a Cardholder Agreement before being issued a card. Refresher training/testing is required every 2 years.

Transaction Detail entries are required and provide an audit trail for expenditures made with the P-Card. Each individual purchase must be detailed in Banner. See the P-Card Detailing Banner Guide for detailed instructions on completing the Transaction Detail entries. Transaction Detail entries are completed on-line through the University financial system (Banner).

Upon receipt of the monthly statement from the credit card vendor, the cardholder shall reconcile the statement with the Transaction Detail Summary and forward the reconciled statement, Transaction Detail Summary and all supporting documentation to the Account Manager or his/her designee for review and signature. The Account Manager is responsible to verify that all purchases are appropriate expenditures and should take necessary disciplinary action with employees making inappropriate expenditures.

The documentation identified in the P-Card Program Guide must be kept for three (3) years plus the current fiscal year to comply with the University's Records Retention Schedule. These are the official University records. The records for procurement card purchases will be required for periodic audits by the Procurement Office or when SFASU is audited by the Texas Procurement and Support Services, the State Auditor or Internal Audit Services.

Food and Beverage Purchase

With the exception of food supplies purchased for travel, funds which may be expended for food and/or beverage are only to be taken from Auxiliary, Designated or Restricted Accounts. To be allowable, the expenditure of such funds must serve a legitimate public purpose or further the educational mission of the Department. The Banner form must indicate the time and place of the function, must identify the direct beneficiaries of the function, and must be approved by the Director of Athletics. The purchase of alcoholic beverages must be approved in advance by the Vice President for University Affairs.

The following statement is included in the Banner form when the food commodity is selected:

"I hereby certify under penalty of law that the expenditure of funds for the purchase of food and beverage is necessary for the completion of the functions of this department, qualifies as a legitimate public purpose, or that the educational function of this University is well served thereby."

State funds and funds under the control of the Department of Intercollegiate Athletics may not be used to purchase alcoholic beverages.

SFA
7/~~2012~~2016

DISBURSEMENTS: PAYROLL

The Department of Intercollegiate Athletics adheres to established University policies for the administration of payroll procedures. While the Director of Athletics has ultimate responsibility for approving payroll expenditures and related amendments to the budget, the Administrative Assistant to the Director of Athletics administers the payroll function for the Department.

Copies of all documents which initiate an employee into the payroll system (Electronic Personnel Action Form-EPAF) are processed by the Administrative Assistant in conjunction with the Director of Athletics. Although the Department maintains a personnel file for each Departmental employee, all SFA employees' official personnel files are maintained by the University Department of Human Resources. All requests to verify employment or other types of employee information should be referred directly to the SFA Department of Human Resources. (Specific information regarding the determination of salaries and wages can be found in Policy 401B, Budget: Salaries and Wages, in this Manual.)

Payroll Reporting Procedures

On a daily basis, non-exempt departmental employees are required to enter time worked, vacation, sick leave, comp time and furlough, earned or taken, using the TimeClock Plus web based system (www.tm.sfasu.edu/webclock30). As an additional backup, a Request for Vacation, Compensatory Time, Sick Leave Taken form (see Appendix 405B-1) must be completed on a weekly basis and forwarded to the Office of the Athletic Director. The Administrative Assistant to the Director of Athletics approves entries made by departmental non-exempt employees on a weekly basis.

Student employees are required to clock in and out using the TimeClock Plus web based system. Each athletic department staff member who supervises student employees are required to approve time recorded through the TimeClock Plus web based system on a weekly basis.

Departmental exempt staff are responsible for reporting leave taken through their mySFA account using Self-Service Banner. This reporting should be done following leave taken. At the end of each month all exempt staff members are required to submit for approval the leave time reported.

Departmental exempt staff members are also required to account for sick leave, vacation leave and comp time taken on a monthly basis on a Request for Vacation, Compensatory Time, Sick Leave Taken form (see Appendix 405B-1). This form is to be completed by the employee and signed by his/her supervisor and forwarded to the Director of Athletics. The completed and approved form is filed in the Office of the Director of Athletics who approves each on a monthly basis.

Departmental staff members are able to access their vacation, sick leave and comp time totals through their mySFA account

Any change in number of dependents or change of address should be reported immediately to the SFA Payroll Office.

Distribution of Payroll Checks

University employees are paid monthly or semi-monthly for work done in the previous month. Salaried employees are paid on the first working day of the month. Hourly employees are paid on the 1st and 15th of the month. If the 1st or 15th falls on a weekend or holiday, employees are paid on the first working day following the weekend or holiday. It is SFA's intent to pay all employees by direct deposit. Employees must complete a direct deposit form, which is available in the payroll department of the Controller's Office. Direct deposits can be made electronically to any financial institution that accepts electronic transfers. It is the employee's responsibility to insure that their pay has been deposited into their account.

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

Release of payroll check to another person

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

Mailing of payroll check

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

Holiday Wage Compensation

Regular, full-time non-exempt and exempt employees receive pay for all University-approved administrative holidays, provided the employee is in pay status. Payroll reporting procedures and details concerning holiday compensation are discussed in Policy 508G, Departmental Staff: Holidays, in this Manual.

Overtime Compensation

Employees are eligible for compensatory time off (comp time). Non-exempt employees are eligible for comp time in accordance with University policy 12.14, Overtime and Compensatory Time, and Fair Labor Standards Act. Exempt employees may receive comp time, but may not be used in excess of 80 hours per fiscal year.

For more detailed information regarding overtime classifications and compensation rates, consult SFA's *Policies and Procedures Manual.* Additional information on overtime eligibility and compensation may also be found in Policy 401B, Budget: Salaries and Wages, in this Manual.

Bonus Compensation

Head coaches and assistant coaches are eligible to receive bonus compensation as an incentive for their teams winning SLC Championships and making NCAA Championship appearances. Bonus amounts are calculated as a percentage of each coach's annual salary. Bonus compensation will be paid following the conclusion of each team's competition season.

Coaches assigned to football, men's and women's basketball, volleyball, soccer, softball, baseball, golf, *bowling* and tennis are eligible to receive 3.5% of their annual salary for winning a Southland Conference Championship. They will also be eligible to receive an additional 1.5% of their annual salary if their team qualifies for an NCAA Championship. No coach will receive more than 5% of their annual salary as bonus compensation unless by Board of Regents approval or required by that coach's employment contract.

~~Since bowling is not a Southland Conference sponsored sport, the bowling head coach will receive 5% of his/her annual salary for the team being selected to compete in the NCAA Championship Tournament.~~

Coaches assigned to men's and women's cross country, indoor track & field and outdoor track & field are eligible to receive bonus compensation as per the following:

	HEAD COACH	ASSISTANT COACH
Cross Country	$500/SLC Team Title	$250/SLC Team Title
Indoor Track & Field	$1000/SLC Team Title	$500/SLC Team Title
Outdoor Track & Field	$1500/SLC Team Title	$750/SLC Team Title

Academic Bonus Compensation

Head coaches and assistant coaches are eligible to receive bonus compensation as an incentive for improving their team's academic performance. Bonus amounts are based on the cumulative team grade point average (GPA) for an academic year (fall & spring).. GPA's are calculated by the Assistant Athletic Director for Academic Services following final grade releases at the end of each spring semester.

Bonus compensation based on team GPA is set at the following amounts:

- 2.6 GPA - $300
- 2.8 GPA - $400
- 3.0 GPA - $500

Academic bonus compensation must come from discretionary funds designated for this purpose. Approval for such compensation will come from the Director of Athletics after confirming discretionary funds are available.

SFA
7/~~2014~~ *2016*

DISBURSEMENTS: TRAVEL AND ENTERTAINMENT EXPENSES

The University ~~Business~~ *Controllers* Office handles disbursements for travel and entertainment expenses according to Departmental and University policies and procedures and within the prescribed budget for each cost center. The Assistant Athletic Director for Business Affairs coordinates travel authorizations and travel advances for the Department.

All travel and entertainment expenses incurred by staff members or teams on official Departmental business must be within the applicable budget allocations and have the prior approval of the Assistant Athletic Director for Business Affairs or the Director of Athletics. Employees are reminded to apply a conservative approach when incurring travel or entertainment expenses, so as to ensure the approval of all submitted expenses. **Expenses incurred without proper approval are the personal obligation of the responsible person(s).**

Categories of travel approved by the Department for reimbursement are:

1. Individual Staff Travel (e.g., Recruiting, Conference meetings, professional meetings, fund raising, etc.);
2. Team Travel; and
3. Prospective Student-Athlete Travel.
4. Prospective Employee Travel

(For specifics regarding travel arrangements and allowances, see Policies 601A, Travel: Individual; 601B, Travel: Teams; and 601C, Travel: Prospective Student-Athletes, in this Manual.)

- Business Entertainment

  The reimbursement or payment of business meals and entertainment expenses is a privilege extended by the Department for the enhancement of legitimate business purposes. Departmental staff members are expected to ensure that the privilege is not abused and that only legitimate purposes are served. Texas State funds and funds under the control of the Department may **not** be used for the purchase of alcoholic beverages.

  State of Texas Travel Regulations are used as the guidelines and limitations for business entertainment expenses~~ and are specified in the *SFA Business Policies and Procedures Manual*~~. In some instances, travel guidelines are additionally dictated by NCAA rules and regulations.

  In general, staff members who are normally allowed to entertain on behalf of the Department include the Director of Athletics, Head Coaches and certain administrators whose responsibilities require frequent public relations activities Documentation for reimbursement of entertainment expenses should include;

  1. A valid receipt. Meal receipts should list number of persons present on the back;
  2. A listing of participants and their relationship to the Department;
  3. The date and location of the entertainment function; and

4. A statement of purpose for the entertainment. All entertainment must relate to Departmental business (e.g., news media, promotions, fund raising, development, recruiting, etc.).

Disbursements for travel and entertainment expenses are handled employing on*e* of the following methods:

- *Team* Travel Advance;
- ~~Travel Voucher~~*Travel Expense Report* - reimbursement for expenses paid by the employee; and/or
- Direct payment to the vendor.

~~Charge Card~~*Travel Card* for Travel Expenses

~~An individual corporate charge~~*A state issued travel* card is available for eligible employees. To be eligible to apply, the employee must take, or expect to take, three (3) or more business trips per fiscal year, or expend at least $500 per fiscal year for official State business. An employee is not required to apply for or accept a State-issued charge card.

The State-issued ~~individual corporate charge~~*travel* card is to be used for business-related charges only while traveling on official State business. Use of the card for personal business is considered a violation of State policy and the employee may be subject to disciplinary action. ~~The individual whose name appears on the card is solely responsible for payment of the account. If the card is suspended or cancelled for misuse or nonpayment, the employee will be ineligible for travel advances from the University.~~*Individual travel cards may be used for individual business travel expenses such as lodging, airfare, auto rental, etc. Meals provided on a per diem basis are not to be purchased on individual travel cards. Each athletic team also has one team travel card issued for team travel only and is to be used for lodging, team meals, and any other legitimate travel expenses associated with team travel. For a complete list of guidelines and allowable purchases for the travel card, refer to the travel office website (http://www.sfasu.edu/controller/travel/).*

If the application is approved by the credit card company, the employee agrees to be bound by the cardmember agreement which will be sent with each card. Additionally, the employee agrees to be bound by the State policies governing the use of the card. Applications and further information concerning this program are available in the Controller's Office or on-line. The employee, the Assistant Athletic Director for Business Affairs, and the travel manager in the Controller's Office must sign the application.

Travel ~~Request~~ *Authorization* and Travel Advances

An employee traveling on behalf of the Department must obtain permission to do so **in advance** of the trip. ~~Employees must submit a completed travel request form (Appendix 405C-1) to the appropriate departmental secretary. The information is then entered into the university's Banner system which will route the request thru the appropriate levels of approval.~~*Staff members must coordinate with the appropriate sport secretary, administrative assistant or operations person who is responsible for entering travel authorization information into the Banner travel module which will route the request thru the appropriate levels of approval.*

~~Advance travel funds are available for employees who wish to obtain money in advance of the trip and who are ineligible to apply for the individual corporate charge card. Employees eligible~~

~~to apply for the corporate credit card are not eligible for advances; however, any employee may request advance travel funds when involved with team travel. The minimum amount of advance funds that can be obtained is $100.~~ *Advance travel funds are only available for team travel and only in the amount needed to cover incidental expenses which may not be purchased on a travel card. Advance funds will not be issued to cover the entire cost of any team travel event.*

To receive advance travel funds, the Travel ~~Request~~ *Authorization* should be received by the Controller's Office at least five (5) working days prior to departure. Generally, the requested funds will be available at the University Business Office at least one working day prior to departure. ~~Advance travel funds will be issued by a check made payable to the individual requesting the funds.~~*Advance travel funds will be distributed to the individual requesting funds as a direct deposit to an established account, or on an occasional basis as a check disbursement.* As a condition of receiving advance travel funds, the employee agrees to refund any excess (amount advanced less documented eligible expenditures on the Travel Voucher) within 30 days from the ending date of the trip. An employee receiving advance travel funds will be ineligible for future travel advances until the outstanding Travel Voucher is submitted. An employee who receives an advance and does not travel must immediately return the advance funds. Abuse of the travel advance privilege will result in ineligibility for future advances and the employee may be subject to disciplinary action.

~~An advance travel check will only be issued prior to the trip. No advancement is authorized if the trip has already commenced. The traveler should submit a Travel Voucher for reimbursement subsequent to the trip.~~

The request for an advance is handled in the following manner:

1. ~~Each staff member is responsible for securing his/her own personal travel advance.~~*Each head coach will designate a member of their staff who is responsible for securing a team travel advance.*

2. Advances are procured by submitting ~~an SFA Travel Request form to the Assistant Athletic Director for Business Affairs. The form should state name of requester; the amount desired; specific budget item to be charged; date(s) of travel; and destination(s).~~*a travel authorization via the Banner travel module. A list of anticipated expenses and the amount requested is required.*

3. The ~~Travel Request form~~*on-line travel authorization* is approved by the Assistant Athletic Director for Business Affairs and forwarded to the University President before ~~forwarded~~ *forwarding* to the University Business Office.

4. ~~———~~*Advance travel funds will be distributed to the individual requesting funds as a direct deposit to an established account, or on an occasional basis as a check disbursement.*~~Travel checks are prepared in the name of the requester by the University Business Office. Authorized personnel within the Department may sign for the check in the Business Office and deliver it to the requester in the Department.~~

Reimbursement for Expenses Paid by the Employee

~~A State of Texas Travel Voucher (Appendix 405C-2) along with all receipts and other required documentation must be submitted to the appropriate secretary. The Travel Voucher is designed~~

~~to elicit a detailed account of travel expenditures, as required for reimbursement. Extreme care should be used to differentiate between those expenses that are paid directly by the Department and those paid for by credit card or by funds obtained through a travel advance.~~

~~The Travel Voucher is signed by the requester and reviewed and signed by the Assistant Athletic Director for Business Affairs. The completed form is forwarded to the University Business Office. All payments are issued directly to the employee.~~*Travel expenses paid by a staff member for ~~which~~whom reimbursement is needed are entered through the Banner travel module. Upon completion of travel, the staff member may submit to the appropriate sport secretary, administrative assistant or operations director all receipts for which the staff member is requesting reimbursement. The receipts will be totaled and submitted to the travel office for payment. Payment will be made by direct deposit to an individual account as indicated by the staff member.*

Direct Payment to the Vendor

Travel and entertainment expenses which are incurred through contractual agreement (e.g., transportation and/or lodging) are usually paid for directly by the University. The Assistant Athletic Director for Business Affairs ensures that all documentation related to each invoice is in order prior to submitting the invoice for payment.

SFA
7/~~2010~~*2016*

PRINTING

The Department of Intercollegiate Athletics is committed to following all University and NCAA rules and regulations related to printing. As the quality of printed materials distributed by the Department affects its public image, every effort must be made to ensure that the highest quality of printing is obtained within established guidelines and budgetary constraints. All printing services must be obtained in accordance with Departmental purchasing procedures. (See Policy 404, Purchasing Procedures, in this Manual for additional information.)

The SFA Public Affairs Office reviews and proof reads all printing service requests before a job is sent to either University Printing or an off-campus printer.

Staff member's requests are expected to be in compliance with all applicable NCAA rules and regulations. In general, the cost-center's budget is charged directly for requested printing services.

On-Campus Printing

The University Printing is able to provide some of the basic printing needs for the Department. ~~The Sports Information Office requests estimates for printing services from the University Printing when ever possible.~~ In the event that the University Printing has the capability to fulfill the required print job, the ~~Assistant Athletic Director for Business Affairs completes a purchase request on the University's FRS. The Media Relations Office~~*requesting staff member* completes a Printing Request form at University Printing *Services* ~~in the Rusk Building~~. This form includes "specs" for each job and the account number for each job. Most printing jobs are charged against the requesting sport's budget.

Off-Campus Printing

Due to the specialized printing needs and deadline requirements of certain printing jobs, the Department generally utilizes off-campus printing services. When outside printing services are required, the state bid system is utilized. Generally, vendor selection is based on the Department's prior association with the printer, lowest bid, quality and the printer's experience with similar printing specifications.

All printing requests for off-campus printing must be approved by the Assistant Athletic Director for Business Affairs and processed according to University and Departmental policies and procedures for purchasing (see Policy 404, Purchasing Procedures in this Manual).

Photocopiers

The Department provides ~~a~~ copiers in the fieldhouse, *academic center* and coliseum. The fieldhouse copiers can be accessed through staff computers for printing of documents. Departmental staff should avoid printing large numbers of copies on personal printers and should use the fieldhouse copiers instead. *The academic center copier is available for student-athletes to print academic work and related copies.* The coliseum copier cannot be accessed by computer *but is available for both basketball offices, volleyball, game operations and ESPN3 production needs.* ~~Departmental photocopiers are only to be used for official Departmental business.~~ Staff members are not to copy items for their personal use.

Users should be aware of the copyright protection granted by law (Title 17, U.S. Code). Since each user is liable for any infringement of the law, staff members are encouraged to use good judgment when photocopying materials.

There are maintenance agreements for the routine servicing and repair of the photocopiers. Departmental staff are expected to follow the printed instructions to remedy minor problems. In the event a maintenance call must be made on a copier, the person assigned responsibility for the photocopier in a specific area is the only staff member authorized to make such a call.

SFA
7/~~2013~~*2016*

TELEPHONES

The Department of Intercollegiate Athletics utilizes the University telephone system. The Assistant Athletic Director for Business Affairs coordinates all telephone services (e.g., new service, change of service, special equipment, etc.) for the Department by transmittal of a memo to Information Technology Services. Moreover, the Assistant Athletic Director for Business Affairs coordinates request for extensive changes in service, which are the result of building or renovation programs within the Department.

Telephone Listings

Each staff member is assigned a four (4)-digit telephone number, which is listed in the SFA Telephone Directory. The Department of Intercollegiate Athletics maintains a Departmental telephone directory which is updated by the Administrative Assistant to the Director of Athletics. Secretaries generally answer the telephones within a given area; however, each employee can answer his/her direct dial office number. In addition, telephones can be forwarded to the Receptionist in the lobby of the Field House.

Telephone Service of Repair Requisitions

Requests for any additional, change or modification in service, as well as the movement of any office telephone equipment, should be submitted in writing to the Assistant Athletic Director for Business Affairs who after approval submits the request to Information Technology Services for appropriate action. **The Department is not responsible for any expense related to telephone service unless it is approved in advance by the Assistant Athletic Director for Business Affairs.**

Local Call Instructions

Different methods are used for placing on- and off-campus, local calls.

- On-Campus Calls
  To reach another department within the University, or another staff member in the Department, the user dials the appropriate four (4)-digit number.

- Off-Campus Calls
  To place an off-campus call in the immediate area, the user dials 9 + seven (7)-digit number.

Long Distance Call Instructions

University regulations restrict the use of University telephones for long distance calls ~~to~~ *for* University business only.

- On-Campus Calls
  To place a long distance call from campus, the user dials 9 + 1 + area code + number + access code.

- ~~Off-Campus Calls~~
- ~~To place a long distance call from off-campus, the user dials 1 + area code + number + number + calling card number.~~

Telephone Access Codes

Athletic Department staff members may be assigned a six digit long distance access code by Information Technology Services. This code is only for on-campus use and cannot be used on off-campus phone systems. Requests for an access code must be received in writing by the Assistant Athletic Director for Business Affairs who submits the request to ITS.

Staff members with access codes are responsible for long distance calls made using their assigned codes. Further, staff members are urged to keep their assigned access code confidential and should never share the number with a student-athlete or non-staff member.

Telephone Charges

~~Telephone services constitute a major expense item within the Department's budget. Individual cost-centers are charged for telephone and facsimile usage. Therefore, it is mandatory that all employees keep long distance calls to a minimum and avoid the use of long distance calls when other means of communication will suffice.~~

~~To avoid unnecessary and unapproved charges, long distance telephone use is monitored.~~ Each area within the Department is held accountable for incurred charges, bills and fees. The Department's long distance telephone, *and* cellular phone ~~and calling card~~ charges are transmitted to the Assistant Athletic Director for Business Affairs on a monthly basis. The Assistant Athletic Director for Business Affairs reviews these charges. If necessary, users are asked to go over these charges with the Assistant Athletic Director for Business Affairs to ensure their accuracy. **Any unauthorized charges are the responsibility of the card holder.**

It is expressly forbidden by NCAA regulations for student-athletes to be given access to cost-free telephone (e.g., local and toll calls) use. Only emergency calls are allowed, and they must be both brief and local.

Cellular Phones & Wireless Communication Devices

A limited number of cellular phones and PDA's are distributed to coaches and key staff members for official use only. Refer to University Policy ~~F-29~~*3.6* concerning University furnished cell phones or wireless communication devices. The entire amount of the university provided cell phone or wireless communication device is considered as a taxable fringe benefit to the employee. The employee is not required to document personal or business usage. However, the department must require that an employee reimburse the department for calls that exceed the monthly plan amount unless they provide documentation that the excess use is attributed solely to business related calls.

As per university policy, some staff members are eligible to receive a monthly stipend for cell phone use. Those coaches and staff members not supplied with a university provided cellular device, and whose job duties require substantial cellular device usage, may receive the stipend. A Communication Allowance Request Form must be filled out and signed by each employee requesting the stipend before approval by the Assistant Athletic Director for Business Affairs and University President.

The Assistant Athletic Director for Business Affairs must submit a "Cellular Telephone Request and Justification Form" to the assistant director of telecommunications and networking for each employee, as required in policy ~~F-29, Communications Services~~*3.6, Cellular Telephones and Wireless Communication*

Devices. The assistant director of telecommunications and networking will communicate the taxable value of the university provided cell phone and wireless communication device to the Payroll Office.

At no time are these phones to be used by student-athletes except for emergency situations that may occur during travel or competition.

Personal Telephone Records & Recruiting Calls

Stephen F. Austin State University is required to control its intercollegiate athletics program in compliance with the rules and regulations of the NCAA, and in some circumstances, responsible for the actions of its coaching staff members. See NCAA Bylaw 2.1.1 and 2.1.2. NCAA legislation limits recruiting contacts, including contact made by telephone. See NCAA Bylaw 13.1.*3*. ~~Therefore, all coaches shall be required to provide SFA with copies of all billing records or other documents showing calls made or received for any telephone used by a coach, including without limitation, a coach's personal cell phone and/or home phone if such phone is ever used in the scope of the coach's employment. All coaches shall provide such records to the Associate Athletic Director for Compliance and Student Services on a monthly basis. All coaches shall cooperate with SFA in obtaining additional records from telephone providers, to include without limitation executing an authorization to obtain such records, to the extent deemed necessary by SFA~~*It is strongly recommended that coaches utilize ARMS software when placing recruiting calls not only to validate recruiting activities but to immediately generate notes from the call for the entire coaching staff to view.*

Facsimile Transmissions

The Department of Athletics maintains Facsimile machines for staff use in various administrative and sports offices. These machines are to be used for Departmental business only. To send a long distance FAX, the user dials 9 + 1 + area code + number + access code.

~~Transmissions are monitored in the same manner as telephone calls, with Departmental staff held accountable for their usage.~~

SFA
7/~~2010~~*2016*

TICKET OFFICE: OPERATIONS

Ticket sales and operations are a function of Stephen F. Austin State University. The Department of Intercollegiate Athletics interfaces with the University's Ticket Office specifically with regards to: ticket pricing, seating priorities, seating distribution and allocation, and complimentary admissions for intercollegiate athletics events. These tickets are a negotiable commodity and a source of revenue for the University and the Department. The mishandling or misappropriation of tickets can result in revenue losses or NCAA sanctions. For this reason, the policies and procedures prescribed for the printing, handling, sale and distribution of tickets are to be strictly followed.

Ticket Office operating objectives are as follows:

1. To properly handle and account for the distribution of tickets, priority parking and admissions to all events held on campus;
2. To properly deposit and record income obtained from ticket sales; and
3. To maintain a proper public relations posture with customers in order to promote continued support for the University and the intercollegiate athletics program.

Ticket Office policies and procedures are developed by the Student Center Director in conjunction with the Ticket Office Manager. Policies related to ticket sales for athletic events are coordinated with the Director of Athletics, the ~~Assistant~~ *Associate* Athletic Director for External Affairs and the ~~Assistant~~ *Associate* Athletic Director for Compliance, as appropriate. All University staff members involved in the sale and distribution of tickets to athletic events are responsible for maintaining a current knowledge of University, Southland Conference and NCAA rules and regulations governing ticket operations. Questions regarding the intent or interpretation of specific policies are to be directed to the Ticket Office Manager and/or Student Center Director.

(For additional Ticket Office policies, see Policies 408B, Ticket Office: Sales; 408C, Ticket Office: Complimentary Tickets, and 408D, Ticket Office: Distribution, in this Manual.)

Printing

The Ticket Office Manager prepares the layout and design for all tickets *with graphic design assistance from the athletic marketing office*. The printing of the ticket stock is put out to bid by the University's Procurement and Property Services Department in accordance with University purchasing guidelines (see Policy 404, Purchasing Procedures in this Manual). Tickets for all home football games are pre-printed with all pertinent information included on the ticket (i.e., date, opposing team, section/row/seat, price, kick-off time). The Ticket Office Manager verifies the accuracy of the printing with the ticket manifest.

Roll stock for all ticketed events other than football and for general admission tickets for football, is put out to bid. Numbered roll stock includes the name of the University and the price, only.

Accountability and Security

The Ticket Office Manager is responsible for receiving and maintaining the inventory of printed tickets. Tickets are stored in the Ticket Office vault in the Student Center prior to game-day.

Only the Student Center Director, Ticket Office Manager~~,~~ *and the* Assistant Ticket Office Manager ~~and the Administrative Secretary~~ have access to the ticket inventory.

All deadwood and unused tickets are stored in the Ticket Office storage room in the University Center. Unsold tickets are verified from the sales report compiled by the Ticket Office Manager, with assistance from the Assistant Ticket Office Manager and Ticket Office student assistants.

Game Settlements

After a season has ended, game settlements are prepared by the Ticket Office Manager. Upon completion of the post-game report, the Ticket Office Manager prepares a payment voucher for any payment due. This voucher is approved by the Student Center Director and the Vice President for University Affairs and is forwarded to the Controller's Office for payment.

Ticket Office Hours

The main Ticket Office is located in the Student Center. The operating hours are 8:00 a.m. - 5:00 p.m., Monday - Friday. On football game days, event venue sales windows at Homer Bryce Stadium are open one and a half (1 1/2) hours prior to kick-off and remain open until half-time. At Johnson Coliseum, windows are open one and a half (1 ½) hours prior to tip-off and remain open until half-time of single games, or until half-time of the second game if there is a double header. Baseball and softball ticket booths open one and a half (1 ½) hours prior to the start of each scheduled game and remain open until the bottom of the fifth inning for baseball and the bottom of the fourth inning for softball.

SFA
7/~~2012~~*2016*

TICKET OFFICE: SALES

The Ticket Office issues tickets for University events, football, basketball, baseball and softball games and other selected events within the community and state. The Ticket Office Manager, working with the Student Center Director, coordinates the day-to-day sale of tickets.

Any individual involved in the sale of tickets at the University is expected to use care in communicating with customers. In the event that a difficult situation arises, the employee should consult with a supervisor to resolve the problem. The Ticket Office Manager ensures that applicable University, Conference, and NCAA regulations are followed.

For additional Ticket Office information, see Policies 408A, Ticket Office: Operations; 408C, Ticket Office: Complimentary Tickets; and 408D, Ticket Office: Distribution, in this Manual.

Ticket Prices

Price structures for tickets to athletic events are established by the Director of Athletics with approval by the President. The criteria for establishing ticket prices may include ticket demand, facility seating, strength of schedule and revenue needs.

Methods of Payment

Tickets may be paid for with cash, checks, money orders or credit card (VISA, MasterCard, American Express & Discover only). Checks returned due to insufficient funds are forwarded to the University Business Office. Credit card purchases are validated by the Ticket Office using a card validation system and transmitted via electronic transfer.

For mail order, a handling fee of $2.00 is added. Mail orders may be paid for with a check, money order or credit card.

Record of Sales

All over the counter ticket sales are recorded on the Ticket Office cash register as the sale is made. The cash register is balanced at the end of each working day. However, during high volume sales periods, the register may be balanced more frequently.

Credit card sales totals are cumulative on the credit card verification machine. The Ticket Officer verifies the amount of purchases made by credit card any time the cash register is balanced. Credit card purchase totals are printed when a settlement number is requested from the machine. This transaction clears the machine of all previous transactions.

Mail order sales are recorded on the cash register as the check and order are received, verified and tickets distributed.

The daily report is made up of the combined individual reports (for game day sales) the credit card report, Ticket Outlet Agreement (see Appendix 408B-1), and the "Z" tape from the cash register in the Ticket Office. The Assistant Ticket Office Manager is responsible for generating the daily report and forwarding it to the University's Business Office along with a copy of the deposit receipt (see below for information regarding the deposit of funds).

- Game Day Sales

  Eight (8) to 12 walk-up sales windows are used on football game days at Homer Bryce Stadium and four (4) windows are used for events at Johnson Coliseum. There are two (2) windows at both baseball and softball venues.

  Each sales window is manned by a ticket seller with an individual window balance sheet prepared in advance by the Assistant Ticket Office Manager. This balance sheet records the beginning numbers of each roll of consecutively numbered general admission tickets, as well as the total number of reserved seats they are issued.

  At the conclusion of sales, the ending ticket numbers and the total count of reserved deadwood is entered into the appropriate spaces on the balance sheet and the sales indicated are compared to the actual cash balance at the window to determine whether the window is balanced, or is "over or short."

  Game day sales revenues are deposited the following business day into the appropriate bank by an armed courier provided by the University Police Department. The Assistant Ticket Office Manager generates the deposit.

- *Online ticket sales are outsourced to the university's third-party online ticketing agent. The Ticket Office Manager receives daily reports each morning for sales in the previous 24-hour period. These orders are filled and are made available for pick up at Will Call for the selected event. At the conclusion of each month, sales are reconciled and payment is sent to the Ticket Office Manager for that month's sales.*

Season Ticket Applications

Season Ticket Applications are mailed to those individuals who purchased season or individual game tickets for the previous season, as well as to members of the SFA faculty and staff. Additionally, applications are mailed to various persons and groups showing an interest in SFA athletics. (See Appendix 408B-2 for sample Season Ticket Applications for new and renewing ticket holders.) Renewal of season ticket is offered to season ticket holders for the same seating held the previous year. The deadline for renewing season tickets is normally four (4) weeks after the applications are mailed. (For additional information, see Policy 408D, Ticket Office: Distribution, in this Manual.)

Some ticket allocations, prices and reserved parking are based on levels of giving to the Varsity Club (see Appendix 408B-3 for the Athletic Fund Drive brochure and Policy 801, Athletic Fund Drive, in this Manual).

Student Tickets

At SFA, athletic event admissions are incorporated in registration fees for all students. However, students have the opportunity to purchase reserved season tickets at the same rate as faculty and staff are charged. Individual reserved tickets for football and basketball may be purchased at the Ticket Office or any walk-up window on game days.

General student admission is free for all full-time students and their spouses and dependents upon presentation of a valid SFA photo I.D. at any Stadium or Coliseum admission gate.

Communication Between the Ticket Office and the Department

Athletics donations and ticket sales are closely related. For this reason, it is necessary that the Ticket Office keep the Department of Intercollegiate Athletics up-to-date on any changes and/or additional sales made by the Ticket Office. Conversely, it is imperative that the Department work closely with the Ticket Office regarding any information that might affect ticket sales or seating allocations.

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TICKET OFFICE: DISTRIBUTION

The University Ticket Office and the Department of Intercollegiate Athletics have established an allocation and distribution system which is intended to be as equitable as possible in handling game tickets.

Ticket Priorities

The Ticket Office, in conjunction with the Director of Athletics and the Associate Athletic Director for External Affairs, establishes policies for ticket allocations and seating priorities. Groups considered for ticket priorities are: contributors to the Varsity Club, student-athletes, season ticket holders and individuals receiving complimentary tickets. (For detailed information on complimentary tickets, see Policy 408C, Ticket Office: Complimentary Tickets, in this Manual.)

Ticket Reorder Priorities

The purchase of season tickets is not a property right, but rather a privilege which may be canceled at any time. Priority is given to contributors to the Varsity Club based upon the level of membership (see Appendix 408B-3 for an Athletic Fund Drive Brochure and Policy 801, Athletic Fund Drive, in this Manual). Season tickets are sold for football, basketball, and baseball home events.

Current season ticket holders retain the right to renew their season tickets (with current seating) by purchasing the tickets by the ticket priority deadline date and meeting any applicable current donation criteria for priority seating.

The Ticket Office mails a form letter and ticket application to current and former ticket holders, faculty and staff, and persons on appropriate mailing lists, i.e., Varsity Club contributors.

Student Tickets

Student admission to home athletic events at SFA is part of the general student fee for all full-time students. Students enter all ticketed events by showing their valid student photo I.D. Free seating is in the general admission section of Homer Bryce Stadium, Johnson Coliseum, Jaycees Field and softball park. However, students may order and purchase reserved season tickets for the same price as charged for SFA faculty and staff. Single game reserved seating may be purchased by students at the posted student ticket price.

Spouses and dependents of full-time SFA students may gain free admission to ticketed athletic events by signing for the tickets at any sales window. The spouse or dependent must be accompanied by the SFA student, with a valid photo I.D. All other student guests pay the posted regular admission price.

Students may enter the Stadium, Coliseum, and baseball/softball facilities at any of the admission gates.

Individual Away Game Tickets

A limited number of individual game tickets for away games are made available for each game. Orders are taken and filled on a priority basis until the allotment for each individual game is depleted. Any tickets not sold in advance are available for over-the-counter purchase after all

priority orders have been filled. This practice provides an opportunity for persons throughout the State and region to purchase single game tickets.

Tournaments and Meets

Season ticket purchasers, Varsity Club contributors and students are given initial consideration when purchasing tickets to tournaments, meets and national championship events. Applications for tournament tickets are sent to season ticket holders and donors. A priority system is used to determine quantities and priorities if requests are greater than allocated seating. The general public is given the opportunity to purchase any remaining tickets.

Touchdown Club and Suites Admission & Seating

Patrons in the Touchdown Club at Homer Bryce Stadium purchase seats prior to each football season based on individual need and availability. In addition to the club, private suites are sold prior to the season and admission is based on the size of each suite. The Athletics Department issues the appropriate number of tickets for each suite to the holder of the suite for that season and that individual/group controls the allotment of tickets. Admission to the Touchdown Club and private suites on game day is limited to patrons who present a club level ticket at the door for entrance.

Touchdown Club patrons and private suite holders are granted first right of refusal on renewal from one season to the next. The Athletics Department maintains a waiting list should any seats in the club or private suites become available on an annual basis. The Associate Athletics Director for External Affairs or his designee maintains the list and is responsible for the function of the club and suites.

Football ~~Press~~ *Media* Level Seating

Admission to the ~~Press~~ *media (third floor)* level *of the pressbox* at Homer Bryce Stadium is limited to members of the ~~press~~*media, radio play-by-play, coaches and officials as well as game operation personnel* with proper ~~press~~ credentials issued by the Media Relations Office. Members of the ~~press~~ *media and other game officials* may enter the Stadium or Coliseum by any gate upon display of proper press credentials. *The Director of Athletics maintains a suite on the media level and a suite used for corporate sponsors. Occupants are issued tickets for each game by the Associate Athletic Director for External Affairs.*

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BUSINESS CONTRACTS

It is the policy of Stephen F. Austin State University to honor all provisions agreed to in contracts entered into by the Department of Intercollegiate Athletics. In general, a business contract is required for the following types of agreements:

- Athletic events;
- Facilities use;
- ~~Radio and television broadcasts;~~*Multi-Media Rights;*
- ~~Promotional advertising (i.e., scoreboard advertising, advertising tables and signage); and~~
- Purchases;
- *Athletic Team Apparel and Equipment;*
- *Professional Services*

Before any contract agreement is signed, the ~~Assistant Athletic Director for Business Affairs~~*Director of Athletics* must ~~be contacted to~~ determine whether the proposed contract/agreement meets all University and Departmental rules and regulations. All contracts or contract forms ~~other than athletic event agreements should~~*must* be reviewed by the General Counsel *and signed by the President*~~.~~

~~All contracts must have clearance from the Assistant Athletic Director for Business Affairs and the Director of Athletics **prior** to being executed.~~ Purchasing contracts in the amount of $100,000.00 or more must be approved by the Board of Regents.

Contracts Processing

All contracts including game agreements must be routed to the Procurement Office as a starting point for processing. The contracts will be scanned and uploaded into an electronic system, iContracts, and routed to general counsel then to the president for signature, and finally returned to procurement. Where appropriate, the department will be engaged for coordination with the vendor for review of contract changes and/or signature. A copy of the fully executed contracts are also on file in the office of the Director of Athletics.

Intercollegiate Athletic Events

A contractual document is generally prepared for intercollegiate sports regardless of whether a guarantee is involved. The Director of Athletics, is authorized to ~~execute~~ *negotiate* athletically-related contractual agreements on behalf of the Department of Intercollegiate Athletics.

A standardized athletic contest agreement form is used in effecting contractual commitments for competitive events with other educational institutions when SFA is the host institution.
Copies of all contracts are retained by the Director of Athletics and the competing institution.

In the event that it is necessary to change the contents of a fully executed contractual agreement, an addendum to the athletic contest agreement form is prepared. All changes must be reviewed and approved, as specified above, prior to execution of the addendum.

(Specific scheduling procedures can be found in Policy 602A, Scheduling: Events/Special Events, in this Manual).

Facilities Use

Athletic facilities may be used by organizations outside the Department. However, the Department may refuse use of its facilities, if:

1. The meetings or events are sponsored solely by a non-University organization;
2. The nature of the activity is assessed to potentially cause serious disruption:
3. The purpose of the activity is prohibited by either federal, state or local statute, rules or regulations; or
4. An event is assessed to potentially produce damage to the facility or endanger attendees.

Requests for the use of facilities by non-Departmental organizations are directed to the Coordinator of Athletic Events who negotiates the rental rate and details of the contract. (All health, fire and other regulations applicable to Departmental facilities must be observed by any group using its facilities.) Once the terms of the facility-use contract have been approved, the contract is prepared by the Coordinator of Athletic Events. The facility use agreements shall be prepared on a form developed and approved by the General Counsel.

Billings related to facilities use are processed by the Assistant Athletic Director for Business Affairs with payment made to the Department. If an event is canceled, the sponsoring group may be responsible for any set-up charges incurred by the Department prior to cancellation. (See Policy 402B, Receivables: Invoicing and Accounting for procedural details. Also see Policy 604A, Facilities: Use, in this Manual for additional information.)

~~**Radio and Television Broadcasts**~~

~~Contracts for most television network coverage of athletic events are part of Southland Conference and NCAA packages, which are handled and negotiated by the Director of Athletics and representatives of the Conference Office.~~

~~The Department holds contracts with two local radio stations for broadcasting of football, men's and women's basketball and select baseball games (See Policy 606E, Media Coverage: Television and Radio Programs, in this Manual for additional information.)~~

~~**Promotional Advertising**~~***Multi-Media Rights***

~~In order to offset expenses and/or enhance attendance at athletic events, the Department obtains advertising sponsors via contractual agreements. Such contracts are individually generated by the Assistant Athletic Director for External Affairs. Sponsorships include advertising through any of the following: radio network, game programs, scoreboard and sideline table advertising and signage.~~*SFA has contracted with a private corporation to be its exclusive world-wide multi-media rights holder which includes all athletic advertising, sponsorships and promotional rights*

These rights also include all ESPN3 telecasts produced by the athletic department and radio play-by-play of football and basketball. (See Policy 606E, Media Coverage: Television and Radio Programs, in this Manual for additional information.)

Purchases

In addition to formally written agreements with vendors, a properly executed purchase order constitutes a contract which is binding on both the University and the supplier. The proper

administration of all such contracts is the responsibility of the Assistant Athletic Director for Business Affairs. Contracts may be written in the form of Purchase Agreements, Facility Use Agreements, or other approved documents.

Athletic Team Apparel & Equipment

The athletic department has entered into a formal written agreement with an athletic team apparel company to be its exclusive outfitter for athletic team apparel including uniforms and shoes. This agreement extends to all intercollegiate teams with the exception of track and field/cross country teams.

Teams are able to enter into other exclusive agreements with equipment suppliers whose products are not in direct competition with the contracts company as per contract details. Such agreements are issued by the equipment company and routed for approval in the same way as other contracts.

Professional Services

From time to time the Director of Athletics may engage professional services from an individual(s) to assist in the hiring process of head coaches or administrative positions. SFA has a services agreement form that must be completed and routed in the same manner as other contracts. The Assistant Athletic Director will enter a purchase requisition when all parties sign the agreement.

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COMPUTER SERVICES

The Department of Intercollegiate Athletics currently uses personal computer systems and laptops with applications designed to meet the specific needs of the individual user. The Coordinator of Athletic Operations acts as the Department's computer specialist. The Networking and Telecommunications Office, a division of ~~University Information Systems~~*Information Technology Services (ITS)*, assists the Department with computer applications which may include: setting up work stations, training personnel in software and hardware applications, network applications and capabilities, research assistance for purchasing new equipment or updating existing hardware and software and general support and maintenance.

Individual PC units, laptops and printers are located throughout the Department as necessary for the most efficient use and application of existing Departmental computer stations.

Applications

Departmental access to the University's ~~main frame~~*data* system is used for but not limited to the following applications:

- Purchasing
- Inventory control;
- Class scheduling;
- Student billing information;
- Admission and pre-registration information; and
- Financial Aid information.

Individual PC computer applications within the Department include but are limited to:

- General Ledger and Accounting functions;
- Facilities and Events (scheduling and facilities management);
- NCAA Compliance form completion;
- Recruiting records;
- Strength training;
- Video analysis and editing
- Word-processing;
- Electronic mail;
- Scheduling;
- Spreadsheets;
- Desktop publishing
- Presentation graphics;
- Database creation; and
- Requisitioning programs.

Access

Access to the University system is controlled on an operator-specific basis. Access to each processor is controlled on a user-by-user basis, by password and personal identification codes. These passwords and codes are assigned to authorized users only and must be kept confidential. ~~Passwords must be re-set every 90 days.~~ Requests to re-set codes are indicated on the SET screen oriented system for each individual user.

Designated personal computers (i.e., in the Academic, Financial Aid and Business areas) are linked to the University ~~mainframe~~*system*. The system is accessed via Ethernet using the University cabling system. Access is controlled for: read-only, read-write or no-access, as approved or required.

To request or change access to any of the University's computer systems, an Account Request Form must be completed and authorized by the Coordinator of Athletic Operations or Director of Athletics, as appropriate. The completed form is forwarded to the specific University Department "owning" the portion of the system for which access is requested. Once approval is received, ~~Networking and Telecommunications~~*ITS* completes the programming required for approved personnel to gain access.

Training

The University's Office of Instructional Technology is available to assist the Department with computer training. In the event a new system or changes to an existing system have been added to the Department's computers, a training session may be scheduled at the request of the Department.

The ~~Networking and Telecommunications~~*ITS* Department has recently initiated a Customer Support Desk. This service has been developed as a University hot-line for computer problems or questions related to both hardware and software questions. Access to this service is made by dialing 468-1212.

Security

The University's system has two levels of security: account name and password, and access code and password. Account passwords are assigned by ~~Networking and Telecommunications~~*ITS*. Individual operators enter their own passwords, which are monitored by a system program for adherence to the standard of the system.

To protect the integrity and confidentiality of information stored on these computers, it is critical that all passwords and individual codes be kept confidential. Passwords, as well as I.D. codes are not to be written down near a terminal. To ensure the system's security, *complex* passwords are *required*~~changed every 90 days~~.

Should an authorized user feel that a password and/or identification code has been compromised, the Coordinator of Athletic Operations is to be notified in order that the compromised code can be replaced immediately.

Department data is backed-up on disk as needed. A network tape backup is completed on a daily basis for the University system.

Assistance

The Coordinator of Athletic Operations acting as the Department's computer specialist and liaison, aids with maintaining the Department's computer capabilities which include initial trouble-shooting of both hardware and software problems.

Users experiencing problems should first contact the Coordinator of Athletic Operations who will contact the Customer Support Desk or ~~Networking and Telecommunications~~*ITS* Department for further assistance, as necessary.

Service

All of the Department's individual PC's are connected to the University's ~~mainframe~~*network*. Requests for hook-ups must be made by the Coordinator of Athletic Operations. Once approval is received, a Work Order is generated and hardware and/or software installation is completed by ~~Networking and Telecommunications~~*ITS* technicians. The Department ~~is~~ *may be* charged for these services by IDT.

System Enhancements

Requests for system enhancement and/or expansion are submitted to the Coordinator of Athletic Operations who, working with the Assistant Athletic Director for Business Affairs and the Director of Athletics, evaluates the request on the -basis of:

- Compatibility with existing and future anticipated equipment and software;
- Availability of funds; and
- Priority on a Department-wide basis.

All such requests require the approval of the Assistant Athletic Director for Business Affairs and the Director of Athletics prior to implementation.

- Software Purchases

  The Coordinator of Athletic Operations should be contacted prior to the purchase of any computer software package. The Coordinator of Athletic Operations, working with the ~~Networking and Telecommunications~~*ITS* Department, is responsible for analyzing all software for compatibility with the system, insuring proper software licensure and application, as well as avoiding program duplications.

- Hardware Purchases

  The Coordinator of Athletic Operations is responsible for reviewing all computer hardware orders **prior** to their purchase, in order to insure that all hardware is network-compatible and that purchases are within the existing expansion plan and appropriate budget. Final approval rests with the Director of Athletics.

The Customer Support Desk is available for assistance and research in the area of hardware and software enhancement and purchases.

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UNIVERSITY MOTOR POOL

Stephen F. Austin State University maintains a fleet of ~~cars,~~ vans, trucks and additional specialized vehicles that are used exclusively for University business. The Department of Intercollegiate Athletics occasionally requests the use of one of these vehicles for a specific need. Use of these ~~cars~~ *vehicles* is charged back to each ~~cost center~~*travel* budget. Requests for University Motor Pool vehicles are made to the Assistant Athletic Director for Business Affairs.

Administration

~~University buses and vans are generally used for team travel. Requests for use of these vehicles are made each spring following the completion of competition schedules for each sport. All fees for use of these vehicles is charged back to each sports' budget. The requester must notify SFA Transportation when a driver is required for a University vehicle.~~

University buses and vans are generally used for team travel. Requests for use of these vehicles are made by the Assistant Athletic Director for Business Affairs following the completion of competitions schedules for each sport. All fees for use of these vehicles are IDT'd to each sport's travel budget. Sport secretaries must file copies of team travel request forms prior to each trip with Grounds and Transportation Department.

Insurance, Title, etc.

The University has a blanket insurance policy covering all vehicles. Title, tag, taxes, etc., are maintained by the University for all vehicles either owned or leased by the University.

Drivers

University motor pool vehicles may be driven only by persons with a University approved drivers certificate. This certificate is issued for three (3) years. Initially, a six (6) month temporary certificate may be issued to approved drivers. In order to qualify for a permanent certificate, a staff member must have a Texas drivers license and complete a University approved Defensive Drivers course. For Departmental staff drivers, the cost for this course is charged back to the Department.

Driver certification is required for any University employee who must drive a University vehicle, including rented or leased, within the scope of his/her employment. Such certification is processed throughout the University Police Department (UPD). An "Application Approved Drivers Certification" form is obtained and should be signed at the bottom by ~~the Associate Athletic Director for Internal Affairs or~~ the Athletic Director.

A defensive driving course must be completed every three years in order to receive an Approved Driver certificate. Drivers who operate 15-passenger vans must also have completed a van safety course conducted by the University Safety Office. Fees for both defensive driving and van safety courses are paid by the Athletic Department.

Passengers

Passengers on Athletic Department trips in University vehicles are normally departmental employees and students. Passengers who do not fall into these categories may be authorized to ride in University vehicles with permission of the Athletic Director.

For 15 passenger vans, only 11 persons without cargo/luggage or 9 persons with cargo/luggage are allowed to ride. Teams should plan accordingly in determining the number of vans needed for trips.

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STUDENT-ATHLETES: RECRUITMENT

Participation in athletics is an important component of the student-athlete's college experience, although academic achievement must remain of primary concern. Athletic success gained and maintained through the recruitment of student-athletes who possess the necessary skills to successfully compete on both levels at Stephen F. Austin State University. Therefore, the University endeavors to recruit only those individuals who have demonstrated exceptional abilities in the classroom as well as on the playing field.

Moreover, the University prides itself in conducting its recruiting program with integrity. The Department of Intercollegiate Athletics has established rules within each sport which meet or exceed the rules and regulations established by the NCAA and the Southland Conference to govern recruiting activities. As the University's delegated administrator of the athletics program, the Director of Athletics accepts full responsibility for actions related to recruiting taken by Departmental staff members. The Director ensures that all recruiting activities are carefully coordinated and documented by each Head Coach and monitored by the Associate Athletic Director for Compliance to ensure total compliance with established guidelines and procedures.

To achieve full compliance, it is particularly important that each staff member involved in recruiting activities be knowledgeable of established recruiting rules and regulations and any revisions related to them. They include, but are not necessarily limited to the following:

- Offers and Inducement;
- Contracts;
- Evaluation Periods;
- Publicity
- Use of Funds;
- Tryouts
- High School All-Star Games;
- Official and Unofficial Visits (Transportation, Visitation and Entertainment);
- Pre-College Expenses:
- Specialized Sports Camps, Coaching Schools and Clinics; and
- Booster Activities

The Associate Athletic Director for Compliance with assistance from the Assistant Athletic Director for Academic Services, is responsible for monitoring recruiting rules and regulations and informing staff members involved with recruiting operations of all pertinent updates and changes in a timely manner. Furthermore, the Associate Athletic Director for is available to assist recruiting staff in the interpretation of NCAA rules and regulations, and to answer specific questions concerning recruiting. The Associate Athletic Director for Compliance may request assistance from the Director of Athletics, or directly consult with NCAA or Southland Conference staff when questions concerning compliance issues arise.

All rules and regulations relevant to recruiting are carefully detailed in Bylaw 13 of the *NCAA Manual.*

Recruiting Violations

Recruiting violations, however unintentional, have resulted in adverse publicity and sanctions for many colleges and universities throughout the United States. The Department's best defense against recruiting violations is a thorough knowledge of and strict adherence to all pertinent NCAA rules and regulations by all Departmental staff when recruiting student-athletes.

All representatives of the Department involved in recruiting and/or related athletic activities are required to certify annually that, to the best of their knowledge, they and their colleagues have complied with University policy and NCAA rules and regulations governing the recruitment of prospective student-athletes (see Policy 510A, Coaches and Administrators: Employment Contracts).

The Southland Conference requires that a Coaching Staff and Off-Campus Recruiters Designation form (see Appendix 502A-1) be completed for each sport ~~and submitted to the Conference office~~ by September 15 of each year *and maintained by the Director of Athletics*. This form is available to head coaches in ARMS software for completion and submission to the Director of Athletics. In addition coaches recruiting off-campus must be certified annually and pass a standardized test on recruiting regulations before engaging in any off-campus recruiting. A list of all coaches certified to recruit is maintained in the Office of the Director of Athletics.

When involved in recruiting activities, it is especially important to keep in mind these two facts:

1. Any violation (intentional or accidental) of NCAA, Conference or University rules and regulations must be reported **immediately** to the Associate Athletic Director for Compliance. If the Associate Athletic Director for Compliance is not available, violations should be reported to the Director of Athletics or the Institutional Athletics Representative.

2. Anyone found guilty of a serious recruiting violation (including persons who only have knowledge of violations but fail to report them) are subject to financial penalty and/or immediate dismissal from the University.

Alumni Activities

Over the past several years, NCAA bylaws governing recruiting activities have been amended to greatly limit the role of alumni in recruiting activities. NCAA Bylaw 13 in the NCAA Manual specifies the restrictions which apply to "athletics representatives." In general this legislation prohibits telephone conversations with prospects, contact at athletic contests, contact with coaches for evaluation purposes and visits to the prospects institution to pick up films, transcripts, etc.

Alumni recruiting activities are permitted provided they relate to the normal admissions procedures which are applicable and available to all prospective students. Personal contacts may **not** be made for the purpose of athletic recruiting. Extreme caution must be taken at all times to insure that the distinction between **athletic** and **academic** recruiting is absolutely clear.

PROCEDURES

The key to recruiting is careful planning and successful implementation. Taking into consideration budget limitations, coaches are urged to identify particular geographic

concentrations of prospective student-athletes for their respective sport. These prospective student-athlete pools become the basis of the program's overall recruiting strategy and should be prioritized according to specific need. The Head Coach for each sport is responsible for initiating the following recruiting activities:

- Identification of Prospects

  Head Coaches may develop and send questionnaires to high school and junior college coaches in target areas requesting the identification of prospects. Questionnaires may also be sent to individual prospective student-athletes identified by athletic boosters, friends of the Department, coaches, etc.

  Questionnaires may not serve as a recruiting brochure or poster promoting Stephen F. Austin State University.

  Additional information on prospects may be gained by:

  1. Observing video and actual play;
  2. Reviewing published literature;
  3. Monitoring the prospect's level of academic progress; and
  4. Reviewing the Recommendation Form, if available.

Evaluation periods are scheduled for the various sports in accordance with NCAA guidelines.

- Distribution of Information

  Materials on the University, including its academic and athletics programs, may be sent to high schools and two-year colleges, as well as individual students. University materials may be sent to prospective student-athletes at any time during their secondary school attendance if the information is part of a regular institutional mailing to all prospective students. However, Department of Intercollegiate Athletics materials may not be sent to a prospective student-athlete **before the first class day of his/ her junior year of high school (except men's basketball, which may begin sending materials on June 15, following the prospects sophomore year)**. All recruiting materials must comply with NCAA rules and regulations governing printed recruiting aids. Facsimiles (FAX) and electronic mail communications to prospects are subject to restrictions on general correspondence.

  Organized mailing campaigns to identified prospects are usually initiated in the spring semester of the prospect's junior year. Permissible publications include the following:

1. General correspondence cannot exceed 8.5 X 11 inches and cannot be sent in an envelope larger than 9 x 12 inches.

2. Official academic, admissions and student services publications, produced by the institution and available to all students.

Questionnaires and summer camp brochures may be mailed prior to September 1 of a prospect's junior year in high school. Prospective student-athletes may also receive NCAA educational information related to recruiting.

Once the prospect has been officially accepted for enrollment and has signed the National Letter of Intent, institutions are permitted to provide pre-enrollment information regarding orientation, conditioning, academic and practice activities (e.g., play books).

- Media

  Official academic admissions and student services media produced by the institution and available to all students may be provided to prospective student-athletes.

- Recruiting Timetables

  Head Coaches for each sport, with the assistance of the Associate Athletic Director for Compliance, maintain timetables and appropriate checklists to assist with recruiting efforts. Timetable information varies from sport to sport according to NCAA regulations and may include:

  1. Recruiting and evaluation periods;
  2. Contact periods;
  3. Organized bulk mailing campaigns;
  4. Admissions and financial aid application deadlines;
  5. Off-campus recruiting schedules;
  6. On-campus recruiting weekends;
  7. "Dead Periods;" and
  8. National Letter of Intent signing dates.

The Associate Athletic Director for Compliance distributes for the Department recruiting information each month prepared by the NCAA specifying quiet periods, contact and evaluation periods, and signing dates in each sport.

Evaluation of Academic Records

At the time of the **initial** contact with a prospective student-athlete, the recruiting coach should request a copy of all transcripts which reflect the academic performance of the student through his/her junior year, as well as a listing of subjects in which the student is currently enrolled or is scheduled to complete prior to registration at the Stephen F. Austin State University.

Such transcripts from all secondary and post-secondary institutions, as well as SAT/ACT test scores, should be reviewed by the coach and if needed, by the Assistant Athletic Director for Academic Services or that sport's academic services contact in order to properly evaluate the prospective student-athlete's chances of becoming a "qualifier" and thus of meeting the University's admission requirements. (For specific academic qualifications, see Policy 502B, Student-Athletes: Admissions, and 502C, Student-Athletes: Eligibility, in this Manual.)

Coaches should carefully consider the evaluation of a prospect's academic record in determining further recruiting efforts. Coaches are encouraged to complete an academic evaluation **before** an invitation is extended to a recruit for the official campus visit. Transcripts must be sent directly from the prospect's institution to SFA's Office of Admissions. Moreover the prospect's National test score must be received prior to an official visit. Prospects must also be registered with the NCAA Eligibility Clearinghouse prior to any official visit.

Contact and Evaluation Forms

All contact and evaluation records for each prospective student-athlete in each sport is recorded in the ARMS software program. ARMS data includes the recruiting coach's name, prospect's name, address, phone and email address, date(s), time(s) and sites of contacts and evaluations, the name of the high school or junior college, and its address and phone number plus the name of the school's head coach, guidance counselor and principal, as well as a section to list all phone call contacts made and their dates and times.

Updated recruiting records must be maintained by all coaches and is not optional. These records will be used to validate recruiting travel reimbursement as well as demonstrate compliance with NCAA recruiting legislation.

Off-Campus Evaluations

The evaluation of a prospective student-athlete, as defined by the NCAA, includes any off-campus activity designed to assess the academic qualifications or athletic ability of a prospect. Such an evaluation includes any visit to a prospect's institution or observation of a practice or competition at any site at which the prospect participates. If no contact is made, this "activity" counts only against the limitation placed on evaluations. However, if the prospect is also contacted at this site, the "activity" is counted as an evaluation **and** a contact.

All off-campus evaluations must be authorized by the Director of Athletics or designated representative **prior** to the visit. When scouting prospective recruits off-campus, the coach's name must first appear on the written list of full-time coaches on file in the Director of Athletics' Office. This certification is in compliance with the NCAA's limitation on the number of full-time coaches.

In sports other than football and basketball, each institution shall be limited to **seven recruiting opportunities**, contacts and evaluations combined per prospect at any site (which shall include contacts made with the prospect's relatives or legal guardians but shall not include contacts made during an official visit, and **not more than 3 of the 7 opportunities may be contacts**).

1. If a prospect is being evaluated for multiple sports, then **each** sport is permitted the maximum number of evaluations per sport per academic year, however, only one visit per prospect per week is permitted.

2. When two (2) or more prospects are practicing or competing on the same or opposing teams, an observation counts as one (1) evaluation for **each** prospect.

3. Once the maximum number of evaluations per sport have been made on any prospect(s) at an institution, it is not permissible to visit that institution to evaluate **any other prospect(s) participating in that sport.**

4. During the academic year, an evaluation of a tournament counts as one evaluation (e.g., all competition that occurs on consecutive days within a tournament or that involves a tier of a tournament counts as a single evaluation).

5. In football, prospects may be evaluated only one (1) time during the fall evaluation period and two (2) times during the May evaluation period.

6. Talent scouts may **not** be employed to evaluate prospects; however, subscriptions to regularly published scouting reports are permissible provided they meet all current criteria defined in NCAA legislation for such scouting services.

7. Representatives of the SFA's athletics interest (e.g., boosters) may not pick up a prospect's academic records or athletic performance films or tapes for the Department.

8. Evaluations of prospects are for the Department's exclusive use and may not be distributed or "leaked" to media or to a recruiting service.

Off-Campus Recruiting Contacts

The NCAA defines a "prospective" student-athlete as an individual who has started classes for the ninth grade and a "recruited" student-athlete as an individual who has received transportation to campus, is contacted by telephone, receives correspondence other than a generic letter, and/or is visited or arrangements are made to visit or entertain him/her (or his/her family) for the purpose of recruiting. Since many less obvious activities may also constitute recruiting activities, all contact with potential prospects must be reported to the Associate Athletic Director for Compliance.

- Definition of a Contact

  An in-person contact is defined as any face-to-face encounter (pre-arranged or by chance) that a coach has with a prospective student-athlete or the prospect's parents or legal guardians during which a dialogue other than a simple greeting is exchanged. Furthermore, any face-to-face, pre-arranged contact with a prospective student-athlete, no matter how brief the encounter, must be counted as an in-person, off-campus contact if it takes place at the either of these sites:

  1. The prospect's educational institution; or
  2. The site of an organized competition or practice.

It is permissible to make in-person, off-campus contacts and telephone calls with prospective student-athletes, their relatives or legal guardians provided that all three (3) of the conditions below apply:

1. The contacts or calls are in compliance with all current NCAA recruiting legislation.
2. They are made by coaches or recognized staff members of the University; and
3. They are **not** made by a "representative of the University's athletics interests" i.e., alumni or booster club members).

In sports other than Football, designated athletic staff members may only make a total of **three (3) contacts per staff member with a prospect**, either at the prospect's educational institution or at any other sites. Coaches from the same University are permitted to visit a prospect's educational institution **only once per week**. Therefore, when a prospect is recruited for multiple sports, the coaches of the various sports must make contact with the prospect on the same day of the week. However, coaches visiting a prospect's educational institution on consecutive days to observe a multi-day tournament during the academic year are permitted to log the tournament as the one permissible visit per week.

To reduce the risk of unintentional violations of recruiting contact limits, all visits should be coordinated with the Head Coach and, as appropriate, with the Associate Athletic Director for Compliance. Additional, in the sports of football and basketball contacts and evaluations must be restricted to the periods specified for those. (For additional information regarding recruiting restrictions for transfer student-athletes, see Policy 502C, Student-Athletes: Eligibility, in this Manual.)

Other important contact rules include the following:

1. Recruiting contacts are prohibited **prior** to any athletics competition (including club sports, intramurals, etc.) in which a prospect is a participant; however, contact is permitted, during applicable contact periods, once the prospect has been released by the appropriate authority (e.g., prospect's coach).

2. Prospective student-athletes may not be contacted for 48 hours prior to and 48 hours after 7:00 a.m., on the National Letter of Intent signing date.

3. Before contact is made with a student attending another four-year institution, **written permission** must be obtained from the original institution's Director of Athletics (or designated representative). A letter of release must be on file in the Director of Athletics' Office.

Daily records of recruiting contact must be kept ~~on the applicable Southland Conference Recruiting Log or on an electronic recruiting package approved by the Associate Athletic Director for Compliance (see Appendixes 502A-4, 5 and 6), copies of these forms are kept in the appropriate sport's recruiting office and by the Associate Athletic Director for Compliance.~~*on the ARMS software package.*

Telephone Calls

Telephone calls initiated by Departmental staff members ~~(with the exception of men's basketball) must be logged on the prospect's individual Southland Conference Recruiting Log. Telephone calls to prospective student-athletes are subject to the following restrictions~~*should be made through ARMS software*:

1. In men's and women's golf, tennis, *baseball, softball, volleyball,* bowling and soccer, telephone calls to a prospective student-athlete may not be made before the opening day of classes of the prospect's junior year in high school; thereafter, staff members can make telephone calls to PSA at its discretion.

   ~~In baseball, softball, volleyball, men's~~ *Men's* & women's cross country and track, telephone calls cannot be made before July 1 following the completion of the PSA's junior

year. Thereafter, calls are limited to once per week, but unlimited during contact periods.

In football, one telephone call to a prospect may be made during the period April 15 – May 31 of the prospects junior year in high school. Additional telephone calls may not be made before September 1 of the beginning of the prospects senior year in high school; thereafter, such telephone contact is limited to once per week outside of a contact period. During a contact period, such telephone calls may be made at the institution's discretion.

In the sport of men's basketball, calls to a prospective student-athlete may be made on or after June 15 following the prospects sophomore year in high school. If an individual attends an educational institution that uses a nontraditional academic calendar (e.g. Southern Hemisphere) telephone calls to the individual (or his/her relatives or legal guardians) may be made before the day after the conclusion of the individual's sophomore year in high school. Thereafter, an institution may make telephone calls to a prospective student-athlete at its discretion.

In the sport of women's basketball, telephone calls may not be made before September 1, at the beginning of the PSA's junior year in high school. Thereafter, calls to PSA may be made at the institutions discretion.

Coaches are required to utilize ARMS software to place all recruiting calls not only to track calls but to prevent possible NCAA violations when unrestricted calls are not permitted.

2. Only coaches or recognized staff members may make telephone calls to a prospect, his/her parents or legal guardians.

3. **No calls** may be made **from the field/floor** during any of University's athletics contests in the prospect's sport.

4. SFA students or student-athletes are **not** permitted to make telephone calls to prospects at the direction of a staff member of athletic representative.

5. However, telephone calls from enrolled students to prospects are permitted provided they are part of the University's regular admissions programs directed at all prospective students.

Institutional coaching staff members may accept collect and toll-free (1-800, 1-888) calls placed by a prospective student-athlete or the PSA's parent/legal guardian provided the calls are placed not earlier than the date on which the institution may begin placing telephone calls to the PSA.

- Unlimited phone calls are permitted by SFA staff members as follows:

    1. Staff members may make unlimited telephone calls to a prospect during the five (5) days immediately preceding the prospect's official visit.

    2. Staff members may make unlimited telephone calls to a prospect on the initial date for the signing of the National Letter of Intent and during the two (2) days immediately following the initial signing date.

3. In the sport of football, staff members may make unlimited telephone calls to a prospect during the 48 hours prior to and 48 hours after 7:00 a.m. on the initial signing date for the National Letter of Intent.

4. Staff members may make unlimited telephone calls to a prospect on the day a permissible, in-person, off-campus contact occurs.

Unofficial Campus Visits

Prospective student-athletes are welcome to visit the University at their own expense, **except during "dead periods."** During unofficial visits to the campus, prospective student-athletes may be provided with complimentary admission to Departmental athletics events, as allowed by the NCAA. In addition, the sport's designated recruiting coach may arrange for the prospect to meet with faculty, student-athletes, Departmental administrators and other appropriate individuals in order to help the prospect gain pertinent information. Prospects may also be provided transportation to an off-campus practice site within a 30 mile radius of the campus when accompanied by a Departmental staff member.

Each sport maintains an Unofficial Visitation Form (see Appendix 502A-7) for all prospects completing an unofficial visit. **Extreme care must be taken to ensure that prospects are not involved in any on-campus activity that might be construed as entertainment or given financial assistance with travel, meals or lodging while making an unofficial visit to the campus.** Additionally, prospects and their traveling companions, are not allowed to receive special (i.e., VIP) seating at on-campus athletic events.

Official Campus Visits

Prior to the visit, the following steps are taken:

1. The Head Coach or designee will request through the ARMS software program permission to provide an Official Visit. This request must first be approved the Assistant Athletic Director of Academic Services and then forwarded to the Associate Athletic Director for Compliance. Head coaches or designee should upload copies of high school transcript(s) and scores from SAT or ACT exams, along with a copy of the Official Visit Notification Letter into the ARMS software program as requested. A prospective student-athlete may not make an Official Visit until he/she has submitted a score from a PSAT, SAT, PACT or ACT taken on a national testing date and must be registered with the NCAA Eligibility Center and placed on the institutions IRL.

2. At least 48 hours prior to the visit, the prospect is notified by letter that the scheduled visit counts as one of his/her five (5) allowable paid visits.

3. The Head Coach or designate plans itineraries for official visits. The itinerary should include complete travel plans, lodging, meal plans and attendance at scheduled games and practices. Itineraries may also include scheduled visits to classes on campus; attendance at planned University activities (e.g. pep rallies and concerts); meetings with coaches, staff, players, academic counselors and admission representatives; and a tour of campus and sports facilities. The completed itinerary and any additions or changes are kept in the prospect's recruiting file.

4. The Southland Conference Official Visitation Form (see Appendix 502A-10) is maintained during the official visit. This form lists persons accompanying the prospect,

transportation, lodging, meals, itineraries and reimbursements made to the prospect. Copies of this form along with a completed Official Visit Exit Interview form (see Appendix 502A-15), a Student Host Instruction form upload into the ARMS software program during the post-visit phase.

Planning Activities for the Official Visit

In order to have a productive official visit, particular objectives should be kept in mind when planning activities. Basically, those planning the visit should strive to provide a safe, informative visit for each prospect and his/her parents, guardians, or spouse, with an appropriate amount of enthusiasm demonstrated toward the prospect's chances of attaining a place at Stephen F. Austin State University. Likewise, after visiting SFA, the prospect should be able to adequately assess whether the campus environment, as well as its academic and athletic programs, are best suited to his/her needs. During the visit the prospect should also be made fully aware of all procedures associated with admission, and his/her obligations to the University and the Department of Intercollegiate Athletics.

Each visit should be individually tailored to the prospect's needs, focusing upon his/her individual academic interests or specialties. The Head Coach or designate, arranges for meetings with faculty, student-athletes, students, coaches, trainers, equipment managers and the Director of Athletics, as appropriate.

A prospective student-athlete may attend athletic events while on his/her one, official visit. The Head Coach or his/her designate, makes arrangements for complimentary admissions with the Ticket Office, ensuring compliance with NCAA rules and regulations. For additional information related to the entertainment of prospects, see Policy 408D, Ticket Office: Complimentary Tickets, and Policy 601C, Travel: Prospective Student-Athletes, in this Manual.

Those involved in planning the official visit should be aware and take advantage of any on-campus social events, such as faculty gatherings, student organization functions, fraternity parties, etc., that introduce the University's student life to the prospect. However, care should be exercised so as not to violate any NCAA rules and regulations.

Departmental policies prohibit any consumption of alcohol by the prospect during his/her visit, as well as gambling, illegal drug use and arrangement of sexual activities for entertainment.

Student Hosts

SFA student-athletes acting as host during official visits must be fully informed regarding all NCAA rules and regulations which affect recruiting. Only student athletes are permitted to serve as hosts. Student athletes must meet and be certified by the Associate Director of Athletics for Compliance before serving as hosts.

The Head Coach or designate assigns each prospect a host/hostess for the official campus visit. The host/hostess is expected to provide general information concerning campus life, answer questions about the University and the Department, tour the prospect around the campus and the surrounding area, and most importantly, make him/her feel welcome.

NCAA rules allow the University to give a student host/hostess $40 per day which is to be used to pay for all entertainment and snacks while the prospect is on-campus for the official visit. Prior to the prospect's arrival, the Head Coach obtains the student host funds from the Assistant

Athletic Director for Business Affairs and disburses it to the student host upon completion of the review and signing of the Student Host Instructions for Official Visits form (see Appendix 502A-12). Each student host is required to sign and date the form, agreeing to comply with applicable regulations and acknowledging the receipt of host funds. *This form is to be uploaded into ARMS as part of the post-visit documentation.*

Administration of National Letter of Intent

The Southland Conference annually subscribes to the voluntary National Letter of Intent program administered by the Collegiate Commissioner's Association (CCA). As a member institution of the Southland Conference, Stephen F. Austin State University and the prospective student-athletes who signs the Letter of Intent are bound by the policies in effect at the time of signing.

The National Letter of Intent is initiated by the Head Coach and completed by the Associate Athletic Director for Compliance & Student Services by using the ARMS software to Request a Scholarship Agreement.

Once approved, all paperwork will be sent next-day delivery by the Associate Athletic Director for Compliance to the student athlete for signature.

Upon receiving notification that a prospective student-athlete has signed a National Letter of Intent with an institution other than Stephen F. Austin State University, no further recruiting efforts are to be made by Departmental staff members.

SFA
7/~~2015~~*2016*

STUDENT-ATHLETES: ELIGIBILITY

A student-athlete's athletic eligibility can be affected by academic performance and progress, as well as conduct and participation in outside competitions or activities. Adherence to all University, Southland Conference, and NCAA rules governing athletic and academic eligibility is mandatory for all Department of Intercollegiate Athletics staff members and student-athletes.

The Head Coach, with the support of the Director of Athletics, and in conjunction with the Associate Athletic Director for Compliance & Student Services and the Assistant Athletic Director for Student Services, ensures compliance with the rules and regulations regarding student-athlete eligibility. The University's Director of Admissions determines the initial eligibility of student-athletes and provides the academic information for certification purposes to the Department's Assistant Athletic Director for Student Services.

- In general, to be considered eligible for participation in intercollegiate athletics, a student-athlete must:

- Be accepted for enrollment under the rules of the University

- Be eligible to practice and compete according to Conference and NCAA eligibility rules and regulations; and

- Be registered in a full-time program of studies (at least twelve (12) credit hours each regular term for undergraduate students, nine (9) hours for graduate students).

Student-athletes may compete for four (4) years, provided their final year of competition occurs within (5) calendar years of the initial date of full-time enrollment in a post-secondary institution. An additional year of competition may be granted if a student-athlete meets the requirements of a hardship waiver, as defined in the NCAA Manual (i.e., medical hardship, foreign-aid services, church missions, pregnancy and specified athletics activities).

INITIAL ELIGIBILITY REQUIREMENTS

Student-athletes enter the University initially as high school graduates or as transfer students from another college. NCAA initial eligibility requirements differ according to the type of entrance into the University, as outlined below.

High School Graduates

The NCAA Initial-Eligibility Clearinghouse must certify the eligibility of each freshman student-athlete. Prospective student-athletes register with the Clearinghouse by completing and processing the NCAA Clearinghouse Student-Release-Form. Prospective student-athletes must meet the following criteria in order to satisfy NCAA requirements for initial eligibility and be considered a qualifier for intercollegiate athletics participation.

- Grade with a minimum GPA, as specified in the chart on Appendix 502C-1, based on a maximum 4.0 scale in a successfully completed core curriculum of at least 16 academic courses including;

English	**4 Years**
Mathematics (one (1) year of Algebra and one (1) year of Geometry or a high level math course for which geometry is a prerequisite)	**3 Years**
Natural or Physical Science (includes at lease one 91) lab class)	**2 Years**
Additional Course From English, Math or Science	**1- Year**
Social Science	**2 Years**
Additional Academic Courses (any of the above areas or foreign language, computer science, philosophy or nondoctrinal religion)	**4 Years**

Furthermore, minimum required SAT or ACT score must be achieved prior to the student's initial full-time enrollment in any collegiate institution.

Stephen F. Austin State University's admission standards meet or exceed the criteria for admission required by the NCAA. For specific University admissions requirements, see Stephen F. Austin State University's General Bulletin and policy 502B, Student-Athletes: Admissions in this Manual.

Transfer Student-Athletes

The Office of Transfer Admissions evaluates the academic record of all students who are interested in transferring to Stephen F. Austin State University. Athletic eligibility requirements are imposed by the Conference for intra-conference transfers and by the NCAA as summarized below.

Initial academic eligibility requirements for transfer student-athletes, per NCAA regulations, vary according to whether previous enrollment was at a two-year or four-year institution. In all transfer situations, NCAA rules and regulations apply unless Conference rules are more stringent. Head Coaches, prior to any contact with a student attending a four (4) year institution, must receive approval from the Director of Athletics who must obtain written permission from the original institution's Director of Athletics.

Intra-Conference Transfer

Southland Conference Intra-Conference Transfer rules adhere to the NCAA's eligibility rules related to student-athletes transferring from one (1) institution to another. While NCAA regulations require the student-athlete to complete one full academic year of residence before becoming eligible to compete in a sport, the Conference requires that the student-athlete forfeit one (1) season of competition eligibility and be ineligible to receive athletically related financial aid and/or practice during the NCAA's imposed residency requirement. Exceptions to this policy do exist if the transferring student has never received athletic aid from the departing school.

The following summarizes the NCAA's eligibility provisions for transfers.

- Transfers From a Two-Year Institution (High School Qualifiers)

  To be eligible for practice, regular season competition and athletically-related financial aid, a student who transfers from a two-year college that conducts an intercollegiate athletics program must meet the NCAA initial eligibility requirements, as well as the transfer requirements of the University. Additionally, the student must:

  1. Have attended the first institution for at least one full time semester & averaged 12 hours of transferable-degree credit per semester of attendance.

  2. Present a 2.500 GPA (on a scale of 4.00) in all transferable course work

  3. Have passed a minimum of 6 hours of credit in their last full-time semester of attendance.

  4. Not more than two credit hours of physical education activity courses may be used to fulfill the transferable degree credit and grade-point average requirements.

- Transfers From a Two-Year Institution (High School Non-Qualifiers)

  A student who was not a qualifier is eligible for financial aid, practice and competition during the first year in residence as SFA if the student has accomplished the following:

  1. Graduated from the two-year institution with a minimum of 48 semester or 72 quarter hours of transferable degree credit toward any degree offered at the certifying institution, including six semester hours of transferable English credit and three semester hours of transferable Math Credit and three semester hours of transferable natural/physical science credit.

  2. Has attended a two-year college as a full-time student for at least three (3) semesters or four (4) quarters (excluding summer sessions); and

  3. Earned a cumulative GPA of 2.500 for all transferable course work.

  4. Have passed a minimum of 6 hours of credit in their last full-time semester of attendance.

  5. Not more than two credit hours of physical education activity courses may be used to fulfill the transferable degree credit and grade-point average requirements.

  The NCAA Manual should be consulted for additional two-year college transfer regulations as related to the following issues:

  1. Students who have attended multiple two-year colleges;
  2. Students who have competed in a sport at the two-year college of residence;
  3. Credits earned as a part-time student at a four-year institution;
  4. Minimum course load requirements;
  5. Competition in year of transfer; and
  6. Academic versus vocational degrees.

- Transfers From a Four-Year Institution

  The NCAA requires that a transfer from one four-year institution to another four-year institution establish residency (usually one year) at the new institution before he/she can compete. In most cases, however, if the student is granted a release from the previous institution, he/she can engage in practice and receive financial aid. In sports other than basketball, a student may compete immediately without establishing residency provided the following NCAA conditions are met:

  1. The student has not transferred before from one four-year institution to another;

  2. The first institution certifies that the student met satisfactory progress requirements and he/she would have been eligible had he/she returned; and

  3. The first institution certifies in writing that it has no objection to the transfer and waiver of the residency requirement.

  4. Have passed a minimum of 6 hours of credit in their last full-time semester of attendance

  Additional exceptions to the residency requirement for transfers from a four-year institution are described in detail in the NCAA Manual.

- 4-2-4 Transfers

  A student-athlete who transfers from a four-year college to a two-year college and then to SFA must fulfill a one-year residency requirement unless the following conditions have been met:

  1. The student has completed a minimum of 24 semester or 36 quarter hours at the two-year college following transfer from the four-year college.

  2. One calendar year has elapsed since the student's departure from the previous four-year college, and:

  3. The student has graduated from the two-year college and has achieved a cumulative GPA of 2.500; or

  4. The student returns to the original four-year college from which he or she transferred to the two-year college; or

  5. The student was initially enrolled in a four-year college that never sponsored his/her sport on an intercollegiate level while the student attend the institution; and

  6. Have passed a minimum of 6 hours of credit in their last fulltime semester of attendance.

  7. The student has completed an average of 12 semester hours of transferable degree credit with a cumulative minimum grade point average of 2.500, acceptable toward any baccalaureate degree program at the certifying institution for each term of

fulltime attendance at the two-year institution following transfer from the four-year institution most recently attended.**

8. One calendar year has elapsed since the student's departure from the previous four-year institution.**

9. The student has graduated from the two-year institution.**

** For student-athletes initially enrolling fulltime on or after 8/1/2012.

For a detailed description of 4-2-4 transfer regulations, see Bylaw 14 in the NCAA Manual.

CONTINUING ACADEMIC ELIGIBILITY REQUIREMENTS

NCAA Academic Requirements

In order to maintain academic eligibility for athletic participation after the initial year, NCAA regulations require student-athletes to make satisfactory progress toward a baccalaureate or equivalent degree. More specifically, a student-athlete must satisfy these requirements:

1. Remain academically eligible to attend SFA by maintaining a grade point average that places the student-athlete in good academic standing.

2. Complete 24 acceptable degree credit hours prior to the start of the second year of enrollment.

3. Earn 18 semester hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters (hours earned during the summer may not be used to fulfill this requirement).

4. Pass 6 new credit hours each semester and earn a minimum GPA of 1.800.

5. After the fourth semester of attendance, complete minimum of 18 credit hours during the fall and spring semesters with a minimum GPA of 1.900. Pass 6 new credit hours each semester and have completed 40% of the student's degree plan.

6. After the sixth semester of attendance, complete minimum of 18 credit hours during the fall and spring semesters with a minimum GPA of 2.000. Pass 6 new credit hours each semester and have completed 60% of the student's degree plan.

7. After the eighth semester of attendance, complete minimum of 18 credit hours during the fall and spring semesters with a minimum GPA of 2.00. Pass 6 new credit hours each semester and have completed 80% of the student's degree plan.

University Academic Requirements

The University requires all undergraduate students to maintain a grade point average which ensures that they are making progress toward the cumulative grade point average minimum required for graduation. Students are required to have a minimum 2.0 GPA.

Student-athletes are to be encouraged to declare a major program of study by the middle of their sophomore year. Once a major has been declared, only grades acceptable for degree credit in that major may be applied toward the satisfactory progress requirement. Degree applicability is determined by the school or college offering the program of study.

- Probation

  Students are placed on academic probation after the first regular semester in which the grade point average fails to meet the minimum standards stated above.

  Scholastic probation does not affect the athletic eligibility of a student-athlete unless he/she fails to meet academic standards for students on probation. A coach may impose practice sanctions or additional study requirements to ensure improvement in the student-athlete's academic standing at the University. (See Policy 503, Student-Athletes; Academic Policy in this Manual for more information.)

- Suspension

  Per University standards, a student is placed on academic suspension for one (1) regular semester after the second consecutive regular semester of enrollment in which he/she fails to meet the minimum standard grade point average.

Failure to achieve the minimum standard grade point average in summer school will not result in Academic Suspension.

- Reinstatement

  A student on academic suspension may be allowed to continue his/her studies at the University by:

  1. Attending summer school at SFA and raising his/her GPA to the minimum University standard; or

  2. Passing with a C average or better at lease nine (9) semester credit hours as specified by his/her college dean; or

  3. Being reinstated on probation automatically after one regular semester's absence from the University.

  Additional conditions for readmission may be imposed by the college deans.

Further, if a student-athlete is declared academically ineligible, in accordance with provisions of NCAA Bylaw 14.12, and the institution has a documented appeal process for all such students, the student-athlete's eligibility during the appeal process is based on the institutional regulations applicable to all such students. Additionally, if the institution's appeal process extends into the following term, an eligibility declaration for purposes of NCAA legislation must be made before the beginning of that term.

Exceptions to the Progress-Toward-Degree Rule

The NCAA permits exceptions to the progress-toward-degree rule under certain circumstances. These are explained in detail in the NCAA Manual, Bylaw 14, and include the following:

- Missed Term

  A student-athlete may miss up to one academic year of enrollment for one time only if he/she:

  1. Fulfilled satisfactory progress requirements while previously enrolled;
  2. Was eligible for enrollment during the intended absence;
  3. Did not participate in any outside competition while not in attendance at the University.

- Midyear Enrollment

  Must earn 6 hours of credit.

- Non-Recruited, Nonparticipant

  A student-athlete may qualify for an exception to the application of the progress-toward-degree for the initial season of eligibility if the student-athlete:

  1. Was not recruited;
  2. Has not received athletically related financial aid; or
  3 Has never practiced or participated in intercollegiate athletics, except for participation in limited preseason tryouts.

  The student-athlete's eligibility in subsequent seasons is governed by the provisions of the progress-toward-degree rule which is applied from the beginning of the first semester in which the student participates in intercollegiate athletics. This exception shall not apply to percentage-of-degree and minimum grade point average.

- Medical Absence

  A Medical Absence Waiver may be pro-rated at 9 hours per term when a student-athlete sustains an illness or injury that precludes full-time enrollment. Medical documentation is required and the waiver is granted by the Conference Office. Credits earned during this period may be used to satisfy the 24 hour, percentage-of-degree and grade point average requirements. (See Policy 506A, Student-Athletes: Medical Policy, in this Manual for additional information.)

- International Competition

  Academic and enrollment waivers may be granted to student-athletes participating in Pan American, Olympic or World University Games. The waiver is granted by the Conference Office.

Change of Major

As stated above, a major or designated major must be selected no later than the beginning of the fifth term of college enrollment. Thereafter, a change of major during any term is permissible, but credits used to meet progress-toward-degree requirements prior to the change must be acceptable for the degree previously sought.

CONDUCT AND SPORTS PARTICIPATION ELIGIBILITY REQUIREMENTS

Student-athletes are expected to uphold ethical standards of conduct and demonstrate ethical behavior, especially in matters related to gambling and bribery and unsportsmanlike conduct, as discussed in Policy 501, Student Athletes: Conduct and Ethics, in this Manual. In addition, a student-athlete's eligibility is jeopardized if he/she takes any of the following actions

- Arranges for fraudulent credit or false transcripts;
- Violates relevant Conference or NCAA rules and regulations; or
- Furnishes the NCAA or other regulatory bodies with false or misleading information about other individuals.

Maintaining Amateur Status

NCAA regulations regarding amateurism and permissible awards, benefits and expenses should be carefully reviewed in order to avoid violations. In general, student-athletes cannot commit to any of the following:

- Uses his or her skill (directly or indirectly) for pay in any form.
- Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletic participation.
- Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received; except as permitted by NCAA By-law 12.2.5.~~1~~.
- Receives directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletic skill or participation, except as permitted by NCAA rules and regulations.
- Competes on any professional athletics team per By-law 12.02.~~5~~*11*, even if no pay or restitution for expenses was received, except as permitted by By-law ~~12.2.3.2.1~~*12.2.3.2 & 12.02.2*.
- Enters into a contract or agreement with an agent.
- Enters into an agreement of any kind to compete in professional athletics or negotiate a professional contract;

However, NCAA regulations allow a student-athlete to request information about his/her professional market value and to undergo a medical examination by a professional league's recognized scouting bureau. Additionally, the student-athlete or legal guardian may negotiate with a professional sports organization without the loss of the individual's amateur status. An individual who retains an agent shall lose amateur status. See Policy 507C, Student-Athletes: Professional Sports Counseling Panel, in this Manual for additional information.

Outside Sports Competition

A student-athlete that participates as a member of any outside team in any non-collegiate amateur competition during the academic year becomes ineligible for intercollegiate competition in that sport for the remainder of the year and for the next academic year.

However, a student-athlete may compete as a member of a competitive, non-collegiate, amateur team during any official vacation period published in the University's catalog. In addition, student-athletes may participate as individuals in events such as track meets, golf and tennis tournaments, provided such participation is approved in writing by the Director of Athletics and the Head Coach of that sport and does not violate NCAA regulations.

In the sports of soccer, women's volleyball, field hockey and men's water polo, a student-athlete may compete outside of the institution's declared playing season as a member of an outside team in any noncollegiate, amateur competition, provided:

a. Such competition occurs no earlier than May 1.
b. The competition is approved by the institutions Director of Athletics.
c. No class time is missed for practice or competition.

Organized competition exists (as specified by NCAA Bylaws) where any of the following conditions are present:

- Teams are regularly formed or have team rosters:
- The competition is scheduled and publicized in advance;
- Official score is kept;
- Individual or team standings are maintained;
- An official timer or game officials are used;
- Squad members are dressed in team uniforms;
- Admission is charged;
- The competition is privately or commercially sponsored; or
- The competition is either directly or indirectly sponsored, promoted or administered by an individual, or organization or any other agency.

Several exceptions exist to the outside competition rulings; therefore, student-athletes should be directed to consult their Head Coach or the Associate Athletic Director for Compliance and Student Services prior to participating in such activities.

ELIGIBILITY CERTIFICATION PROCESS

The Director of Athletics, Associate Athletic Director for Compliance and Student Services, Assistant Athletic Director for Academic Services and Executive Director of Enrollment Management work together to comply with the eligibility certification procedures established for all student-athletes. New student-athletes and transfer students are initially certified by the Executive Director of Enrollment Management. Such student-athletes are certified as eligible to participate in practice and outside competition or as eligible only to participate in practice.

Copies of all certification forms are maintained on file by the Assistant Athletic Director for Academic Services. The Director of Athletics and Executive Director of Enrollment Management, in conjunction with the Southland Conference Office, retains ultimate responsibility for the final certification of all student-athletes.

The official certification process for the Department begins with a team meeting, held prior to each sport's first competition of the year. The Head Coach is responsible for scheduling the meeting with the Director of Athletics, or his designate. At this time, each student-athlete is required to complete the NCAA Student-Athlete Statement and the NCAA Drug Testing Consent Form as described below.

NCAA Student Athlete Statement

The NCAA Student-Athlete Statement (see Appendix 502C-3) must be signed annually by each student-athlete certifying that he/she understands and abides by the NCAA rules and regulations. (NOTE: All formal student-athlete documents must also be signed by the student-athlete's parents or legal guardian if he/she is under 18.)

The Student-Athlete Statement includes the following:

1. The NCAA verification of eligibility, whereby the student-athlete states to the best of his/her knowledge he/she is eligible to participate in intercollegiate athletics;

2. The Buckley Amendment Statement form, whereby the student-athlete agrees to the release of private information (e.g., health records, financial aid, and academic information) to appropriate authorized University personnel in order to verify eligibility;

3. A summary of NCAA regulations related to ethical conduct, amateurism, financial aid, academic standards, etc. and recruitment (for new student-athletes, only);

4. An Affirmation of Eligibility which is signed and kept with the NCAA Student-Athlete Statement; and

5. The NCAA Drug Testing Consent form, whereby the student-athlete agrees to participate in NCAA drug testing procedures.

Each student-athlete is responsible for reporting any changes in information provided (e.g., address, financial aid status, etc.) as they occur to the Associate Athletic Director for Compliance and Student.

NCAA Squad List

The NCAA Squad List (see Appendix 502C-5) is prepared prior to the student-athlete's first contest each academic year. This form is completed by the Associate Athletic Director for Compliance and Student Services.

Student-athletes may not participate in competition until they have been listed as eligible via the NCAA Squad List. A copy of each sport's Squad List is kept on file in the Associate Athletic Director for Compliance and Student Services Office. Upon certification, student-athletes are eligible for practice, unless they are partial or non-qualifiers.

Additions or changes to the Squad Lists are to be reported to the Associate Athletic Director for Compliance and Student Services within 24 hours of when they occur. New student-athletes wishing to participate in intercollegiate athletics may not do so until they have been certified as eligible.

NCAA Admissions and Graduation Disclosure Procedure

The NCAA Graduation-Rates Disclosure Sheet (Form 95-6a) (see Appendix 502C-6) is to be compiled by the President of the University, or designate, and the Director of Athletics, signed and submitted to the NCAA by the designated date of the report each year. Information required on this form includes the following:

1. University enrollment data;
2. Average admissions data;
3. Freshman - cohort graduation rates;
4. Standards for transfer student-athletes;
5. Degree programs;
6. Exhausted eligibility graduation rates;
7. Time spent to graduate; and
8. Transfer cohort graduation rates.

Temporary Certification

A recruited student-athlete entering the University as a freshman or transfer student may practice once they have a completed TRYOUT/WALKON CLEARANCE FORM, but not compete, for a period not to exceed 45 days while the University is certifying his/her initial eligibility requirements. SFA shall not provide athletically related financial aid to the student-athlete during this period. At the end of this 45 day period, the student-athlete must have been certified eligible to continue practice, competitor receive athletically related financial aid.

A non-recruited student-athlete entering the University as a freshman may practice, but not compete, for a period not to exceed 45 days while the academic records and core requirements of the student-athlete are being evaluated and certified. After this period, the student-athlete must have established eligibility in order to continue to practice or to compete.

The eligibility certification process for the above student-athletes follows the same process as for all other student-athletes. It includes the completion of the following forms:

- NCAA Eligibility Center Approval (printed from website)
- NCAA Student-Athlete Statement (Appendix 502C-3)
- NCAA Squad List (Appendix 502C-5

EXIT INTERVIEWS

Exit interviews are to be conducted with student-athletes, in each sport, whose eligibility has been exhausted. Interviews are conducted by the Chairman of the IAC, who after review, -forwards the information to the Director of Athletics. The purpose of the interview is to aid in developing athletics programs that continue to meet the needs of students and to aid in developing specific sport's programs.

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7/~~2013~~2016

STUDENT ATHLETES: FINANCIAL AID

Stephen F. Austin State University awards financial aid to student-athletes in accordance with University policy, as well as Southland Conference, and NCAA rules and regulations governing financial aid. Athletically related grants-in-aid are limited to bona fide educational expenses such as tuition, fees, room, board and course-related books not to exceed the cost of 30 hours of tuition and fees, room, board and course-related books each academic year (fall/spring). *The institution is also permitted to provide additional athletic aid up to the cost of attendance as defined by the Office of Financial Aid. In those instances, such awards would be referred to as athletic miscellaneous expense awards.*

The Associate Athletic Director for Compliance ~~and Student Services~~ administers the financial aid program for the Department and works with the University's Director of Financial Aid in meeting the financial needs of student-athletes.

While it is understood that athletically related grants-in-aid are awarded on an annual basis and are limited to bona fide educational expenses, the Department of Intercollegiate Athletics is philosophically committed to providing the student-athlete with four (4) years of scholarship funding. Financial aid provided to student-athletes is not considered a reimbursement for services performed and cannot be graduated or discontinued, on the basis of athletic performance, during the period of its award.

However, athletically related aid may be reduced or canceled if the student-athlete becomes academically or athletically ineligible to participate (See Policy 502C, Student-Athletes: Eligibility, in this Manual for additional information.

Allocation of Grant-in-Aid Awards

Each intercollegiate sport is provided a specific number or amount of grant-in-aid awards, according to budgetary restrictions and within NCAA rules and regulations. Head Coaches are informed early each fiscal year of the amount of scholarship aid available to their programs. Grants-in-aid are allocated upon the recommendation of the Head Coach and with the approval of the Director of Athletics. The University's Office of Financial Aid awards grants-in-aid based on these recommendations. Recipients of financial aid are notified of the offer of award on the Stephen F. Austin State University Athletic Scholarship Agreement form (see Appendix 502D-1) which details the terms and conditions of the grant. Awards are tendered, along with the National Letter of Intent, at the appropriate signing dates, as provided by the NCAA.

Head Coaches are encouraged to work with their prospective student-athletes and their families prior to the award deadline. They should access each student-athlete's financial need and encourage them to file the necessary paperwork for other types of assistance well before the deadline date. This allows coaches the opportunity to use athletic financial aid award funds in the most effective manner possible for their student-athletes.

Allowable grants-in-aid are calculated according to NCAA guidelines for head-count and equivalency sports, as described below. Further, the number of grants-in-aid for any team may be affected by NCAA sanctions which may be imposed against the Department's sport.

Head Count and Equivalency Sports

For purposes of financial aid computations, a player is considered a Counter when he/she receives financial aid based on athletic ability, and/or was recruited, receives financial aid and is competing as a member of an intercollegiate team.

- Head-Count Sports

  A head-count sport is one, designated by the NCAA, in which athletically related aid is calculated by the number of student-athletes receiving any amount of aid, regardless of the amount of aid received by individual team members. Student-athletes designated to receive any type of financial aid, including textbooks only scholarships, are to be included in the number of student-athletes receiving aid in head-count sports.

  The following are the maximum awards, allowed by the NCAA, that may be in effect at any one time for the various head-count sports sponsored at SFA:

Sport	**Men**	**Women**
Basketball	13	15
Tennis		8
Volleyball		12

- Equivalency Sports

  Equivalency sports, as designated by the NCAA, are those in which athletically related aid is calculated by the percentage of a full, athletically related scholarship awarded to a team member. The University may administer such awards to any number of recipients on the basis of value (equivalency), provided the total dollar amount expended does not exceed commonly accepted educational expenses at the University multiplied by the number of maximum awards permitted for the particular sport.

  The following are the maximum awards, allowed by the NCAA, that may be in effect at any one time for the various equivalency sports sponsored at SFA:

Sport	**Men**	**Women**
Cross Country/Track	12.6	18
Golf	4.5	
Women's Golf		6
Bowling		5
Football	63 *	
Soccer		14
Softball		14
Baseball	11.7	

*In Division FCS Football, there is an annual limit of 30 initial counters and 63 equivalency sports to total 85 annual counters.

Although grant-in-aid allocations within each sport are recommended by the Head Coach, the procedures for administering grants-in-aid are the same for all student-athletes. These procedures are summarized as follows:

Processing of Grant-in-Aid Awards

Grants-in-aid are allocated upon the recommendation of the Head Coach and the approval of the Director of Athletics and the University's Director of Financial Aid. The Stephen F. Austin State University Athletic Scholarship Agreement forms are prepared by the Associate Athletic Director for Compliance ~~and Student Services~~ who checks equivalencies to ensure compliance with NCAA grant-in-aid limitations for each sport.

The University's Financial Aid Office awards grants-in-aid based on the recommendations of the Director of Athletics. Copies of Team Rosters and Grant-in-Aid lists are kept on file in both the Associate Athletic Director for Compliance and Student Services Office and with each sport's secretary.

Prospective Student-Athletes

Financial aid agreements are issued to prospective student-athletes with the National Letter of Intent (see Appendix 502A-14). Prospects may not be offered financial aid prior to the times and dates permitted by the National Letter of Intent.

To be valid, the National Letter of Intent Agreement must be signed and dated by the prospective student-athlete and his/her parent or guardian within 14 days after it is issued and returned to the Associate Athletic Director for Compliance and Student Services.

A copy of the Financial Aid Agreement is forwarded to the Office of Financial Aid. If the student fails to be admitted following the University's regular admission process, the grant-in-aid becomes null and void. (See Policy 502B, Student-Athletes: Admissions, in this Manual for admissions standards and procedures.)

Enrolled Students

A student-athlete eligible for a grant-in-aid who enrolls at the University without having received a financial aid offer may, thereafter, be given aid at any time.

A Head Coach who wishes to make an initial offer of athletically related financial aid to a previously enrolled student must submit a Scholarship Request form to the Associate Athletic Director for Compliance ~~and Student Services~~. Prior to tendering an offer of financial aid to the enrolled student-athlete, it is necessary to verify the eligibility of the student and comply with squad limitations. With the recommendation of the Director of Athletics and the signatory approval of the Director of Financial Aid, the Grant-in-Aid Offer is considered fully executed and ready for the student-athlete's signature.

Continuing Student-Athletes

Athletically related financial aid is awarded on a one year basis and cannot be reduced or discontinued during the period of its award for any athletically related reason. Athletics scholarships may be reduced or canceled during the period of the award if a student-athlete:

- Renders himself or herself ineligible for intercollegiate competition in any manner, including failure to meet academic eligibility requirements or loss of amateur status (e.g., signing with an agent).
- Voluntarily quits the team.
- Fraudulently misrepresents any information on an application, letter of intent, or financial aid agreement.

- Engages in serious misconduct.

Athletics scholarships may not be reduced or cancelled during the period of the award on the basis of:

- A student-athlete's athletics ability, performance, or contribution to a team's success.
- An injury that prevents the student-athlete from participating in intercollegiate athletics.
- Any other athletics reason.

As stipulated by NCAA Bylaw 15, grants-in-aid are renewed on or before July 1st of the academic year in which they are to be effective. Student-athletes are asked to sign and return the agreements by July 15.

Renewal notifications (see Appendix 502D-2 for sample) must be mailed out on or before June 30th. The Associate Athletic Director for Compliance ~~and Student Services~~ coordinates the processing of scholarship renewals with each sport's Head Coach, sport secretary, the Director of Athletics, the Assistant Athletic Director for Academic Services and the Director of Financial Aid.

~~Graduation or Cancellation~~ ***Non-Renewal or Reduction*** **of** ***Financial*** **Aid**

All head coaches are required to notify the Director of Athletics of any plan to non-renew or reduce athletically related financial aid prior to notifying the student-athlete. The head coach should provide any documentation requested to justify the action. The Director of Athletics may or may not approve the proposed non-renewal or reduction based on all available information.

~~By July 1, student athletes must be notified in writing by the Director of Athletics, or his designee, and the Director of Financial Aid if the renewal of aid is to be reduced or canceled. (See Appendix 502D-2 for a sample cancellation letter.) Student-athletes may appeal non-renewal or reduction of aid.~~

~~The~~ *A student-athlete may appeal a non-renewal or reduction of aid* ~~request for an appeal must be filed~~ in writing and directed to the ~~Director of Athletics~~*Athletic Appeals Committee* within ten (10) days of the cancellation notification. ~~Upon receipt, the Director of Athletics schedules a review for the appeal.~~ *The Athletic Appeals Committee is chaired by the Associate Athletic Director for Compliance and includes the Assistant Athletic Director for Student Services and the Senior Woman Administrator.* If the appeal is not granted *by the Athletic Appeals Committee*, ~~then~~ it can be appealed to the *SFA* Financial Aid Appeals Committee. *A decision from this committee is final.* ~~. The Scholarship appeal process must be completed prior to the commencement of the academic year for which the scholarship is renewed, reduced or canceled.~~ *Student-athletes must be notified in writing by the Director of Athletics~~es~~, or his designee, and the Director of Financial Aid by July 1st for any non-renewal or reduction of athletic financial aid. All appeals must be completed prior to the start of the new academic year for which the non-renewal or reduction would apply.*

Please note that outside of the period of the award, an athletics scholarship can be reduced or cancelled for any reason - including an athletics reason - at the discretion of the institution.

Summer School

~~Athletically related financial aid does not normally include summer session classes~~*Summer financial aid is not an entitlement or part of a student-athlete's academic year financial aid*

agreement.. However, financial aid may be extended to cover summer school if attendance is warranted *or expected in the sports of basketball and football*. The Head Coach of each sport makes a determination regarding those student-athletes to be offered financial assistance for summer school provided funding is available. *(See policy 503C SA-Summer School)*

~~As per NCAA legislation, an enrolled student-athlete, if awarded financial aid for summer school, may only receive athletically related financial assistance in proportion to the amount of athletically related aid received during the prior academic year, he/she may not be provided athletically related aid during the ensuing summer term.~~

Summer school for incoming freshmen prior to initial, full-time enrollment in the fall are required by NCAA legislation to enroll in a minimum of six hours of academic course work, other than physical education activity courses, that is acceptable degree credit toward any of the university degree programs.

~~For student-athletes who meet the NCAA's criteria for summer school aid, the following circumstances may dictate the need for summer school assistance as determined by the Head Coach:~~ *Recipients of summer school athletic aid will be prioritized in the following manner, provided funding is available:*

1. Student-athletes who need the hours to be eligible for fall competition;

2. ~~Fourth-year athletes who intend to graduate that summer~~*Student-Athletes who can graduate that summer*;

~~3. Fifth-year student-athletes who intend to graduate that summer;~~
3. Men's and women's basketball participants.

4. Football participants.

~~4.~~*5.* Student-athletes who have maintained their eligibility for the fall, but who need hours to keep on schedule for graduation ~~within four (4) years~~*at the completion of the fall semester*; and

~~5~~*6*. Incoming freshmen who may benefit academically.

~~All applicants for summer school are considered on an individual basis.~~ Once approved, each student-athlete is required to sign a financial aid agreement for summer school reflecting the amount, terms and duration of aid.

Additionally, summer school scholarship recipients will be asked to repay the cost of tuition & fees of any class that was dropped or receives the grade of `F'.

Fifth Year/Injured

The Department of Intercollegiate Athletics is not able to automatically grant Fifth-Year/Injured financial aid. Therefore, each request is reviewed by the Director of Athletics and granted based on the individual merits of the situation and on the recommendation of the Head Coach for each sport. Post eligibility grants-in-aid will be funded not to exceed the cost of tuition and fees (maximum of 15 hours per semester~~)~~ or the amount of their last award if it was less.

Requirements to receive this award include:

1. Return academically eligible just as if they still had a season of competition remaining.
2. Enroll full-time unless they are in the final semester of degree plan/
3. Work at an Athletic Department assigned job for 10 hours each week.

To receive athletic aid the following semester, the recipient must pass at least 9 new hours towards their degree plan with a GPA of 2.00 or higher.

Lastly, it should be understood that this scholarship award will be made in 3 payments during the semester. The first payment will be 50% of the total cost of tuition and fees, and will be applied to their account at the beginning of each semester. The remaining two payments will be made in equal amounts approximately 30 and 60 days following the first payment. Should a recipient choose not to fulfill their assigned work detail, one or both of the remaining payments will not be applied to the billing statement.

Moreover, post-eligible aid is not awarded to any student-athlete under contract or receiving compensation from a professional sports organization.

Non-Institutional Financial Aid

Should a student-athlete qualify for non-institutional financial aid and exceed the maximum scholarship aid allowed, University funds are reduced dollar-for-dollar. NCAA Manual Bylaw 15, regarding Financial Aid should be consulted to determine the types of outside aid student-athletes may receive without reducing University aid (i.e., non-countable, outside aid) when totals do not exceed NCAA ceilings. Further, a student-athlete may receive a Pell Grant in combination with other institutional financial aid with no limit restrictions.

All outside aid received by a student-athlete must be reported to the University Office of Financial Aid at the beginning of each academic year. Individuals reporting outside aid may have their athletic grant-in-aid reduced to avoid an award in excess of a full-ride amount. permissible outside scholarship awards must meet NCAA criteria and may cause athletic grant-in-aid to be adjusted to NCAA ceiling amounts.

All non-athletically related aid received is to be reported to the Office of Financial Aid. The Associate Athletic Director for Compliance ~~and Student Services~~ is responsible for ensuring that the aid is permissible and for notifying the appropriate parties to make any necessary adjustments to the athletically related aid.

University Charges Not Paid by the Department

Certain expenses which may be incurred by the student-athlete while enrolled at SFA are not covered under the his/her grant-in-aid. Per NCAA regulations, only tuition, room, board and required books are legitimate components of athletically related financial aid. The following list of expenses are not part of a grant-in-aid and therefore must be paid by the student-athlete.

They include, but are not necessarily limited to:

- Cost of treatment for non-athletically related injuries.
- Non-legitimate hotel charges (e.g., long distance telephone, laundry, movies, etc.) incurred during travel to away contests.
- Library fines and fines for damage to University property, including residence halls.
- Key deposits or replacement of a lost residence hall key.
- School supplies, reference books, pens, notebooks, paper, drafting kits, etc.
- Vehicle registration fees.
- Parking fines.
- Personal insurance for non-athletically related injuries and illnesses.
- Residence hall penalty fees incurred for breaking contract agreements.
- Late registration fees.
- Graduation fees
- Fees associated with student-teaching and internships.

Non-Scholarship Student-Athletes

The University extends to all non-scholarship (recruited or non-recruited) student-athletes the same benefits as scholarship athletes (excluding grant-in-aid awards). Once certified as eligible to participate, the benefits received are as follows:

- Academic counseling assistance (e.g., tutoring, career and peer counseling, etc.)
- Training room treatment for athletically related injuries.
- Strength and conditioning facility use.
- Referrals for vacation and permanent employment.
- Team travel and equipment use.
- Athletic letter awards.

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7/~~2014~~2016

STUDENT-ATHLETES: SUMMER SCHOOL

The Department of Intercollegiate Athletics is aware that time demands placed on student-athletes during the academic year may limit the number of credit hours a student-athlete may be able to handle beyond what is required by NCAA legislation. Summer school is often an option for timely completion of specific academic courses. For entering freshmen it is an opportunity to get a head start on their academics. However, summer school is not automatically financed. The Director of Athletics determines the amount of funding available from budgetary sources, endowments, SAF/SOF funds and private giving. The amount for each sport is determined and reported to each Head Coach prior to the end of the spring semester.

Provided funds are available, summer school attendance for those student-athletes participating in men's or women's basketball and football is expected unless permission is granted by the respective head coach for a student-athlete to not attend one or both sessions. Football freshmen only attend Summer II.

Student-athletes *in sports other than basketball or football who* wish~~ing~~ to attend summer school must discuss their decision with their Head Coach~~ and the Assistant Athletic Director for Academic Services~~. Student-athletes requesting financial assistance for summer school fees must have approval of their Head Coach who in turn will send an official list and the amounts to be awarded*, based on the funds available,*~~–~~ to the Associate Athletic Director for Compliance ~~and Student Services~~ who will enter the financial aid into the Banner system. (see Policy 502D, Student-Athletes: Financial Aid, in this Manual for additional information). ~~When approved, NCAA regulations stipulate that funding may only be awarded in proportion to the grant-in-aid received during the preceding academic year.~~

Summer school attendance is highly recommended for student-athletes on academic suspension and in some cases where the student-athlete's eligibility is at risk. Other requests are considered if the student-athlete's Head Coach approves financial aid for summer school~~. All requests must be evaluated by the Assistant Athletic Director for Academic Services, the Director of Admissions and the Director of Financial Aid, basing the provision of financial aid~~ *based* on the following criteria:

- Individual sports' budgetary constraints;
- Class standing (i.e., freshman, sophomore);
- Availability of necessary classes (i.e., only offered during summer);
- Continuing eligibility requirements (i.e., the for 24 hours of classes per year);
- Grades achieved in previous course work;
- Course completion necessary for graduation following summer session; and/or
- Course required for post graduate study.

~~All applicants for summer school are considered on an individual basis.~~

Student-athletes who receive athletic funding for summer school, and drop a class(es) or receive a grade of `F', will be required to repay all tuition & fee costs associated with class(es). Those charges will be placed directly on the students Billing Statement and will be payable at the Business Office.

Student-athletes wishing to attend summer sessions, at their own expense at another institution must obtain the prior approval of the Assistant Athletic Director for Academic Services. Credit is

transferred only if a grade of C or better is obtained. Moreover, the grade does not transfer to SFA, only the credit.

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STUDENT ATHLETES: AWARDS

At Stephen F. Austin State University recognition for outstanding performance in both athletic and academic endeavors is given to deserving student-athletes each year. These awards may be presented by the Department, the Southland Conference, the NCAA, individuals or national groups. They may be in the form of NCAA approved awards for athletic participation, scholarship awards for academic accomplishments and/or recognition rewards (e.g., Academic All-American teams).

ATHLETIC AWARDS

Department Awards

As acknowledgment for athletic participation, and in recognition of outstanding performance, the Department of Intercollegiate Athletics permits deserving student-athletes to receive athletic awards in compliance with NCAA and Southland Conference rules and regulations. Athletic awards are presented upon the recommendation of the Head Coach for team honors. Major departmental award winners are determined by a special awards committee made up of support staff members as appointed by the Director of Athletics. The Director of Athletics, Associate Athletic Director for External Affairs in conjunction with the Media Relations Director administer the awards program.

In order to receive an athletic award, student-athletes must be of amateur standing, eligible for athletic participation, as defined by the NCAA, and must have been representing Stephen F. Austin State University at the time they were competing. In addition to athletic performance, other factors which are taken into consideration include a student-athlete's academic standing, as well as his/her attention to college regulations, observance of training rules, sportsmanship and overall conduct.

Permissible Award Restrictions

A student-athlete may not receive an award of cash or its equivalent (i.e., items that are negotiable for cash or trade). An award of a country club or sports club membership is not permitted even if the cost of membership is less than the allowable award value.

Award Value Limitations

The total value of a single participation or letter award received in a year by a non-senior student-athlete may not exceed ~~$175~~*$225*. Multiple awards may be presented only if the total value of all participation awards received during a particular academic year by an individual (non-senior) student-athlete does not exceed $~~175~~*225.*

Multiple awards may be presented to a senior student-athlete only if the total value of all participation awards presented during a particular academic year to a senior student-athlete does not exceed $~~325~~ *425* in each sport in which the student-athlete participates.

Student-athletes may receive *participation* awards ~~in recognition of Conference or national championships from the University, the Southland Conference or an approved organization.~~*for postseason conference championship contests or tournaments not to exceed $375. Participation awards for postseason NCAA championships or tournament may not exceed $375.*~~The total value of any single award may not exceed $325for a Conference championship or $325 for a national~~

~~championship, except for awards purchased and presented by the NCAA to student-athletes for participation in NCAA championship events.~~

Championship awards for regular season conference championships and postseason championships cannot exceed $325 combined. National championship titles cannot exceed $415.

Awards for participation in special events (e.g., bowl games, all-star games, featured individual competitions, etc.) may be presented by the University (or the management of the event) when either a team or an individual has represented the Department in such an event. However, the total value of any single award to a student-athlete may not exceed $~~350~~*400*~~, with most-valuable player awards limited to a maximum value of $325. When multiple awards are presented for participation in the particular event or in honor of the student-athletes achievement, the total value of such awards may not exceed $300, per person, except for bowl-game and all-star game awards.~~

For bowl-games or all-star games, student-athletes may receive awards valued at no more ~~then~~*than* $~~500~~ *550* from the sponsoring agency and additional awards from the institution subject to a separate $~~350~~ *400* limitation.

Furthermore, established national awards received by a student-athlete (e.g., Heisman Trophy) are not subject to a value limitation.

VARSITY LETTER AWARDS

The following are general guidelines that will be used to determine recipients of Varsity Letter Awards.

1. The student-athlete must complete the entire academic year as a member of his/her team in good standing.

2. The student-athlete, to receive his/her letter award must return for the upcoming fall semester meeting all NCAA and SFA satisfactory progress requirements for academic eligibility.

3. A student-athlete will not receive his/her letter award, if during the academic year they had a positive drug test or was involved in serious misconduct as determined by the Director of Athletics.

4. Multiple sport athletes who have lettered in two or more different sports will receive their letter award from their scholarship sport.

5. In sports where letter criteria is based on percentage of time played, a student-athlete who is injured, will not have those competitions factored into their percentages.

6. Awards are based on seasons of competition completed at SFA. Transfer students from 2-year or 4-year institutions are not given letter award credit for competition at these schools.

Basketball Participate in 20% of available minutes during season.

Cross Country Place in the top 15 at the Southland Conference Cross Country Championships, or

Place in the top 35 in two or more regular season competitions, or
Be one of the top five finishers for SFA at a competition won by SFA.

Football Participate in 20% of "available" plays for the season. Plays will be based on offensive plays and defensive plays separately.
First-year freshman will letter if they compete and make the travel squad for at least 50% of the away from home contests.

Golf Must participate in four tournaments during academic year, or
Play as a member of an SFA team that wins a tournament, or
Win an individual scoring title at a tournament.

Managers Complete entire season in good standing with team, and
Travel with team to minimum of 50% of away contests, and
Meet all academic standards required for student-athletes of same academic class.

Softball Participate in 20% of available innings for regular season (pitchers).
Start 35% of regular season games played
Obtain 35% of Team At-Bat appearances based on average of 3 per game. Player will be credited with At-Bat for base-on-ball and sacrifice.
Appear in 75% of all games played.

Soccer Participate in 50% of all halves available during the regular season.
Goalkeepers will letter if they compete and make the travel squad for at least 75% of the away from home contests.

Tennis Participate in 5 matches during the Spring season against other Division I opponents.

Track & Field Score a point in either the Southland Conference Indoor Track Championship or Outdoor Track Championship, or
Qualify for the NCAA Indoor or Outdoor Track Championships, or
Break or tie an existing SFA track record, or
Earn of minimum of eight points during the Indoor Track Regular Season (excluding the SLC Indoor Championship) or fifteen points during the Outdoor Track Regular Season (excluding the SLC Outdoor Championship). These scoring opportunities must be at meets with five or more teams.

Scoring will be:		
	First Place	10 pts
	Second Place	8 pts.
	Third Place	6 pts.
	Fourth Place	4 pts.
	Fifth Place	2 pts.
	Sixth Place	1 pt.

Trainers Complete second full year in the Athletic Training Program in good standing, and
Meet all academic standards required for student-athletes of same academic class.

To qualify for a 4-year letterman's ring:
Complete 600 hours of athletic training work during the Fall and Spring semesters.
Pass the Texas Athletic Trainers Licensing Exam within 12 months of graduation.

Volleyball Participate in 20% of regular season games played, or
Be selected as a member of any All-Conference Southland Conference team (except All-Academic).

Baseball Position Players: 50 total at bats or appear in 28 games.
Pitchers: Appear in 30 innings or appear in 10 regular season games, or
A member of a team that wins the SLC baseball tournament, a team that appears in an NCAA regional or a College World Series game.

Letter Awards

Four-Year Letter Winner at SFA	**-**	**Ring**
All Seniors	**-**	**Senior Plaque**

The Senior Woman Administrator is responsible for collecting lettering information from each Head Coach and the Assistant Athletic Director for Sports Medicine to determine those student-athletes who have lettered during the academic year. The SWA then compiles a list of those student-athletes and the year(s) they have lettered. This list is submitted to the Assistant Athletic Director for Business who places orders for the letter awards. The awards are awarded during the Champions Dinner for all athletes who have completed their season of competition. Student-athletes who have not finished their competition season at the time of the Champions Dinner received their awards in the summer.

Champions Dinner

Each spring an end of the year Champions Dinner will be held for the men's and women's sports programs. During this event the Department recognizes the outstanding contributions of its student-athletes. At this time, senior awards, four-year letter awards, and appropriate special awards are provided.

All Champion Dinner events are coordinated by the Assistant Athletic Director for External Affairs working with the Media Relations Director *and the Coordinator of Video Operations*.

Special Departmental Recognition Awards

In addition to senior awards, the Department also recognizes outstanding team and individual performances by presenting the following awards at the Champions Dinner:
Men's Sports

- Ralph Todd Outstanding Male Athlete Award;
- Bob Shelton Athletic Award;
- Dick Wright Memorial Sportsmanship Award;
- George Reese Sr. Memorial Golf Award;
- Mart Crawford Football Award;
- Cally Belcher Football Award;
- Outstanding Track & Field Award;

- Molaski Cross Country Award;
- George Johnson Basketball Award;
- Elvin Buddy Lowery Basketball Award;
- Murray Shaw Top Academic Award for each sport; and the
- Jene' Carter SAAC Award.

Women's Sports

- June Irwin Outstanding Female Athlete of the Year Award;
- Sadie Allison Softball Award
- Lucille Norton Basketball Award;
- Carolyn Barnett Track and Field Award;
- Ed and Gwen Cole Cross Country Award;
- Scottie Bailess Volleyball Award;
- Diane Baker Tennis Award;
- Jene' Carter SAAC Award
- Pam Thorstenson Soccer Award;
- Kathy McGough Top Female Academic Award; and the
- Murray Shaw Top Academic Award for each sport.

Men or Women's Sports

- Steve McCarty Award

SOUTHLAND CONFERENCE AND NCAA CHAMPIONSHIP AWARDS

Team Awards

Letter award recipients who are members of a Southland Conference or NCAA championship team may be given a special award in addition to their letter award. National and Southland Conference championship awards are within NCAA guidelines. An award may also be recommended, at the discretion of the sport's Head Coach with the approval of the Director of Athletics, to a deserving student-athlete who has not fulfilled the award requirements but has made an outstanding contribution to the team.

Additionally, an appropriate award may be given to any member of a varsity team who wins an individual Southland Conference or NCAA championship, even though the team did not win the championship.

~~Winners of Conference championships (and in some instances other team rankings, high overall to competitive ratings) participate in NCAA championship events in all SFA sponsored sports except football. The NCAA provides individual certificates to championship participants and team trophies to the school.~~

Individual Awards

The Southland Conference presents a number of individual awards during the course of the academic year. Each conference sport recognizes an all-conference team as well as special awards based on individual performance. Player/Athlete of the Week honors are also announced weekly during each sport's season of competition. The Southland Conference also recognizes student-athletes for academic achievement including a student-athlete of the year award for each sport. Individual awards or honors for athletic and academic achievement from a number of outside organizations and media are also made during the academic year. ~~The Southland Conference holds a Conference championship annually in each individual sport. Further, during the regular season, a Player of the Week is recognized in the sports of football, men's and women's basketball, volleyball, softball, men's spring sports and women's spring sports. A Southland Conference Athlete-of-the-Year is also named in all sports, based on the student-athlete's athletic accomplishments and a Newcomer of the Year/Freshman of the Year is selected in all sports in which an all-conference team is selected by a vote of media representatives and/or Head Coaches.~~

POSTGRADUATE SCHOLARSHIP AWARDS

SFA student-athletes are eligible for postgraduate scholarships on the University, State, Conference and national level. The Assistant Athletic Director for Student Services assists student-athletes in applying for these awards.

- Conference Award
  F.L. McDonald Scholarship - The Southland Conference annually presents $1,000 each to senior male and female letter winners in a Conference sponsored sport. The recipients must have compiled the highest grade point averages in the Conference. The award is to be used for graduate school. Should the recipients not choose to attend graduate school the second highest nominee(s) receive the scholarship.

  ~~**Steve McCarty Citizenship Award** – The Southland Conference annually presents this award to a male and female athlete to honor former SFA Athletic Director Steve McCarty. The award is~~

~~presented for athletic achievement and citizenship as displayed by those student-athletes who are nominated by each member school. The nominees are then screened by the SLC Awards Committee and voted on by the members of the committee.~~

- National Awards

NCAA Post-Graduate Scholarship Award - ~~The NCAA currently offers approximately 100 post-graduate scholarship awards. These are one-time awards worth $4,000 per scholarship.~~

~~To be eligible to receive an NCAA Post-Graduate Scholarship, the student-athlete must be nominated by the Director of Athletics, have a minimum GPA of 3.0 on a 4.0 scale and have achieved significant athletic achievement. Demonstrated campus and community leadership ability is also taken into consideration.~~

~~Presently, each NCAA member institution may nominate one (1) student athlete each, from men's and women's basketball. Two (2) nominations may be made in football and two (2) additional scholarship nominations may also be made in the other sports category.~~ *The one-time non-renewable scholarships of $7,500 are awarded three times a year corresponding to each sport season (fall, winter and spring). Each sports season there are 29 scholarships available for men and 29 scholarships available for women for use in an accredited graduate program.*

NCAA Women's Enhancement and Ethnic Minority Scholarships - ~~This program was designed by the NCAA to help women and ethnic minorities pursue careers in sports administration or related~~
~~programs. Those honored are awarded $6,000 postgraduate grants designed to assist them in their pursuit of a career in intercollegiate athletics.~~ *The NCAA awards $7,500 to 13 ethnic minorities and 13 female college graduates who will be entering their initial year of postgraduate studies. The applicant must be seeking admission or have been accepted into a sports administration or program that will help the applicant obtain a career in intercollegiate athletics, such as athletics administrator, coach, athletic trainer or a career that provides a direct service to intercollegiate athletics.*

~~**National Football Foundation and Hall of Fame Postgraduate Scholarship** - This graduate fellowship, worth approximately $18,000, is awarded annually to a select group of college seniors who have demonstrated outstanding academic applications and performance, exemplary school leadership and citizenship, and superior football performance.~~

NACDA/Disney Scholar Athlete Award - Each year ten (10) scholar athletes from around the country receive a $5,000 grant for postgraduate studies awarded by the National Association of Collegiate Directors of Athletics (NACDA) and the Walt Disney Company.

The Walter Byers Postgraduate Scholarship Program - *Annually, one male and one female student-athlete are awarded a $24,000 Walter Byers postgraduate scholarship in recognition of outstanding academic achievement and potential for success in postgraduate study.*~~An annual academic award valued at $10,000 is given to deserving scholar athletes.~~

~~**The Delta Scholar-Athlete Award** - This award consists of $5,000 per scholarship.~~ ***The John McLendon Memorial Minority Postgraduate Scholarship Awards -*** *Presented to senior-level minority students who intend to pursue a graduate degree in athletics administration. Each recipient will receive a $10,000 grant.*

STUDENT-ATHLETES: MEDICAL POLICY

The Department of Intercollegiate Athletics maintains a comprehensive sports medicine and athletic training program to ensure quality health care for its student-athletes. More specifically, the Athletic Training staff is responsible for the prevention, clinical evaluation, diagnosis, treatment, rehabilitation, and reconditioning of injuries or illnesses sustained as a result of participation in scheduled practices, competitions, or during travel to and from these events.

Maintaining adequate health care is a shared responsibility between the Athletic Training staff, the Head Coaches and student-athletes. The Team Physician has absolute authority in determining the physical fitness of each student-athlete, to include deciding whether an ill or injured student-athlete may participate in practice or competition. Coaches must abide by and/or implement the instructions given by the Athletic Training staff and abide by medical disqualifications and restrictions. Student-athletes must immediately report any injury incurred during a scheduled practice or athletic event to a member of the Athletic Training staff.

Athletic Training Staff

The SFA Athletic Training staff consists of the Team Physician, the Head Athletic Trainer, Assistant Athletic Trainers, Graduate Assistants and Athletic Training Students in consultation with orthopedic consultants and other medical specialists, as required. The Head Athletic Trainer in consultation with the Team Physician, is responsible for ensuring that student-athletes receive proper treatment for athletically-related illnesses or injuries. All members of the Department involved in training, conditioning, coaching or supervision of students participating in University-sponsored intercollegiate athletic events are fully responsible to the Head Athletic Trainer with respect to matters pertaining to health and/or injuries.

All members of the Athletic Training staff will abide by all the rules and regulations of the National Collegiate Athletics Association (NCAA), the Southland Conference (SLC), and State of Texas laws.

Operation and Use of Athletic Training Room Facilities

Athletic Training Room hours of operations begin no later than 8:00 a.m. and remain open until the last in-season sport is finished for the day on a Monday through Friday basis. Hours of operation are extended when additional coverage is necessary for scheduled events or practices especially on Saturdays, Sundays, or holiday breaks. Coverage for usual practice sessions or events must be scheduled by the Head Coach at least one week prior to the event. The Head Athletic Trainer coordinates this coverage.

The Head Athletic Trainer is responsible for the operation and supervision of the Athletic Training Room. Student-athletes are not allowed in the Athletic Training Room without supervision. All therapeutic modalities are administered by a member of the Athletic Training staff because of the potential danger involved. When the Athletic Training Room is not in use, it is to be locked at all times. Student-athletes receiving therapy are supervised at all times; under no circumstances is a patient receiving treatment left unattended.

The Athletic Training Room is strictly for the use of those individuals involved in the intercollegiate athletics program; however, the facility is available to visiting teams on an as-needed courtesy basis.

Care Providers and Referrals

Only medical expenses related to athletic injuries that occur as a direct result of participation in the student-athlete's designated intercollegiate sport are covered. Participation includes voluntary physical activities that prepare the student-athlete for participation, as well as supervised pre-season conditioning, organized practice attended by a member of the coaching staff, or a Department sponsored game, meet or match. (The Department is not responsible for medical expenses incurred when a student-athlete is injured in a non-athletic event, such as playing a recreational sport with friends.)

The Head Athletic Trainer or designee evaluates all athletic injuries and refers student-athletes to specialists, when appropriate. All referrals for off-campus medical care must be authorized in advance by the Head Athletic Trainer. A Department of Athletics Injury Referral Form (see Appendix 506A-1) must be completed by the Head Athletic Trainer, Assistant Athletic Trainer, or the Graduate Assistant Athletic Trainer prior to consultation and accompany the athlete receiving treatment from an outside physician or specialist.

For all illness (night or day), the student-athlete should immediately report to the Head Athletic Trainer, Assistant Athletic Trainer, or Graduate Assistant Athletic Trainer. Once seen, the Athletic Trainer decides if further medical attention is appropriate and arranges for an appointment with an appropriate physician as soon as possible. The student-athlete is responsible for reporting to the Head Athletic Trainer the physician's diagnosis, all drugs or special instructions required, and the advisability of returning to practice or competition.

Medical Examinations

All student-athletes participating in an intercollegiate sports program are required to undergo a comprehensive physical examination prior to any participation in practice or competition. All new student-athletes are required to complete the Medical History form and are given a complete physical examination under the supervision of the Head Athletic Trainer. Thereafter, student-athletes are required to complete an annual health history update, with physical examination or specialty consultation performed only on those areas of the body where a change has occurred from the time of the initial examination. (See Appendix 506A-8 for Annual Health Information and Re-Examination forms.)

Head Coaches are responsible for submitting completed team rosters to the Head Athletic Trainer each spring with updates and additions provided a minimum of two (2) weeks prior to the first day of the fall semester. The Assistant Athletic Trainer(s) or a Graduate Assistant Athletic Trainer is responsible for setting up physical exam appointments and returning the team roster with appointment times and place indicated. Physical exam priorities are established according to official practice starting dates, and are set by the Team Physician and Head Athletic Trainer. Physicals are completed at the University Health Center.

A member of the Athletic Training staff is on hand during the course of all physical examinations to observe the procedures and policies of the attending physician and to assist the physician at his/her discretion. It is the responsibility of the Athletic Training staff to ensure that each student-athlete has completed his/her physical examination before providing written notification for the issuance of athletic equipment.

Each physical examination focuses on the following areas of concern:

1. Evaluation of Sports Health History Evaluation Form (first year student-athletes);

2. Evaluation of existing medical records;
3. Orthopedic Checks;
4. Sight;
5. Blood analysis to include sickle cell solubility test (no drug screening); and
6. Personal and mental evaluation (at physician's discretion).
7. Baseline neurocognitve tests.

- Walk-on Student-Athletes Physical Examinations

  Walk-on athletes trying-out for a team are required to show proof of medical insurance and to sign a waiver of responsibility as part of Appendix 506A-8. If selected for participation in a sport, the student-athlete must complete the required Medical History form, and participate in a complete physical examination. It is the responsibility of the Head Coach, or designate, of each sport to ensure that the physical exam has been completed prior to tryouts, practice or participation.

  All first-time, walk-on student-athletes are responsible for securing their own athletic physicals and are responsible for any costs incurred. Most physicals can be administered by the student health center on campus. Appropriate forms for the examination are to be obtained from the Head Athletic Trainer.

  Walk-on student-athletes who have appeared on a team roster for one complete season, are considered as team members for the purpose of physical exams only and may receive subsequent physical exams and post-eligibility exams at no cost.

Sickle Cell Testing

NCAA legislation effective August 1, 2010, requires institutions, as part of the required medical examination, to include a sickle cell solubility test. All SFA student-athletes who are beginning their initial year of eligibility and student-athletes trying out for a team, including transfers will be tested. All students who have a positive screening will have further testing completed to determine exact sickle cell diagnosis.

Costs associated for this test will be provided, if needed, for scholarship athletes. Students wishing to walk-on or tryout for a team will be required to pay all costs associated with this test.

SFA athletics will accept official documentation from previous testing for this requirement. This could be from previous institutions, labs, or other medical records that provide sickle cell results.

Test results are required for all students before they are permitted to practice or compete.

Post Eligibility Examinations

All student-athletes are given an exit physical examination upon the completion of their eligibility. The examination is designed to ascertain the physical health and well-being of each student-athlete and to release the Department of Intercollegiate Athletics from any responsibility for injuries sustained by the athlete in competitions other than intercollegiate sports sanctioned by the Department.

Medical Records

A medical record file is created at the time a student-athlete joins the intercollegiate athletics program and completes the initial physical examination. Complete medical records for all student-athletes participating in the intercollegiate athletics program are accurately maintained and up-dated during the time a student-athlete is competing for SFA. All records are kept on-file for a period of seven (7) years following competition.

The medical file contains the appropriate insurance information, medical histories, authorizations, understandings and agreements between the University and the student-athlete and his/her parents or legal guardians, as well as history of athletically related injuries and illnesses, and any treatments rendered. Additionally, the Athletic Training staff maintains complete records of all encounters, medical referrals, medication records, exams, injuries, and other information pertinent to the student-athlete's medical history.

A Daily Treatment Report is maintained in the Athletic Training Room by the Athletic Training staff which reflects all treatments provided on a given day, treatment appointments and medication. The reports are furnished on a daily basis to the appropriate Head Coach.

Coverage for Scheduled Practices and Events

The Athletic Training staff is initially responsible for treating any injury or illness sustained as a result of athletic participation in scheduled practices and games, or during travel to and from those events. For low risk sports, such coverage may be provided by the Athletic Training staff member who is on call or on duty in the Training Room. For high-risk sports, coverage is provided at the site of the practice or competition. Physician coverage is provided as needed.

All Head Coaches and their assistants are responsible for familiarizing themselves with the Department's medical policies. Coaches should be equipped to handle emergency situations in the absence of a member of the Athletic Training staff. Per NCAA legislation all coaches and strength and conditioning staff members will maintain proper first aid, CPR, and AED certifications. Such knowledge is not only vital to the welfare of the student-athlete, but is important in preventing charges of neglect or misconduct from being filed against the coach in charge.

Athletic Training coverage for weight room activity is not mandatory.

Preventative Care

The Athletic Training staff is responsible for not only providing medical care to injured student-athletes, but also preventing injury by identifying risk factors associated with athletic participation, and educating coaches and student-athletes on preventive safety techniques. Additionally, all coaches should be able to recognize the onset of fatigue, dehydration and heat exhaustion and notify a member of the Athletic Training staff when such an event occurs.

It is the responsibility of the coaches, as well as the Head Athletic Trainer and Equipment Manager to make sure that all athletic equipment is in good working order and inspected on a regular basis. Coaches must ensure that each student-athlete is wearing appropriate, properly fitted athletic equipment. When there are adverse climate conditions, extreme care is used to maintain the proper balance of electrolytes.

The Athletic Training staff works with the Director of Wellness Center to provide dietary counseling to student-athletes. More specifically, every effort is made to provide an adequate number of calories and proper nutrition to student-athletes who are actively participating.

Student-athletes needing help with weight control may be referred by the Athletic Training staff to a physician or nutritionist/dietician for evaluation and nutritional consulting.

Treatment of ~~Illness or Injury~~*Injuries*

All injuries, including dental injuries, and illnesses are to be reported immediately to a member of the Athletic Training staff for emergency first aid and evaluation. If necessary, the student-athlete is referred to the Team Physician for medical diagnosis and prescribed treatment. The Head Athletic Trainer may refer the athlete to orthopedic consultants or other specialists.

The Athletic Training staff provides prophylactic taping, bracing and padding for injured parts, as well as stretching and strengthening exercises for specific injuries. In addition, rehabilitative therapy (strengthening and range of motion exercises and/or treatment with appropriate modalities) is provided by the Athletic Training staff under the Assistant Athletic Director for Sports Medicine or Team Physician's supervision.

It is the student-athlete's responsibility to follow recommended Athletic Training Room procedures related to the care of any athletic injury. Failure to do so may result in an unnecessary, lengthy rehabilitation and a prolonged absence from participation in the sport.

The Athletic Training staff monitors the progress of all student-athletes during treatment in the Athletic Training Room and keeps complete and accurate records on the progress of student-athletes during the treatment period. Required diagnostic tests for injured student-athletes and transportation to medical testing facilities is also coordinated by the Head Athletic Trainer when required.

When surgery or hospitalization of a student-athlete who is a minor is recommended, the Head Athletic Trainer contacts the student-athlete's parents or guardians to inform them of their son's/daughter's diagnosis, prognosis and current health status. Contact must be made with parents or guardians prior to the scheduling of surgery. The student-athletes and his/her parents should be informed of the right to a second opinion when surgery is recommended.

Athletes injured on an away trip should be returned to SFA, if possible. If a member of the Athletic Training staff is not traveling with the team, the coach is responsible for obtaining the assistance of the host school's team physician or certified athletic trainer. Every effort should be made to contact the parents or guardian of a dependent student-athlete prior to hospitalization or surgery, to inform them of the injury. In emergency situations, immediate medical care should be obtained. If a member of the Athletic Training staff is not present on the trip, the Athletic Training staff must be notified concerning the injury.

- **Dental Care**

  Mouthpieces can be fitted for those student-athletes participating in contact sports. If the mouthpiece is not worn or has been lost, the Department is not responsible for dental charges.

  The Department assumes financial responsibility for dental care which is a direct result of an athletic injury sustained in formal practice or competition in the student-athlete's

designated sport. Student-athletes are to immediately (i.e., within 24 hours) report all dental injuries to a member of the Athletic Training staff. The Department will not pay for general dental treatment (e.g., cleaning of teeth or treatment of cavities).

- **Eye Care**

  Eye exams are performed as part of the annual physical exam. If eye problems are discovered, the student-athlete is referred by the Head Athletic Trainer to an optometrist or ophthalmologist.

  The Department assumes financial responsibility only for eye injuries sustained in training, scheduled practices and competitions in the student-athlete's designated sport.

Illness

Illness is defined as any disease, sickness, disorder, and syndrome that are not directly caused by an athletic related injury episode. This includes, but is not limited to: sickness, mental health, ADD/ADHD, asthma, STD, diabetes, hypertension, sickle cell disorder, OBGYN, skin disorders, etc. SFA does not assume financial responsibility for illness, pre-existing illness, or any testing, diagnostics, prescriptions, or consultations related to the illness.

All referrals for illness should come from the athletic training room. Initial referrals will be made to the SFA Student Health Center. In the event off campus referrals are required by the Health Center or requested by the student-athlete, all charges will be the responsibility of the student-athlete including co-pays, deductibles, lab fees and prescriptions.

Mental Health

Campus Counseling Services will assist student-athletes in overcoming obstacles to their personal and academic goals. This is accomplished through individual and group counseling and through outreach presentations, training and consultation.

In the event a student-athlete displays the need for, self-identifies, or requests mental health counseling services, the sports medicine staff will make a referral to Campus Counseling Services. Services are free to all students and all information (including the fact that a student attends counseling) is confidential within the limits provided by law. No record is made on an academic transcript or credential file.

In the event off-campus professional mental health services are required by a student-athlete, the SFA Athletic Department assumes no financial responsibility.

Concussion Assessment, Management, and Return to Play Guidelines

Policy and procedures on neurocognitive baseline testing and subsequent assessment and management of concussions as well as return to play guidelines has been developed in accordance with the Stephen F. Austin State University Department of Sports Medicine's Mission Statement utilizing NCAA's framework guidelines to provide quality healthcare services and assure the well-being of each student-athlete.

The Stephen F. Austin State University Department of Sports Medicine recognizes that sport induced concussions pose a significant health risk. Baseline neurocognitive testing pre and post injury will provide significant data for return to competition decisions. This baseline data along

with physical examination, and/or further diagnostic testing will be used in conjunction in determining when it is safe for a student-athlete to return to competition.

Concussion Definition

A concussion is a brain injury that is caused by a traumatic force to the head or another part of the body. This injury can occur in any sport (or other activity ie; car accident or fall) and presents itself uniquely in each individual. A concussion can occur even if a person does not lose consciousness.

Signs and Symptoms of Concussion

Certified athletic trainers, athletic training students, and coaches should be aware of the signs and symptoms of concussion to properly recognize and intervene. Recognition of any of the following signs/symptoms should be reported immediately.

CONCUSSION SIGNS – WHAT THE MEDICAL PERSONNEL CAN OBSERVE

- Appears dazed
- Confused about play
- Moves clumsily
- Answers question slowly
- Personality change
- Forgets plays prior to hit
  Retrograde amnesia
- Forgets plays after hit
  Anterograde amnesia
- Loses Consciousness

CONCUSSION SYMPTOMS – WHAT THE STUDENT-ATHLETE DESCRIBES

- Headache
- Nausea
- Dizziness
- Balance problems
- Visual changes
- Photosensitivity
- Feeling sluggish
- Feeling foggy
- Cognitive changes

If an athlete has sustained a concussion, those involved in his/her care must be aware of the warning signs and symptoms of post-concussion syndrome as listed below. Immediate medical care is required if symptoms progress rapidly.

Loss of intellectual capacity	Lack of concentration	Sleep disturbances
Poor recent memory	Poor attention	Depressed mood
Personality changes	Fatigue/irritability	Anxiety
Headaches	Phono/photophobia	Twitching/seizures
Dizziness	Nausea/vomiting	Balance issues
Fluid/blood from nose/ears	Loss of consciousness	Weak/numb extremities

Concussion Management and Return to Play Guidelines

In any circumstance where a concussion is suspected in an athlete, the first priority is to remove the athlete from further competition until a thorough sideline assessment can be made. Furthermore, if there is a question about the state of mental clearing it is best to err in the direction of conservative assessment and withhold the athlete from further competition until a physician assessment can be arranged.

The following are general guidelines based on the recommendations of the NCAA and National Athletic Trainers Association (NATA) to be followed by all certified athletic trainers (ATC) and team physicians when treating student-athletes with concussion like symptoms.

Pre-Season Education

- Student-athletes will be provided educational material regarding concussions and will be required to sign an *Assumption of Risk* form in which the student-athlete accepts the responsibility for reporting their injuries and illnesses to the institutional medical staff, including signs and symptoms of concussion. All educational materials will also be disseminated to coaches, parents, team physicians, athletic trainers, and the Athletic Director.

Pre participation Assessments

- Stephen F. Austin State University sports medicine staff will record the following baselines: Immediate Post-Concussion Assessment and Cognitive Testing (ImPACT)(Pre and post injury assessment that evaluates symptom status and cognitive function) and X2 Biosystems ICE (mental status & neurological function, BESS balance, Symptom checklist which is SCAT 3 compliant) on each student-athlete prior the first practice. The same assessment tools will be used post-injury at appropriate time intervals. A measure of cognitive function will be performed within 24-48 hours withstanding elevated symptoms where testing would be postponed.

Recognition and Diagnosis of Concussion.

- ImPACT and X2 Biosystems ICE will be used post-injury at appropriate time intervals. A measure of cognitive function will be performed within 24-48 hours withstanding elevated symptoms where testing would be postponed.
- At the time of injury or once the injury has been reported, the medical staff will document all information pertinent to the concussive event including: 1) mechanism of injury, 2) initial signs and symptoms, 3) state of consciousness.
- Reporting of concussion-like symptoms can be done in a variety of ways; injured player to medical staff, injured player to coach, injured player to peer, etc. It is the opinion of Stephen F. Austin State University that coaches, student-athletes, and medical staff all have a responsibility in reporting injuries and assisting in maintaining the health and safety for all who participate in intercollegiate athletics.

- At the time of injury, the medical staff will monitor vital signs and level of consciousness after the concussion until the athlete's condition improves or further medical treatment is necessary.
- A student-athlete will be disqualified from competition activity on the day of injury if he/she is evaluated and diagnosed with concussion-like symptoms.
- A student-athlete with a concussion will be referred to a physician or emergency room on the day of injury if he/she: 1) loses consciousness for an extended period of time, 2) experiences increased symptoms, 3) experiences persistent decreased sensory or motor function.

Post-Concussion Management

- A student-athlete with a concussion who has increased number of post-concussion symptoms, symptoms worsen over time or symptoms interfere with the athlete's daily activities will be referred to a team physician or specialist with concussion management experience.
- Once removed from participation and sent to his/her local residence, the medical staff will give the student-athlete a Home Care Instruction sheet. This sheet outlines care of a concussion and requires the signatures of the student-athlete, observer (person designated to stay with the student-athlete), and medical staff.
- A student-athlete's parent or guardian will be notified by a member of the medical staff after a concussive episode has occurred.
  A student-athlete with a history of concussions will be treated more conservatively; the severity of the concussion may require the athlete to be referred to a team physician or specialist with concussion management experience.

Return to Learn.

- Student athletes may be returned to classroom activities after a reasonable reduction of symptoms at the discretion of the medical staff.
- If necessary, academic accommodations may be requested by the medical staff. Student-athletes should not return to classes while grossly symptomatic. Proper documentation will accompany the injured student-athlete to present to his/her instructors.
- A student-athlete should not attend practice or team meetings if they are not actively engaged in academic activity and classroom attendance nor should they be allowed to attend games or travel with their team to away contests.
- A student athlete's level of symptoms will be assessed by the medical staff to determined observation of practice or attend team meetings.

Return to Play

- A 5 step graduated protocol has been established by the medical staff for return to play (RTP) in athletes who sustain concussion. There should be at least one day (24 hrs) between each RTP progression / phase. If there is any return of symptoms during the RTP progression process the student athlete will return to the previous stage
  a. **RTP 0- NO GO.** Student-athlete continues to report concussion like symptoms. All athletes in the level should focus on rest and having minimal cognitive stimulus. No class or athletic participation.
  b. **RTP-1- Light Exertional Activities**. The student-athlete will begin an exertional progression program starting with light aerobic exercises.. They may also return to meetings.
  c. **RTP 2- Moderate Exertional Activities.** The student athlete will advance to moderate exertional activities and weight training.

d. **RTP 3- Heavy Exertion and Non-Contact Practice.** The student-athlete may participate in non-contact practice.
e. **RTP-4 -Contact Practice.** The student-athlete may participate in contact practice.
f. **RTP – 5- Full Go- Released to full participation.**

Full return to play will only be possible if the student-athlete remains symptom free and has a return to pre injury baseline scores on ImPACT and X2 Biosystems ICE testing. . Final determination will be made by a team physician following direct consultation and evaluation.

- Proper documentation will be kept on file regarding concussive episodes, testing, physician notes, and return to play criteria. As with all injuries, but especially with concussed athletes, all decisions about diagnosis, management, and return to play will be at the discretion of the treating physician.

Eligibility for Medical Hardship

A Head Coach may initiate the request for medical hardship waiver for a player who is ill or was injured during the first half of the sport's traditional playing season and can no longer participate in his/her sport's program for the season in which the injury or illness occurred. Additionally, the student-athlete may not have participated in more than 30% of scheduled competition in his/her sport. The Head Athletic Trainer and/or Team Physician, under the direction of the Director of Athletics, reviews the student-athlete's medical records to determine if the medical hardship waiver option applies.

If the Head Athletic Trainer or appropriate consultant agrees that the student-athlete should be granted a medical hardship waiver, a Southland Conference Hardship Waiver Petition (see Appendix 506A-9) must be completed. This petition must also include the following:

- The date of the injury or illness;
- An anatomical diagnosis of the injury or illness;
- The treatment prescribed; and
- The medical reasons from the treating physician why the student-athlete could not play.

Additionally, a published schedule of events, participated in by the student-athlete should be included. The petition must be signed by the Head Athletic Trainer, Associate Athletic Director for Compliance and the Director of Athletics before being forwarded to the Southland Conference Office for the approval of the Commissioner.

Medical Expense and Insurance Coverage

Medical expenses incurred as a direct result of participation in organized practice or competition at SFA is considered the responsibility of the Department. All student-athletes are required to complete and return the ~~Medical Coverage for~~ Athlete's *Medical Packet* ~~Policy~~ (see Appendix 506A-10) to the Athletic Training Room prior to the issuance of equipment for practice. Student-athletes who are on athletic scholarship and not covered by family or individual policies are encouraged to purchase insurance. All non-scholarship student-athletes are required to present valid proof of health insurance prior to participation.

If proof of health insurance is not provided prior to the start of any organized team athletic activity, the student-athlete will be held out of participation until valid proof is presented. It is the responsibility of the student-athlete/family to notify the Head Athletic Trainer of any lapse in coverage. Failure to do so could

result in the student-athlete/family responsible for medical costs. Student-athletes who experience a lapse in coverage will be held out of participation until valid proof of insurance is presented.

The student-athlete's own insurance policy is used in all instances to cover expenses related to any athletically related injury. If the insurance does not cover an athletically related injury or does not fully cover the charges, the Department, as secondary insurer, is responsible for the balance. Parents are notified by the Head Athletic Trainer or designate. Unauthorized, outside medical expenses are considered to be the responsibility of the student-athlete. In an effort to expedite medical care, student-athletes are encouraged to designate a primary care physician (PCP) located in the Nacogdoches area. This will assist with the referral process that most insurance companies require. All HMO, Medicaid, and other out of network insurance must have prior approval before participation.

Primary Health Insurance Medical Billing

To help offset the increasing costs of providing quality health care coverage for student-athletes, the Athletic Department will bill student-athlete's primary health insurance for treatments and rehabilitation services provided by certified Athletic Training staff for all lost time injuries. All treatments and rehabs provided to student-athletes will follow the injury treatment protocols ordered by and overseen by the team physicians. At no time will student-athletes, parents or guardians be billed for any medical services provided by the Athletic Training staff. Billing will only go to their primary health insurer. The primary health insurance company will be contacted for precertification before any billing will take place. When charges are submitted for treatments and rehabs, student-athletes or parents will receive an Explanation of Benefits (EOB) form from their insurance company detailing any charges, discounts, and payments made. The EOB is not a bill only a statement of activity on the primary health insurance policy. At no time will the policy holder be responsible for any "remaining balance owed" for treatments or rehab provided by the Athletic Training staff.

Post-Eligibility Insurance Coverage

The University realizes that certain injuries which are the direct result of intercollegiate athletics participation may require additional medical attention after a student-athlete has exhausted his or her eligibility. Therefore, secondary insurance coverage is provided for up to two (2) years from the date of injury. This coverage is dependent upon documentation of injury, reasonable adherence to medical advice during rehabilitation and no further evidence of post-competition re-injury. Each case is individually reviewed for strict adherence to these guidelines.

Arrangements for the continuing care of a student-athlete with an athletically related injury are to be made before he/she leaves the University, either as a result of withdrawal or graduation. If prior arrangements for short or long-term care are not made, the University is released from all responsibility.

NCAA Catastrophic Injury Policy

The Department, through its NCAA membership, provides coverage for all student-athletes, student coaches, student managers, student trainers, and student cheerleaders against catastrophic injury while representing Stephen F. Austin State University during qualifying intercollegiate athletics play or practice, or during travel related to these activities. Special catastrophic injury medical insurance provides payment for serious injuries up to $20 million in lifetime benefits.

The Department assumes no legal liability or moral responsibility for injury to a student-athlete that was not caused by the negligent acts or omissions of an officer, employee, or agent of the Department. Claims by third parties for damages as a result of injury to a student-athlete are investigated in the same manner as any other liability claim against the University.

Distribution of Drugs and Medication

The Department recognizes its responsibility related to controlling the purchase, storage and dispensing of prescription drugs, both narcotic and non-narcotic, as well as the keeping of records related to these activities. All of these activities must be in keeping with state and federal laws, as well as Athletic Training Room procedures, and they must be carried out in such a manner as to provide proper security.

All prescription medications stocked in the Athletic Training Room are labeled and pre-dispensed. The medications are distributed by written prescription from the Team Physician or referral physicians or dentists. Medications unavailable in the Athletic Training Room are referred by written prescription to a designated pharmacy in the community. Non-prescription medications are distributed by the Athletic Training staff following established Athletic Training Room protocol. No other Department personnel are allowed to distribute medications to student-athletes. The Department pays only for medications prescribed by the Team Physician and referral physicians and dentists.

Athletic Pregnancy Policy

The following is for the protection of the student athlete and for the protection of the unborn child, should pregnancy occur. SFA Athletics will not force a student athlete to inform the medical staff or coaches that a student athlete has become pregnant; but encourages the student athlete to do what is in the best interest of the student athlete and unborn child and inform the medical and coaching staffs. The sports medicine department will honor the student athletes request for confidentially, until such time it is medically necessary to withhold the student athlete from participation.

- **American College of Obstetricians and Gynecologists (ACOG)**
  Guidelines for Exercise During Pregnancy
- **NCAA Sports Medicine Handbook Guideline 2Q**

<u>If a pregnancy is suspected</u>

- Once the athlete suspects that she is pregnant, she should contact her athletic trainer, coach or athletic department personnel because diagnostic testing must be done to confirm or rule out a pregnancy.
- If the athlete believes that she is pregnant or the athletic trainer believes that the athlete is pregnant due to signs and symptoms, the athlete needs to complete a pregnancy test at a medical facility. This testing can be performed at the SFA Student Health Center or an OBGYN physician's office of her choosing.
- The athlete will need to consent to a release of information from the Student Health Center so that results can be given to the athletic trainer and team physician.

- Pregnant student-athletes will never be forced to terminate a pregnancy because of financial or psychological pressure or for fear of losing their institutional grant-in-aid. NCAA Bylaw 15.3.4.3 specifies that institutional financial aid based in any degree on athletics ability may not be reduced or cancelled during the period of its award because of injury, illness, or physical or mental medical condition.
- All medical costs due to pregnancy incurred by the student-athlete will be the financial responsibility of the student-athlete and NOT the Athletic Department.

A confirmed pregnancy will need to complete the following steps:

- A gynecological exam and determination must be made as to the stage of the pregnancy. This information must be given to the Team Physician, so that a determination can be made of the athlete's ability to continue their sport along with the Head Athletic Trainer and assigned sport Athletic Trainer.
- An athlete with a confirmed pregnancy will be encouraged to inform her coach. If the athlete declines to allow information to be released to her coach, any withholding from practice will be explained as an "undisclosed medical condition." The team physician will direct the future course of action in relation to the athlete's participation in sports activity.
- Pregnancy is not an automatic disqualifier for participation, but proper medical documentation is required before any participation in athletics can continue.
- In the event of spontaneous miscarriage their OBGYN physician and the team physician will review the case and make a return to activity decision.
- Athletes participating in athletics during pregnancy can be medically disqualified by their OBGYN physician and team physician due to the risks that sport participation may cause to both the unborn child and the athlete.
- If an Athlete with a confirmed pregnancy is granted permission to continue sports participation from their obstetrician and team physician, she will be asked to sign the Participation by Pregnant Student-Athlete Wa*iv*~~i~~er, which outlines risks, limitations, and the allowable activities associated with continued sporting activities. (Appendix:)
- Athletes with pregnancies that do not reach full-term will be evaluated and must be medically cleared by their OBGYN and the Team Physician before returning to any activity.
- Athletes may return to full activity post-delivery but must receive medical clearance by their OBGYN physician and the Team Physician.

Lightning Policy

SFA Athletics will follow NCAA guidelines regarding lightning safety. SFA athletic trainers and athletic administration will coordinate decisions regarding removal of student-athletes from practice or competition. SFA athletics utilizes a weather tracking software that tracks storms lightning. In the event lightning occurs within a six mile radius all participation will cease. A 30 minute removal from participation is required after the most recent lightning strike within the six mile radius. Each new lightning strike resets the 30 minute clock. During lightning stoppage all student-athletes, coaches, staff-members, ~~and spectators~~ are ~~encouraged~~ *required* to relocate to the nearest safe area.

Medical Personnel

The SFA Sports Medicine network is composed of the following personnel:

- Certified Athletic Trainers
- Medical Director / Team Physician (Orthopedic Surgeon)
- Neurosurgeon
- General Practitioner Physicians (SFA Student Health)
- Family Physicians
- Dentistry
- Chiropractor
- Nutritionist
- Neuropsychologist
- Cardiologist
- Athletic Training Students

DEPARTMENT OF INTERCOLLEGIATE ATHLETICS TRANSFER RELEASE POLICY

A student-athlete who wishes to transfer to another NCAA institution should ~~follow these steps. First, notify~~ *meet with* ~~your~~ *the respective sport* head coach ~~that you desire~~ *to request* ~~to~~ *a* transfer and ~~are requesting your release~~*receive a release to contact other schools*. If approved, a Permission to Contact Letter, will be prepared by the Associate Athletic Director for Compliance ~~and Student Services~~ upon notification by the head coach. This release will only give institutions permission to contact ~~you~~ *the student-athlete* about transferring.

If the request to permit ~~any~~ other institution*s* to contact the student-athlete is denied, the student-athlete will be informed in writing by the Director of Athletics and given the opportunity to request, in writing, a hearing conducted by the ~~Intercollegiate Athletic Council~~*Athletic Appeals Committee made up by the Associate Athletic Director for Compliance, Assistant Athletic Director for Academics and the Senior Woman Administrator*. The hearing will be conducted and written results provided to the student-athlete within 15 business days of receipt of the written request for hearing. The student-athlete shall be provided the opportunity to actively participate in the hearing. If the hearing is not conducted or written results are not provided within the ~~15~~ 7 business day window, permission to contact the student-athlete is granted by default and a written permission will be provided.

In the event that the student-athlete is also seeking a One-Time Transfer Exception release, the student-*athlete* must present a cumulative minimum overall GPA of 2.600 for immediate issue. ~~The request must be in writing to the Director of Athletics.~~ If the student does not have a cumulative minimum overall GPA of 2.600 a decision to grant or deny the request will be made in writing by the Director of Athletics ~~within 7 business days~~. If denied, the student-athlete will be provided a hearing upon written request. The hearing will be conducted by the ~~Intercollegiate Athletic Council~~*Athletic Appeals Committee*. The hearing will be conducted and written results provided to the student-athlete within 15 business days of receipt of the written request for hearing. The student-athlete shall be provided the opportunity to actively participate in the hearing. If the hearing is not conducted or written results are not provided within the 15 business day window, permission for the release shall be granted by default and written permission will be provided.

Once a transfer request is granted a student-athlete's status with the team is at the discretion of the head coach. The head coach will determine if continued participation in practice and competition is in the best interest of the team. If the student-athlete has voluntarily withdrawn from the team the Director of Athletics, after consulting with the head coach, will decide if athletic financial aid should be cancelled. Other services and benefits (e.g., academic support services, access to athletic facilities, training room) will be determined on a case by case basis by the Director of Athletics in consultation with others in the athletic administration staff.

To provide increased transparency and address student-athlete concerns, this policy will be included each year in the SFA Student-Athlete Handbook.

SFA
7/~~2013~~*2016*

DEPARTMENTAL -STAFF: CONDUCT AND ETHICS

Stephen F. Austin State University has established a tradition of integrity and ethical conduct at all levels of University life. In accordance with this tradition, all employees involved in the intercollegiate athletics program are expected to represent the University in an honorable manner at all times with the understanding that Texas governmental entities are run under an open government system, and all public employees are subject to review at any time.

Governing Authorities

- Standards of ethical conduct for staff members are established and enforced by the Department of Intercollegiate Athletics, the University, the State of Texas, the Southland Conference and the NCAA. All staff members are:

- Subject to such rules and regulations, as outlined in Stephen F. Austin State University Academic and Non-Academic Employee Handbooks and the University Policies and Procedure Manual;

- Subject to the rules and regulations of the NCAA and the Southland Conference which govern ethical conduct, use of banned substances, gambling activities and other forms of misconduct, as outlined in the NCAA Manual and the Rules Governing Athletics and All Participation of the Southland Conference;

- Subject to various standards of conduct established by State of Texas legislation and apply to employees of Stephen F. Austin State University; and are expected to comply with the general ethical guidelines set forth in this Manual and any Additional Departmental publications addressing staff conduct.

Departmental personnel are requested to contact the Director of Athletics or, in his absence, the Associate Athletic Director for Compliance regarding the interpretation or clarification of any applicable regulation.

Business Ethics

It is the policy of the Department of Intercollegiate Athletics to conduct its business in an ethical manner and to ensure compliance with all rules and regulations applicable to the University, as well as other governing authorities.

To achieve this goal, employees should have a practical, working knowledge of the rules and regulations within their area(s) of responsibility. Supervisors should educate their employees concerning these regulations and inform them of acts which might lead to violations. Any employee who has knowledge of a violation should report it to his/her supervisor, the Director of Athletics and/or the President of the University.

Staff members are expected to exercise care in the use of personnel, capital equipment and supplies, and funds entrusted them, and are not to use Departmental time, facilities, or property for -other -than -officially - approved -University –business. Tickets, favors –and -entertainment provided by Departmental employees must be consistent with NCAA and Southland Conference rules and regulations, and accepted University practices.

Departmental personnel may not accept gifts, payments, entertainment, privileges or other favors which might influence future decisions made by the Department. All gifts and payments received or disbursements made on behalf of the Department must be fully and accurately reflected in Departmental records.

In addition, staff members may not engage in activities that would place them in a conflict of interest situation or disclose confidential information concerning the Department or confidential information acquired by reason of his/her official position without proper authorization. (See Policy 510B, Coaches and Administrators: Outside Employment and Promotional Activities in this Manual for more specific information.)

Furthermore, staff members are to conduct their personal business so as not to bring attention or discredit to themselves or to the Department. The Department of Intercollegiate Athletics will not act as a collection agency or be involved in determining the validity of contested debts on behalf of its members.

Personal Conduct and Responsibility

Members of the staff are expected to establish and maintain a standard of behavior which brings credit to themselves and to the Department. The following guidelines for personal conduct, while not all inclusive, have been established for staff members:

1. Act with judgment, discretion and integrity both on and off the job.
2. Represent the University and the intercollegiate athletics program with dedication, enthusiasm and loyalty;
3. Treat all persons with courtesy, friendliness and respect for their personal dignity;
4. ~~Be mindful to n~~*N*ot discriminate against any individual by reason of race, ~~sex, creed,~~ color, *religion,* national origin, *sex,* age, ~~handicap~~ *disability, genetic information, citizenship, veteran status,* ~~or~~ sexual orientation*, gender identity, or gender expression*;
5. Dress appropriately in the office and on the field; and
6. Maintain scheduled office hours throughout the year, including off-season periods and student vacation breaks.

Coaches and Departmental personnel have a direct and vital impact on the behavior, personal development and quality of life of University students and student-athletes. Accordingly, coaches and staff should conduct themselves in a manner consistent with the University's philosophy, and the athletics program. (See Policy 101 in this Manual for Department's Philosophy and Objectives.) The primary efforts of staff members should be focused on meeting the goals and attending to the interests and well-being of student-athletes.

Although specific responsibilities are described in individual job descriptions (see Section 300 in this Manual), general responsibilities are as follows:

- Recruiting

  Coaching and Departmental staff members are to adhere to established recruiting guidelines, as stated in Policy 502A in this Manual, and are not permitted to recruit student-athletes under false or misleading pretenses, or by offering inducements that are violations of any governing authority's regulations.

- Academic

  The Primary objective of the athletics program is to help each student-athlete complete a degree within five (5) years. Every effort is made by the University and the Department of Intercollegiate Athletics to offer a program, based on Departmental, University, Conference, and NCAA rules and regulations, that will achieve this objective.

  Recognizing the importance of the educational experience, staff members are expected to contribute to the academic development of all student-athletes. Guidelines for assisting student-athletes in fulfilling their academic requirements are specified in Policy 503A, Student-Athletes: Academic Policy, in this Manual.

- Athletic

  The physical well-being of the student-athlete is of utmost concern to the University and the Department in developing training and coaching guidelines for the athletics program. Rules for individual sports are established by the coaches within the parameters set by the Department, the University, the Conference, and the NCAA. Coaches are encouraged to formulate rules for team training that are feasible, based on the coaches' and trainers' experience and their professional judgment; and that are tailored with the student-athlete's individual situation in mind.

- Employment

  Athletic staff members should follow guidelines concerning outside employment and promotional activities, as delineated in Policy 510B, Coaches and Administrators: Outside Employment and Promotion Activities, in this Manual. Moreover, employment agreements and contract negotiations are to be entered into with integrity, and employees are to abide by related employment guidelines, as specified in Policy 510A, Coaches and Administrators: Employment Contracts.

- Sportsmanlike Conduct

  Coaches and staff are to act as positive role models in demonstrating sportsmanlike conduct. The criticism of sports official is considered totally unethical, either before, during or after a contest. Established channels of communication and procedures for protesting an official's ruling are to be followed by staff members.

Additionally, coaches and staff are expected to formally instruct student-athletes on positive approaches to sportsmanlike conduct. The Director of Athletics is charged with ensuring that staff and directed to provide, and follow through by discussing, appropriate techniques and encouraging sportsmanlike conduct among student-athlete, as outlined in Policy 501, Student-Athletes: Conduct and Ethics

Gambling and Bribery

In order for the Director of Athletics, the Head Coaches and Departmental staff to fulfill their responsibilities to educate student-athletes regarding illegal gambling and bribery, in accordance with NCAA guidelines (see Policy 501, Student-Athletes: Conduct and Ethics), the following comprehensive program exists:

Counseling the student body and particularly student-athletes as to the seriousness of the gambling problem; (This includes a review of applicable federal, state and local laws, as well as the posting of informational literature in dormitories and locker rooms.)

Informing students that they are required to report any solicitation to become a party to sports bribery or gambling activities, and that failure to do so, if determined after due process, may result in suspension or expulsion from the University;

Educating squad members as to the nature and prevalence of gambling and bribery in intercollegiate sports; (To help student-athletes better understand the consequences of participating in illegal activities, Head Coaches are encouraged to review the plight of student-athletes who have become involved in gambling or bribery activities.)

Implementing security measures to prevent potential bribers or gamblers from contacting student-athletes on campus, especially before major competitions; and

Denying press credentials to representatives of any organization which regularly publishes or promotes the advertising of tip sheets or other materials used to encourage gambling on college athletic events.

Illicit Drugs and Alcohol Abuse

University policies related to the use of illegal drugs and alcoholic beverages have been established by the Board of Regents in compliance with state and federal law. Specifically, all University employees (full-time and part-time faculty, staff and students) are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession and/or use of a controlled substance or alcoholic beverage in the workplace or from reporting to work under the influence of alcoholic beverages or illegal drugs. Furthermore, no University funds appropriated for travel or entertainment may be expended for alcoholic beverages.

Compliance with University policies governing alcoholic beverages and illegal drugs is a condition of employment for all University employees. It is the intent of the University to strive to achieve a drug-free campus and to comply with state and federal regulations regarding prevention programs established to eliminate the illegal use of drugs and alcohol abuse.

Agents

It is essential that coaches educate student-athletes regarding the NCAA rules related to professional sports and the consequences of rules infractions concerning agents. (These rules are explained in detail in Policies 501, Student-Athletes: Conduct and Ethics and 502C, Student-Athletes: Eligibility, in this Manual.) NCAA rules permit a Head Coach to represent, directly or indirectly, a student-athlete in the marketing of his or her athletic ability or reputation to a professional sports team or organization, provided no compensation or gratuities are received for such activity and all such activities are reported to the Director of Athletics or the Associate Athletic Director for Compliance.

Enforcement

Coaches and Departmental staff members are to uphold the principle of institutional control of, and responsibility for, all intercollegiate sports in conformity with applicable rules and regulations. Violations of University, Southland Conference, or NCAA rules and regulations can

result in sanctions against individuals, as well as the University. Therefore, every effort must be made to ensure adherence by the staff and student-athletes to all such rules and regulations.

- Interpretations Process

  When faced with a question of concern regarding NCAA rules and regulations, the following process should be followed:

  Step 1: Utilize the NCAA Manual. If the information in the Manual does not clearly answer your question move to Step 2.

  Step 2: Contact the Associate Athletic Director for Compliance. Staff members should not hesitate to call and ask questions. If the Associate Athletic Director for Compliance and Student Services is not available, move on to Step 3.

  Step 3: Contact one of the following people: the Director of Athletics; or the Assistant Athletic Director for Academic Services.

- Reports and Investigations of Violations

  It is the duty of every institutional staff members or student to immediately report to the Associate Athletic Director for Compliance any alleged or suspected violations of Conference, or NCAA rules. If the Associate Athletic Director for Compliance is not available, violations should be reported directly to the Director of Athletics.

  The Associate Athletic Director for Compliance elicits the following information:

  1. The nature of the incident or violation;

  2. Names of student-athletes, coaches, staff members, alumni or representatives of the institution involved.

  3. Dates and places in which the violations are thought to have taken place;

  4. Sources of information including names and addresses of the individuals involved; and

  5. Any available supporting evidence and possible leads to other evidence.

The above information is then reviewed to determine if the offense is a Level 1 or 2 violation or a Level 3 or 4 violation. If warranted the Director of Athletics notifies the President of the University that an investigation of an NCAA rules violation has begun, and outlines the procedures to follow.

In the case of a Level 3 or 4 violation, the Associate Athletic Director for Compliance and Student Services conducts the investigation, securing necessary information from all appropriate personnel. Upon completion of the investigation, corrective and disciplinary actions are taken. When the violation involves an eligibility issue, the student-athlete(s) in question is immediately declared ineligible until further notice by the NCAA. In all other cases, meaningful corrective and punitive measures are taken against those individuals involved. A self-report letter

including all relevant information is then sent to the NCAA through the Southland Conference Office.

In the case of a Level 1 or 2 violation, the University General Counsel represents the Department. The investigation is conducted only by individuals who are not employed by the Department of Intercollegiate Athletics. The findings of the investigation are reported to the President of the University. A self-report letter including all relevant information is then sent to the NCAA through the Southland Conference Compliance Committee for review.

Hearing and Appeals

Staff members having knowledge of any alleged violations of applicable governing rules or regulations are to cooperate with the proper authorities by furnishing factual information and assistance, as requested.

During official hearings or inquiries, the University and the NCAA strive to protect the individual rights of the accused party. If investigative findings result in proposed disciplinary actions, the accused party has the right to appeal through the appropriate channels.

Violations

Departmental staff found in violation of regulations are subject to disciplinary or corrective action as designated by the Director of Athletics, the Southland Conference Compliance Committee and/or the NCAA Infractions Committee. The University additionally reserves the right to issue corrective action (including dismissal) when necessary.

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DEPARTMENTAL STAFF: HIRING

Stephen F. Austin University is committed to achieving an adequate representation of well-qualified men, women and minorities in all operational areas and at all employment levels. As a reflection of this commitment, the Department of Intercollegiate Athletics recruits and employs the most qualified applicants available, consistent with the requirements of the position and the long-range objectives of the Department. All decisions regarding the recruitment, selection and placement of employees are made solely on the basis of job-related criteria. Furthermore, every effort is made to allow existing employees the opportunely for advancement within the Department or University and to place new employees in positions which best utilize their abilities and in which they are able to achieve both personal satisfaction and career opportunities.

Within the Department, the Director of Athletics coordinates the hiring process and ensures compliance with the University's policies for recruiting, interviewing and selecting applicants. Supervisors wishing to fill an existing vacancy or create a new position should contact the Director of Athletics for approval to initiate the hiring process. Staff members involved in the hiring process are expected to comply with established University procedures for selecting candidates. All related activities are subject to the approval of the University's Director of Human Resources.

For additional information, see ~~SFA's Policies and Procedures Manual, Index E-27N and~~ the University's Affirmative Action Policy ~~E-4~~*11.1*.

Equal Employment Opportunity

State and federal laws, as well as institutional policies, provide for equal employment opportunities for all individuals seeking employment with Stephen F. Austin State University, regardless of race, color, *religion,* ~~sex, religion, age,~~ national origin, *sex, age, disability,* ~~veteran status,~~ genetic information, ~~or physical or mental disability~~*citizenship, veteran status, sexual orientation, gender identity, and gender expression*. (See Policy 102, commitments, in this Manual, for additional information.) Additionally the University is committed to more than simply non-discrimination in its compliance with U.S. Statutes and Executive Orders. By asserting the need for even-handedness in employment decisions, the University recruits a diverse group of individuals, while assisting all employees to prepare for advancement.

Affirmative Action

The Department also follows the University's affirmative action policy, which requires making additional efforts to recruit, hire and promote qualified minorities, women*, veterans,* and disabled individuals.

Nepotism

The University restricts the hiring or appointment of a candidate for a University position of employment, if the candidate is related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to a University officer or employee responsible for the hiring and/or supervision of the candidate*, as detailed in University policy 11.16, Nepotism*.

Additionally, no relative of a member of the Board of Regents may be employed in any position within the University, unless the relative has been continuously employed in the position for a period of thirty (30) days prior to the appointment of the related Regent.

~~Relatives of a person within the second degree of affinity include the person's spouse and the parents, children, brother, sisters, grandchildren, nephews, nieces, uncles, aunts, and first cousins of the employee's spouse.~~

~~The relatives of a person within the third degree of consanguinity include the parents, children, brothers and sisters, grandparents, uncles and aunts, first cousins, nephews and nieces, grandchildren, great-grandchildren, and great-grandparents~~

Employment of ~~Aliens~~*Foreign Nationals*

The University abides by regulations of the U.S. Citizenship and Immigration Services in the hiring of employees.

New Staff Positions

Departmental administrators (e.g., Directors, Supervisors, etc.) who wish to create a new position within their area of responsibility must provide the Director of Athletics with a position justification. A job analysis questionnaire must also be completed for Human Resources who will develop the job description for the department. This information is used to justify the position to the President.

The position justification should specify the position to be filled, describing primary and secondary responsibilities, as well as the required/desired preparation, qualifications and experience. The justification should provide the rationale for the position's creation, as well as describe how this position will help meet the needs of the Department and the hiring unit. In requesting the creation of a new position, the Director of Athletics retains final Departmental approval.

The President must approve the creation of a new position. Human Resources determines the position's classification and pay level, based on the position's scope of responsibilities and job duties. The University has adopted a Compensation Plan which designates uniform titles and grants equitable compensation for employees engaged in comparable work. The Director of Human Resources is responsible for the administration of the Plan. Once a position for appointment is approved, the appropriate hiring procedure may be initiated.

Filling An Existing Position

When an existing position becomes vacant, the supervisor for the position must decide whether the position is to be filled. If the position is to be filled, it must be approved by the Director of Athletics.

Recruitment Assistance

Recruitment to fill positions at SFA is a service provided by the Office of Human Resources. Vacant positions are posted on-line with non-exempt positions being posted for a minimum of 5 day and exempt positions posted for a minimum of 10 days.

Prior to publication, employment advertisements for exempt positions must be approved by the Director of Human Resources and the Office of Public Affairs. In addition to listing the positions on-line, Human Resources also lists the position with the Texas Workforce Commission.

National searches are conducted for open coaching and some administrative staff positions. The Intercollegiate Athletics Council acts in an advisory capacity to the President and the Director of Athletics in the selection of Head Coaches for football and men's and women's basketball.

Candidates for other positions may be recruited using contacts with professional organizations and advertisements in national and local publications

Interviews

In compliance with Affirmative Action guidelines, all candidates are to be treated equally and allotted equal interview time. A well planned interview, that begins in a timely manner and provides the candidate an opportunity to represent him/herself appropriately, as well as one that allows the supervisor an opportunity to obtain the necessary job-related information, is important to the recruitment process.

Supervisors are advised to develop questions ahead of time and to ask follow-up questions based on the candidate's responses. The same questions should be asked of each candidate to provide a basis of comparison and an opportunity to select the most qualified candidate. The interview questions must be approved by Human Resources prior to the start of the interview process. As a matter of courtesy, candidates should be given a time-frame in which they can expect an employment decision and all candidates should be informed when the decision is made.

Selection

The requesting supervisor, after consultation with the Director of Athletics makes a recommendation to hire the best qualified candidate and indicates his/her choice. The Director of Athletics must approve the recommendation and clearance must be obtained from the Office of Human Resources prior to offering the position to the applicant. A criminal history check must be run on the final candidate before the hiring offer can be completed.

All written and on-line records must be maintained on each applicant as well as other materials related to the hiring process including the required hiring matrix and any other notes taken during meetings. These records must be kept in the department for two years and one day from the close of the search and are subject to audit. In addition, copies of all related materials are retained in the personnel file of the new employee in the Director of Athletics' Office. The Administrative Assistant to the Director of Athletics ensures that the following forms are completed and processed according to University specifications:

- Letters of offer and acceptance (exempt employees only);
- Electronic Personnel Action Form (EPAF) on all employees;
- Job description (all employees)

Probationary Period

All newly hired non-academic employees must serve a 180 calendar days probationary period. This probationary period is an extension of the selection process and is used to determine an

employee's suitability for the position. During the probationary period the University (e.g., Department) is free to terminate an employee at any time upon written notice.

One month prior to the completion of the probationary period, the Office of Human Resources forwards a New Employee 180-Day Evaluation form to the supervisor. The supervisor is responsible for evaluating the candidate objectively and recommending the continuation of employment or termination. The evaluation form is submitted to the Office of Human Resources with a copy retained in Departmental files. Before deciding on termination, the decision must be reviewed by the Director of Human Resources. If employment is to be terminated, a EPAF should be completed.

Newly hired, probationary employees do not have grievance rights unless they believe they have been the victim of discriminatory conduct or have had their constitutional rights violated. However, any employee who believes his or her legal rights with respect to employment have been violated by a dismissal action may appeal through the Office of Human Resources.

Transfers

Employees may apply for transfer to other positions within the Department or University. The procedure utilized for a transfer to a vacant position is the same as that for external applicants. Salaries for transfer employees are the same or higher than the minimum advertised level.

Temporary Positions

Requests for temporary employees, to assist the Department during peak operations or to substitute for absent employees, require advanced planning and are processed through the Director of Athletics' office, in conjunction with the Office of Human Resources. Written justification for the temporary hiring of an employee should be included in the request. All requests for temporary hiring are to receive the prior approval of the Director of Athletics.

Dual Employment

Employees who are already employed in a position within the Texas government must receive prior Board approval before assuming an additional State Job, and are obligated to inform both employers of the intent to accept additional employment with the state. Additionally, specific limitations are placed upon leave accrual, state payroll deductions and employee benefits. The Director of Human Resources is responsible for informing employees of these limitations.

New Employee Orientation

All newly hired employees are to receive orientation to assist them in performing their assigned duties. It is the responsibility of each department within the University to require their new employees to participate in the New Employee Orientation program. The program consists of two parts:

1. The formal, group session conducted by Human Resources staff during the first three days of employment. At this session new employees complete certain employment documents, receive detailed information about SFA, receive a New Employee Orientation packet, attend mandatory EEO and Safety Training; and

2. Individual employee orientation conducted by the employee's immediate supervisor, to be completed within the first six (6) weeks of employment.

The Office of Human Resources provides a "New Employee Orientation Checklist" to the supervisor to insure that all essential information is covered during the individual orientation. The completed checklist is returned to the Office of Human Resources for inclusion in the employee's personnel file upon conclusion of the orientation.

The orientation process may be modified by the supervisor to fit the employee's needs.

SFA
7/~~2012~~*2016*

DEPARTMENTAL STAFF: VACATIONS

The Department of Intercollegiate Athletics, in conjunction with the University, grants vacation leave to all employees, other than faculty with appointments of less than 12 months, as an opportunity for each employee to have a time for relaxation and recreation away from the job. The Administrative Assistant to the Director of Athletics is responsible for documenting the use of earned vacation leave for all Departmental staff.

Vacation time should be requested ~~in writing~~*electronically*, scheduled in advance, and taken at a time consistent with work requirements. ~~Staff members are to submit their requests to their immediate supervisors. Supervisors should verify the availability of vacation leave with the Administrative Assistant to the Director of Athletics prior to granting vacations~~. Vacation time must be requested ~~using the Request for Vacation, Compensatory Time, Sick Leave Taken form (see Appendix 405B-1).~~*by logging into the staff member's mySFA webpage and entering a leave request.* Every effort is made to accommodate the vacation request, however supervisors may request that such leave be restricted to non-peak work periods.

Rules for Use

Eligibility for vacation benefits is granted after the completion of six (6) months of continuous, regular employment. Vacation time accrues from the employee's official date of hire. The number of vacation hours is based on years of continuous service.

In keeping with the purpose of vacation, there is no payment in lieu of accrued vacation except in the event an employee terminates employment. If a staff member leaves the University after completing six (6) months or more of employment, and resigns, is dismissed or departs from State employment, he/she is entitled to be paid for all vacation time duly accrued at the time of separation. Accrued vacation time, approved for payment is paid after 30 days from the time of separation. This policy will not apply if alternative leave benefits were negotiated in a contract agreement with an employee.

Accrual Rates

The annual vacation rate of accrual is based upon the employee's number of total years of service with the State of Texas.

In general, vacation is granted at an hourly rate based on the total number of years of employment by the state. Based on this formula, employees accrue paid vacation leave as follows:

Years of Total Service	**Hours Accrued per Month**	**Max. Hours Carried Forward**
Less than 2 yrs	8	180
2 but less than 5 yrs	9	244
5 but less than 10	10	268
10 but less than 15 yrs	11	292
15 but less than 20 yrs	13	340
20 but less than 25 yrs	15	388
25 but less than 30 yrs	17	436
30 but less than 35 yrs	19	484
35 and over years	21	532

The net balance of unused accumulated leave, not to exceed the maximum cited above, may be carried forward for any employee from one fiscal year to the next.

The annual leave hours in excess of the maximum allowable carryover left at the end of a fiscal year shall be credited to the employee's sick leave balance. If the employee is on any type paid leave that extends into the following month, the accrual will not be posted until the employee returns to duty. An employee forfeits this accrual if he or she fails to return to duty.

Reporting Leave Taken

On a daily basis, non-exempt departmental employees are required to enter time worked, vacation, sick leave, comp time and furlough earned or taken using the TimeClock Plus web based system (www.tm.sfasu.edu/webclock30).

Departmental exempt staff is responsible for reporting leave taken through their mySFA account ~~using Self-Service Banner~~. This reporting should be done following leave taken. At the end of each month all exempt staff members are required to submit for approval by the Director of Athletics the leave time reported.

SFA
7/~~2012~~*2016*

DEPARTMENTAL STAFF: SPECIAL EVENT ATTENDANCE

Throughout the year, special events and functions are scheduled to increase public awareness of the intercollegiate athletics program. Individuals specifically responsible for the operation of these functions are required to be in attendance as a part of their administrative responsibilities. Additionally, Departmental staff members are encouraged to attend as many sponsored events and functions as possible to demonstrate support for the overall athletics program.

When invitations are required for admittance to events or functions, they are distributed through the ~~Director of Athletics' Office~~*Associate Athletic Director for External Affairs office*. Staff members are asked to assist ~~the Director of Athletics~~ in ensuring that each guest list is complete and includes all staff and coaches who should be in attendance. Therefore, Head Coaches *or their designees* ~~-~~are responsible for submitting guest invitation lists in writing prior to each scheduled event.

Complimentary admissions are provided to staff members invited or encouraged to attend events requiring admission.

SFA
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AMOROUS RELATIONSHIPS

The purposes of this policy are: (1) to provide a safe and healthy environment for student-athletes so that they may reach their full potential as students and as athletes; and (2) to ensure that all coaches and other athletic department staff adhere to ethical practices and do not develop inappropriate relationships with student-athletes, regardless of their age or consent. Additional reference to university policy~~y~~*ies* ~~E-46~~*2.11*, Discrimination Complaints~~/Sexual Harassment~~ *and 2.13, Sexual Misconduct*.

Definitions

Coach: Any person serving as a head coach, assistant coach, graduate assistant coach, student coach or volunteer coach in the athletics department.

Staff: Any employee or student serving in the athletics department in an administrative, management, or support capacity, or in any capacity in which they supervise student-athletes or have responsibility for the provision of services or other benefits to student-athletes.

Supervisory control or authority: this includes any responsibility with the potential to affect the student-athlete's participation in the athletics program, and includes the provision of direct services and benefits to the student-athlete, such as: training, health services, academic and student life program support, tutoring, counseling, eligibility determinations, program compliance, and control over the student-athlete's team.

Student-Athlete: Any student of the university who is a member of a varsity athletics team as defined by university and NCAA regulations.

Amorous Relationship: Any sexual, romantic, or dating relationship.

Scope and Requirements

Coaches & Staff: This policy strictly prohibits amorous relationships between any coach or staff member and any student-athlete. Every coach and staff member has an ethical obligation to maintain a professional relationship with student-athletes and to place the well-being of student-athletes ahead of the coach or staff member's personal interests. This responsibility includes the duty to provide a safe and healthy environment for the student-athletes to flourish, and to serve as a role model within the confines of a professional relationship. As a result, no amorous relationship between a coach or staff member and a student-athlete, regardless of the perception of consent by one or both participants, can exist without jeopardizing the professionalism of the coach-athlete relationship and creating a significant conflict of interest. The respect and trust the student-athlete places in a coach or staff member, and the vulnerability of the student-athlete in that relationship, make "consent" unreliable in this setting. Conflicts of interest are endemic to such amorous relationships, and the costs to the athlete, the team, the athletics program, and the university, necessitate a strict prohibition on amorous relationships between coaches or staff members and student-athletes.

Even when the coach or staff member has no direct professional responsibility for that student-athlete, other student-athletes may perceive that the student-athlete who has ~~a sexual~~*an amorous* relationship with a coach or staff member may receive preferential treatment. Such relationships are incompatible with the ethical obligations of the coach or staff member and the integrity of the athletics program. Accordingly, this prohibition applies to such relationships between all coaches or staff members and all student-athletes in the intercollegiate athletics program.

Enforcement

Reporting a violation: Any person may allege a violation of this policy by contacting the Director of Athletics or any other Assistant Director or Senior Woman Administrator, or, if the person does not feel comfortable making the report to a person within the athletics department, to the Director of Human Resources. Any person receiving such a report must immediately notify the Director of Athletics. Any coach or staff member with information suggesting a possible violation of the policy must promptly report it to the Director of Athletics, and the failure to do so will be considered a violation of the athletics department policy. (If the report or information implicates the Director of Athletics in a violation of the policy, it should be directed to the Director of Human Resources instead. Additionally, any person who believes that he or she has been subjected to any form of sexual harassment may report the incident to any university official, administrator, or supervisor. Any person receiving such a report must notify the Title IX Coordinator and appropriate deputy coordinator(s). Reference polic*ies*~~y~~ *2.11, Discrimination Complaints, and* ~~E-46~~*2.13,* ~~Discrimination Complaints/Sexual Harassment~~*Sexual Misconduct*.

Investigation: Upon receiving such a report or information, the Director of Athletics shall immediately notify the Director of Human Resources. The investigative procedure detailed in university policy ~~E-46, Discrimination Complaints/Sexual Harassment~~ shall be followed. The investigation shall include interviews with any coaches, staff, and student-athletes with relevant information, and shall provide any coach or staff member accused of violating the policy with an opportunity to respond to the allegations. In investigating a possible violation of the policy, the standard of proof to be used is whether it is more likely than not that the policy was violated (a "preponderance of the evidence" standard, not the higher standard of proof used in criminal proceedings, "beyond a reasonable doubt"). Using this standard, the investigation will result in a determination of whether the policy was violated.

Disciplinary Action: If an investigation determines that a coach or staff member has violated the policy, that coach or staff member shall be subject to disciplinary action, up to and including dismissal. The Director of Athletics shall determine the disciplinary action to be imposed. Any disciplinary action shall be taken in accordance with applicable university policy.

Confidentiality: Complaints, reports and information relating to possible violations of this policy shall be handled as confidentially as possible without jeopardizing the enforcement of the policy, and the ability to conduct a fair investigation, or the safety of student-athletes and other persons connected with the athletics program. Information received in connection with a suspected violation of the policy shall be disseminated only on a "need to know" basis; that is, only when necessary to ensure compliance with the policy and/or to ensure the safety of student-athletes or other who come in contact with the athletics program.

Retaliation: Any retaliation for reporting a violation of this policy, or for participating in good faith in any investigation of a violation of this policy, is strictly prohibited. Any persons taking retaliatory action in violation of this policy shall themselves be subject to discipline, up to and including dismissal.

SFA/~~2012~~*2016*

NCAA~~, CONFERENCE AND LEAGUE REGULATIONS~~*and SOUTHLAND CONFERENCE RULES*: REVIEW

As mandated by the NCAA, the President of Stephen F. Austin State University ensures that an annual review of applicable NCAA and Southland Conference rules and regulations is conducted for all Departmental coaches, administrative staff members (as appropriate) and student-athletes.

Rationale

Stephen F. Austin State University is committed to conducting its overall intercollegiate sports program according to the official rules and regulations of the NCAA and the Southland Conference. These rules and regulations impact the operations of the intercollegiate athletics program in three (3) main areas: the playing of athletic contests, activities affecting the amateur status of student-athletes, and the administrative and financial operations of the Department of Intercollegiate Athletics.

Coaches are integrally involved in the above mentioned areas of Departmental operations, and as such, they must be familiar with all rules which either directly or indirectly affect the administration of their particular sport, to include recruiting, eligibility, academics, allocating athletically related financial aid, participating in postseason play, scheduling and all other areas involving student-athletes. This is essential, not only to prevent coaches from committing violations themselves, but to enable them to instruct and monitor student-athletes in matters under the jurisdiction of the NCAA and/or the Southland Conference as applicable. Additionally, as Departmental staff members, coaches must abide by a diverse set of regulations which affect personal conduct, squad limitations, publicity, expense reimbursement, outside activities, etc.

Administrative staff members, depending on their respective functions, are also affected by NCAA and Southland Conference rules and regulations. While in some instances only a few regulations apply to a particular staff member's duties or areas of responsibility, a thorough knowledge of all the rules and regulations allows each staff member to function within a system of checks and balances, which helps prevent unintentional violations.

Although student-athletes are made aware of applicable NCAA rules and regulations prior to entering the intercollegiate athletics program, *i*t is crucial that they be informed of newly passed legislation which affects them, and also reminded of pre-existing regulations. The annual review not only provides the student-athletes with information concerning athletics participation, but also makes them aware of situations which might jeopardize their athletic and academic eligibility.

Review and Education for Coaches and Staff

The Director of Athletics believes that education of staff members, coaches and student-athletes regarding rules and regulations is vital to maintain an athletics program that remains in compliance with NCAA and Southland Conference rules and regulations. The Associate Athletic Director for Compliance ~~and Student Services~~ conducts NCAA and Conference rules and regulations reviews on a bi-annual basis in August, and ~~February~~*January*. New rules and/or additional interpretations of existing rules are emphasized at this time. All coaches and administrative staff members are required to attend. Additionally, the Associate Athletic Director for Compliance ~~and Student Services~~ circulates rules interpretations to staff members and coaches throughout the year*, posts NCAA rules updates, reminders and compliance forms to the*

departmental website and holds monthly educational sessions each academic year with Head Coaches or designated staff members from each sport. Interpretations may be in response to specific questions, published interpretations, etc.

Review for Student-Athletes

At the beginning of the academic year and as needed throughout the year, the Associate Athletic Director for Compliance ~~and Student Services~~, with assistance from appropriate staff members, reviews applicable NCAA and Southland Conference rules and regulations with student-athletes and their coaches. The review must be completed each academic year before the first practice or any form of athletics participation by student-athletes. Generally, this review is held at the initial team meeting with attendance mandatory for each student-athlete. During the meeting, each student-athlete is required to sign an NCAA Student-Athlete Statement (see Appendix 502C-4). Failure to attend the review or sign this statement renders the student-athlete ineligible for intercollegiate athletics participation.

~~**Prospective Student-Athletes**~~

~~When recruiting prospective student-athletes, coaches must ensure that the prospects are made aware of the rules regarding activities that constitute recruiting violations. Head Coaches, with assistance form the Associate Athletic Director for Compliance and Student Services, monitor the mailing of brochures and informational publications to prospective student-athletes to ensure only approved materials are released. Included is The NCAA Guide for the College-Bound Student-Athlete, the official NCAA publication which provides information on recruiting rules and regulations.~~

SFA
7/~~2006~~*2016*

NCAA CERTIFICATION OF COMPLIANCE

Each year, the President of the University (the NCAA certifying Chief Executive Officer) is required to ~~submit~~ *approve* a Certification of Compliance for Institutions form with an attached Certification of Compliance for Staff Members of Athletics Department form, certifying institutional compliance with all applicable NCAA rules and regulations. These forms must be ~~postmarked~~ *completed* prior to an established deadline (i.e., September 15) in order to be eligible to enter a team or individual for participation in NCAA-sponsored meets and tournaments.

All continuing Departmental staff members, except clerical and facilities operations support staff, are required to sign the Certification of Compliance for Staff Members of Athletics Departments form, which affirms that all staff members have reported to the President of the University any knowledge of violations of NCAA legislation. The Director of Athletics may require other personnel to sign the form for internal use. The Associate Athletic Director for Compliance and Student Services coordinates the completion of the form, to include ensuring its timely execution, according to the following procedures:

1. The form is prepared in ~~July~~*August*, including the typed name and title of all Departmental staff members who are salaried on a regular basis (or who are performing a regular staff function, even though they may not be classified as full-time staff), administrative and supervisory personnel, and returning coaches for all sports (regardless of the season of the sport).

2. Staff members are notified of the need for their signature by September 15th signing deadline and the name of designated contact person (i.e., Secretary to the Director of Athletics).

3. Each staff member identified on the form places his/her full signature (initials are not allowed) on the form and the date of execution, including the month, day and year and his/her race and gender. The signature must be executed by the staff member, not by a designate, and then initialed by a witness.

4. Once the form is complete with all required signatures, the Director of Athletics is given the original ~~and two (2) copies of the certification form~~*which is forwarded to the President for his signature.*.

5. ~~The Director of Athletics reviews the form to verify its accuracy and ensure its completeness prior to conveying the original and one copy to the President of the University. The other copy of the form remains in the Departmental file in the Assistant Athletic Director for Compliance's Office~~*The completed form is then maintained in the office of the Athletic Director*.

SFA
7/~~2006~~*2016*

COACHES AND ADMINISTRATOR:
OUTSIDE EMPLOYMENT AND PROMOTIONAL ACTIVITIES

Department of Intercollegiate Athletics professional staff members and coaches are expected to comply with both University and NCAA rules and regulations related to outside employment and promotional activities. Moreover, the University and the NCAA have established certain policies requiring prior approval and the accurate reporting of athletically related outside employment, and promotional activities, as well as related income.

Coaches and professional staff members, particularly in those sports which receive a great deal of media attention, are often asked to make public appearances or perform other services for charity, as a community service, or for additional compensation. While they are encouraged to participate in such activities because they often present a unique opportunity for the individual to promote and clarify the goals of the athletics program, it is essential that staff members do not allow outside activities to interfere with their job responsibilities or place them in conflict of interest situations.

NCAA Regulations

NCAA legislation stipulates that all professional staff members as well as coaches (i.e., full-time head and assistant coaches) must report an annual detailed account of all athletically related income and benefits from sources outside the institution. (See Reporting Athletically Related Income on page 3 of this policy).

University Regulations

University policy requires that all salaried, full-time exempt employees *in the Department of Athletics* receive prior written approval from the President before engaging in outside employment. Request for Approval for Outside Employment forms (see Appendix 510B-1) are submitted to the Director of Athletics for preliminary approval, which is based upon the time required, the nature of the service, the potential for conflicts of interest and the contribution the activities may make to the professional advancement of the staff member. The request is then routed to the President of the University.

University employees who plan to engage in outside employment must adhere to the following guidelines as stipulated in University policy ~~E-35~~*11.19*, Outside Employment, and quoted verbatim below:

"Outside employment, for purposes of university policy, is engagement in any activity other than for Stephen F. Austin State University for a fee, salary, or wages. Examples include: establishing or joining a firm, private business, or engaging in the private practice of some professional skill, or working at another job. This policy applies to all full-time employees of Stephen F. Austin State University, including officers of the University Police Department.

University employees who propose to engage in outside employment must adhere to the following guidelines and any applicable laws.

1. Proper performance of the employee's university assignment is paramount and outside work will assume a position secondary to university duties.

2. The employee may not use any materials or facilities of Stephen F. Austin State University in the course of outside employment.

3. The employee will make a reasonable effort to assure that his/her outside employment is not identified with Stephen F. Austin State University.

An individual desiring permission to engage in outside employment must complete the Request for Approval for Outside Employment form and route it through administrative channels to the appropriate vice president (or president if no vice president oversees the office) for approval, prior to beginning outside employment. After initial approval of the outside employment, the employee will annually disclose or update such outside employment in the Employee Annual Conflict of Interest Disclosures. The department of human resources will provide a summary report of individuals approved for outside employment to the dean or director and appropriate vice president or the president by October 31 of each year.~~"Outside employment, for purposes of university policy, is engagement in any activity other than for Stephen F. Austin State University for a fee, salary, or profit. If one establishes or joins a firm, private business, or engages in the private practice of some professional skill, it is considered outside employment if it requires, on the average, more than ten hours per month, including weekends. Such employment must be approved annually in writing and in advance by the appropriate academic dean, director or vice president. This policy applies to all exempt, full-time employees of Stephen F. Austin State University whose employment obligations are not limited to a standard eight-hour day, and to officers of the University Police Department.~~

~~University employees who propose to engage in outside employment must adhere to the following guidelines and any applicable laws.~~

1. ~~Proper performance of the employee's university assignment is paramount and outside work will assume a position secondary to university duties.~~

2. ~~The employee may not use any materials or facilities of Stephen F. Austin State University in the course of outside employment.~~

3. ~~The employee will make a reasonable effort to assure that his/her outside employment is not identified with Stephen F. Austin State University.~~

~~An individual desiring permission to engage in outside employment must complete the "Request for Approval for Outside Employment" form and route it through administrative channels to the appropriate academic dean, director or vice president for approval, prior to beginning outside employment and annually at the beginning of the fiscal year. Each academic dean or director will provide a summary report of individuals approved for outside employment to the vice president by mid-term of the fall semester. Each vice president will provide the president with a summary report from each respective division."~~

Further, if outside employment is agreed to in contractual form, the contract must be reviewed by the ~~Director of Athletics~~*General Counsel* prior to signing. ~~Staff members should schedule a meeting with the Director of Athletics to review any such document prior to completion of the agreement.~~ Moreover, any such agreements currently in effect are not to be renewed at the end of the expiration of the current term (even if there is an automatic renewal (clause) without first being reviewed by the ~~Director of Athletics~~*General Counsel*.

Due to the unique environment of athletics where publicity and endorsements can lead to certain promotional types of agreements, all athletic staff must request **advance written approval from the Presiden**t for any source of income, benefit or agreement that uses, directly or by implication, SFA's name, marks or logo or commits the University to use a specific product or brand in equipment and uniforms. Promotional endorsements or agreements that commit the University in any manner must be signed by the President and reviewed by the General Counsel. Agreements that accept outside compensation or gratuities (personal gain) from athletics shoe, apparel or

equipment manufactures in exchange for the use of such merchandise during practice or competition could create a conflict of interest for the athletic staff member unless reviewed and approved through appropriate channels.

General Guidelines

As employees of the University and, therefore, its representatives, coaches and Departmental administrators must be careful in accepting invitations for public appearances, choosing commercial sponsors or endorsing products. No athletic department employee may enter into any oral or written agreement, letter of understanding, contract, or any other arrangement that seeks to bind, obligate, or involve SFA or the Athletic Department in any transaction whatsoever. All such agreements will be disclaimed by SFA, unless the employee submits any contemplated arrangement to the Director of Athletics for development, processing and approvals, if warranted.

If an athletic department employee is determined to be involved in any such activities or arrangements without having obtained prior written consent of the Athletic Director, then SFA may, at its sole discretion, (a) suspend the staff member, with or without pay, pending a final decision about the matter and/or (b) terminate the staff member's employment.

All staff members making public appearances in a professional capacity are expected to familiarize themselves with the guidelines concerning conduct and ethics, found in Policy 508A, Departmental Staff: Conduct and Ethics in this Manual. Additionally, prior to making speeches or statements which contain information about Departmental policies or procedures, staff members should consult the Director of Media Relations or the Director of Athletics. This ensures that all information is accurate and appropriate.

The Associate Athletic Director for Compliance ~~and Student Services~~ may be consulted to clarify or advise coaches and/or staff members concerning permissible outside activities.

Reporting Athletically Related Income

As stated previously, coaches and administrators must report annually all athletically related income from sources outside the University to the Director of Athletics. As required by NCAA rules and regulations, this information is reported to the President. Therefore any coach or professional staff member generating outside income must file, on or before September 15, a*n* ~~Southland Conference/NCAA Estimated~~ Athletically-Related Income ~~& Benefits~~ Form ~~Sources Outside the Institution form~~ (see Appendix 510B-2 for sample form) with the Director of Athletics and ~~an annual report of consulting activities to be approved by the Director of Athletics and~~ forwarded to the President. Sources of income include, but are not limited to:

- Annuities;
- Sports camps;
- Ownership interests;
- Speaking engagements;
- Television and radio programs;
- Complimentary ticket sales;
- Endorsements or consultation contracts with athletic shoe, apparel or equipment manufacturers;
- Extra compensation for postseason competition;
- Housing benefits (including preferential housing arrangements);

- Eating/Country Club memberships; and
- Consultations provided as an expert witness.

Reimbursement

In some instances, primarily speaking engagements, staff members may request reimbursement for travel and lodging expenses, as allowable under state regulations. The staff member must follow normal expense reporting procedures, as designated in Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual. Reimbursement is approved, provided the staff member is not being reimbursed by the sponsoring organization, or receiving a fee.

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7/~~2012~~2016

TRAVEL: TEAMS

The Department of Intercollegiate Athletics is committed to following all State of Texas, University, Southland Conference and NCAA rules and regulations related to transporting student-athletes to and from practice and competition sites. Since team travel represents a major expense to the Department, individuals involved in making such arrangements must strive to negotiate terms which are in the best interest of the University and the Department.

Head Coaches are responsible for developing competition schedules that will allow team travel to away competitions to comply within budgetary limits. These limits are set by the Assistant Athletic Director of Business Affairs during formulation of the budget for each sport. Coaches are then expected to remain within established budget limitations (for additional information, see Policies 401A, Budget: Formulation, and 401C, Budget: Accountability Control, Reports and Revision, in this Manual). Each sport's Head Coach or designated Assistant Coach coordinates team travel arrangements for all sports teams. The Assistant Athletic Director for Business Affairs should be consulted for advice and assistance in arranging team travel.

In general, travel arrangements include:

1. Developing the team itinerary;
2. Completing travel authorization paperwork;
3. Arranging for lodging and team meals;
4. Obtaining team travel advances and
5. Reporting all expenses and reconciling the cash advance with appropriate documentation upon completion of travel.

Each team's Head Coach is responsible for setting conduct standards (e.g., dress, conduct, curfews, free time activities, etc.) during trips. Each team should be accompanied by a member of the coaching staff. When this is impossible, an adult representative of the Department must be present.

Travel Requirements for Team Members

In general, all team members must travel to and from an away event with their teammates and must stay with them at assigned lodgings. However, exceptions may be made for separate travel arrangements for a student-athlete to return from an athletic event at the discretion of the Head Coach, with the approval of the Director of Athletics.

Separate Student-Athlete Travel

For any student to travel separate from the team, he or she must submit a completed SFA Department of Athletics Request for Student-Athlete Travel form (see Appendix 601B-1). This form includes: event, date of travel, sport, name, name(s) of traveling companions and their relationship to the student-athlete, signature of the student-athlete and signature of the Head Coach.

Additionally, the form includes a liability waiver. The original is maintained on file with the Department. The Head Coach retains a copy of the waiver and the original accompanies the student-athlete. This form releases the Department and the University from any liability or risk involved in the alternate travel plans.

The completed request must be submitted to and approved by the Head Coach no later than 48 hours prior to the athletic contest listed on the form.

Circumstances calling for separate travel are typically one of the following:

- A student-athlete traveling at a different time because of academic commitments or competitive uniqueness, or
- A student-athlete wishing to spend time with parents/guardians.

Student-athletes, with prior approval to travel separately, may be reimbursed for expenses that are within NCAA rules and regulations. The Department may provide transportation expenses for a student-athlete to travel from campus to the site of a regular season contest and back to campus during the vacation period, even if the student-athlete does not travel with team, provided the student-athlete pays the difference in cost associated with traveling to another site. Regardless of route, the student-athlete must leave the event site within 48 hours of the conclusion of the event.

Additional information on this policy and other permissible student-athlete travel expenses is detailed in NCAA Bylaw 16, Permissible Awards, Benefits and Expenses for Enrolled Student-Athletes, in the NCAA Manual. Note: Student-athletes cannot accept free or discounted airfare for personal use (per NCAA regulations). This rule includes the offer of a free ticket when an overbooking occurs and a student-athlete volunteers to miss a scheduled flight.

Official Travel Party

Prior to the travel date, an official travel party list must be submitted to the Director of Athletics. Only persons with their names on the list may travel with the team. Only student-athletes who are eligible and who have been officially certified by the University to compete as per Southland Conference, and NCAA regulations may be allowed to travel.

In addition, while injured, an eligible student-athlete whose development might be enhanced through team travel may be allowed to travel on occasions approved by the Director of Athletics. ~~However, injured team members may not be included in the travel party if travel requires an overnight stay or missed class time.~~ Factors taken into consideration are NCAA regulations, budget duties and role performed by student-athlete during injury.

For all away games, schedules must be provided to the Athletic Business Office. Further, a listing by name and category must be submitted for each individual for whom travel expenses are provided. For charter flights, the Department must provide a flight manifest identifying by name and category each passenger on the charter.

The NCAA allows the University to provide travel expenses to the spouse of a student-athlete to accompany the player to a certified postseason football game, provided the student-athlete is certified eligible to participate. The use of Departmental funds for a student-athlete's spouse is subject to the prior approval of the Director of Athletics.

Travel Itineraries

Travel itineraries are developed by the Head Coach or an assistant coach for all sports. All itineraries are made in compliance with NCAA rules and regulations. Each itinerary must include the following information:

1. Official travel party list;
2. Departure date and time;
3. Mode of transportation and name of carrier (e.g., airline, bus, charter company, etc.);
4. Lodging accommodations;
5. Telephone contact number at destination; and
6. Anticipated time of return to campus.

Copies of the itinerary are distributed to the Director of Athletics and the Media Relations Office, who in turn may distribute the itinerary to other appropriate staff members.

Travel Requests and Travel Advances

The request for team travel and a travel advance must be submitted in the Travel & Expense module (TEM) two (2) weeks prior to travel to the secretary responsible for the sport involved. The secretary enters the information from the Travel Request form on-line into the University's Banner Travel & Expense module (TEM) which will assign a travel authorization number to the document. TEM will then notify by email the Assistant Athletic Director for Business Affairs that a requisition requires approval. The AAD for Business will go on-line to review the requisition and either approve or disapprove. If approved, the request will be electronically forwarded to the President's Office for final approval. If an advance has been requested, the secretary involved will contact the travel desk in the University Business Office to notify them of the requisition number and that an advance is needed. For more information, see Policy 405C, Disbursements: Travel and Entertainment Expense, in this Manual.

It is the responsibility of the Head Coach of each sport to ensure that adequate time is allowed for each team travel request to be processed. Generally, two weeks is the minimum amount of time especially when a travel advance is required. Failure to follow these guidelines could result in no advance funds available at the date and time of departure for the team involved.

In the event a travel advance was requested and received for team travel, a State of Texas Travel Voucher (Appendix 405C-2) must be completed by the appropriate department secretary who has been assigned to that sport and turned in to the Assistant Athletic Director for Business Affairs along with all receipts and other required documentation.

Any Departmental staff member traveling with a team is considered a part of the team traveling party and is not required to submit a Travel Voucher for expenses. Employees traveling separately from the team but meeting the team at some point during the official travel, are required to file a separate Travel Request Form and Travel Voucher.

Travel Accommodations

All expenses incurred by a sport's team when traveling must be within budgetary constraints and Departmental, State, Southland Conference, and NCAA guidelines. Depending on the team size, the amount

of required travel and related costs (e.g., transportation, lodging, meals), all or part of the travel accommodations may be let out for bid as described in Policy 404, Purchasing Procedures, in this Manual.

Transportation

The mode of transportation for team travel is selected by the Assistant Athletic Director for Business Affairs. Transportation for both men and women's teams is to be comparable. When choosing transportation, the following factors are considered:

1. Safety;
2. Expense;
3. Availability;
4. Distance; and
5. Number of travel days.

University Motor Pool vehicles (i.e., autos, vans, etc.) are used whenever feasible. Passengers, including the driver, in University owned vans are limited to 9 without cargo/luggage or 8 with cargo/luggage. Vehicles rented from non University fleet must be limited to 9 passengers (including the driver) and follow the limitations specified for University vans. Otherwise, University owned buses or charter buses are used when distance and time allow. (See Policies 412A, Department Motor Pool and 412B, University Motor Pool, in this Manual for more information.) Commercial and/or charter airline transportation is primarily reserved for traveling long distances or for minimizing the number of class and study days missed.

Meals and Lodging

Student-athletes are required to sign for the receipt of per diem funds if these amounts are provided to the student-athlete in lieu of meals.

Trainers or Head Coaches may arrange for sit-down meals for the team (e.g., pre-game meals) in lieu of giving a meal allowance. In order to secure the best possible rates, sit down meals must be arranged as far in advance as possible. All sit-down meals must be supported by a receipt showing the name of the establishment, the total cost of the meal and the number of people served. In addition, a signed list must be submitted with the voucher identifying who ate the meal.

The maximum allowable for meals and lodging for the team traveling unit is not to exceed:

- In-State Travel: $121 per person per day.
- Out-of State Travel: not to exceed the locality-based allowance for that location as established in the Federal Travel Regulations Guide. Localities not listed in the federal guide will have allowable based on the lowest flat rate established in that state.

The lodging rate for team travel may be averaged to determine whether lodging exceeds the state of federal per diem limits. This may allow coaches or trainers to stay in separate rooms without using discretionary funds to cover the additional costs for rooms exceeding the per diem limits. In instances when this occurs, the person in charge of the team travel must indicate the number of rooms and the total number of persons traveling to determine whether the average room cost is within the state or federal limits.

Example 1: 9 rooms are rented for $100 night. The state per diem limit is $85 night. The coach and the assistant coach stay in two rooms alone, but 14 students share the other 7 rooms. The average cost of the room is $56.25/night. (9 * $100 / 16 persons). Since this cost is less than the per diem limit of $85, no discretionary account is required.

Example 2: 8 rooms are rented for $135 night. The state per diem limit is $85 night. The coach stays in a room alone, but the team of 14 students share the other 7 rooms. The average cost of the room is $72/night. (8 * $135 / 15 persons). Since this cost is less than the per diem limit of $85, no discretionary account is required.

Example 3: 9 rooms are rented for $160 night. The state per diem limit is $85 night. The coach and the assistant coach stay in a two rooms alone, but the team of 14 students share the other 7 rooms. The average cost of the room is $90/night. (9 * $160 / 16 persons). Since this cost is more than the per diem limit of $85, a discretionary account is required to pick up the additional cost of $45.

Documentation to support these expenses will include a list of travelers staying in the rooms and the hotel receipts indicating the names of the travelers in each of the rooms. This average cost rule can only be used for team travel, and the rooms rented can be averaged only when the stays occur on the same night.

Student-athletes should be advised that all unapproved, in-room charges (i.e., pay per view movies, long distance phone calls, laundry, etc.) are to be their personal responsibility. Any approved miscellaneous expenses for student-athletes are to be substantiated with a valid receipt or detailed explanation. (For reimbursement information, see Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual)

Weather Related Travel

In cases where team travel could be threatened by weather related hazards (i.e., flooding, snow/ice storms, hurricanes, etc) the Director of Athletics must be consulted by the Head Coach before departure from campus to determine if the trip should proceed. If the trip is determined to be a threat to the safety of the team members the Director of Athletics along with the Head Coach will contact the administration of the home team and/or conference office to inform them of the decision and begin efforts to reschedule.

Missed Class Days

Head Coaches are requested to carefully consider missed class days when scheduling travel departures and returns in order to minimize missed class days. Coaches should submit a Missed Class Day Declaration form each semester to the Associate Athletic Director for Compliance.

Team Entertainment

The Assistant Athletic Director for Business Affairs is authorized to approve reasonable expenditures for team entertainment when in travel status for away games. This authorization includes approval for team members and for those individuals traveling with the team as members of the official travel party whose expenses are paid by the Department.

Foreign Tours

A coach who desires to plan a foreign tour for his/her sport must first secure the permission of the Director of Athletics, who presents the proposal to the President at least 60 days prior to the date of departure. Funds for such tours are not regularly budgeted items and require outside financial support. No foreign tour can be approved without funding in place prior to accepting any invitation.

The Associate Athletic Director for Compliance is responsible for certifying in writing that the conditions set forth in NCAA section 30.7 are met and must maintain the certification on file in the athletic department.

A tour may only be scheduled during the summer-vacation period between the spring and fall terms or during an academic year vacation period (other than a Labor Day vacation period). All travel to and from the foreign country must take place during such a vacation period.

The eligibility of student-athletes on the tour shall be governed by the following (see NCAA Bylaw 14.2.3.6):

- If the tour takes place during the summer, the student-athletes shall have been eligible for intercollegiate competition during the previous academic year or shall have been enrolled at SFA as a full-time student during the previous academic year and have established by the beginning of the tour that he or she is eligible for competition the academic year immediately following the tour; or
- If the tour takes place after the academic year has started, the student-athletes shall be regularly enrolled at SFA and eligible for intercollegiate competition.

It is permissible for an eligible incoming student-athlete to represent SFA on a foreign tour that begins after the permissible starting practice date in the sport involved or after the first day of classes on the student-athlete's first regular term at SFA. An incoming student-athlete (freshman or transfer) may participate in practice sessions conducted in preparation for a foreign tour only if such practice sessions occur either: (See NCAA 30.7.2.1)

- On or after the first permissible practice date in the involved sport; or
- On or after the first day of classes of the student-athlete's first regular academic term at SFA.

Not more than 10 days of practice are permitted prior to departure. Practice is prohibited outside the playing season one week prior to the beginning of final examinations for the applicable regular academic term through the conclusion of the final exam period.

A team shall not engage in a foreign tour in each sport more that once every four years. Teams are limited to a maximum of three (3) football games, ten (10) basketball games, or ten (10) contests or dates of competition in any other sport during and as part of the tour.

Teams shall not compete during the tour against other American teams (colleges or other U.S. teams) other than teams composed of U.S. armed forces personnel stationed at U.S. military bases in foreign countries.

Transportation to Local Practice Fields and Facilities

Departmental and University Motor Pool vehicles may be used to transport sports teams to SFA practice fields and facilities which are not within walking distance of the locker rooms.

Only University certified drivers may drive Departmental or University Motor Pool vehicles to and from the practice site for these purposes.

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7/~~2015~~*2016*

TRAVEL: PROSPECTIVE STUDENT-ATHLETES

NCAA regulations permit the Department of Intercollegiate Athletics to finance only one (1) official campus visit for a prospective student-athlete. The Associate Athletic Director for Compliance and Student Services and the Head Coach of the designated sport, oversee the visit to ensure adherence to applicable rules and regulations.

Reimbursements for legitimate expenses associated with the official visit of a prospective student-athlete to the University are allowable if the visit is approved in advance by the Associate Athletic Director for Compliance and Student Services and if such expenses are in compliance with the rules and regulations of the Southland Conference, and the NCAA.

The Southland Conference Official Visitation Form (see Appendix 502A-10) is maintained during the official visit. This form lists persons accompanying the prospect, transportation, lodging, meals, itineraries and reimbursements made to the prospect. For additional information on procedures for official visits, see Policy 502A Student-Athletes: Recruitment, in this Manual.

Transportation, Meals and Lodging

The Head Coach or his/her designate prepares the necessary travel authorization paperwork for the official campus visit of the prospect. This individual works with the Assistant Athletic Director for Business Affairs to develop the itinerary, determine the mode of travel and make all travel arrangements according to Departmental policy and State guidelines.

Specific allowable expenses are as follows:

1. Actual round-trip transportation expenses by direct route from the prospect's home or school to the University by:

    a. Tourist or coach class airfare on commercial carrier; or
    b. Personal car mileage at .40 cents per mile.

2. Transportation to and from the nearest airport to the University.

3. Necessary and reasonable meal costs to and from the campus for the prospect (but not the prospect's family or friends). In men's and women's basketball, the actual round-trip costs for the prospect's parents or legal guardians (up to 2 people) to accompany the prospect on their official visit.

4. On-campus meal costs for the prospect, his/her parents or guardians, and spouse.

5. Accommodations for lodging in an on-campus facility or in a local commercial facility at a scale comparable with that required for normal student-life and only within a 30-mile radius of the campus.

Entertainment

The Associate Athletic Director for Compliance and Student Services and the Head Coach of the designated sport must ensure that entertainment of prospective student - athletes is in

compliance with University, Southland Conference, and NCAA rules and regulations. Entertainment for prospects is confined by NCAA rules and regulations to the following:

1. During the 48-hour Official Campus Visit, entertainment may be provided only to the prospect and the prospect's parents or guardians or spouse and must take place only within 30 miles of the main campus.

2. Excessive entertainment is not permitted. Cash and the use of an automobile cannot be provided to the prospect. To ensure permissibility, the Associate Athletic Director for Compliance and Student Services should be contacted before providing entertainment other than admission to movies and athletics events or meals.

3. A maximum of -$40 for each day of the visit to cover all actual costs of entertaining the student host(s) and the prospective student-athlete (and the prospective student-athlete's parents, legal guardians, or spouse), excluding the cost of meals and admission to campus athletic events. The cost of entertainment of an athletic department staff member who may accompany the prospective student-athlete is also excluded. The entertainment allowance may not be used for the purchase of souvenirs or other institutional mementos. The student host may receive an additional ~~$15~~ *20* per day for each additional prospective student-athlete the host entertains.

4. A prospect and his/her parents or guardian or spouse may be provided complimentary admission to a campus athletics event. Admission may not be provided for a prospect's friends.

5. The prospect and those in his/her party cannot be given any souvenirs, such as shirts, photographs, jerseys, etc.

For more detailed information, see Bylaw 13, in the NCAA Manual or the NCAA Guide for the College Bound Student-Athlete, and Policy 502A, Student-Athletes: -Recruitment, in this Manual.

Advance Funds for Entertainment and Student Hosts

At least one (1) week prior to an official visit by a prospective student-athlete, the Head Coach, or designee acting as a sport's Recruiting Coordinator, may request funds for student host payment and entertainment expenses of prospective student-athletes. A University Purchase Voucher with the estimated amount required is completed by the requestor. This completed Voucher is approved by the Assistant Athletic Director for Business Affairs and forwarded to the University Business Office. A check is prepared in the name of the requestor by the University Business Office. The requestor may collect and sign for this check at that Office.

Reimbursement of Expenses to Prospect

All expenses related to a prospect's Official Campus Visit must be supported by receipts or other appropriate documentation, and all individuals involved in entertainment must be identified. The Associate Athletic Director for Compliance and Student Services, or the designated coach of the sport, is responsible for ensuring that all expense documentation is complete.

1. If the prospect traveled by personal car, the Department may reimburse the prospect in an amount equal to $.40 cents per mile. A University Purchase Voucher is completed in the name of the student or his/her parents, as appropriate, and approved by the

Associate Athletic Director —for —Compliance and Student Services before being forwarded to the University Business Office. The University Business Office prepares a check and mails it to the prospect or his/her parents, as requested.

2. If a student host receives the $40 per day in cash to cover entertainment expenses, as allowed by NCAA rules and regulations, the receipt of such monies must be documented in writing on the Student Host Receipt, Instruction & Entertainment Report (see Appendix 502A-12).

If the designated coach has submitted a request for a cash advance to draw funds for anticipated cash expenses, the staff member must ensure that the use of such funds is fully documented on the Student Host Receipt, Instruction & Entertainment Report and that any unused monies are returned to the Athletic Business Office along with copies of receipts for all entertainment expenses within one and one-half (1 1/2) days of the completion of the official visit.

Post Visit

The Southland Conference Official Visitation Form, the Student Host Form, all Meal Reports and Receipts and PSA Exit Interview must be uploaded into ARMS Software, for approval by the Associate Director of Athletics for Compliance.

Unofficial Visits

Extreme care must be used to comply with University, Southland Conference, and NCAA rules and regulations related to the entertainment of prospective student-athletes on unofficial campus visits. For trips to the campus at the prospective student-athlete's own expense, benefits offered by the Department are limited to a maximum of three (3) complimentary admissions to athletics events on campus. In addition, when accompanied by a staff member, the prospect may be provided with transportation to a practice or competition site within a 30-mile radius of the campus. *Unofficial visits should also be uploaded into ARMS software on the respective recruit's activity page.*

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7/~~2013~~*2016*

SCHEDULING: EVENTS/SPECIAL EVENTS

Schedules are constructed for all sports in order to provide competitive equity while remaining within budgetary constraints and applicable University, Southland Conference and NCAA rules and regulations. Because of the popularity and revenue producing capability of the men's and women's basketball, and football programs, priority is given to the scheduling requirements of these sports. All schedules are subject to the final approval of the Director of Athletics.

Rules and Regulations

As a member of the NCAA and Southland Conference, Stephen F. Austin State University is bound by the rules and regulations governing playing and practice seasons (both traditional and non-traditional). Specifically, the NCAA has established limitations on times and dates for athletically related activities to ensure that athletics participation does not limit a student-athlete's ability to secure a well-rounded education. (See Policy 602B, Scheduling: Practices, for information on athletically related activities.) Regulations governing practice and competition schedules per sort are contained in Bylaw 17 of the NCAA Manual.

The Southland Conference scheduling procedures conform to NCAA guidelines; however, coaches are reminded that Conference games are to be scheduled and approved before the scheduling of any non-Conference event. The Conference Office constructs the schedules for sports requiring ~~round-robin competition for~~ approval by the Conference membership. Once adopted, a Conference schedule may not be altered without the agreement of the athletics directors involved and the appropriate ~~notification of the Conference Commissioner~~*form submitted to the Southland Conference office for approval.*. For specific Southland Conference Scheduling and Competition regulations, see Section 1, in the Rules Governing Athletics and All Participation of the Southland Conference.

Declaration of Playing Season

In compliance with NCAA rules and regulations, each Head Coach is required to complete the sport's Declaration of Playing Season form (see Appendix 602A-1) and submit it to the Associate Athletic Director for Compliance ~~and Student Services~~ for review and approval prior to the start of the season. This form includes information on traditional and non-traditional segments for the sport and lists any exemptions.

The NCAA permits a change in the declared playing season at any time, provided the change is documented in writing and on file in the Associate Athletic Director for Compliance's Office.

Schedule Construction

The Head Coach of each sport is responsible ~~for initiating and submitting a preliminary schedule of competitive events to the Assistant Athletic Director for Business Affairs.~~

~~Deadlines for submitting preliminary schedules are set annually by the Assistant Athletic Director for Business Affairs, with Head Coaches informed of the deadlines through Departmental memorandum.~~*for booking the non-conference portion of their sport's competition schedule. All proposed schedules are to be submitted to the Associate Athletic Director for Compliance before approval by the Director of Athletics.* In addition to NCAA and Southland Conference limitations, the following factors must be considered in the construction of schedules:

1. Income and expenses involved for each contest ~~(as determined by any guarantee versus estimated costs)~~ and the potential impact on the allocated budget;

2. Academic and holiday schedules (with special attention given to exam schedules);

3. Class absences required for each contest, including both home and away events;

4. Balance between number and spacing of home and away contests;

5. Caliber of opponents (balance between outstanding, average and weak);

6. Management of away competitions to minimize time away from campus and travel costs;

7. Availability of facilities for home contests.

8. Competition dates for other prominent sports, tournaments and meets and championships/bowl events;

9. Establishment of favorable reciprocal agreements and exiting commitments (see Contracts for Events below); and

10. Avoidance of conflicts with other home events.

The following information must be included on the schedule:

- Opponent;
- Place;
- Facility
- ~~Contact Person (full name and title);~~
- Date/Time;
- ~~Departure date/time (for away games);~~
- ~~Day(s) of the week;~~
- ~~Total classes to be missed; and~~
- ~~Return date/time.~~

In addition to the above information, special requirements for facilities preparation and set-up is to be sent to the ~~Supervisor of Facilities and Equipment~~*Coordinator of Athletic Operations*. (See Policy 604A, Facilities: Use, in this Manual for additional information.)

Absence From Class Policy

All student-athletes are expected to attend class regularly and arrive punctually. Students are expected to show appropriate cause for missing or delaying major assignments or examinations (i.e., participation in an away contest). For classes where absences are a factor in determining grades, the instructor is expected to provide his/her absence policy at the beginning of each semester. Student-athletes are responsible for making arrangements for missed assignments and classes prior to away game departure dates.

Master Schedule Construction

In developing a master schedule, the Director of Athletics, each appropriate Head Coach and the Coordinator of Athletic Operations establish a timetable for all sports. Scheduling of events must be communicated to the Coordinator of Athletic Operations who oversees the home game arrangements and facilities requirements. (See Policy 604A, Facilities: Use, for related information). The Coordinator of Athletic Operations shares schedule information with the necessary personnel. Since some of the facilities used by the department are also used for non-Departmental activities, it is important that every effort be made to ensure the master intercollegiate schedule is accurate.

~~**Schedule Approvals**~~

~~All sports schedules are subject to the final approval of the Director of Athletics. Prior to submitting the final schedule for the Director's approval, the Assistant Athletic Director of Business Affairs, analyzes each sport's schedule to ensure that the schedule does not require any student-athlete to miss an excessive number of class periods in any one course. Once approved, copies of the schedule are distributed by the Sports Information Director to all Departmental staff and the President.~~

Schedule Changes

Once approved by the Director of Athletics, a sport's competition schedule is considered official, and may not be added to or changed in any manner without the change being approved by the Director of Athletics. Prior to approval, the Director of Athletics, the Assistant Athletic Director for Business Affairs and the Coordinator of Athletic Operations evaluate the requested schedule change to determine how the date, time change and travel schedule may affect the student-athlete and the overall master schedule for the intercollegiate athletics program.

All Conference schedule changes are subject to the timely notification and approval of the Conference Commissioner.

Cancellations

Cancellation of scheduled competition is permitted as circumstances require. The Head Coach, in conjunction with the Director of Athletics and Associate Athletic Director for Compliance~~ and Student Services~~, has been granted the authority to cancel an athletic event after reviewing all available options.

As time permits, a written notification of the cancellation or any other changes to the schedule is disseminated immediately by the ~~Associate Athletics Director for Internal Affairs~~*Coordinator of Athletic Operations* to the following:

1. Director of Athletics, Department staff and coaches;

2. the game officials;

3. University officials, as necessary,

4. the Media Relations Office.

The Coordinator of Athletic Operations *also* disseminates the information to the following:

1. Event workers, including ancillary services personnel;

2. the Cheerleading Coach, Pom Squad Coach, and the Director of the Band, as appropriate;

3. the Ticket Office;

4. the University Police Department;

5. the Concessionaires.

Contracts for Events

Game guarantees are not applicable to and contracts are not exchanged for Southland Conference competitions. Each Conference team is required to cover its own expenses with the home team covering all game expenses.

For all non-conference competitions, it is the policy of the University to honor all provisions agreed to in contracts entered into by the Department of Intercollegiate Athletics. A contractual document is required for all non-conference intercollegiate sports competitions whether or not a guarantee is involved. All game contracts are reviewed by the Director of Athletics for accuracy. The contract is then forwarded ~~to~~ *via iContracts to* General Counsel for approval before being signed by the President.

Copies of all contracts are kept on file in the Director of Athletics' Office and in the Procurement & Property Service Department.

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7/~~2012~~*2016*

SCHEDULING: PRACTICES

Practice schedules are formulated by individual Head Coaches within guidelines established by the University, Department of Intercollegiate Athletics, Southland Conference, and NCAA rules and regulations (see Bylaw 17, NCAA Manual). Furthermore, each Head Coach is expected to give appropriate consideration to budgetary limitations, as well as the fair and equitable use of facilities by all sports. The Associate Athletic Director for Compliance and Student Services is responsible for monitoring compliance with all established guidelines.

~~The Coordinator of Athletic Operations is responsible for compiling all preliminary practice schedules and constructing a master schedule used to reserve required facilities. Preliminary practice schedules are submitted to the Coordinator of Athletic Operations prior to the start of each season (the exact due date is circulated to all Head Coaches via a memorandum from the Director of Athletics or the Coordinator of Athletic Operations.)~~

~~Prior to finalization of the master schedule, the Head Coaches of all sports and/or their designated representative review the proposed schedule to insure that their programs' practice time and space requirements are met. The finalized master schedule is then submitted to the Director of Athletics for approval. Once approved it is published by the Coordinator of Athletic Operations and distributed to all necessary personnel on an as needed basis.~~

Declaration of Playing and Practice Season

Each Head Coach is required to complete the sport's Declaration of Playing Season form (see Appendix 602A-1) and submit it to the Associate Athletic Director for Compliance and Student Services for a compliance review. Each form is kept on file in the Associate Athletic Director for Compliance's Office and includes information on number of competition dates, scrimmages, exemptions, first and last practice, competition dates, etc. *The information is entered into ARMS software by the Associate Athletic Director for Compliance which will then generate weekly CARA reports for each team.*

Playing and Practice Logs

Per NCAA Bylaw 17, student-athletes who participate in practice sessions must be enrolled as full-time students at SFA and be academically and athletically eligible to participate. Furthermore, student-athletes are prohibited from participating in more than 20 hours of athletically related activities per week and must be granted one (1) calendar day per week devoid of all countable athletic activities.

Countable hours must be recorded on a daily basis (not to exceed four (4) hours per day) for each student-athlete, in team as well as individual sports. (See Bylaw 17 for the definition of countable and non-countable activities in the MCAA Manual.) *CARA activities are entered on a daily and weekly basis in the ARMS software and then submitted for approval by the Associate Athletic Director for Compliance.* ~~Record logs of countable hours are kept in each sport's main office with copies filed in the Associate Athletic Director for Compliance and Student Services' Office. The Southland Conference Playing/Practice Season log sheet (see Appendix 602B-1) requires the signatures of the Head Coach at the end of each recorded period. The Countable Athletically Related Activities form (see Appendix 602B-2) requires the signatures of the Head Coach and the Team Captain at the end of the recorded period.~~

As deviations from the approved playing or practice schedule occur, the Head Coach is responsible for reporting the changes and the reason for the occurrence on the Playing/Practice Season log sheet.

The form must then be signed by the involved student-athlete(s) and the Assistant Athletic Director for Compliance.

Pre-Season and Holiday Break Periods

NCAA rules governing daily and weekly countable hour limitations are not imposed during pre-season practice which occurs prior to the first day of classes or the first scheduled contest (whichever is earlier), or during the academic year between academic terms when classes are not in session. However, other NCAA and Departmental rules do apply to practice during these periods. Therefore, prior to the actual dates of any pre-season practices, Head Coaches must obtain the Associate Athletic Director for Compliance's approval for scheduling practice during the above-mentioned time period. Approvals are not granted retroactively. See Policy 504A, Student-Athletes: Housing, and 504B, Student-Athletes: Food Service, for additional information on scheduling requirements for pre-season and holiday break periods.

~~**Supervision of Practices**~~

~~High liability areas (e.g., strength and conditioning areas) and equipment may be used only when areas are supervised by a qualified person. Prior to beginning of scheduled practices and workouts each semester, each Head Coach submits a list of personnel authorized to supervise student-athletes during workout or practice to the Associate Athletic Director for Compliance. This list is forwarded to the Supervisor of Facilities and Equipment, the Director of the Wellness Center and to the supervisor of each relevant athletics facility.~~

Conflicts

Scheduling conflicts are to be resolved by the involved Head Coaches whenever possible. If necessary, the Coordinator of Athletic Operations may intercede to reconcile the conflict. Head Coaches dissatisfied with the resolution of the conflict may ask the Director of Athletics to intervene and provide a final determination of the resolution.

In general, when conflicts occur, priority is granted to each sport's team during its competitive season. Within the same season, conflicts are resolved through mutual agreement and concessions of the involved parties.

Academic Class and Exam Conflicts

Academic class and exam conflicts are handled by the Associate Athletic Director for Compliance and Student Services or the Assistant Athletic Director for Student Services with the student-athletes' academic requirements given priority over practice needs. Specifically, student-athletes are not permitted to miss class time due to practice activities, except when related to an away-from-home contest in which practice is held on the road.

SFA
7/~~2002~~*2016*

EQUIPMENT *& APPAREL*: ATHLETIC

The Department of Intercollegiate Athletics is committed to providing and maintaining ~~the~~ athletic equipment *and apparel* necessary for its sports programs. ~~Each~~ *The Supervisor of Facilities and Equipment is in charge of football equipment and apparel while other* sports ~~has~~ *have* a designated ~~equipment manager~~*staff member* who is responsible for ~~assisting with equipment room operations~~*team equipment and apparel* ~~and~~ *while* ensuring compliance with applicable University, Southland Conference, and NCAA rules and regulations.

All athletic equipment is University property. *With the exception of football,* ~~Each~~ *each* ~~equipment manager~~*head coach is responsible for* document*ing*~~s~~ the issuance and return of athletic equipment ~~that is issued for the personal use of student-athletes~~. While it is understood that the nature of certain items (i.e., apparel) is expendable, such items are to be exchanged on a one-for-one basis. More specifically, student-athletes are not to be given items (i.e., work out clothes, sweat suits or running shoes) as this could be construed as a violation of NCAA rules related to permissible benefits. However, at the end of an individual's collegiate participation, a student-athlete may retain athletics apparel items (not equipment), as allowed by NCAA rules.

Due to the substantial inventory of and value associated with equipment and supplies, only authorized personnel may be allowed ~~in the Equipment Room~~*where equipment and apparel are stored*. ~~Equipment Room staff and student managers are expected to abide by established procedures for Equipment Room operations.~~

Purchase of Athletic Equipment

Purchase requests for athletic equipment, *apparel,* supplies or services must be approved by the Head Coach of the designated sport and the Assistant Athletic Director for Business Affairs. *All sports with the exception of the men's and women's cross country and track teams, are required to wear uniforms, practice apparel, shoes and equipment by the university's official provider. This pertains to coaches and staff as well as all student-athletes.* ~~The~~ *Order* requests must include a description of the item, style, model, estimated cost and suggested vendor, if appropriate, for the desired equipment *and apparel*. ~~Orders are let out for bid according to State Guidelines.~~ The Department may refuse to pay for any athletic equipment which is not ordered by the established procedures. (See Policy 404, Purchasing Procedures, for a detailed account of University purchasing procedures.)

Major purchases of equipment, *apparel and shoes* (e.g., equipment for total season) are ordered during the off-season to ensure adequate delivery time. Every effort must be made to have large equipment orders ready to go out on bid well in advance of the sport's playing season.

All athletic equipment is shipped to the University's Central Receiving area and then brought to the SFA Fieldhouse. Following verification of the order with the shipping papers by the ~~Supervisors of Facilities and Equipment or the~~ Assistant Athletic Director for Business Affairs, the materials are distributed to the ~~Coach or directly to the Equipment Room~~*sport*, as appropriate.

Inventory

As noted in Policy 403B, Accountability: Inventory Control Procedures, a continuous inventory of all athletic equipment must be maintained in order to ensure accountability for University property. The ~~designated equipment manager~~*head coach or designee* for each sport is responsible for ensuring that all new equipment is logged into the inventory records prior to being issued.

~~Departmental personnel are expected to follow all Equipment Room rules and regulations regarding inventory control~~.

The donation of new or used athletic equipment to any individual or organization is strictly prohibited without the prior approval of the Director of Athletics.

Issuance of Equipment

A student-athlete must complete the following procedures prior to being issued any athletic equipment:

1. Receive eligibility clearance from the Associate Athletic Director for Compliance ~~& Student Services or~~ the Assistant Athletic Director for ~~Student Services~~*Academic Services*.

2. Receive physical clearance from the Athletic Training staff; and

3. Receive clearance from the designated Head Coach (i.e., the student-athlete must appear on the team roster).

All individuals who are issued athletic equipment are subject to the following rules:

1. Each individual is held responsible for all equipment *and apparel* that is issued for personal use. Any equipment *or apparel* that is lost, stolen or damaged will be charged to the individual. Any equipment that is not returned at the end of the season is billed through the University Accounts Receivable system and handled in the same manner as unpaid parking tickets or damage to the dorm room.

2. ~~After the initial issuance of equipment, additional equipment is available on an exchange basis only. More specifically, replacement equipment will not be issued to individuals who left equipment at home, in the dorm or in the car.~~

3. When traveling, each individual is responsible for ensuring that all articles are packed in his/her bag for the return to campus. Any articles that are missing are the financial responsibility of the individual.

4. ~~The Equipment Room staff reserve the right to refuse service to any individual not conducting himself/herself in an appropriate manner. The student-athlete's coach is to be notified of any such occurrence.~~

Care and Storage of Athletic Equipment

Each student-athlete, manager and *head* coach is expected to properly store all equipment *and apparel* issued for personal use. Each student-athlete is required to place soiled athletic ~~equipment in his/her laundry bag and place the bag~~*apparel* in the proper receptacles after practice and competition. ~~Coaches are expected to place dirty laundry in the designated area of the Coach's Locker Room. The equipment managers are responsible for doing laundry for assigned sports.~~ *The Supervisor of Facilities and Equipment oversees laundry services in the fieldhouse and coliseum.*

Student-athletes are prohibited from placing any apparel items which are not issued by the Department (i.e., personal clothing) in the laundry bags. Individuals who willfully violate this policy are subject to disciplinary action.

***Football* Equipment Room Rules**

Equipment Room rules for student-managers are as follows:

1. No chewing or dipping of tobacco products;

2. When assigned field duty, dress in the proper uniform with tools;

3. Be on time for work; exact hours worked should be recorded on a daily basis;

4. When unable to work as scheduled, each staff member must arrange for a substitute and obtain approval from his/her supervisor;

5. Maintain a clean Equipment Room, discard all trash and keep the floor clean;

6. Consumption of food in the Equipment Room is discouraged;

7. Put away all hampers before leaving at night; and

8. Always check windows, doors, etc., to make sure the Equipment Room, Locker Room and Storage sheds are secured daily.

Retention of Apparel and Equipment by Student-Athletes

Annual retention of Apparel and Equipment by student-athletes is permitted under certain conditions.

Apparel maybe retained at the conclusion of participation by a student-athlete if the apparel is no longer deemed reusable or would not be re-issued to another student-athlete in the next season. This would also extend to athletic shoes.

Equipment can be retained if the student-athlete purchases the equipment based on the current market value of the item. Another manner that equipment could be retained would be if it was part of that student-athletes annual participation award, and did not exceed the annual limits as established by the NCAA. Once again, the value of the award would be based on current market value.

In either situation, before a student-athlete is allowed to retain equipment, the head coach ~~must seek approval on a case by case basis from the Director of Athletics. He will examine the method to be utilized for the retention and verify the current market value to determine. Only after he examined both area's will approval be provided~~*is responsible for insuring that all applicable rules and regulations are followed*.

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7/~~2008~~*2016*

ATHLETIC EVENTS: MUSIC AND ENTERTAINMENT

Pre-game and half-time ceremonies are planned to reflect the pride and loyalty of the student body, faculty, alumni and fans of Stephen F. Austin State University who attend football and basketball games. Special ceremonies are also planned to provide opportunities to honor campus organizations, alumni and local groups for past achievements or current activities. Additionally, visiting teams and their representatives are routinely extended invitations to participate in half-time activities. Every effort is made to ensure that planned activities serve to enhance the game's atmosphere and heighten the enthusiasm level of spectators without creating potential crowd control problems or disrupting the scheduled athletic event. Appropriate management of such activities requires open and direct communication among all parties involved in their production.

The Associate Athletic Director for External Affairs and the Coordinator of Athletic Operations are responsible for the coordination of all pre-game and half-time activities within guidelines established by the University, the Southland Conference, and the NCAA. The Associate Athletic Director for Compliance is responsible for ensuring that all activities are in compliance with Conference and NCAA rules governing music and entertainment at athletic events.

Pre-game and Half-Time Arrangements

The Associate Athletic Director for External Affairs, the Coordinator of Athletic Operations, and the Band Director review proposed half-time programs for content, staging, timing and related requirements, to ensure that programs are appropriate and meet Departmental standards. All ceremonies must adhere to established time constraints and are subject to the final approval of the Director of Athletics. Requests for special arrangements and presentations must be submitted to the Coordinator of Athletic Operations by a specified deadline prior to each season in order to be considered for inclusion in pre-game and/or half-time activities. *The Coordinator of Athletic Operations liaisons with the Athletic Marketing Coordinator for football to ensure these activities run smoothly and on time.*

Arrangements for pre-game and half-time ceremonies for football and basketball include, but are not necessarily limited to, the following:

1. Review and approval of requests by outside groups to participate in pre-game and half-time activities;

2. Preparation of timetables;

3. Reservation of locker rooms for performers;

4. Review of special needs and requests;

5. Dissemination of instructions to participants (e.g., time constraints, program content, etc.); and

6. Coordination with the public address announcer, event workers and other support personnel.

Football Events

The Coordinator of Athletic Operations arranges and conducts a meeting during the week prior to each home football games with all departments and organizations on campus who have game day responsibilities and duties. Those include: Physical Plant, University Police, Aramark, Ticket Office, auxiliary spirit groups, *Alumni Association*, and athletic staff. Information is exchanged at this meeting to assure a coordinate effort for game day operations.

The Coordinator of Athletic Operations serves as the game day liaison to all auxiliary spirit groups (i.e. band, cheerleaders, pom squad, etc.) and provides each group with information related to policies and procedures set forth by the Southland Conference, and the NCAA prior to the start of the season. Such information includes informing all participants of pertinent information regarding their group and/or activity (i.e. designated performance areas, time limitations, performance restrictions, etc.). In addition, the Coordinator of Athletic Operations *in cooperation with the Athletic Marketing Coordinator for football* is responsible for making any necessary special arrangements for pre-game and half-time activities in addition to the routine activities provided by these groups.

The Coordinator of Athletic Operations oversees accompanying musical selections during pre-game and activities. ~~However, once the contest has begun, the selection of musical entertainment is the responsibility of the Band Director~~. Cheerleaders, Pom Squad, band members and the mascot are prohibited from coming onto the playing field at football games while play is in progress, as stipulated in the NCAA's Football Rules.

Half-time Activities

In accordance with Southland Conference rules, the half-time intermission for all football games is limited to 20 minutes. Half-time entertainment is carefully scheduled to ensure that everyone involved is aware of the schedule and related time constraints.

Basketball Events

The ~~Coordinator of Athletic Operations~~*Athletic Marketing Coordinator for basketball* oversees the scheduling and staging of special pre-game and halftime activities for home basketball games, including establishing timelines and procedures pursuant with applicable University, Southland Conference and NCAA rules and regulations. Furthermore, if the game is televised, staging and time requirements may be adjusted to allow for television production needs.

The Coordinator of Athletic operations oversees accompanying musical selections during pre-game and during the contest. Additional musical selections are coordinated with the Band Director. Cheerleaders, Pom Squad, band members and the mascot are expected to follow all applicable policies, as stipulated in the NCAA's Basketball Rules.

The use of artificial noisemakers, airhorns and electronic amplifiers at Conference basketball games is prohibited. Additionally, bands may not play while the game is in progress. It is the responsibility of the home team to enforce the rules at all home contests.

Conference and Tournament Events

When hosting a Southland Conference Tournament, NCAA Championship, or other sanctioned postseason event, the Department of Intercollegiate Athletics complies with the rules and regulations governing the event. In general, at Conference and NCAA events, bands may play only when play is not in progress (e.g., pre-game, half-time, post-game and during time-outs). Furthermore, band instruments may not be played during a free-throw, throw-in, jump ball or other live ball situations during basketball games; or from the time the offensive team breaks from the huddle until the completion of that play, during a football game.

Official Tailgate Activities

Stephen F. Austin State University allows students, alumni, and friends of the University to hold tailgate parties in conjunction with SFA home athletic events.

The Coordinator of Athletic Operations~~,~~ and the ~~Assistant~~ *Associate* Athletic Director for External Affairs~~,~~ oversees~~,~~ coordination of official tailgate activities as a part of overall game day logistics.

The SFASU Policy and Procedures Manual authorizes consumption of alcoholic beverages at official tailgate activities and other events on the SFA campus, where authorized by the President. Kegs are not allowed at official tailgate activities.

All tailgate areas open at 8:00 a.m. on game-day regardless of game time. Tailgate space is claimed on a first-come, first-serve basis. All tailgate areas must be cleared by midnight or 3hours following conclusion of the game, whichever is earlier. RV's must depart by noon on the day following each home game.

Official tailgate activities are private parties and commercial activity of any kind is strictly prohibited. This includes advertising, the taking of orders, sales, donations, fundraisers, collecting and distributing literature, marketing applications or promotional materials.

No organization, department, business or individual may offer any food, non-alcoholic beverages, goods or services for sale (including donations and fundraisers) at official tailgate activities except those officially contracted by the University to provide such services.

All police services are coordinated by the Chief of the University Police Department, or his designee, in cooperation with the Intercollegiate Athletics Department. The Chief has the final authority over the placement and duties of his officers.

Individuals, groups and organizations hosting or participating in tailgate parties are responsible for their own conduct and are expected to respect the rights of others and the entire University community. Groups hosting tailgate parties are responsible for providing their own designated drivers.

At its discretion, the University may terminate or take other appropriate action against individuals, groups, or organizations whose conduct at tailgate parties is irresponsible, unreasonable, or inconsistent with University policies and regulations, ordinances and laws.

Tents and canopies must be secured and amenities including furniture, grills, generators or satellite dishes must be confined to each tailgate party's area and may not obstruct sidewalks, drive lanes or pedestrian walkways. Driving or parking private vehicles on sidewalks and grass areas is not allowed.

All BBQ grills, propane or otherwise, should be attended to at all times. Hot coals must be doused and properly disposed of in designated coal dumpsters. Open pit fire devices are strictly prohibited. Cooking grease should be disposed of in proper containers.

Sound amplification equipment is strictly prohibited unless prior approval is granted.

Persons should be mindful of underground utilities and have those areas identified prior to staking tents or canopies.

Generators must be equipped with a noise reducing devise. Special care and consideration should be taken when managing fuel and extension cords.

Trash should be disposed of in trash receptacles located on-site or packed out. The disposal of grease, hot coals or hazardous materials onto the ground or into storm drains is prohibited.

~~University policy prohibits pets other than service animals.~~

RV owners are encouraged to minimize noise and disruption to others. Appropriate manufacturer approved mufflers or a cover are required to minimize noise from generators.

Cords, satellite dishes, etc. must be confined to each allotted RV space and cannot be stretched across drive lanes. Additional vehicles must be parked in a designated parking space.

The visiting team special event site is subject to all tailgate policies, rules and regulations.

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MEDIA COVERAGE: STAFF RESPONSIBILITIES

The Media Relations Director is responsible for the operation of the Media Relations Office, which serves as the primary media contact for the Department of Intercollegiate Athletics. The Office responds to requests made by electronic and print media representatives for information and commentary on all aspects of the intercollegiate athletics program.

It is the Media Relations Office's primary objective to publicize all intercollegiate teams in the most professional manner possible, creating both interest and enthusiasm while maintaining a reputation for credibility and integrity. To do this, the Office relies on a steady flow of information from, as well as close communications with, coaches, administrators and student-athletes.

The Media Relations Director is charged with overseeing the Media Relations Office and coordinating staff assignments. Specific responsibilities and duties within the Office are delegated by the Media Relations Director to the Assistant Media Relations Director's and the student assistants as defined in their respective job descriptions and assigned duties.

Responsibilities of the Media Relations Office.

The media-related responsibilities of the Media Relations Office are as follows:

- To write, edit, publish and/or disseminate all athletically-related material, in the following forms:

1. The departmental website (www.sfajacks.com) where daily and weekly news releases and sports updates pertaining to individual student-athlete, coach or team activities;

~~1.~~*2.* *All current social media platforms including Facebook, Twitter, Instagram and YouTube.*

~~2.~~*3.* Event programs, as well as annual sports brochures for media purposes;

~~3.~~*4.* Current team and individual statistic compilations;

~~4.~~*5.* Current and historical files for all sports, including information on teams, individual student-athletes and coaches;

~~5.~~*6.* Special interest stories related to student-athletes, coaches, teams or Departmental activities; and

~~6.~~*7.* Master sporting event schedules for media on a yearly/monthly/weekly basis.

- To direct media activities at athletic events in the following ways:

1. Serving as host to radio, television and print media representatives and providing all background information;

2. Supervising credentials for sideline, press box and team practices;

3. Coordinating publicity events and press conferences involving student-athletes, coaches and administrators;

4. Providing requested materials to opponent's Media Relations Offices for both home and road games;

5. Reporting contest results to media outlets;

6. Supervising the gathering of required statistics at home contests;

7. Coordinating the transmission of post-game information to the media;

8. Overseeing the maintenance of information and archives for all sports;

9. Coordinating the advancing and staffing of away events; and

10. Assisting in the preparation of Conference, and NCAA reports, as required.

- To provide additional services as required, to include the following:

1. Assisting student-athletes in gaining post-season academic and athletic honors and/or publicizing the receipt of such honors;

2. Providing student-athletes with interview guidelines;

3. Assist student-athletes and coaches in preparing for scheduled interviews;

4. Coordinating individual interviews and media conferences;

5. Traveling with teams; and

6. Assisting the administration with public relations campaigns.

Responsibilities of the Coaches

Coaches are expected to cooperate fully with the Media Relations Office to achieve favorable media coverage and provide for the production of quality brochures, media releases and event programs for their sports. Head Coaches' cell phone numbers will be released to known media representatives, unless the coach request in writing that his/her number be withheld.

The media-related responsibilities of Department of Intercollegiate Athletics' coaches are as follows:

1. To coordinate the completion of individual student-athlete publicity information forms on an annual pre-season basis;

2. To abide by the Buckley Amendment when releasing student-athlete information;

3. To participate in television, radio and print interviews, as requested.

4. To be courteous and cooperative with members of the media at all times, even during difficult situations;

5. To be honest when dealing with the media and to exercise sound judgment when commenting to the press on any topic;

6. To go through the Media Relations Office when scheduling media releases and restrict press statements to their specific sport;

7. To honor all deadlines when submitting information for rosters, schedules, publicity questionnaires and athletic event information;

8. To provide the Media Relations Office with all information pertinent to invitational and championships conducted at SFA, as soon as possible prior to the event;

9. To be on time for pre-arranged interviews and return calls to media members in a timely fashion;

10. To assist the Media Relations Office in setting up a time and place for either a press day or photo session for the team, prior to the opening of the sport's season and be available for team and individual pictures;

11. To ensure that student-athletes receive proper instructions and encouragement on appropriate interview techniques.

Stephen F. Austin State University receives regular media attention regionally and statewide. Therefore, coaches are reminded to think carefully prior to answering media questions dealing with subjects such as specific student-athletes, injuries or controversial topics. **Public statements or media releases regarding sensitive topics are to be approved by the Director of Athletics or Media Relations Director prior to release**. For additional information, see Policy 606B, Media Coverage: Interviews, Press Conferences and Press Releases.

Privacy Rights of Student-Athletes

All Department of Intercollegiate Athletics personnel are expected to comply with University and NCAA rules and regulations, as well as federal laws, regarding the release of personal information related to student-athletes and prospective student-athletes. Therefore, in accordance with University, NCAA rules and regulations and the 1974 Family Educational and Privacy Rights Act (Buckley Amendment), personal information about the student-athlete is not to be used or released unless the student-athlete has given his/her consent to the University for the release of such information for publicity use.

For specific information, see Policy 606B, Media Coverage: Interviews, Press Conferences and Press Releases in this Manual.

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MEDIA COVERAGE: PUBLICITY MATERIALS

The Department of Intercollegiate Athletics produces publicity materials not only as a means of providing the media with vital information about the athletics program, but also to stimulate support for its athletics program from the University, fans and surrounding community. The Media Relations Office is charged with the responsibility of producing professional publicity materials of the highest quality in compliance with University, Southland Conference and NCAA rules and regulations.

Media Guides

The Media Relations Office is responsible for the production, within budget limitations, of annual media guides for each of the Department's intercollegiate sports programs. Media guides are on sale to the general public at the price of $12.00 per guide (subject to change).

Criteria governing the publication of a media guide are as follows:

1. The guide is formatted and sized according to individual sport requirements. The number of pages, use of photos, etc., is commensurate with the media's interest in the sport, budget constraints, and NCAA regulations. The number of guides printed is determined by historical media requirements and Departmental needs.

2. All production costs are derived from the individual sport's annual budget.

3. The University's purchasing and printing procedures are observed in the production of media guides (see Policy 404, Purchasing Procedures, and Policy 406, Printing, in this Manual).

4. The Media Relations Office develops publication timetables according to each sport's season and production requirements.

5. Media guides are distributed by the Media Relations Office.

Schedule Cards/Posters

Schedules must be officially approved by the Director of Athletics prior to the printing of any schedule cards or posters. (See Policy 602A, Scheduling: Events/Special Events in this Manual for additional information.) The marketing coordinator for the assigned sport is responsible for the production of schedule cards for various intercollegiate sports with final approval from the Associate Athletic Director for External Affairs.

Individual Game Programs

The Media Relations Office is responsible for the production of day-of-game programs and/or flip cards. The size of specific game programs and/or flip cards is determined by the sport's budget. ~~The Director of Corporate Sales~~*The university's multi-media rights holder* is responsible for coordinating advertising for all programs. All advertising must conform to University and NCAA guidelines. Program production (i.e., number and associated cost) is determined by the Media Relations office in consultation with ~~the Director of Corporate Sales~~*the multi-media rights holder*, the ~~Assistant Athletic Director for Business Affairs~~*Associate Athletic Director for External Affairs*,

and approved by the Director of Athletics. ~~Production costs are derived through the sale of advertising, program sales and as allocated by each sport's budget.~~

The Media Relations Director retains responsibility for the editorial content of all game programs and/or flip cards. The Director of Athletics has final approval over content.

Photographs

The Media Relations Office is responsible for maintaining an active file of photographs of student-athletes, members of the coaching staff and athletic administrators. In addition to posed team and individual photographs, game action sports photographs are included in the file for use in sports programs.

The Media Relations Director is responsible for scheduling photographic sessions for individuals and teams with each Head Coach prior to the start of the sport's season. Photo days are scheduled to meet each sport's publication requirements. Coaches should ensure that the entire team is present at scheduled photography sessions and that team members arrive promptly and are appropriately dressed.

All photographs are the property of the Department of Intercollegiate Athletics and are to be used for Departmental purpose only. Copies of photographs are made available to members of the media upon request without charge. Internal use of file photographs is determined by mutual consent between the Media Relations Office and the individual requesting the photograph. Per NCAA regulations, photographs and/or slides are not provided to any student-athlete unless considered a part of an approved athletic award.

SFA
7/~~2014~~*2016*

MEDIA COVERAGE: TELEVISION AND RADIO PROGRAMS

The Department of Intercollegiate Athletics strives to maximize the amount of exposure it receives on television and radio as a means of increasing public support and generating revenue for the intercollegiate athletics program. The Media Relations Office monitors radio and television coverage to ensure that the best interests of the Department and the University are served, and that NCAA, and Southland Conference rules and regulations are followed. ~~The Associate Athletic Director for External Affairs or his designee with the approval of the Director of Athletics,~~ *The university's multi-media rights holder* is ~~primarily~~ responsible for negotiating and administering radio and television contracts for the Department. All contracts for media coverage *requiring the university's signature* must be reviewed by the University's General Counsel prior to ~~their~~ finalization.

Radio Contracts

The contracts for regional radio coverage of SFA football and basketball are held by Townsquare Media Group, which operate KYKS-105 (105.1 FM), KTBQ (107.7) and KSFA (860 AM). Contracts are negotiated on an annual basis with station management by ~~the Associate Athletic Director for External~~ *the university's multi-media rights holder.*

Television Contracts

Contracts for most television network coverage of football games are part of the Southland Conference package, which are handled and negotiated by representatives of the Conference Office *(See SLC ByLaw 9). SFA home contests not selected for presentation on a Southland Conference television program are telecast via ESPN3 and produced by the Athletic Department.* Individual contracts for athletic event television coverage are negotiated by the Associate Athletic Director for External Affairs, in conjunction with General Counsel, as appropriate.

Departmental Responsibilities

Facility requirements stipulated in contracts for media coverage of Department of Intercollegiate Athletics sports include, but are not limited to:

- Broadcast booth facilities or seating assignments, as appropriate;
- Current and up-to-date listings of all appropriate sports' statistics;
- Credential preparation and distribution for all approved media personnel;
- Passes for approved media personnel;
- Food for media personnel, as needed, and
- Parking passes or assignments for media and promotional staff.

7/~~2014~~*2016*

MANUAL UPDATES

Stephen F. Austin State University, Department of Intercollegiate Athletics Policies and Procedures Manual is designed to be a living document which can be revised and/or expanded to reflect Departmental changes. The organization of the Manual allows revisions and updates to be made without major disruption to the format. Policies are organized into sections by topic areas, beginning with Section 100: Statement of Purpose. Each policy within a section is number sequentially and titled (e.g., Section 100, Policy 101: Philosophy and Objectives).

All policies are individually paginated (i.e., self-contained); therefore, new policies or sections can be added sequentially and modifications can be made without interrupting the pagination of the entire Manual.

Revision Procedure

Administrative Staff members are encouraged to periodically review existing policies *and to discuss revisions or additions with those staff members who report directly to the administrator for the area of responsibility addressed by the policy*. When ~~modifications~~ *revisions, additions or a new policy* are required, no matter how minor, the *administrative* staff member should note, in writing, the proposed alteration. The written notification must include the section, policy, and page number, and a copy of the existing policy. ~~Once completed, the proposed revision is submitted to the employee's supervisor. If the supervisor agrees that the modification merits consideration, he/she forwards it to the Associate Athletic Director for Compliance.~~

The proposed ~~modification~~ *revision or addition* is then presented to the Director of Athletics, who may discuss the modification with other administrative officials at a regularly scheduled Administrative Staff meeting and/or the Intercollegiate Athletics Council prior to making a final decision.

Once approved by the Director of Athletics~~, and/or the Intercollegiate Athletics Council, as appropriate,~~ the *proposed* change is forwarded to the President of the University, General Counsel, and to the Board of Regents for Final Approval. ~~The Administrative Assistant to the Director of Athletics notes the change in the Manual Change Log (see Appendix 608-1) and disseminates the appropriate revised manual page(s) to those staff members responsible for updating Manual copies located throughout the Department. The log of the approved changes and modification notes must be kept current in order to avoid questions concerning the validity of the change.~~ *Upon approval by the Board of Regents each policy is officially revised by the Director of Athletics.*

To ensure that no unauthorized modifications are made, only the Administrative Assistant to the Director of Athletics is permitted to disseminate the update Manual material to Departmental staff. *The updated Manual is also uploaded to the department's official website by the Director of Media Relations.* Questions concerning ~~modifications~~*revisions, additions*, or the procedures for altering existing Manuals are to be directed to the Director of Athletics.

SFA
7/~~2008~~*2016*

Capital Plan Items

1. Baker Pattillo Student Center Grand Ballroom and Pre-function Area Renovation

Explanation:

The Grand Ballroom is part of an addition made in 1979 to the building that is now the Baker Pattillo Student Center. The difficulty taking this facility off-line due to its heavy use (260 days a year) has resulted in the area receiving little updating over its 37 year history. This proposed renovation, projected to begin at the conclusion of the FY17 year, will involve a complete renovation of the room including the installation of updated video projection equipment, upgraded sound systems and new furniture. In addition, renovation of the pre-function areas in the hallways leading to the ballroom and serving the Twilight Ballroom will be included in the project to update the look of this area and to create additional space for circulation and pre-function activities. The entire project is projected not to exceed $3.5 million. The renovation will be done in phases. The first phase is proposed at a cost not to exceed $1,100,000.

Recommendation:

The administration recommends the project approval of the first phase renovation of the Baker Pattillo Student Center Grand Ballroom and its surrounding pre-function areas at a cost not to exceed $1,100,000. The source of funds is auxiliary fund balance and auxiliary revenue. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

2. Steen Library Air Handler Replacement

Explanation:

The original construction of the Steen Library was in 1973. The air handlers supplying the original portion of the building are in excess of 40 years old, have exceeded their original life expectancy, and need to be replaced. This project will provide new more efficient air handlers and associated equipment for the original portion of the building.

Recommendation:

The administration recommends approval of the Steen Library Air Handler Replacement project, using the Higher Education Fund at a cost not to exceed $1,080,000. The

administration further recommends presidential authorization to sign associated purchase orders and contracts.

3. Steen Library Roof Replacement

Explanation:

Steen Library was last re-roofed in 1991and the warranty expired in 2011. The current roof is in poor condition with granule loss, blistering and is in need of replacement.

Recommendation:

The administration recommends approval to replace the Steen Library roof, using the Higher Education Fund, at a cost not to exceed $800,000. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

4. Classroom and Building Safety and Security Upgrades

Explanation:

The university is continuing to upgrade classrooms with additional technology and instructional delivery support. In association with instructional delivery support, it is necessary to upgrade life safety components in both campus classrooms and buildings. The initiative will address life safety and security elements.

Recommendation:

The administration recommends life safety and security upgrades in campus classrooms and buildings at a cost not to exceed $600,000, using the Higher Education Fund. The administration further recommends presidential authorization to sign purchase orders and contracts greater than or equal to $100,000.

5. Classroom Updates and Instructional Delivery Support

Explanation:

The university is continuing to modernize classrooms to enhance instructional delivery. This includes instructional equipment replacement and classroom updates. This initiative will provide funds to upgrade classrooms and obtain and/or replace technology-related instructional delivery equipment.

Recommendation:

The administration recommends approval to fund classroom updates, equipment and technology support, using the Higher Education Fund, at a cost not to exceed $550,000. The administration further recommends presidential authorization to sign associated purchase orders and contracts of $100,000 or more.

6. Residence Hall Fire Sprinkler Installation

Explanation:

The fire sprinkler installation projects are a continuation of life safety system upgrades student residence halls as we implement our student housing master plan and help ensure that we will meet current fire and life safety codes.

The halls proposed for installation in this budget year are:
Wisely Hall | built 1935 | 3 stories | 40 rooms | up to 80 residents | 15,452 square feet.
North Hall | built 1960 | 3 stories | 51 rooms | up to 102 residents | 17,407 square feet
South Hall | built 1960 | 3 stories | 51 rooms | up to 102 residents | 17,407 square feet

Recommendation:

The administration recommends sprinkler installations in Wisely, North, and South residence halls at a cost not to exceed $550,000, using budgeted auxiliary funds. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

7. Residence Halls and Mechanical Building Roof Replacement

Explanation:

The following residence hall roofs are scheduled for replacement:

Hall 14 | 29 years old (1987)
Wisely Hall | 32 years old (1984)
Steen Hall Mechanical Building | 48 years old (1968)
Recommendation:

The administration recommends roof replacements for Hall 14, Wisely Hall, and the mechanical building that serves Steen Hall, at a cost not to exceed $310,000, using budgeted

auxiliary funds. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

8. Baker Pattillo Student Center and East College Cafeteria Boiler Replacements

Explanation:

The boilers serving the cafeterias in both the Baker Pattillo Student Center and East College are critical to the operations that support student dining services. There are two boilers at each location that are essential to the operation of each kitchen. The current boilers at East College Cafeteria are 19 years old, installed in 1997. The boilers in the Baker Pattillo Student Center are 17 years old, installed in 1999. Boilers at each location have started to show signs of failure that normal repairs can no longer forestall.

Recommendation:

The administration recommends boiler replacements in the Baker Pattillo Student Center and East College Cafeteria at a cost not to exceed $261,000, using budgeted auxiliary funds. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

9. Residence Hall 20 Flooring Replacement

Explanation:

This allocation will fund the replacement of carpet in Hall 20 with vinyl plank flooring.

Recommendation:

The administration recommends flooring replacement in Residence Hall 20 at a cost not to exceed $251,000, using budgeted auxiliary funds of $124,500 and auxiliary fund balance of $126,500. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

10. Baker Pattillo Student Center Elevator Upgrades

Explanation:

Certain elevators in the Baker Pattillo Student Center need service and safety upgrades. The kitchen elevator, installed in 1963, cannot be serviced adequately since replacement parts are difficult to obtain. The elevators will receive various safety updates as well as upgrades to operational components that will allow for the elevator to be serviced appropriately.

Recommendation:

The administration recommends an upgrade of the Baker Pattillo Student Center elevators at a cost not to exceed $182,000, using auxiliary fund balance. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

11. Softball Lighting Project

Explanation:

The current softball field, located at the city-owned Pete Smith Baseball Complex, does not have lights. Installation of a lighting system to meet NCAA specifications will expand the usability of the facility, reduce missed class time, and will meet Title IX accommodation requirements.

The administration recommends installation of lights at the Ladyjack softball field located in the Nacogdoches city park at a cost not to exceed $150,000, using designated fund balance. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

12. Student Residence Halls Wireless Upgrade Project

Explanation:

When the wireless access networks in many of our student housing facilities were designed and installed the ratio of wireless devices to users was approximately 1:3. Today that ratio is 3:1. The density of access points is insufficient to accomodate this demand while the bandwidth share at each access point is significantly diluted. The resulting “wi-fi” connection problems and diluted speed has become a key student user issue. Modernization of the entire student housing wireless network has been a multi-year project based on expense and installation time. This funding will complete the final phase of our upgrades.

Recommendation:

The administration recommends the continuation and completion of residence hall wireless infrastructure at a cost not to exceed $131,440, using budgeted auxiliary funds. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

13. ***Boynton Building Elevator Upgrade***

Explanation:

The university conducts elevator modernization projects when system components become unreliable, obsolete, difficult to procure, and/or the costs associated with repairs are excessive. This project includes modernization of the Boynton building elevator and upgrading the cab interior.

Recommendation:

The administration recommends approval of the elevator upgrade project in the Boynton Building at a cost not to exceed $100,000, using the Higher Education Fund. The administration further recommends presidential authorization to sign associated purchase orders and contracts.

Stephen F. Austin State University

Capital Plan

Fiscal Year 2016-17

Capital Item	Total Project Budget	Source of Funds: HEF	Budgeted Auxiliary Funds	Auxiliary Fund Balance	Designated Fund Balance	Auxiliary Revenue
Baker Pattillo Student Center Grand Ballroom Renovation	1,100,000			600,000		500,000
Steen Library Air Handler Replacement	1,080,000	1,080,000				
Steen Library Roof Replacement	800,000	800,000				
Classroom and Building Safety and Security Upgrades	600,000	600,000				
Classroom Updates and Instructional Delivery Support	550,000	550,000				
Residence Halls Fire Sprinkler Installation	550,000		550,000			
Residence Halls and Mechanical Building Roof Replacement	310,000		310,000			
BPSC And East College Cafeteria Boiler Replacements	261,000		261,000			
Residence Hall 20 Flooring Replacement	251,000		124,500	126,500		
BPSC Elevator Upgrades	182,000			182,000		
Softball Lighting Project	150,000				150,000	
Student Residence Halls Wireless Project	131,440		131,440			
Boynton Building Elevator Upgrade	100,000	100,000				
Total Capital Plan	6,065,440	3,130,000	1,376,940	908,500	150,000	500,000

Stephen F. Austin State University
HEF Allocation
Fiscal Year 2016-17

Higher Education Fund Appropriation	**11,636,163**
Debt Service	1,213,850
Academic Affairs Capital Fund	1,250,000
Library Materials Acquisition	1,141,300
Contingency	2,152,670
Steen Library Air Handler Replacement	1,080,000
Steen Library Roof Replacement	800,000
SECO Phases 1 and 2 Debt Service	739,980
SECO Phase 3 Debt Service	728,363
Network Infrastructure	630,000
Classroom and Building Safety and Security Upgrades	600,000
Classroom Updates and Instructional Delivery Support	550,000
Information Technology Services Capital Fund	200,000
Boynton Building Elevator Upgrade	100,000
Renovate Fine Arts Room 306	95,000
Fire Life Safety Systems HPE and Physical Plant Department	90,000
Human Sciences North Air Handler Replacement	80,000
Campus Security System Upgrade	50,000
Physical Plant Department Transportation Equipment	55,000
Fire Alarm Control Panels Ag Mechanic Shop and Military Science	50,000
University Police Department Vehicle	30,000
Total HEF Allocation	11,636,163

RESOLUTION

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF ONE OR MORE SERIES OF BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY REVENUE FINANCING SYSTEM REVENUE BONDS; AND APPROVING AND AUTHORIZING INSTRUMENTS AND PROCEDURES RELATING THERETO

Adopted July 26, 2016

RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF ONE OR MORE SERIES OF BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY REVENUE FINANCING SYSTEM REVENUE BONDS; AND APPROVING AND AUTHORIZING INSTRUMENTS AND PROCEDURES RELATING THERETO

WHEREAS, in order to reduce costs, increase borrowing capacity, provide additional security to the credit markets, and provide the Board of Regents (the "Board") of Stephen F. Austin State University (the "University") with greater financial flexibility, the Board deemed it necessary and desirable to establish a revenue financing program for revenue supported indebtedness to provide funds to acquire, purchase, construct, improve, renovate, enlarge or equip property, buildings, structures, facilities, roads, or related infrastructure at the University, as well as any institution, branch or entity hereafter placed under the control and governance of the Board, to the extent permitted by Chapter 55, Texas Education Code, including specifically, but not by way of limitation, Section 55.02 thereof; and

WHEREAS, pursuant to the terms of resolutions adopted by the Board (the "Prior Resolutions"), the Board has outstanding certain Previously Issued Parity Obligations (as defined herein) that are secured by a lien on and pledge of the "Pledged Revenues" (as defined herein), which lien and pledge is subject to the lien on and pledge of the "Prior Encumbered Revenues" (as defined herein); and

WHEREAS, the Prior Resolutions established and confirmed the Stephen F. Austin State University Revenue Financing System for the purpose of providing a financing structure for revenue supported indebtedness at the University; and

WHEREAS, the Prior Resolutions permit the Board, to issue "Parity Obligations" secured by a lien on and pledge of the Pledged Revenues on a parity with the Previously Issued Parity Obligations; and

WHEREAS, the Board has determined that it is in the best interest of the University to authorize the issuance of bonds in one or more series to refinance all or a portion of the Potential Refunded Bonds (as defined herein) and to finance the costs of facilities and improvements for the University; and

WHEREAS, the bonds authorized to be issued in one or more series by this Resolution are to be issued and delivered pursuant to laws of the State of Texas, including Chapters 54 and 55 of the Texas Education Code, Chapter 1371, Texas Government Code, as amended, and other applicable laws, including Chapter 1207, Texas Government Code, as amended, insofar as it may be required in connection with the objectives of this Resolution and the refunding of any of the Potential Refunded Bonds, and the bonds issued under this Resolution shall constitute Parity Obligations in accordance with the Prior Resolutions; and

WHEREAS, the Board finds it necessary and advisable to adopt this Resolution, and further acknowledges that by adopting this Resolution it will be bound by and agrees to follow the covenants set forth in this Resolution; and

WHEREAS, the terms used in this Resolution and not otherwise defined shall have the meaning given in Exhibit "A" to this Resolution attached hereto and made a part hereof;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY:

Section 1. REVENUE FINANCING SYSTEM AND ISSUANCE OF PARITY OBLIGATIONS. In the Prior Resolutions, the Stephen F. Austin State University Revenue Financing System (the "Financing System") has been established and confirmed, for the purpose of providing a financing structure for revenue supported indebtedness to provide funds to acquire, purchase, construct, improve, renovate, enlarge or equip property, buildings, structures, facilities, roads or related infrastructure at the University, as well as at any institution, branch or entity hereafter placed under the control and governance of the Board, under authority of the pertinent provisions of the Texas Education Code.

Section 2. SECURITY AND PLEDGE. (a) ***Pledge***. Subject to the provisions of the resolutions authorizing Prior Encumbered Obligations, Parity Obligations shall be secured by and payable from a lien on the Pledged Revenues, and the Board hereby assigns and pledges the Pledged Revenues to the payment of the principal of, premium, if any, and interest on Parity Obligations, and the Pledged Revenues are further pledged to the establishment and maintenance of any funds which may be provided to secure the repayment of Parity Obligations in accordance with this Resolution. The Board may execute and deliver one or more Credit Agreements to additionally secure Parity Obligations. Credit Agreements may also be secured by a pledge of Pledged Revenues on a parity with or subordinate to Parity Obligations.

(b) ***Additional Participants***. As provided in Section 7 of this Resolution, institutions which may hereafter come under the control and governance of the Board may become Participants in the Financing System and such institutions may, at such time, have outstanding obligations secured by the Prior Encumbered Revenues and that, therefore, the lien on and pledge of the Pledged Revenues established pursuant to this Resolution and effective when such institutions become Participants in the Financing System will be subject and subordinate only to such institutions' outstanding Prior Encumbered Obligations.

(c) ***Restriction on Issuance of Additional Debt on a Parity with Prior Encumbered Obligations***. Except as provided in Section 4(g) and for so long as any Parity Obligations are Outstanding, no additional bonds, notes, or other obligations may be issued or incurred by the Board on a parity with any Prior Encumbered Obligations.

(d) ***Parity Obligations are Special Obligations.*** All Parity Obligations and the premium, if any, and the interest thereon shall constitute special obligations of the Board payable from the Pledged Revenues, and the owners thereof shall never have the right to demand

payment out of funds raised or to be raised by taxation, or from any source other than the source specified in this Resolution. The obligation of the Board to pay or cause to be paid the amounts payable under this Resolution out of the Pledged Revenues shall be absolute, irrevocable, complete, and unconditional, and the amount, manner, and time of payment of such amounts shall not be decreased, abated, rebated, set-off, reduced, abrogated, waived, diminished, or otherwise modified in any manner or to any extent whatsoever, regardless of any right of setoff, recoupment, or counterclaim that the Board might otherwise have against any owner or any other party and regardless of any contingency, *force majeure*, event, or cause whatsoever and notwithstanding any circumstance or occurrence that may arise or take place before, during, or after the issuance of Parity Obligations while any Parity Obligations are Outstanding.

Section 3. COVENANTS RELATING TO PLEDGED REVENUES. (a) ***Rate Covenant***. In each Fiscal Year, the Board shall establish, charge, and use its reasonable efforts to collect at each Participant the Pledged Revenues which, if collected, would be sufficient to meet all financial obligations of the Board for such Fiscal Year relating to the Financing System including all deposits or payments due on or with respect to (i) the Prior Encumbered Obligations and (ii) all Outstanding Parity Obligations.

(b) ***Tuition***. Subject to the provisions of the resolutions authorizing Prior Encumbered Obligations and to the other provisions of this Resolution, the Board covenants and agrees to fix, levy, charge and collect at each Participant student tuition charges required or authorized by law to be imposed on students enrolled at each Participant (excepting, with respect to each series or issue of Parity Obligations, any student in a category which, at the time of adoption of a resolution relating to such Parity Obligations, is exempt by law or by the Board from paying such tuition charges). Each student (excluding those exempt from payment as provided above), enrolled at each Participant, respectively, at each regular fall and spring semester and at each term of each summer session, shall pay tuition charges in such amounts, without any limitation whatsoever, as will be sufficient at all times, together with other legally available funds, including other Pledged Revenues, to provide the money to make or pay the principal of, interest on, and other payments or deposits with respect to Outstanding Parity Obligations when and as required. All changes in the tuition charged students at each Participant shall be made by resolution of the Board, but such procedure shall not constitute or be regarded as an amendment of this Resolution, but merely the carrying out of the provisions and requirements hereof.

(c) ***Student Center Fees.*** Subject to the provisions of the resolution authorizing the Series 2004 Bonds, the Board covenants and agrees to fix, levy, charge and collect student center fees required or authorized by law to be imposed on students pursuant to Section 54.520 of the Texas Education Code for the purpose of paying debt service on the Series 2004 Bonds; provided however, that such student center fees shall be used only for the purpose of acquiring, constructing, renovating, operating, maintaining, improving, equipping and financing a university center or additions to the center. All references to Series 2004 Bonds in this subsection shall include any applicable Parity Obligations issued to refund such Series 2004 Bonds.

(d) ***Student Recreational Sport Fees.*** Subject to the provisions of the resolution authorizing the Series 2005A Bonds, the Board covenants and agrees to fix, levy, charge and collect student recreational sport fees required or authorized by law to be imposed on students pursuant to Section 54.5201 of the Texas Education Code for the purpose of paying debt service on the Series 2005A Bonds; provided however, that such student recreational sport fees shall be used only to purchase equipment for and to construct, operate and maintain recreational sports facilities and programs. All references to Series 2005A Bonds in this subsection shall include any applicable Parity Obligations issued to refund such Series 2005A Bonds.

(e) ***Anticipated Deficit***. If the Board determines, for any reason whatsoever, that there are not anticipated to be legally available funds, including Pledged Revenues, sufficient to meet all financial obligations of the Board relating to the Financing System including the deposits and payments due on or with respect to Outstanding Parity Obligations as the same mature or come due, or that any Participant in the Financing System will be unable to pay its Annual Direct Obligation in full, then the Board shall fix, levy, charge, and collect such rentals, rates, fees, tuition, or other charges at each Participant in the Financing System with enrolled students, effective at the next succeeding regular semester or semesters or summer term or terms, in such amounts, without any limitation whatsoever (other than as provided in subsection (f) below), as will be at least sufficient to provide, together with other legally available funds, including Pledged Revenues, the money for making when due all financial obligations of the Board relating to the Financing System including all payments and deposits due on or with respect to Outstanding Parity Obligations when and as required by this Resolution.

(f) ***Economic Effect of Adjustments***. Any adjustments in the rate or manner of charging for any rentals, rates, fees, tuition, or other charges included in Pledged Revenues at any Participant in the Financing System resulting from an event described in subsection (e) above will be based upon a certificate and recommendation of the Designated Financial Officer, delivered to the Board, as to the rates and anticipated collection of the Pledged Revenues at each Participant in the Financing System (after taking into account the anticipated effect the proposed adjustments in such rentals, rates, fees, tuition, or other charges would have on enrollment and the receipt of Pledged Revenues and other funds at each Participant in the Financing System) which will be anticipated to result in (i) Pledged Revenues attributable to each Participant being sufficient (to the extent possible) to satisfy the Annual Obligation of such Participant and (ii) Pledged Revenues being sufficient, together with other legally available funds, to meet all financial obligations of the Board relating to the Financing System including all deposits and payments due on or with respect to (A) the Prior Encumbered Obligations and (B) all Outstanding Parity Obligations, when and as required by this Resolution.

(g) ***Annual Obligation***. If, in the judgment of the Board, any Participant in the Financing System has been or will be unable to satisfy its Annual Obligation, the Board shall fix, levy, charge, and collect rentals, rates, fees, and charges for goods and services furnished by such Participant and, with respect to Participants with enrolled students, tuition, effective at the next succeeding regular semester or semesters or summer term or terms, in amounts sufficient, without limit (subject to the provisions of (c) and (d) above, respectively), together with other

legally available funds, including other Pledged Revenues attributable thereto, to enable it to make its Annual Obligation payments.

(h) ***Additional Participants***. The Board hereby agrees to apply the covenants hereinabove made to any institution, branch or entity hereinafter placed under the control and governance of the Board and added as a Participant in the Financing System in accordance with the provisions of Section 7 hereof.

Section 4. GENERAL COVENANTS. The Board further represents, covenants, and agrees that while any Parity Obligations or interest thereon is Outstanding:

(a) ***Payment of Parity Obligations***. On or before each payment date it shall make available to the Paying Agent for such Parity Obligations or to such other party as required by the resolution authorizing the sale of such Parity Obligations, money sufficient to pay the interest on, principal of, and premium, if any, on the Parity Obligations as will accrue or otherwise come due or mature, or be subject to mandatory redemption prior to maturity, on such date and the fees and expenses related to the Parity Obligations, including the fees and expenses of the Paying Agent and any Registrar, trustee, remarketing agent, tender agent, or Credit Provider.

(b) ***Performance***. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Resolution, and in each and every Parity Obligation or evidence thereof.

(c) ***Redemption***. It will duly cause to be called for redemption prior to maturity, and will cause to be redeemed prior to maturity, all Parity Obligations which by their terms are mandatorily required to be redeemed prior to maturity, when and as so required.

(d) ***Lawful Title***. It lawfully owns, has title to, or is lawfully possessed of the lands, buildings, and facilities now constituting the University, and it will defend said title and title to any lands, buildings, and facilities which may hereafter become part of the Financing System, for the benefit of the owners of Parity Obligations against the claims and demands of all persons whomsoever.

(e) ***Lawful Authority***. It is lawfully qualified to pledge the Pledged Revenues herein pledged in the manner prescribed herein and has lawfully exercised such right.

(f) ***Preservation of Lien***. Subject to the conditions set forth in Sections 5, 6, and 7 of this Resolution, it will not do or suffer any act or thing whereby the Financing System might or could be impaired, and that it will at all times maintain, preserve, and keep the real and tangible property of the Financing System and every part thereof in good condition, repair, and working order and operate, maintain, preserve, and keep the facilities, buildings, structures, and equipment pertaining thereto in good condition, repair, and working order.

(g) ***No Additional Encumbrance***. It shall not incur additional Debt secured by the Pledged Revenues in any manner, except as permitted by this Resolution in connection with

Parity Obligations, unless said Debt is made junior and subordinate in all respects to the liens, pledges, covenants, and agreements of this Resolution. Notwithstanding anything to the contrary contained herein, and in addition to the right hereunder to refund the Prior Encumbered Obligations with Parity Obligations, the Board reserves the right to issue obligations to refund any Prior Encumbered Obligations and to secure the refunding obligations with the same source or sources securing the Prior Encumbered Obligations being refunded. Upon the defeasance of the refunded Prior Encumbered Obligations, the refunding obligations will be Prior Encumbered Obligations (unless the refunding obligations are made Parity Obligations in accordance with the terms of this Resolution and the resolution authorizing their issuance) under this Resolution for all purposes.

(h) ***Investments and Security***. It will invest and secure money in all accounts and funds established pursuant to this Resolution in the manner prescribed by law for such funds, including, but not by way of limitation, the Public Funds Investment Act (Chapter 2256, Texas Government Code), Chapter 163, Texas Property Code, and Section 51.0031, Texas Education Code, and in accordance with written policies adopted by the Board.

(i) ***Records***. It will keep proper books of record and account in which full, true, and correct entries will be made of all dealings, activities, and transactions relating to the University. Each year while Parity Obligations are Outstanding, the Board will cause to be prepared from such books of record and account an annual financial report of the University and shall furnish such report to the principal municipal bond rating agencies and to any owner of Parity Obligations who shall request same. In addition, the Board shall submit such financial report and other information required by law for examination in connection with financial compliance and other audits required to be conducted by the office of the Auditor of the State of Texas.

(j) ***Inspection of Books***. It will permit any owner or owners of twenty-five percent (25%) or more of the then Outstanding Principal Amount at all reasonable times to inspect all records, accounts, and data of the Board relating to the University and the Financing System.

(k) ***Annual and Direct Obligations***. In establishing the annual budget for each Participant in the Financing System, it shall provide for the satisfaction by each Participant in the Financing System of its Annual Obligation. The Direct Obligation shall represent the financial responsibility of each Participant in the Financing System with respect to Outstanding Parity Obligations. Each such Participant's Direct Obligation and Annual Obligation shall be evidenced by a financing agreement between the Board and each Participant.

(l) ***Determination of Outstanding Parity Obligations***. For all purposes of this Resolution, the judgment of the chief financial officer of the University, presently the Vice President for Finance and Administration, shall be deemed final in the determination of which obligations of the Board constitute Parity Obligations; provided, however, such judgment is subject to confirmation by the Auditor of the State of Texas in connection with the annual audit of the records of the University.

(m) ***Execution of Credit Agreements***. (i) Should the Board determine that it is in the best interests of the University to obtain a Credit Agreement to enhance the security for or provide for the payment, redemption or remarketing of Parity Obligations, the Board, upon approval of the Attorney General, may from time to time and at any time execute and deliver a Credit Agreement to which the Pledged Revenues are to be pledged. Prior to the Board adopting any resolution authorizing the execution and delivery of any such Credit Agreement, it shall receive from the University an Officer's Certificate to the effect that (i) the Board has determined that the Participant for whom the Credit Agreement is to be executed and delivered possesses the financial capability to satisfy its Direct Obligation after taking into account the payment obligations under the proposed Credit Agreement, and (ii) to the best of his or her knowledge, the Board is in compliance with all covenants contained in this Resolution and any resolution adopted authorizing the issuance of Parity Obligations, and is not in default in the performance and observance of any of the terms, provisions, and conditions hereof or thereof.

(ii) The lien on and pledge of Pledged Revenues to pay the cost of any such credit agreement may be on a parity with, but not superior to, the lien on and pledge of the Pledged Revenues securing the Parity Obligations.

Section 5. ISSUANCE OF ADDITIONAL OBLIGATIONS. (a) ***Parity Obligations***. The Board reserves and shall have the right and power to issue or incur, Parity Obligations for any purpose authorized by law pursuant to the provisions of this Resolution and the applicable laws of the State of Texas governing the issuance of bonds for the benefit of each Participant (currently the University) in the Financing System. The Board may incur, assume, guarantee, or otherwise become liable in respect of any Parity Obligations if the Board shall have determined that it will have sufficient funds to meet the financial obligations of each Participant (currently the University) in the Financing System, including sufficient Pledged Revenues to satisfy the Annual Debt Service Requirements of the Financing System and to meet all financial obligations of the Board relating to the Financing System. In addition, the Board shall not issue or incur Parity Obligations unless (i) the Board shall determine that the Participant for whom the Parity Obligations are being issued or incurred possesses the financial capability to satisfy its Direct Obligation after taking into account the then proposed Parity Obligations, and (ii) a Designated Financial Officer shall deliver to the Board a certificate stating that, to the best of his or her knowledge, the Board is in compliance with all covenants contained in this Resolution and any resolution adopted authorizing the issuance of Parity Obligations, and is not in default in the performance and observance of any of the terms, provisions, and conditions hereof or thereof.

(b) ***Non–Recourse Debt and Subordinated Debt***. Non-Recourse Debt and Subordinated Debt may be incurred by the Board without limitation, subject to the applicable laws of the State of Texas.

Section 6. DISPOSITION OF ASSETS ATTRIBUTABLE TO FINANCING SYSTEM PARTICIPANTS. The Board may convey, sell, or otherwise dispose of any properties of each Participant (currently the University) in the Financing System provided:

(a) ***Ordinary Course***. Such conveyance, sale, or disposition shall be in the ordinary course of business of such Participant which uses, operates, owns, or is otherwise responsible for such properties; or

(b) ***Disposition Upon Board Determination***. The Board shall determine that after the conveyance, sale, or other disposition of such properties, the Board shall have sufficient funds during each Fiscal Year during which Parity Obligations are to be Outstanding to meet the financial obligations of each Participant in the Financing System, including sufficient Pledged Revenues to satisfy the Annual Debt Service Requirements of the Financing System and to meet all financial obligations of the Board relating to the Financing System.

Section 7. COMBINATION, DIVISION, RELEASE AND ADMISSION OF NEW INSTITUTIONS UNDER THE FINANCING SYSTEM. (a) ***Combination and Division***. Notwithstanding anything to the contrary contained herein, it is recognized that certain institutions which may become Participants in the Financing System may be combined or divided and that so long as such combined or divided institutions continue to be governed by the Board such action shall not be in violation of the provisions of this Resolution or require any amendments of the provisions hereof.

(b) ***Release***. Subject to the conditions set forth below, any Participant in the Financing System or portion thereof may be closed and abandoned by law or may be removed from the Financing System (thus deleting the revenues, income, funds and balances attributable to said Participant or portion thereof from Pledged Revenues) without violating the terms of this Resolution provided:

(1) the Board approves and delivers an Officers' Certificate to the effect that, to the knowledge thereof, after the release of such Participant or portion thereof, the Board will have sufficient funds during each Fiscal Year in which Parity Obligations shall thereafter be Outstanding to meet the financial obligations of the Board, including sufficient Pledged Revenues to satisfy the Annual Debt Service Requirements of the Financing System and to meet all financial obligations of the Board relating to the Financing System; and

(2) the Board receives an Opinion of Counsel which shall state that such release will not affect the status for federal income tax purposes of interest on any Outstanding Parity Obligations and that all conditions precedent provided in this Resolution or any resolution hereafter adopted governing the issuance of Parity Obligations relating to such release have been complied with; and

(3) (A) if the Participant or portion thereof to be released from the Financing System is to remain under the governance and control of the Board, the Board must either (i) provide, from lawfully available funds, including Pledged Revenues attributable to said withdrawing Participant, for the payment or discharge of said Participant's Direct Obligation or (ii) pledge to the payment of Parity Obligation, additional resources not

then pledged in an amount sufficient to satisfy such withdrawing Participant's Direct Obligation; or

(B) if the Participant or portion thereof to be released from the Financing System is to no longer be under the governance and control of the Board and remains in operation independent of the Board, the Board must enter into a binding obligation with the new governing body of the withdrawing institution or the portion thereof being withdrawn, obligating said governing body to make payments to the Board at the times and in the amounts equal to said Participant's Annual Obligation or to pay or discharge said Participant's Direct Obligation, or, in the case of a portion of a Participant being withdrawn, the proportion of the Participant's Annual Obligation or Direct Obligation, as the case may be, attributable to the withdrawing portion of the Participant.

(c) If, after the date of the adoption of this Resolution, the Board desires for an institution or agency governed by the Board to become a Participant of the Financing System, or if the Board is required by law to assume the governance of an institution or agency, it may include said institution or agency in the Financing System with the effect set forth in this Resolution by the adoption of a resolution amending this Resolution.

Section 8. WAIVER OF CERTAIN COVENANTS. The Board may omit in any particular instance to comply with any covenant or condition set forth in Sections 3 through 7 hereof if before or after the time for such compliance the Owners of the same percentage in principal amount of all Parity Obligations then Outstanding, the consent of which would be required to amend the provisions hereof to permit such noncompliance, shall either waive such compliance in such instance or generally waive compliance with such covenant or condition, but no such waiver shall extend to or affect such covenant or condition except to the extent so expressly waived and, until such waiver shall become effective, the obligations of the Board and the duties of the Board in respect to any such covenant or condition shall remain in full force and effect. For purposes of this Section, if a municipal bond insurance policy has been issued insuring the payment of any Outstanding Parity Obligations, the term Owner shall mean the company that has issued any such insurance policy or policies.

Section 9. AMOUNT, PURPOSE, AND DESIGNATION OF THE BONDS. (a) ***Amount and Designation***. The Board's bonds each entitled "BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY REVENUE FINANCING SYSTEM REVENUE BOND," are hereby authorized to be issued in one or more series and delivered in an aggregate maximum principal amount (determined without regard to premium or discount affecting the sale price) of $95,950,000. The title of the Bonds shall be designated by the year in which each Series is awarded pursuant to Section 10 below and in the event that another series of bonds is issued by the Board within a calendar year each Series within that year shall have a letter designation following the year. Any Series of Bonds which is issued for the purpose of refunding all or a portion of the Potential Refunded Bonds may include the refunding designation in the title as set forth in the applicable Award Certificate. The authority of the Designated Financial Officer to execute and deliver an Award Certificate for each Series shall expire at 5:00 p.m. on

July 25, 2017, such date being one year from the date of adoption of this Resolution. Bonds priced on or before July 25, 2017 may close after such date.

(b) ***Purpose***. The Bonds of each Series are to be issued for the following purposes: (i) REFUNDING ALL OR A PORTION OF THE POTENTIAL REFUNDED BONDS, (ii) ACQUIRING, PURCHASING, CONSTRUCTING, IMPROVING, RENOVATING, ENLARGING, OR EQUIPPING UNIVERSITY PROPERTY, BUILDINGS, STRUCTURES, FACILITIES, ROADS, OR RELATED INFRASTRUCTURE AND (iii) PAYING THE COSTS OF ISSUANCE OF THE BONDS.

Section 10. DATE, DENOMINATIONS, NUMBERS, MATURITIES AND TERMS OF BONDS. (a) ***Terms of Each Series of Bonds***. The Bonds of each Series shall initially be issued, sold, and delivered hereunder as fully registered bonds, without interest coupons, numbered consecutively from R-1 upward (except the initial Bond of each Series delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof, or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"), in the denomination of $5,000 or any integral multiple thereof (an "Authorized Denomination"), each Series maturing not later than April 15, 2037, serially or otherwise on the dates, in the years and in the principal amounts, respectively, dated either Taxable Bonds or Tax-Exempt Bonds as provided in Section 11, all as set forth in each Award Certificate of the Designated Financial Officer.

(b) ***Award Certificate***. As authorized by Chapters 1371 and 1207 in the case of series of refunding bonds as determined by the Designated Financial Officer, Government Code, as amended, the Designated Financial Officer is hereby authorized, appointed, and designated to act on behalf of the Board in selling and delivering the Bonds of each Series and carrying out the other procedures specified in this Resolution, including determining and fixing the date of each Series of the Bonds, any additional or different designation or title by which each Series of the Bonds shall be known, the price at which each Series of the Bonds will be sold, the years in which each Series of the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of each Series of the Bonds, whether the Bonds are designated as Tax-Exempt Bonds or Taxable Bonds, the rate or rates of interest to be borne by each maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the Board, as well as any mandatory sinking fund redemption provisions, the amount of capitalized interest, if any, for each Series of Bonds, establishing a reserve fund for the Bonds, if any, and all other matters relating to the issuance, sale, and delivery of the Bonds, all of which shall be specified in a certificate of the Designated Financial Officer delivered to the Secretary of the Board (the "Award Certificate"); provided that (i) the price to be paid for each Series of the Bonds shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest, if any, thereon from its date to its delivery, (ii) Bonds shall be issued to refund all or a portion of the Potential Refunded Bonds only if such refunding, assuming that each Series sold and delivered at the same time constitutes one Series, results in a present value savings on the Annual Debt Service Requirements not less than an amount equal to 3% of the principal amount of such

Refunded Bonds being refunded, and (iii) each Series of the Bonds shall not bear interest at a rate in excess of the maximum rate allowed by law.

In establishing the aggregate principal amount of a Series of Bonds to be issued to refund Refunded Bonds, the Designated Financial Officer shall establish an amount, not to exceed the amount authorized in Section 9, sufficient to provide for the refunding of the Refunded Bonds that will result in a reduction in the Annual Debt Service Requirements that otherwise would be payable from the Pledged Revenues with respect to the Refunded Bonds, on a present value basis of at least 3%. The amount of savings to be realized from the refunding shall be shown in each Award Certificate. The Award Certificate of each Series that is issued to refund Refunded Bonds shall also identify the Refunded Bonds being refunded by that Series.

It is further provided, however, that, notwithstanding the foregoing provisions, the Bonds shall not be delivered unless prior to delivery of each Series (i) the Award Certificate has been executed and delivered as required by this Resolution and (ii) the particular Series of the Bonds have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations, as required by Chapter 1371, Government Code, as amended.

Each Award Certificate is hereby incorporated in and made a part of this Resolution.

(c) ***Sale of Each Series of Bonds***. To achieve advantageous borrowing costs for each Participant (currently the University) in the Financing System, each Series of the Bonds shall be sold on a negotiated, placement or competitive basis as determined by the Designated Financial Officer in the Award Certificate. In determining whether to sell each Series of the Bonds by negotiated, placement or competitive sale, the Designated Financial Officer shall take into account the financial condition of the State, the University and the Financing System, any material disclosure issues which might exist at the time, the market conditions expected at the time of the sale, the achievement of the HUB goals of the Board, and any other matters which, in the judgment of the Designated Financial Officer, might affect the net borrowing costs on each Series of the Bonds.

If the Designated Financial Officer determines that a Series of the Bonds should be sold at a competitive sale, the Designated Financial Officer shall cause to be prepared a notice of sale and official statement in such manner as the Designated Financial Officer deems appropriate, to make the notice of sale and official statement available to those institutions and firms wishing to submit a bid for the Bonds, to receive such bids, and to award the sale of the Bonds to the bidder submitting the best bid in accordance with the provisions of the notice of sale.

If the Designated Financial Officer determines that a Series of the Bonds should be sold by a negotiated sale or placement, the Designated Financial Officer shall designate the placement purchaser or the senior managing underwriter for the Bonds and such additional investment banking firms as the Designated Financial Officer deems appropriate to assure that the Bonds are sold on the most advantageous terms to the Financing System. The Designated Financial Officer, acting for and on behalf of the Board, is authorized to enter into and carry out a Bond

Purchase Contract or other agreement for the Bonds to be sold by negotiated sale or placement, with the Underwriter or placement purchaser at such price, with and subject to such terms as determined by the Designated Financial Officer pursuant to Section 10(b) above. Each Bond Purchase Contract or other agreement shall be substantially in the form and substance previously approved by the Board in connection with the authorization of Previously Issued Parity Obligations with such changes as are acceptable to the Designated Financial Officer, including those covered by Section 24 or Section 33 and any provisions determined to be necessary by the Designated Financial Officer and Bond Counsel in the event that such Series of Bonds is being sold in a forward delivery transaction.

(d) ***In General***. Each Series of the Bonds (i) may and shall be redeemed prior to the respective scheduled maturity dates, (ii) may be assigned and transferred, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be Tax-Exempt Bonds or Taxable Bonds and (vi) shall be signed and sealed, and the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND set forth in Exhibit "B" to this Resolution and as determined by the Designated Financial Officer as provided herein, with such changes and additions as are required to be consistent with the terms and provisions shown in each Award Certificate.

Section 11. INTEREST. Each Series of the Bonds shall bear interest, calculated on the basis of a 360-day year composed of twelve 30-day months, from their date, until maturity or redemption, at the rates set forth in the Award Certificate. Each Series of Bonds shall be designated as Tax–Exempt Bonds or Taxable Bonds as set forth in the Award Certificate. Interest shall be payable to the registered owner of any such Bond in the manner provided and on the dates stated in the FORM OF BOND set forth in this Resolution and the Award Certificate.

Section 12. REGISTRATION, TRANSFER, AND EXCHANGE; AUTHENTICATION; BOOK-ENTRY-ONLY SYSTEM. (a) ***Paying Agent/Registrar***. The Designated Financial Officer is authorized to select a Paying Agent/Registrar for the Bonds. The Designated Financial Officer is also authorized to enter into and carry out a Paying Agent/Registrar Agreement with the Paying Agent/Registrar with respect to the Bonds in substantially the form previously approved by the Board in connection with the authorization of Previously Issued Parity Obligations with such changes as are acceptable to the Designated Financial Officer.

(b) ***Registration Books***. The Board shall keep or cause to be kept at the corporate trust office of the Paying Agent/Registrar designated in the Paying Agent/Registrar Agreement (the "Designated Trust Office") books or records for the registration of the transfer, exchange, and replacement of the Bonds (the "Registration Books"), and the Paying Agent/Registrar is hereby appointed to serve as registrar and transfer agent to keep such books or records and make such registrations of transfers, exchanges, and replacements under such reasonable regulations as the Board and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, exchanges, and replacements as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein

provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Board shall have the right to inspect the Registration Books at the Designated Trust Office of the Paying Agent/Registrar during regular business hours, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(c) ***Ownership of Bonds***. The entity in whose name any Bond shall be registered in the Registration Books at any time shall be deemed and treated as the absolute owner thereof for all purposes of this Resolution, whether such Bond shall be overdue, and, to the extent permitted by law, the Board and the Paying Agent/Registrar shall not be affected by any notice to the contrary; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(d) ***Payment of Bonds and Interest***. The Paying Agent/Registrar shall further act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, all as provided in this Resolution. The Paying Agent/Registrar shall keep proper records of all payments made by the University and the Paying Agent/Registrar with respect to the Bonds.

(e) ***Authentication***. The Bonds initially issued and delivered pursuant to this Resolution shall be authenticated by the Paying Agent/Registrar by execution of the Paying Agent/Registrar's Authentication Certificate unless they have been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and on each substitute Bond issued in exchange for any Bond or Bonds issued under this Resolution the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE (the "Authentication Certificate"). The Authentication Certificate shall be in the form set forth in the FORM OF BONDS.

(f) ***Transfer, Exchange, or Replacement***. Each Bond issued and delivered pursuant to this Resolution, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender of such Bond at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, may, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered bonds, without interest coupons, in the appropriate form prescribed in the FORM OF BONDS set forth in this Resolution, in any Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall be of the same series and have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided

herein, a substitute Bond or Bonds having the same series designation and maturity date, bearing interest at the same rate, and payable in the same manner, in Authorized Denominations at the request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same series designation and maturity date and bear interest at the same rate and payable in the same manner as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Resolution shall constitute one of the Bonds for all purposes of this Resolution, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Resolution there shall be printed an Authentication Certificate, in the form set forth in the FORM OF BONDS set forth in Exhibit "B" to this Resolution. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Authentication Certificate, and, except as provided in subsection (e) above, no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for transfer, exchange, or replacement. No additional orders or resolutions need be passed or adopted by the Board or any other body or person so as to accomplish the foregoing transfer, exchange, or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and said Bonds shall be in typed or printed form as determined by the Designated Financial Officer. Pursuant to Chapter 1206, Texas Government Code, the duty of transfer, exchange, or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which were originally issued pursuant to this Resolution. The Board shall pay the Paying Agent/Registrar's standard or customary fees and charges, if any, for transferring, and exchanging any Bond or any portion thereof, but the one requesting any such transfer and exchange shall pay any taxes or governmental charges required to be paid with respect thereto as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, exchange, or replacement of Bonds or any portion thereof (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following interest payment date, or, (ii) with respect to any Bond or portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date. To the extent possible, any new Bond issued in an exchange, replacement, or transfer of a Bond will be delivered to the registered owner or assignee of the registered owner not more than three business days after the receipt of the Bonds to be cancelled and the written request as described above.

(g) ***Substitute Paying Agent/Registrar***. The Board covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Board will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act

as and perform the services of Paying Agent/Registrar for the Bonds under this Resolution, and that the Paying Agent/Registrar will be one entity. The Board reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Board covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Resolution. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Board. Upon any change in the Paying Agent/Registrar, the Board promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Resolution, and a certified copy of this Resolution shall be delivered to each Paying Agent/Registrar.

(h) ***Book-Entry-Only System***. The Bonds issued in exchange for the Bonds initially issued and delivered to the Purchaser shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC, and except as provided in subsection (i) hereof, all of the Outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC. The Designated Financial Officer is authorized to take all actions necessary to obtain, complete and execute a "DTC Blanket Letter of Representations" in connection with utilizing the DTC Book-Entry-Only System.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Board and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Board and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Bondholder, as shown on the Registration Books, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than a Bondholder, as shown in the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Resolution to the contrary but to the extent permitted by law, the Board and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bond, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying

Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective owners, as shown in the Registration Books as provided in this Resolution, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Board's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Board to make payments of principal, premium, if any, and interest pursuant to this Resolution. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Resolution with respect to interest checks being mailed to the registered owner at the close of business on the Record Date, the word "Cede & Co." in this Resolution shall refer to such new nominee of DTC.

(i) ***Successor Securities Depository; Transfers Outside Book-Entry-Only System***. In the event that the Board or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Board to DTC (as referred in subsection (h) above) or DTC determines to discontinue providing its services with respect to the Bonds, the Board shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Resolution.

(j) ***Payments to Cede & Co***. Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the Board to DTC.

(k) ***Notice of Redemption***. In addition to the method of providing a notice of redemption set forth in the FORM OF BONDS, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class postage prepaid, at least thirty (30) days prior to a redemption date to each registered securities depository and to any national information service that disseminates redemption notices. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the registered securities depositories or such national information services shall be sent so that they are received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of prepayment or redemption

to the registered owner of any Bond who has not sent the Bonds in for redemption sixty (60) days after the redemption date.

Each notice of redemption, whether required in the FORM OF BONDS or in this Section, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, a reference to the principal amounts of each maturity called for redemption, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bonds may be redeemed, including a contact person and telephone number.

All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

Section 13. FORM OF BONDS. The forms of the Bonds, including the form of the Authentication Certificate, the form of Assignment, the form of any statement of insurance with respect to the Bonds provided by a Bond Insurer, and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas, with respect to the Bonds initially issued and delivered to the Purchaser pursuant to this Resolution, shall be, respectively, substantially as set forth in Exhibit "B", with such appropriate variations, omissions, or insertions as are permitted or required by this Resolution.

Section 14. INDIVIDUALS NOT LIABLE. All covenants, stipulations, obligations, and agreements of the Board contained in this Resolution shall be deemed to be covenants, stipulations, obligations, and agreements of the Financing System and the Board to the full extent authorized or permitted by the Constitution and laws of the State of Texas. No covenant, stipulation, obligation, or agreement herein contained shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the Board or agent or employee of the Board in the individual capacity thereof and neither the respective members of the Board, nor any officer thereof or of any participant shall be liable personally on Parity Obligations when issued, or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 15. SECURITY FOR THE BONDS. The Bonds are special obligations of the Board payable from and secured solely by the Pledged Revenues pursuant to this Resolution. The Pledged Revenues are hereby pledged, subject to the liens securing the Prior Encumbered Obligations, to the payment of the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable. The Board agrees to pay the principal of, premium, if any, and the interest on the Bonds when due, whether by reason of maturity or redemption.

Section 16. PAYMENTS. (a) ***Accrued Interest.*** Immediately after the delivery of the Bonds, the Board shall deposit any accrued interest received from the sale and delivery of the Bonds to the credit of a special account to be held to pay interest on such Bonds on the first interest payment date.

(b) ***Debt Service Payments.*** Semiannually on or before each principal or interest payment date while any of the Bonds are outstanding and unpaid, commencing on the first

interest payment date for the Bonds as specified in the Award Certificate, the Board shall make available to the Paying Agent/Registrar, money sufficient to pay such interest on and such principal of the Bonds as will accrue or mature, or be subject to mandatory redemption prior to maturity, on such principal, redemption, or interest payment date. The Paying Agent/Registrar shall cancel all paid Bonds and shall furnish the Board with an appropriate certificate of cancellation.

Section 17. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS. (a) ***Replacement Bonds***. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new bond of the same Series, principal amount, maturity, and interest rate, and in the same form, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) ***Application for Replacement Bonds***. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the Board and the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the Board and the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) ***Payment in Lieu of Replacement***. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Board, may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) ***Charge for Issuing Replacement Bonds***. Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the Board whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Bonds duly issued under this Resolution.

(e) ***Authority for Issuing Replacement Bonds***. In accordance with Chapter 1206, Texas Government Code, this Section shall constitute authority for the issuance of any such replacement bond without the necessity of further action by the Board or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such

Bonds in the form and manner and with the effect, as provided in Section 12(f) of this Resolution for Bonds issued in exchange and replacement for other Bonds.

Section 18. REMEDIES. Any owner of Parity Obligations in the event of default in connection with any covenant contained herein or in any resolution adopted hereafter authorizing the issuance of Parity Obligations, or default in the payment of said obligations, or of any interest due thereon, or other costs and expenses related thereto, may require the Board, their respective officials and employees, and any appropriate official of the State of Texas, to carry out, respect, or enforce the covenants and obligations of this Resolution by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings in any court of competent jurisdiction against the Board, their respective officials and employees, or any appropriate official of the State of Texas.

Section 19. DEFEASANCE OF OBLIGATIONS. (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer Outstanding (a "Defeased Bond") within the meaning of this Resolution, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or any other eligible bank or trust company then authorized by State law for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the Board with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the revenues herein pledged as provided in this Resolution, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bonds shall have been given, in accordance with this Resolution. Any money so deposited with the Paying Agent/Registrar or other eligible institution as provided in this Section may at the written discretion of the Board also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or other eligible institution pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be turned over to the Board.

(c) Notwithstanding any provision of any other Section of this Resolution which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bonds and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bonds and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Board shall make proper arrangements to provide and pay for such services as required by this Resolution.

(d) Notwithstanding anything elsewhere in this Resolution, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or other eligible institution pursuant to this Section for the payment of Bonds and such Bonds shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Bond affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Bond to be paid at its maturity, the Board retains the right under Texas law to later call that Defeased Bond for redemption in accordance with the provisions of this Resolution, the Board may call such Defeased Bond for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Bond as though it was being defeased at the time of the exercise of the option to redeem the Defeased Bond and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Bond.

(f) In the event that the Board elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 20. AMENDMENT OF RESOLUTION. (a) ***Amendment Without Consent***. This Resolution and the rights and obligations of the Board and of the owners of the Outstanding Parity Obligations may be modified or amended at any time without notice to or the consent of any owner of the Outstanding Parity Obligations, solely for any one or more of the following purposes:

(i) To add to the covenants and agreements of the Board contained in this Resolution, other covenants and agreements thereafter to be observed, or to surrender any right or power reserved to or conferred upon the Board in this Resolution;

(ii) To cure any ambiguity or inconsistency, or to cure or correct any defective provisions contained in this Resolution, upon receipt by the Board of an opinion of Bond Counsel, that the same is needed for such purpose, and will more clearly express the intent of this Resolution;

(iii) To supplement the security for the Parity Obligations, including, but not by way of limitation, to provide for the addition of new institutions and agencies to the Financing System or to clarify the provisions regarding the University as a Participant in the Financing System; provided, however, if the definition of Pledged Revenues is amended in any manner which results in the pledge of additional resources, the terms of such amendment may limit the amount of such additional pledge and the manner, extent, and duration of such additional pledge all as set forth in such amendment;

(iv) To make any changes or amendments requested by any bond rating agency then rating or requested to rate Parity Obligations, as a condition to the issuance or maintenance of a rating, which changes or amendments do not, in the judgment of the Board, materially adversely affect the interests of the owners of the Outstanding Parity Obligations;

(v) To make such changes, modifications or amendments as may be necessary or desirable, which shall not adversely affect the interests of the owners of the Outstanding Parity Obligations, in order, to the extent permitted by law, to facilitate the economic and practical utilization of Credit Agreements with respect to the Parity Obligations;

(vi) To make such other changes in the provisions hereof as the Board may deem necessary or desirable and which shall not, in the judgment of the Board, materially adversely affect the interests of the owners of Outstanding Parity Obligations; or

(vii) To make such changes or amendments as contemplated by Section 24(c) of this Resolution in order to comply with the Rule.

Notice of any such amendment may be published by the Board in the manner described in subsection (c) of this Section; provided, however, that the publication of such notice shall not constitute a condition precedent to the adoption of such amendatory resolution and the failure to publish such notice shall not adversely affect the implementation of such amendment as adopted pursuant to such amendatory resolution.

(b) ***Amendments With Consent***. Subject to the other provisions of this Resolution, the owners of Outstanding Parity Obligations aggregating a majority in Outstanding Principal Amount shall have the right from time to time to approve any amendment to this Resolution, other than amendments described in subsection (a) of this Section, which may be deemed necessary or desirable by the Board; provided, however, that nothing herein contained shall permit or be construed to permit, without the approval of the owners of all of the Outstanding Parity Obligations, the amendment of the terms and conditions in this Resolution so as to:

(1) Grant to the owners of any Outstanding Parity Obligations a priority over the owners of any other Outstanding Parity Obligations;

(2) Materially adversely affect the rights of the owners of less than all Parity Obligations then Outstanding;

(3) Change the minimum percentage of the Outstanding Principal Amount necessary for consent to such amendment;

(4) Make any change in the maturity of the Outstanding Bonds;

(5) Reduce the rate of interest borne by Outstanding Bonds;

(6) Reduce the amount of the principal payable on Outstanding Bonds; or

(7) Modify the terms of payment of principal of or interest on the Outstanding Bonds, or impose any conditions with respect to such payment; or

(8) Adversely affect the tax exempt status of the interest on the Outstanding Bonds to the owners thereof.

(c) ***Notice***. If at any time this Resolution is to be amended pursuant to the provisions of subsection (b) of this Section, the Board shall cause notice of the proposed amendment to be published in a financial newspaper or journal of general circulation in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of each Registrar for the Parity Obligations for inspection by all owners of Parity Obligations. Such publication is not required, however, if the Board gives or causes to be given such notice in writing, by certified mail, to each owner of Parity Obligations. Such publication is not required with respect to amendments to this Resolution effected pursuant to the provisions of subsection (a) of this Section.

(d) ***Receipt of Consents***. Whenever at any time not less than thirty (30) days, and within one year, from the date of the first publication of said notice or other service of written notice of the proposed amendment the Board shall receive an instrument or instruments executed by all of the owners or the owners of at least a majority in Outstanding Principal Amount, as appropriate, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file as aforesaid, the Board may adopt the amendatory resolution in substantially the same form.

(e) ***Effect of Amendments***. Upon the adoption of any resolution to amend this Resolution pursuant to the provisions of this Section, this Resolution shall be deemed to be amended in accordance with the amendatory resolution, and the respective rights, duties, and obligations of the Board and all the owners of then Outstanding Parity Obligations and all future Parity Obligations shall thereafter be determined, exercised, and enforced under this Resolution, as amended.

(f) ***Consent Irrevocable***. Any consent given by any owner of Parity Obligations pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the first publication or other service of the notice provided for in this Section, and shall be conclusive and binding upon all future owners of the same Parity Obligations during such period. Such consent may be revoked at any time after six months from the date of the first publication of such notice by the owner who gave such consent, or by a successor in title, by filing notice thereof with the Registrar for such Parity Obligations and the Board, but such revocation shall not be effective if the owners of a majority in Outstanding Principal Amount, prior to the attempted revocation, consented to and approved the amendment.

(g) ***Ownership***. For the purpose of this Section, the ownership and other matters relating to all Parity Obligations shall be determined by the Registration Books maintained by the Registrar.

Section 21. COVENANTS REGARDING TAX-EXEMPTION. (a) ***Covenants***. The Board covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Tax–Exempt Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "IRS Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Board covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Tax–Exempt Bonds or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the IRS Code or, if more than 10 percent of the proceeds of the Tax–Exempt Bonds or the projects financed or refinanced therewith are so used, such amounts, whether or not received by the Board, with respect to such private business use, do not, under the terms of this Resolution or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Tax–Exempt Bonds, in contravention of section 141(b)(2) of the IRS Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Tax–Exempt Bonds or the projects financed or refinanced therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the IRS Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Tax–Exempt Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the IRS Code;

(4) to refrain from taking any action which would otherwise result in the Tax–Exempt Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the IRS Code;

(5) to refrain from taking any action that would result in the Tax–Exempt Bonds being "federally guaranteed" within the meaning of section 149(b) of the IRS Code;

(6) to refrain from using any portion of the proceeds of the Tax–Exempt Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the IRS Code) which produces a materially higher yield over the term of the Tax–Exempt Bonds, other than investment property acquired with:

(A) proceeds of the Tax–Exempt Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Tax–Exempt Bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148 1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Tax–Exempt Bonds;

(7) to otherwise restrict the use of the proceeds of the Tax–Exempt Bonds or amounts treated as proceeds of the Tax–Exempt Bonds, as may be necessary, so that the Tax–Exempt Bonds do not otherwise contravene the requirements of section 148 of the IRS Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the IRS Code (relating to advance refundings); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the IRS Code and to pay to the United States of America, not later than 60 days after the Tax–Exempt Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the IRS Code.

(b) ***Rebate Fund***. With respect to the Tax–Exempt Bonds, in order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the Board for the sole benefit of the United States of America, and such fund shall not be subject to the claim

of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the IRS Code.

(c) ***Proceeds***. With respect to the Tax–Exempt Bonds, the Board understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds not expended prior to the date of issuance of the Tax-Exempt Bonds. It is the understanding of the Board that the covenants contained herein are intended to assure compliance with the IRS Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the IRS Code, as applicable to the Tax–Exempt Bonds, the Board will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Tax–Exempt Bonds under section 103 of the IRS Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Tax–Exempt Bonds, the Board agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Tax–Exempt Bonds under section 103 of the IRS Code. In furtherance of such intention, the Board hereby authorizes and directs the Designated Financial Officer to execute any documents, certificates or reports required by the IRS Code and to make such elections, on behalf of the Board, which may be permitted by the IRS Code as are consistent with the purpose for the issuance of the Tax–Exempt Bonds. This Resolution is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) ***Disposition of Projects***. If the Bonds are issued as Tax–Exempt Bonds, the Board covenants that the projects financed including projects refinanced by any Refunded Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the Board of cash or other compensation, unless the Board obtains an opinion of nationally–recognized bond counsel that such sale or other disposition will not adversely affect the tax–exempt status of the Tax–Exempt Bonds. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the Board shall not be obligated to comply with this covenant if it obtains an opinion of nationally–recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 24. CONTINUING DISCLOSURE UNDERTAKING. (a) ***Annual Reports***. To the extent that such financial information and operating data is reasonably obtainable under generally acceptable accounting principles applicable to the Board, as modified by the laws of the State of Texas and the rules and regulations of the Comptroller of Public Accounts of the State of Texas, the Board shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of each Fiscal Year, financial information and operating data with respect to Board, as determined by the Designated Financial

Officer at the time the Bonds are sold. The Award Certificate shall specify the financial information and operating data to be provided pursuant to this Section. In the event that financial information and operating data of such general type is not reasonably available, financial information and operating data will be provided as prescribed by the applicable accounting principles and the governing laws, rules, and regulations applicable to the Board. The undertaking of the Board contained in the preceding sentence may be modified by the Designated Financial Officer in the Award Certificate upon advice of counsel. Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in Exhibit C hereto, as may be modified in the Award Certificate, and (2) audited, if the Board commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not so provided within the required period, then the Board shall provide unaudited financial statements for the applicable Fiscal Year to the MSRB, in an electronic format as prescribed by the MSRB, and shall file audited financial statements when and if audited financial statements become available. If audited financial statements are not prepared for any Fiscal Year and audited financial statements are prepared with respect to the State of Texas for such Fiscal Year, the Board shall provide, or cause to be provided, the audited financial statements of the State of Texas for the applicable Fiscal Year to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of said Fiscal Year or as soon thereafter as such audited financial statements become available from the State Auditor of the State of Texas. Any such audited financial statements of the State of Texas so provided shall be prepared in accordance with generally accepted accounting principles for state governments, as such principles may be changed from time to time to comply with state law.

If the Board changes the Fiscal Year, the Board will notify the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the Board otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this subsection may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this subsection shall be accompanied by identifying information as prescribed by the MSRB.

(b) ***Event Notices***. The Board shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Bonds:

A. Principal and interest payment delinquencies;

B. Non−payment related defaults, if material within the meaning of the federal securities laws;

C. Unscheduled draws on debt service reserves reflecting financial difficulties;

D. Unscheduled draws on credit enhancements reflecting financial difficulties;

E. Substitution of credit or liquidity providers, or their failure to perform;

F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other events affecting the tax status of the Bonds;

G. Modifications to rights of holders of the Bonds, if material within the meaning of the federal securities laws;

H. Bond calls, if material within the meaning of the federal securities laws and tender offers;

I. Defeasances;

J. Release, substitution, or sale of property securing repayment of the Bonds, if material within the meaning of the federal securities laws;

K. Rating changes;

L. Bankruptcy, insolvency, receivership or similar event of the Board;

M. The consummation of a merger, consolidation, or acquisition involving the Board or the sale of all or substantially all of the assets of the Board, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and

N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The Board shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the Board to provide financial information or operating data in accordance with this subsection by the time required. All documents provided to the MSRB pursuant to this subsection shall be accompanied by identifying information as prescribed by the MSRB.

(c) ***Limitations, Disclaimers, and Amendments***. The Board shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long

as, the Board remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Board in any event will give the notice required by this Resolution of any Bond calls and defeasance that cause the Bonds to be no longer outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Board undertakes to provide only the financial information, operating data, financial statements, and notices that it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Board's financial results, condition, or prospects relating to the Financing System or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Board does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE BOARD BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE BOARD, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the Board in observing or performing its obligations under this Section shall constitute a breach of or default under this Resolution for purposes of any other provision of this Resolution.

Should the Rule be amended to obligate the Board to make filings with or provide notices to entities other than the MSRB, the Board hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Board under federal and state securities laws.

The provisions of this Section may be amended by the Board from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Board, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is

unaffiliated with the Board (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. If the Board so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The Board may also amend or repeal the provisions of this continuing disclosure requirement if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling the Bonds in the primary offering of the Bonds.

Section 25. APPLICATION OF BOND PROCEEDS. (a) ***Proceeds***. Proceeds from the sale of each Series of the Bonds shall, promptly upon receipt thereof, be applied by the Designated Financial Officer as follows:

(i) accrued interest, if any, for each Series of the Bonds shall be deposited as provided in Section 16;

(ii) an amount sufficient to accomplish the purposes of Section 9 shall be so applied; and

(iii) any proceeds from the sale of each Series of the Bonds remaining after the deposits provided for in clauses (i) and (ii) above, shall be applied to pay expenses arising in connection with the issuance of the Bonds.

Any sale proceeds of each Series of the Bonds remaining after making all deposits and payments provided for above shall be applied to the payment of interest on the Bonds.

(b) ***Funds***. The Designated Financial Officer is hereby authorized to establish such funds, accounts and/or sub−accounts as necessary to administer any remaining proceeds of the Bonds after applying proceeds to the refunding of the refunded bonds, including for accrued interest and costs of issuance. Proceeds deposited into any such funds, accounts and/or sub−accounts shall remain therein until from time to time expended for the purposes described in this Resolution, and shall not be used for any other purposes whatsoever, except as otherwise provided below, and pending such expenditure, such moneys may be invested at the direction of the Designated Financial Officer or the designee thereof in eligible investments in accordance with the provisions of Section 4(h) of this Resolution. Interest earnings shall accrue to the respective funds, accounts and/or sub−accounts in which moneys are held and invested. The Board agrees that it shall pay costs of issuance incurred in connection with the issuance and delivery of the Bonds. The Board shall cause moneys on deposit in any such funds, accounts and/or sub−accounts representing accrued interest to be used to pay debt service on the Bonds as the same shall become due and payable.

Section 26. REFUNDING OF REFUNDED BONDS: ESCROW AGREEMENT; REDEMPTION OF REFUNDED BONDS. Concurrently with the delivery of a Series of Bonds issued to refund Refunded Bonds, the Designated Financial Officer shall cause to be deposited with the Escrow Agent an amount, from the proceeds from the sale of each Series of the Bonds, sufficient, together with other legally available funds of the Board, to provide for the payment and retirement of the Refunded Bonds. In the event that it is deemed necessary, the Designated Financial Officer is authorized to enter into one or more escrow agreements in the form and substance previously approved by the Board in connection with the refunding of Debt with such changes as are acceptable to the Designated Financial Officer. In such event, the Designated Financial Officer is authorized hereby to take such steps as may be necessary to purchase Escrowed Securities, as defined in the Escrow Agreement, on behalf of the Board, and is authorized to create and fund the Escrow Fund contemplated by the Escrow Agreement through the use of the proceeds of each Series of the Bonds, the monies and investments held in the fund securing the Refunded Bonds and other lawfully available monies of the Board.

Subject to the execution of an Award Certificate by the Designated Financial Officer designating such Refunded Bonds, the Refunded Bonds are hereby called for redemption on the first optional redemption date following the delivery of each Series of the Bonds for which all of the notice requirements for redemption can be reasonably met, at a redemption price of par plus accrued interest, if any, to the date of redemption. The Designated Financial Officer shall take such actions as are necessary to cause the required notice of such redemption to be given. The Designated Financial Officer is authorized to select one or more escrow agents with respect to each Series of Bonds issued to refund the Refunded Bonds.

Section. 27. DEFEASANCE AND REDEMPTION OF OUTSTANDING DEBT. The Board desires to authorize the use of certain lawfully available funds of the Board, as determined by the Designated Financial Officer, to defease and/or redeem, from time to time, certain outstanding Previously Issued Parity Obligations in accordance with the applicable defeasance and redemption provisions in the respective Prior Resolutions authorizing such debt. The Designated Financial Officer is hereby authorized to determine and retire, from time to time, the various portions of such outstanding Previously Issued Parity Obligations which are economically advantageous for Board to retire by the defeasance and/or redemption of such debt. The Designated Financial Officer is authorized to enter into one or more Escrow Agreements in substantially the standard form previously approved by the Board to accomplish such defeasances. In the event of such a defeasance, the Designated Financial Officer is authorized hereby to take such steps as may be necessary to purchase the escrowed securities identified in such Escrow Agreements on behalf of the Board and is authorized to create and fund the escrow funds contemplated by the Escrow Agreements through the use of the lawfully available funds of the Board. The Designated Financial Officer is authorized to call for redemption such Prior Encumbered Obligations and Previously Issued Parity Obligations to be redeemed pursuant to this section and is hereby authorized to provide and complete an appropriate Notice of Redemption to the paying agent(s) for such Previously Issued Parity Obligations upon the deposit with the Escrow Agent of such available funds and compliance with the conditions set forth in the Escrow Agreements.

Except as provided in the following sentence, the Board hereby (i) expressly reserves the right to call for redemption any Previously Issued Parity Obligations defeased pursuant to this section in accordance with the applicable redemption provisions contained in the resolution authorizing such debt, (ii) requires that the Designated Financial Officer give notice of the reservation of such right to the owners of such debt immediately following the making of the firm banking and financial arrangements for such defeasance and (iii) directs that notice of such reservation also be included in any Notice of Redemption authorized pursuant to this section. Notwithstanding the foregoing sentence, the Designated Financial Officer, upon determining that doing so is in the best interest of the Board, may elect on behalf of the Board not to retain the right to call such Previously Issued Parity Obligations for redemption by choosing not to give the notices required in (ii) and (iii) of the foregoing sentence.

Section 28. RESOLUTION TO CONSTITUTE A CONTRACT; EQUAL SECURITY. In consideration of the acceptance of the Bonds, the issuance of which is authorized hereunder, by those who shall hold the same from time to time, this Resolution shall be deemed to be and shall constitute a contract between the Board and the Owners from time to time of the Bonds and the pledge made in this Resolution by the Board and the covenants and agreements set forth in this Resolution to be performed by the Board shall be for the equal and proportionate benefit, security, and protection of all Owners, without preference, priority, or distinction as to security or otherwise of any of the Bonds authorized hereunder over any of the others by reason of time of issuance, sale, or maturity thereof or otherwise for any cause whatsoever, except as expressly provided in or permitted by this Resolution.

Section 29. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the covenants, agreements, or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements, or provisions and shall in no way affect the validity of any of the other provisions hereof or of the Bonds issued hereunder.

Section 30. PAYMENT AND PERFORMANCE ON BUSINESS DAYS. Except as provided to the contrary in the FORM OF BONDS, whenever under the terms of this Resolution or the Bonds, the performance date of any provision hereof or thereof, including the payment of principal of or interest on the Bonds, shall occur on a day other than a Business Day, then the performance thereof, including the payment of principal of and interest on the Bonds, need not be made on such day but may be performed or paid, as the case may be, on the next succeeding Business Day with the same force and effect as if made on the date of performance or payment.

Section 31. LIMITATION OF BENEFITS WITH RESPECT TO THE RESOLUTION. With the exception of the rights or benefits herein expressly conferred, nothing expressed or contained herein or implied from the provisions of this Resolution or the Bonds is intended or should be construed to confer upon or give to any person other than the Board, the Owners, and the Paying Agent/Registrar, any legal or equitable right, remedy, or claim under or by reason of or in respect to this Resolution or any covenant, condition,

stipulation, promise, agreement, or provision herein contained. This Resolution and all of the covenants, conditions, stipulations, promises, agreements, and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the Board, the Owners, and the Paying Agent/Registrar as herein and therein provided.

Section 32. CUSTODY, APPROVAL, BOND COUNSEL'S OPINION, CUSIP NUMBERS, PREAMBLE AND INSURANCE. The Designated Financial Officer is hereby authorized to have control of the Bonds issued hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and approval by the Attorney General of the State of Texas. The Designated Financial Officer is hereby authorized, to the extent deemed necessary or advisable thereby, in the discretion thereof, to request that the Attorney General approve the Bonds as permitted by Chapter 1202, in which case the Designated Financial Officer also is authorized to request the Comptroller of Public Accounts register the Bonds, and to cause an appropriate legend reflecting such approval and registration to appear on the Bonds and the substitute Bonds. The approving legal opinion of Bond Counsel and the assigned CUSIP numbers may be printed on the Bonds and on any Bonds issued and delivered in exchange or replacement of any Bond, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. The preamble to this Resolution is hereby adopted and made a part of this Resolution for all purposes. If insurance is obtained on any of the Bonds, the Bonds shall bear, as appropriate and applicable, a legend concerning insurance as provided by the municipal bond insurance company issuing any such insurance.

Section 33. OFFICIAL STATEMENT. The Designated Financial Officer is authorized and directed to provide for and oversee the preparation of a preliminary and final official statement in connection with the issuance of the Bonds, and to approve such official statement and deem it final in compliance with the Rule and to provide it to the purchasers of the Bonds in compliance with such Rule.

Section 34. RESERVE FUNDS. The Board may establish a reserve fund, and/or any other fund or funds pursuant to any resolution authorizing the issuance of Parity Obligations, including with respect to the Bonds in the Award Certificate, for the purpose of paying or securing a particular issue or series of Parity Obligations or any specific group of issues or series of Parity Obligations and the amounts once deposited in said funds shall no longer constitute Pledged Revenues but shall be held solely for the benefit of the owners of the particular issue or series or group of issues or series of Parity Obligations for which such fund was established. Each such fund shall be designated in such manner as is necessary to identify the Parity Obligations it secures and to distinguish such fund from any other funds created for the benefit of any other Parity Obligations.

Section 35. FURTHER PROCEDURES. The Chair of the Board, the Designated Financial Officer, and all other officers, employees, and agents of the University, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the Board, all such instruments,

whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Resolution, the Bonds, the sale and delivery of the Bonds and fixing all details in connection therewith, and to approve any Official Statement, or supplements thereto, in connection with the Bonds including any necessary filings with the Attorney General of Texas, the Texas Bond Review Board an any other necessary parties.

Section 36. PAYMENT OF ATTORNEY GENERAL FEE. The Board hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of each Series of the Bonds or (ii) $9,500 per Series, provided that such fee shall not be less than $750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The Designated Financial Officer is hereby instructed to take the necessary measures to make this payment. The Board is also authorized to reimburse the appropriate funds for such payment from proceeds of the Bonds.

Section 37. REPEAL OF CONFLICTING RESOLUTIONS. All resolutions and all parts of any resolutions which are in conflict or inconsistent with this Resolution are hereby repealed and shall be of no further force or effect to the extent of such conflict or inconsistency.

Section 38. PERFECTION OF PLEDGE. Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted under Section 2 of this Resolution, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues under Section 2 of this Resolution is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the Board agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 39. BOND INSURANCE. In connection with the sale of the Bonds, the Board may obtain municipal bond insurance policies from a municipal bond insurer (each a "Bond Insurer") to guarantee the full and complete payment required to be made by or on behalf of the Board on some or all of the Bonds as determined by the Designated Financial Officer. The Designated Financial Officer is hereby authorized to sign a commitment letter with the Insurer and to pay the premium for the bond insurance policies at the time of the delivery of the Bonds out of the proceeds of sale of the Bonds or from other available funds and to execute such other documents and certificates as necessary in connection with the bond insurance policies as he or she may deem appropriate. Printing on Bonds covered by the bond insurance policies a statement describing such insurance, in form and substance satisfactory to the Bond Insurer and the Designated Financial Officer, is hereby approved and authorized. The Award Certificate may contain provisions related to the bond insurance policies, including payment provisions thereunder, and the rights of the Bond Insurer(s), and any such provisions shall be read and interpreted as an integral part of this Resolution.

Section 40. PUBLIC NOTICE. It is hereby found and determined that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of their respective meetings at which this Resolution was adopted, and that this Resolution would be introduced and considered for adoption at said meetings; and that said meetings were open to the public, and public notice of the time, place, and purpose of said meetings was given, all as required by Chapter 551, Texas Government Code.

Section 41. REIMBURSEMENT. The Board expects to pay expenditures in connection with the purposes set forth in Section 9 of this Resolution prior to the issuance of the Bonds. The Board finds, considers and declares that the reimbursement of the Board for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the Board and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Bonds to accomplish the purposes set forth in Section 9 of this Resolution. All costs to be reimbursed pursuant hereto will be capital expenditures. No Tax-Exempt Bonds will be issued by the Board in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service. The foregoing notwithstanding, no Tax-Exempt Bonds will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

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EXECUTED this 26th day of July, 2016.

_____
Chair, Board of Regents

_____
Secretary, Board of Regents

SIGNATURE PAGE FOR RESOLUTION

EXHIBIT A

DEFINITIONS

As used in this Resolution the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Annual Debt Service Requirements*" means, for any Fiscal Year, the principal of and interest on all Parity Obligations coming due at Maturity or Stated Maturity (or that could come due on demand of the owner thereof other than by acceleration or other demand conditioned upon default by the Board on such Debt, or be payable in respect of any required purchase of such Debt by the Board) in such Fiscal Year, and, for such purposes, any one or more of the following rules shall apply at the election of the Board:

(1) *Committed Take Out*. If the Board has entered into a Credit Agreement constituting a binding commitment within normal commercial practice to discharge any of its Funded Debt at its Stated Maturity (or, if due on demand, at any date on which demand may be made) or to purchase any of its Funded Debt at any date on which such Debt is subject to required purchase, all under arrangements whereby the obligation to repay the amounts advanced for such discharge or purchase constitutes Funded Debt, then the portion of the Funded Debt committed to be discharged or purchased shall be excluded from such calculation and the principal of and interest on the Funded Debt incurred for such discharging or purchase that would be due in the Fiscal Year for which the calculation is being made, if incurred at the Stated Maturity or purchase date of the Funded Debt to be discharged or purchased, shall be added;

(2) *Balloon Debt*. If the principal (including the accretion of interest resulting from original issue discount or compounding of interest) of any series or issue of Funded Debt due (or payable in respect of any required purchase of such Funded Debt by the Board) in any Fiscal Year either is equal to at least 25% of the total principal (including the accretion of interest resulting from original issue discount or compounding of interest) of such Funded Debt or exceeds by more than 50% the greatest amount of principal of such series or issue of Funded Debt due in any preceding or succeeding Fiscal Year (such principal due in such Fiscal Year for such series or issue of Funded Debt being referred to herein as "Balloon Debt"), the amount of principal of such Balloon Debt taken into account during any Fiscal Year shall be equal to the debt service calculated using the original principal amount of such Balloon Debt amortized over the Term of Issue on a level debt service basis at an assumed interest rate equal to the rate borne by such Balloon Debt on the date of calculation;

(3) *Consent Sinking Fund*. In the case of Balloon Debt (as defined in clause (2) above), if a Designated Financial Officer shall deliver to the Board an Officer's Certificate providing for the retirement of (and the instrument creating such Balloon Debt shall permit the retirement of), or for the accumulation of a sinking fund for (and the instrument creating such Balloon Debt shall permit the accumulation of a sinking fund

for), such Balloon Debt according to a fixed schedule stated in such Officer's Certificate ending on or before the Fiscal Year in which such principal (and premium, if any) is due, then the principal of (and, in the case of retirement, or to the extent provided for by the sinking fund accumulation, the premium, if any, and interest and other debt service charges on) such Balloon Debt shall be computed as if the same were due in accordance with such schedule, provided that this clause (3) shall apply only to Balloon Debt for which the installments previously scheduled have been paid or deposited to the sinking fund established with respect to such Debt on or before the times required by such schedule; and provided further that this clause (3) shall not apply where the Board has elected to apply the rule set forth in clause (2) above;

(4) *Prepaid Debt*. Principal of and interest on Parity Obligations, or portions thereof, shall not be included in the computation of the Annual Debt Service Requirements for any Fiscal Year for which such principal or interest are payable from funds on deposit or set aside in trust for the payment thereof at the time of such calculations (including without limitation capitalized interest and accrued interest so deposited or set aside in trust) with a financial institution acting as fiduciary with respect to the payment of such Debt;

(5) *Variable Rate*. As to any Parity Obligation that bears interest at a variable interest rate which cannot be ascertained at the time of calculation of the Annual Debt Service Requirement then, at the option of the Board, either (1) an interest rate equal to the average rate borne by such Parity Obligations (or by comparable debt in the event that such Parity Obligations has not been outstanding during the preceding 24 months) for any 24 month period ending within 30 days prior to the date of calculation, or (2) an interest rate equal to the 30−year Tax−Exempt Revenue Bond Index (as most recently published in The Bond Buyer), shall be presumed to apply for all future dates, unless such index is no longer published in The Bond Buyer, in which case an index of tax-exempt revenue bonds with maturities of at least 20 years which is published in a newspaper or journal with national circulation may be used for this purpose. If two Series of Parity Obligations which bear interest at variable interest rates, or one or more maturities within a Series, of equal par amounts, are issued simultaneously with inverse floating interest rates providing a composite fixed interest rate for such Parity Obligations taken as a whole, such composite fixed rate shall be used in determining the Annual Debt Service Requirement with respect to such Parity Obligations;

(6) *Guarantee*. In the case of any guarantee, as described in clause (2) of the definition of Debt, no obligation will be counted if the Board does not anticipate in its annual budget that it will make any payments on the guarantee. If, however, the Board is making payments on a guarantee or anticipates doing so in its annual budget, such obligation shall be treated as Parity Obligations and calculations of Annual Debt Service Requirements with respect to such guarantee shall be made assuming that the Board will make all additional payments due under the guaranteed obligation. If the entity whose obligation is guaranteed cures all defaults and the Board no longer anticipates making

payments under the guarantee, the guaranteed obligations shall not be included in the calculation of Annual Debt Service Requirements;

(7) *Commercial Paper*. With respect to any Parity Obligations issued in the form of commercial paper with maturities not exceeding 270 days, the interest on such Parity Obligations shall be calculated in the manner provided in clause (5) of this definition and the maturity schedule shall be calculated in the manner provided in clause (2) of this definition; and

(8) *Credit Agreement Payments*. If the Board has entered into a Credit Agreement in connection with an issue of Debt, payments due under the Credit Agreement (other than payments for fees and expenses), for either the Board or the Credit Provider, shall be included in such calculation, except to the extent that the payments are already taken into account under (1) through (7) above and any payments otherwise included above under (1) through (7) which are to be replaced by payments under a Credit Agreement, from either the Board or the Credit Provider, shall be excluded from such calculation.

With respect to any calculation of historic data, only those payments actually made in the subject period shall be taken into account in making such calculation and, with respect to prospective calculations, only those payments reasonably expected to be made in the subject period shall be taken into account in making the calculation.

"*Annual Direct Obligation*" means the amount budgeted each Fiscal Year by the Board with respect to each Participant in the Financing System to satisfy said Participant's proportion of debt service (calculated based on said Participant's Direct Obligation) due by the Board in such Fiscal Year on Outstanding Parity Obligations.

"*Annual Obligation*" means, with respect to each Participant in the Financing System and for each Fiscal Year, said Participant's Annual Direct Obligation plus the amount budgeted by the Board for such Fiscal Year to allow said Participant to retire its obligation for advances made to it by the Board in the management of the Financing System to satisfy part or all of a previous Annual Direct Obligation payment.

"*Authorized Denomination*" shall have the meaning ascribed to said term in Section 10 of this Resolution.

"*Award Certificate*" means each certificate executed by the Designated Financial Officer in connection with each Series of Bonds that establishes the terms of the series of Bonds issued pursuant to Section 10 of this Resolution.

"*Board*" means the Board of Regents of Stephen F. Austin State University, acting as the governing body of the University, or any successor thereto.

"*Bond Counsel*" means McCall, Parkhurst & Horton L.L.P., or such other firm of attorneys of nationally recognized standing in the field of law relating to municipal revenue bonds selected by the Board.

"*Bond Insurer*" means the provider of a municipal bond insurance policy for all or a portion of a Series of Bonds in accordance with Section 37 of this Resolution.

"*Bondholder*" or "*Owner*" means the registered owner of any Parity Obligation registered as to ownership and the holder of any Parity Obligation payable to bearer.

"*Bonds*" means one or more Series of the Bonds designated in Section 9 of this Resolution, and all substitute bonds exchanged therefor, and all other substitute and replacement bonds issued pursuant to this Resolution; and the term "Bond" means any of the Bonds.

"*Business Day*" means any day which is not a Saturday, Sunday, legal holiday, or a day on which banking institutions in The City of New York, New York or in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close.

"*Credit Agreement*" means, collectively, a loan agreement, revolving credit agreement, agreement establishing a line of credit, letter of credit, reimbursement agreement, insurance contract, commitments to purchase Parity Obligations, purchase or sale agreements, interest rate swap agreements, currency exchange agreements, interest rate floor or cap agreements, or commitments or other contracts or agreements authorized, recognized and approved by the Board as a Credit Agreement in connection with the authorization, issuance, security, or payment of Parity Obligations and on a parity therewith.

"*Credit Provider*" means any bank, financial institution, insurance company, surety bond provider, or other entity which provides, executes, issues, or otherwise is a party to or provider of a Credit Agreement.

"*DTC*" means The Depository Trust Company, New York, New York, or any successor securities depository.

"*DTC Participant*" means the securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants.

"*Debt*" means all:

(1) indebtedness incurred or assumed by the Board for borrowed money (including indebtedness arising under Credit Agreements) and all other financing obligations of the Board that, in accordance with generally accepted accounting principles, are shown on the liability side of a balance sheet;

(2) all other indebtedness (other than indebtedness otherwise treated as Debt hereunder) for borrowed money or for the acquisition, construction, or improvement of property or capitalized lease obligations that is guaranteed, directly or indirectly, in any manner by the Board, or that is in effect guaranteed, directly or indirectly, by the Board through an agreement, contingent or otherwise, to purchase any such indebtedness or to advance or supply funds for the payment or purchase of any such indebtedness or to purchase property or services primarily for the purpose of enabling the debtor or seller to make payment of such indebtedness, or to assure the owner of the indebtedness against loss, or to supply funds to or in any other manner invest in the debtor (including any agreement to pay for property or services irrespective of whether or not such property is delivered or such services are rendered), or otherwise; and

(3) all indebtedness secured by any mortgage, lien, charge, encumbrance, pledge or other security interest upon property owned by the Board whether or not the Board has assumed or become liable for the payment thereof.

For the purpose of determining the "Debt" of the Board, there shall be excluded any particular Debt if, upon or prior to the Maturity thereof, there shall have been deposited with the proper depository (a) in trust the necessary funds (or investments that will provide sufficient funds, if permitted by the instrument creating such Debt) for the payment, redemption, or satisfaction of such Debt or (b) evidence of such Debt deposited for cancellation; and thereafter it shall not be considered Debt. No item shall be considered Debt unless such item constitutes indebtedness under generally accepted accounting principles applied on a basis consistent with the financial statements prepared by or for the benefit of the Board in prior Fiscal Years.

"*Defeasance Securities*" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the Board adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent,(iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the Board adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable state law in existence at the time of such defeasance that may be used to defease obligations such as the Bonds.

"*Designated Financial Officer*" means the Vice President for Finance and Administration of the University, or such other official of the University appointed by the Board to carry out the functions of the Vice President for Finance and Administration specified herein.

"*Designated Trust Office*" shall have the meaning ascribed to said term in Section 12(b) of this Resolution.

"*Direct Obligation*" means the proportionate share of Outstanding Parity Obligations attributable to and the responsibility of each Participant in the Financing System.

"*Federal Securities*" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"*Fiscal Year*" means the fiscal year of the Board which currently ends on August 31 of each year.

"*Funded Debt*" means all Parity Obligations that mature by their terms (in the absence of the exercise of any earlier right of demand), or are renewable at the option of the Board to a date, more than one year after the original creation, assumption, or guarantee of such Debt by the Board.

"*IRS Code*" means the Internal Revenue Code of 1986, as amended.

"*Maturity*", when used with respect to any Debt, means the date on which the principal of such Debt or any installment thereof becomes due and payable as therein provided, whether at the Stated Maturity thereof or by declaration of acceleration, call for redemption, or otherwise.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Non–Recourse Debt*" means any Debt secured by a lien (other than a lien on Pledged Revenues), liability for which is effectively limited to the property subject to such lien with no recourse, directly or indirectly, to any other property of the Board attributable to the Financing System; provided, however, that such Debt is being incurred in connection with the acquisition of property only, which property is not, at the time of such occurrence, owned by the Board and being used in the operations of a Participant.

"*Officer's Certificate*" means a certificate executed by the Designated Financial Officer.

"*Opinion of Counsel*" means a written opinion of counsel, which counsel shall be acceptable to the Board.

"*Outstanding*" when used with respect to Parity Obligations means, as of the date of determination, all Parity Obligations theretofore delivered under this Resolution and any resolution hereafter adopted authorizing the issuance of Parity Obligations, except:

(1) Parity Obligations theretofore cancelled and delivered to the Board or delivered to the Paying Agent or the Registrar for cancellation;

(2) Parity Obligations deemed paid pursuant to the provisions of Section 19 of this Resolution or any comparable section of any resolution hereafter adopted authorizing the issuance of Parity Obligations;

(3) Parity Obligations upon transfer of or in exchange for and in lieu of which other Parity Obligations have been authenticated and delivered pursuant to this Resolution; and

(4) Parity Obligations under which the obligations of the Board have been released, discharged, or extinguished in accordance with the terms thereof;

provided, however, that, unless the same is acquired for purposes of cancellation, Parity Obligations owned by the Board shall be deemed to be Outstanding as though it was owned by any other owner.

"*Outstanding Principal Amount*" means, with respect to all Parity Obligations or to a series of Parity Obligations, the outstanding and unpaid principal amount of such Parity Obligations paying interest on a current basis and the outstanding and unpaid principal and compounded interest on such Parity Obligations paying accrued, accreted, or compounded interest only at maturity as of any Record Date established by a Registrar in connection with a proposed amendment of this Resolution.

"*Parity Obligations*" means all Debt of the Board which may be issued or assumed in accordance with the terms of this Resolution and any resolution authorizing the issuance of Debt on a parity with the Bonds, secured by a pledge of the Pledged Revenues subject only to the liens securing Prior Encumbered Obligations. For purposes of this definition, the Previously Issued Parity Obligations and the Bonds constitute Parity Obligations.

"*Participant in the Financing System*" and "*Participant*" means each of the agencies, institutions and branches of the University and such agencies, institutions and branches hereafter designated by the Board to be a participant in the Financing System. Currently, the University is the only Participant in the Financing System.

"*Paying Agent/Registrar*", "*Paying Agent*" or "*Registrar*" means each of the agents (one or more) appointed pursuant to Section 12 of this Resolution, or any successor to any such agent.

"*Pledged Revenues*" means, subject to the provisions of the Prior Encumbered Obligations, the Revenue Funds, including all of the funds and balances now or hereafter lawfully available to the Board and derived from or attributable to any Participant of the Financing System which are lawfully available to the Board for payments on Parity Obligations; provided, however, that the following shall not be included in Pledged Revenues unless and to the extent set forth in a resolution authorizing the issuance of Parity Obligations: (a) amounts received by the University under Article VII, Section 17 of the Constitution of the State of Texas, including the income therefrom and any fund balances relating thereto; and (b) except to the extent so specifically appropriated, general revenue funds appropriated to the Board by the Legislature of the State of Texas.

"*Potential Refunded Bonds*" means the outstanding Previously Issued Parity Obligations previously issued by or on behalf of the Board.

"*Previously Issued Parity Obligations"* means the Parity Obligations previously issued by or on behalf of the Board payable from the same source as the Bonds that remain Outstanding.

"*Prior Encumbered Obligations*" means those outstanding bonds or other obligations of an institution which becomes a Participant of the Financing System after the date of adoption of this Resolution, which are secured by a lien on and pledge of the Prior Encumbered Revenues charged and collected at such institution or agency, and any other bonds or other obligations secured by revenues which are hereafter designated by the Board as a Pledged Revenue.

"*Prior Encumbered Revenues*" means (i) the revenues pledged to the payment of Prior Encumbered Obligations of the University and (ii) the revenues of any revenue producing system or facility of an institution or agency which hereafter becomes a Participant of the Financing System and which are pledged to the payment of bonds or other obligations outstanding on the date such institution or agency becomes a Participant of the Financing System.

"*Prior Resolutions*" means the resolutions adopted by the Board authorizing the issuance of the Previously Issued Parity Obligations.

"*Record Date*" means, with respect to each Series of the Bonds, the business day of each month as set forth in the Award Certificate.

"*Refunded Bonds*" means the Potential Refunded Bonds refunded by each Series of the Bonds as set forth in each Award Certificate.

"*Registration Books*" means the books or records relating to the registration, payment, and transfer or exchange of the Bonds maintained by the Paying Agent/Registrar pursuant to Section 12 of this Resolution.

"*Resolution*" means this Resolution authorizing the sale of the Bonds.

"*Revenue Financing System*" or "*Financing System*" means the "Stephen F. Austin State University Revenue Financing System", currently for the benefit of the University, and such other institutions and agencies now or hereafter under the control or governance of the Board, and made a Participant of the Revenue Financing System by specific action of the Board.

"*Revenue Funds*" means the "revenue funds" of the Board (as defined in Section 55.01 of the Texas Education Code to mean the revenues, incomes, receipts, rentals, rates, charges, fees, grants, and tuition levied or collected from any public or private source by an institution of higher education, including interest or other income from those funds) derived by the Board from the operations of each of the Participants. The term "Revenue Funds" does not include, with respect to each series or issue of Parity Obligations, any tuition, rentals, rates, fees, or other

charges attributable to any student in a category which, at the time of the adoption by the Board of a resolution relating to such Parity Obligations, is exempt by law or by the Board from paying such tuition, rentals, rates, fees, or other charges.

"*Rule*" means SEC Rule 15c2-12, as amended from time to time.

"*SEC*" means the United States Securities and Exchange Commission.

"*Series*" means any designated series or subseries of Bonds issued pursuant to this Resolution.

"*Series 2004 Bonds*" means the Board of Regents of Stephen F. Austin State University Revenue Financing System, Texas Public Finance Authority Revenue Bonds, Series 2004, issued in the original aggregate principal amount of $26,030,000.

"*Series 2005A Bonds*" means the Board of Regents of Stephen F. Austin State University Revenue Financing System, Texas Public Finance Authority Revenue Bonds, Series 2005, issued in the aggregate principal amount of $55,365,000.

"*Stated Maturity*" when used with respect to any Debt or any installment of interest thereon means any date specified in the instrument evidencing or authorizing such Debt or such installment of interest as a fixed date on which the principal of such Debt or any installment thereof or the fixed date on which such installment of interest is due and payable.

"*Subordinated Debt*" means any Debt which expressly provides that all payments thereon shall be subordinated to the timely payment of all Parity Obligations then Outstanding or subsequently issued.

"*Taxable Bonds*" means each Series of Bonds bearing interest at a taxable rate.

"*Tax–Exempt Bonds*" means each Series of Bonds bearing interest which is excludable from gross income for federal taxation purposes pursuant to Section 103 of the IRS Code.

"*Term of Issue*" means with respect to any Balloon Debt, including, without limitation, commercial paper, a period of time equal to the greater of (i) the period of time commencing on the date of issuance of such Balloon Debt and ending on the final maturity date of such Balloon Debt or the maximum maturity date in the case of commercial paper or (ii) twenty-five years.

"*University*" means Stephen F. Austin State University, together with every other agency or general academic institution or branch thereof now or hereafter operated by or under the jurisdiction of the Board acting for and on behalf of Stephen F. Austin State University pursuant to law.

EXHIBIT B

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF TEXAS
BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY REVENUE FINANCING SYSTEM REVENUE BONDS, SERIES 20__**

NO. R- **PRINCIPAL AMOUNT**

INTEREST RATE*	MATURITY DATE	[BOND DATE] [ISSUANCE DATE]*	CUSIP

REGISTERED OWNER:

PRINCIPAL AMOUNT: **DOLLARS**

ON THE MATURITY DATE specified above, the BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY (the "Board"), being an agency and political subdivision of the State of Texas, hereby promises to pay to the Registered Owner, specified above, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount, specified above, and to pay interest thereon, calculated on the basis of a 360-day year composed of twelve 30-day months, from the [Bond Date][Issuance Date], specified above, to the Maturity Date, specified above, at the interest rate per annum, specified above; with interest being payable on _____*, and semiannually on each _____* and _____* thereafter, except that if the date of authentication of this Bond is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges, solely from funds of the

* As provided in the Award Certificate. To the extent that the Award Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Award Certificate shall be used in the executed Bonds.

Board required by the resolution authorizing the issuance of the Bonds to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity at the designated corporate trust office in _____*, Texas (the "Designated Trust Office") of _____*, which is the initial "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check, dated as of such interest payment date, and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at the address of the registered owner, as it appeared on the last business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described; provided, that upon the written request of any owner of not less than $1,000,000 in principal amount of Bonds provided to the Paying Agent/Registrar not later than the Record Date immediately preceding an interest payment date, interest due on such Bonds on such interest payment date shall be made by wire transfer to any designated account within the United States of America. In addition, interest may be paid by such other method acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner hereof. The Bond Resolution (hereinafter defined) contains covenants for the benefit of the registered owner of this Bond that on or before each principal payment date and interest payment date for this Bond, the amounts required to provide for the payment, when due, in immediately available funds, of all principal of and interest on the Bonds will be made available to the Paying Agent/Registrar. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the Board and the securities depository. All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons in the denomination of any integral multiple of $5,000 (an "Authorized Denomination"). Terms used herein and not otherwise defined have the meaning given in the Bond Resolution (hereinafter defined).

THIS BOND is one of a Series of Bonds, dated as of _____, 201_*, authorized in accordance with the Constitution and laws of the State of Texas in the aggregate principal amount of $_____*, issued pursuant to a resolution adopted by the Board on July 26, 2016, (the "Bond Resolution"), FOR THE PURPOSE OF (i) REFUNDING ALL OR A PORTION OF THE POTENTIAL REFUNDED BONDS, (ii) ACQUIRING, PURCHASING, CONSTRUCTING, IMPROVING, RENOVATING, ENLARGING, OR EQUIPPING UNIVERSITY PROPERTY, BUILDINGS, STRUCTURES, FACILITIES, ROADS, OR RELATED INFRASTRUCTURE AND (ii) PAYING THE COSTS OF ISSUANCE OF THE BONDS.

ON _____, 20___*, or on any date thereafter, the Bonds of this Series maturing on and after _____, 20___* may be redeemed prior to their scheduled maturities, by the

*As provided in the Award Certificate. To the extent that the Award Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Award Certificate shall be used in the executed Bonds.

Board, with funds derived from any available and lawful source, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption as a whole, or from time to time in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Board, and if less than all of a maturity is to be redeemed the Registrar shall determine by lot the Bonds, or portions thereof within such maturity to be redeemed (provided that a portion of a Bond may be redeemed only in integral multiples of $5,000 of principal amount); provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and such interest rate shall be selected in accordance with the arrangements between the Board and the securities depository.

THE BONDS maturing on _____, 20___* are subject to mandatory sinking fund redemption by lot prior to maturity in the following amounts, on the following dates and at a price of par plus accrued interest to the redemption date:

Bonds Maturing _____, 20__*

Redemption Date	**Principal Amount**
_____, 20__	$_____
_____, 20__	_____*

*Final Maturity

THE PRINCIPAL AMOUNT of the Term Bonds required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Board by the principal amount of any Term Bonds of the stated maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the Board, at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Board at a price not exceeding the principal amount of the Term Bonds plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.

AT LEAST 30 calendar days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to (i) the registered owner of each Bond to be redeemed at its address as it appeared on the Registration Books on the 45th calendar day prior to such redemption date and (ii) major securities depositories and bond information services. By the date fixed for any such redemption due provision shall be made

*As provided in the Award Certificate. To the extent that the Award Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Award Certificate shall be used in the executed Bonds.

with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions for which such payment is made, all as provided above. If such written notice of redemption is effected and if due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any authorized denomination or denominations in any integral multiple of $5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Board, all as provided in the Bond Resolution.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Bond Resolution have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Board, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Board shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city of New York, New York, or in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND OR ANY PORTION OR PORTIONS HEREOF IN ANY AUTHORIZED DENOMINATION may be assigned and shall be transferred only in the Registration Books kept by the Paying Agent/Registrar acting in the capacity of registrar for the Bonds, upon the terms and conditions set forth in the Bond Resolution. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any authorized denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond shall be

executed by the registered owner or its duly authorized attorney or representative, to evidence the assignment hereof. A new Bond or Bonds payable to such assignee or assignees (which then will be the new registered owner or owners of such new Bond or Bonds), or to the previous registered owner in the case of the assignment and transfer of only a portion of this Bond, may be delivered by the Paying Agent/Registrar in exchange for this Bond, all in the form and manner as provided in the next paragraph hereof for the exchange of other Bonds. The Board shall pay the Paying Agent/Registrar's fees and charges, if any, for making such transfer or exchange as provided below, but the one requesting such transfer or exchange shall pay any taxes or other governmental charges required to be paid with respect thereto. The Paying Agent/Registrar shall not be required to make transfers of registration or exchange of this Bond or any portion hereof during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date. The registered owner of this Bond shall be deemed and treated by the Board and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Bond to the extent of such payment, and, to the extent permitted by law, the Board and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

AS PROVIDED IN THE BOND RESOLUTION, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, in the same form, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Resolution.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering, or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Board, resigns, or otherwise ceases to act as such, the Board has covenanted in the Bond Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; that the Series of Bonds of which this Bond is one constitute Parity Obligations under the Bond Resolution; and that the interest on and principal of this Bond, together with the other Bonds of this Series and the other outstanding Parity Obligations are equally and ratably secured by and payable from a

lien on and pledge of the Pledged Revenues, subject only to the provisions of, and the lien on and pledge of certain Pledged Revenues to, the Prior Encumbered Obligations.

THE BOARD has reserved the right, subject to the restrictions referred to in the Bond Resolution, (i) to issue additional Parity Obligations which also may be secured by and made payable from a lien on and pledge of the aforesaid Pledged Revenues, in the same manner and to the same extent as this Bond, and (ii) to amend the provisions of the Bond Resolution under the conditions provided in the Bond Resolution.

NEITHER THE State of Texas, the Board, nor any other agency, political corporation, or political subdivision of the State of Texas is obligated to pay the principal of or interest on the Bonds, other than as provided herein and in the Bond Resolution. Neither the faith and credit nor the taxing power of the State of Texas, nor any agency, political corporation or political subdivision of the State of Texas is pledged to the payment of the principal of or interest on the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Resolution, agrees to be bound by such terms and provisions, acknowledges that the Bond Resolution is duly recorded and available for inspection in the official minutes and records of the Board, and agrees that the terms and provisions of this Bond and the Bond Resolution constitute a contract between each registered owner hereof and the Board.

IN WITNESS WHEREOF, in accordance with the terms of the Bond Resolution, this Bond has been signed with the manual or facsimile signature of the Chair of the Board and countersigned with the manual or facsimile signature of the Secretary of the Board, and the official seal of Stephen F. Austin State University has been duly impressed, or placed in facsimile, on this Bond.

Secretary, Board of Regents of Stephen F. Austin State University	Chair, Board of Regents of Stephen F. Austin State University

(BOARD SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the Bond Resolution described in this Bond; and that this Bond has been issued in conversion of and

exchange for or replacement of a bond, bonds, or a portion of a bond or bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

_____,
Paying Agent/Registrar

Dated:

_____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

		UNIF GIFT MIN ACT--
TEN COM --	as tenants in common	_____Custodian_____
TEN ENT --	as tenants by the entireties	(Cust) (Minor)
JT TEN --	as joint tenants with right of survivorship and not as tenants in common	under Uniform Gifts to Minors Act _____ (State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

Please insert Social Security or
Other Identification Number of Assignee

/_____/

_____
(Name and Address of Assignee)

the within Bond and does hereby irrevocably constitutes and appoints _____
to transfer said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:_____

_____	_____
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.	NOTICE: Signature(s) must be guaranteed by the Securities Transfer Association signature guarantee program.

FORM OF REGISTRATION CERTIFICATE OF COMPTROLLER OF PUBLIC ACCOUNTS TO ACCOMPANY THE INITIAL BOND

COMPTROLLER'S REGISTRATION CERTIFICATE

REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

_____
Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL BOND

The initial Bond shall be in the form set forth in this Exhibit, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"ON THE MATURITY DATE SPECIFIED ABOVE, the BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY (the "Board"), being an agency and political subdivision of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on _____* in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Principal Amount	**Maturity (_____)**	**Interest Rate**

(Information from the Award Certificate of the Designated Financial Officer to be inserted)

The Board promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____, 20___* at the respective Interest Rate per annum specified above. Interest is payable on _____, 20___* and semiannually on each _____* and _____* thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The initial Bond shall be numbered "T-1"

*As provided in the Award Certificate. To the extent that the Award Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Award Certificate shall be used in the executed Bonds.

EXHIBIT C

DESCRIPTION OF ACCOUNTING PRINCIPLES

The financial statements of Stephen F. Austin University will be prepared in accordance with the Texas Comptroller of Public Accounts' Annual Financial Reporting Requirements, and follow to the extent practical, the AICPA Industry Audit Guide Audits of Colleges and Universities, 1973,as amended by AICPA Statement of Position (SOP) 74 8, Financial Accounting and Reporting by Colleges and Universities, or such other accounting principles as the Board may be required to employ from time to time pursuant to state law or regulation.

Grants[1] awarded between March 12, 2016 and June 28, 2016

Fiscal Year 2016 – *as of June 28, 2016*

Amounts allocable to FY16 (detailed in this report)		
Direct Federal	$	**271,793**
Federal Pass-through	$	**56,539**
State and State Pass-through	$	**240,030**
Private and Local Government	$	**42,675**
TOTAL	**$**	**611,037**
Cumulative amount allocable to FY16	**$**	**7,380,745**
New awards (detailed in this report, all project years)	**$**	**2,412,405**
Cumulative award total, all project years	**$**	**21,539,098**

Direct Federal

Title ***Talented Teachers in Training for Texas (T4) Phase** II
Sponsor: National Science Foundation
Award # 1556983, CFDA 47.076
Award Term: March 15, 2016 – February 28, 2021
PIs/PDs: Dr. Lesa Beverly (PI), Mathematics & Statistics; co-PIs Dr. Keith Hubbard, Mathematics & Statistics; Dr. Chrissy Cross, Secondary Education; and Dr. Dennis Gravatt, Biology
Total Award: $1,049,936 **Amount Allocable to FY 2016: $**120,267
This continuation award builds on T4 Phase I, includes eleven community college partners, expands Master Teacher Job Shadowing experiences, and investigates STEM teacher recruitment, preparation, and efficacy.

Previously Described Awards
McIntire-Stennis Cooperative Forestry Research Program
Award Total: $484,647 **Amount allocable to FY 2016:** $93,710

SFA Native Plant Restoration Project
Award Total: $36,636 **Additional Amount allocable to FY 2016:** *$23,812

Texas Archeological Society Field School, Archeological Survey, and Site Evaluations
Award Total: $20,074 **Additional Amount allocable to FY 2016:** $14,062 (*$8,050)

Center for Regional Heritage Research Collections Processing
Award Total: $29,936 **Additional Amount allocable to FY 2016:** $19,942 (*$9,950)

***Subtotal Amounts Allocable to FY 2016* = $271,793**
***Subtotal New Federal Awards* = $1,589,219**

Grants[1] awarded between March 12, 2016 and June 28, 2016

Federal Pass-through

Title: ***Ryan White HIV Capacity Development Grant***
Sponsor: Houston Regional HIV/AIDS Resource Group, Inc. (Human Resources and Services Administration, DHHS)
CFDA 93.918
Award Term: September 1, 2015 – August 31, 2016
PI/PD: Dr. Freddie Avant, co-PI Dr. Emmerentie Oliphant, School of Social Work
Total Award: $37,476 **Amount allocable to FY 2016**: $37,476
The purpose of this contract is to provide project evaluation services to include data collection, report development, and dissemination of results.

Title: ***Politics in the United States: Perspectives on the Presidency***
Sponsor: Humanities Texas (National Endowment for the Humanities)
CFDA 45.129
Award Term: April 1, 2016 – April 30, 2016
PI/PD: Dr. Dana Cooper, History
Total Award: $1,000 **Amount allocable to FY 2016**: $1,000
Funds were provided to help host a one-day symposium on the Presidency featuring student research presentations in partnership with the University of Mary Hardin-Baylor.

Previously Described Awards
HPV Immunization and Cancer Prevention Education for Health Care Professionals
Award Total: $18,000 **Amount allocable to FY 2016:** $18,000

Special Education Consolidated Grant (IDEA-B)
Award Total: $42,176 **Additional Amount allocable to FY 2016:** *$63

***Subtotal Current Year Awards (this report)* =$56,539**
***Subtotal New Federal Pass-through Awards (total award)* = $56,539**

State and State Pass-through Awards

Title: ***Identification of Existing Geologic Hazards within TxDOT Right-of-Way in Culbertson County***
Sponsor: Texas Department of Transportation
Award Term: May 13, 2016 – September 30, 2018
PI/PD: Dr. Kevin Stafford, Department of Geology
Total Award: $705,704 **Amount Allocable to FY 2016**: $194,279
This interagency agreement provides funds to conduct office and field geologic evaluations to include road base, geomorphic mapping, and Karst phenomena for a specific roadway.

Title: ***Engineering Summer Program***
Sponsor: Texas Higher Education Coordinating Board

Grants[1] awarded between March 12, 2016 and June 28, 2016

Award Term: June 1, 2016 – August 31, 2016
PI/PD: Dr. Dan Bruton and co-PD Dr. Christopher Aul, Department of Physics & Astronomy
Total Award: $12,900 **Amount Allocable to FY 2016**: $12,900
This summer program provides high school students interested in engineering with the opportunity to use CAD software and 3D printers in design, to construct electrical circuits, and to go on industry site visits.

Title: ***Reverse Engineering LaSalle's Cannon***
Sponsor: Texas Historical Commission
Award Term: February 24, 2016 – August 31, 2016
PI/PD: Dr. Robert (Zac) Selden, Center for Regional Heritage Research
Total Award: $1,761 **Amount Allocable to FY 2016**: $1,761
Funds are provided to use the Center's 3D scanning technology to create a scan of the LaBelle cannon that will then be used to create a solid replica.

Previously Described Awards
* ***Community Rehabilitation Program Services for DARS Consumers***
Award Total: $30,090 **Amount allocable to FY 2016:** $30,090

Peers against Tobacco Program*
Total Award: $1,000 **Amount Allocable to FY 2016**: $1,000

***Subtotal Amounts Allocable to FY 2016* = $240,030**
***Subtotal New State and State Pass-through Awards* = $751,455**

Private Entity and Local Government Awards

Title ***Evaluation of Probiotic Strains in Commercial Broiler Rations***
Sponsor: Aster Bio, Inc.
Award Term: March 1, 2016 – August 31, 2016
PI/PD: Dr. Joey Bray, Department of Agriculture
Total Award: $13,755 **Amount Allocable to FY 2016**: $13,755
Funds are provided to investigate the effects of the addition of probiotics in poultry feed.

Title ***Identifying Factors Contributing to Wild Turkey Reproductive Success in East Texas***
Sponsor: National Wild Turkey Federation
Award Term: March 23, 2016 – December 31, 2016
PI/PD: Dr. Christopher Comer, Department of Forestry
Total Award: $6,550 **Amount Allocable to FY 2016**: $6,550
As part of a larger research project, funds will be used to track female turkey movements and quantify and describe habitat to enhance knowledge for wild turkey conservation and management.

Grants[1] awarded between March 12, 2016 and June 28, 2016

Title ***Dance Marathon**
Sponsor: Children's Miracle Network (Love's Travel Stops & Country Stores, Inc.)
Award Term: January 22, 2016 – December 31, 2016
PI/PD: Molly Moody, Department of Student Life
Total Award: $5,000 **Amount Allocable to FY 2016**: $5,000
This award provides funds to support a Dance Marathon.

Title ***Making a Splash for Independence**
Sponsor: All Blind Children of Texas
Award Term: May 9, 2016 – July 11, 2016
PI/PD: Heather Munro, co-PD Michael Munro, Department of Human Services
Total Award: $1,151 **Amount Allocable to FY 2016**: $1,151
Funds support an event for children with visual impairments.

Title ***Effects of High-Intensity Exercise on Postprandial Lipemia and Glycemia**
Sponsor: American College of Sports Medicine Foundation
Award Term: March 4, 2016 – June 12, 2016
PI/PD: Dr. James Rowe, Department of Kinesiology & Health Science
Total Award: $750 **Amount Allocable to FY 2016**: $750
This student-led study investigates high-intensity exercise and diet on the effects on blood chemistry, including fats and glucose.

Previously described awards:
Impact North Lufkin – Appreciative Inquiry
Award Total: $196,810 **Additional award allocable to FY 2016:** *$810

Avian Diversity of Early-to Mid-rotation Eucalyptus benthamii Plantations in LA & TX
Award Total: $82,924 **Award allocable to FY 2016:** $6,327

Evaluating the Suitability of a Reforestation Growth-Medium Prepared by Tractor-Pulled Scraper Pans at an East Texas Lignite Surface Mine
Award Total: $62,728 (reduced by $3,352) **Award allocable to FY 2016:** $8,332

***Subtotal Amounts Allocable to FY 2016* = $42,675**
***Subtotal New Private and Local Awards* = $28,016**

***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.*

Policies for Board Review
July 26, 2016

Policy Name	Policy Number	BOR Cte	Action/Change	Page
Academic Promotion	7.4	ASA	Changes make policy consistent with other university policies.	P-5
Administrative Evaluation of Faculty Performance and Consideration for Merit Pay	7.6	ASA	Policy title changed. Content on evaluation moved to policy 7.22. Limited to full-time faculty.	P-13
Agency Accounts	3.1	FA	Agency accounts changed to agency funds. Added sections on transfers and dormant funds.	P-17
Assembly and Demonstrations	16.4	BG	Reviewed with no changes recommended.	P-21
Camp and Conference Reservations	16.7	BG	Policy title changed. Removed procedural details.	P-25
Compliance	2.12	FA	New policy.	P-38
Compliance with the American with Disabilities Act and the ADA Amendments Act	2.5	ASA	Minor wording changes.	P-44

Policy Name	Policy Number	BOR Cte	Action/Change	Page
Computer System Access	14.3	ASA	No substantive changes recommended.	P-47
Distance Education Faculty Competencies and Compensation	7.9	ASA	Add responsibilities for faculty and criteria for stipends.	P-50
Dual Employment	11.7	ASA	Reviewed with no changes recommended.	P-53
Electronic Accessibility	16.9	ASA	Policy title changed; other minor edits.	P-56
Emergency Operations Plan	13.8	ASA	Title updates.	P-60
Fire and Life Safety	13.24	BG	Updates of code standards.	P-78
Intellectual Property	9.4	ASA	Added online courses and course materials.	P-87
Intellectual Property Rights for Distance Education	9.5	ASA	Policy to be deleted.	P-98

Policy Name	Policy Number	BOR Cte	Action/Change	Page
Interagency and Interlocal Contracts	17.8	FA	No substantive changes recommended.	P-105
Interdepartmental Transfer (IDT)	17.9	FA	IDTs not to be used to move budgets or equipment between accounts.	P-108
Missing Student Notification	13.13	ASA	Updated department name change.	P-111
Policy Development and Format	1.6	ASA	Policy 2.13, Sexual Misconduct, subject to annual review.	P-114
Post-tenure Review	7.22	ASA	Substantial rewrite; policy title changed.	P-118
Reasonable Workplace Accommodations for Disabilities	11.22	ASA	No substantive revisions recommended.	P-126
Sexual Misconduct	2.13	ASA	Appeal procedure detailed.	P-131
Student Code of Conduct	10.4	ASA	Minor updates.	P-153

Policy Name	Policy Number	BOR Cte	Action/Change	Page
Students Displaying Serious Psychological Issues	10.13	ASA	No substantial changes recommended.	P-171
Tenure	7.29	ASA	Policy title changed. Changes provide consistency with other university policies. Process clarified.	P-178
Transfer Admission and Credits	6.20	ASA	Policy title changed. Broaden policy to include various admission requirements for all students.	P-190
Vendor Protests	16.36	FA	No substantial changes recommended.	P-197

POLICY SUMMARY FORM

Policy Name: Academic Promotion

Policy Number: 7.4

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

Date of last revision, if applicable: 1/31/2012

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

Purpose of Policy (what does it do): Establishes processes for applying for promotion by tenure-track and tenured 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 <u>each</u> substantive revision: Many of the changes make this policy consistent with other policies critical to faculty--tenure, annual performance evaluation, merit awards, post-tenure review. Effort was made to make more explicit the expectations related to promotion. Efforts were made to clarify and simplify the language, the descriptions, and the explanations.

Specific rationale for deletion of policy:

Additional Comments:

Recommended changes to this policy were shared with the Faculty Senate and the Chairs Forum.

Recommend that the following policies be reviewed on the same cycle: Promotion, Tenure and Continuing Employment, Faculty Merit Pay, and Performance Evaluation of Faculty.

Reviewers:

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

Academic Promotion

Original Implementation: October 19, 1978
Last Revision: ~~January 31, 2012~~*July 26, 2016*

~~Promotion is awarded according to established procedures after an appropriate period on the basis of meritorious performance in teaching, research/scholarly/creative accomplishment and service~~. *Academic promotion is awarded when a candidate successfully demonstrates meeting or exceeding performance standards in teaching, research/scholarly/creative accomplishments, and service as established by the academic unit.*

~~To be promoted to the rank of associate professor, an individual must demonstrate excellence in teaching, and excellence in either research/scholarly/creative accomplishments or in service. At least satisfactory performance must be demonstrated in the other category. Excellence in one category will not compensate for poor performance in any of the other categories.~~

~~To be promoted to the rank of professor, candidates must demonstrate excellence in all categories appropriate to promotion: teaching, research/scholarly/creative accomplishments and service.~~

Academic promotion ~~shall~~ *will* normally be restricted to full-time faculty members who have earned the highest academic degree customarily awarded in their field of study.

In exceptional circumstances, special training in recognized institutions, e.g., conservatories or research institutes, or the attainment of nationally recognized licenses or certificates, may be judged to satisfy the requirement for advanced degrees. Practical experience and/or demonstrable expertise and performance in activities related directly to one's faculty appointment may be judged to satisfy the requirement for advanced degrees and/or years of experience. Exceptions may be granted by the provost and vice president for academic affairs.

This policy establishes a system of procedures for promotion in all academic units of the university. *Academic units are responsible for establishing rigorous standards for teaching, research/scholarly/creative accomplishments and service for use in decisions regarding promotion. Unit standards must be approved by the dean and by the provost and vice president for academic affairs.*~~Each college and its departments shall also establish written policies governing promotion decision-making procedures that are consistent with this policy.~~

I. General Provisions
   A. Definitions:
      1. "Promotion" means advancement based on a faculty member's academic credentials and meritorious performance in teaching, research/scholarly/creative accomplishments, and service.
      2. "Academic unit" normally refers to a subdivision of a college, but can also refer to

the library.

3. "Academic unit ~~chair/director~~*head*" is the administrator immediately responsible for the academic unit.
4. "Promotion review portfolio" (referred to hereafter as the portfolio) is a set of verifiable materials demonstrating evidence of a candidate's credentials and suitability for promotion. The portfolio should contain a succinct, relevant, substantive and cumulative record of a candidate's performance during the review period at Stephen F. Austin State University (SFA); for senior-level *and administrative positions*, the portfolio will consist of materials requested by the provost and vice president for academic affairs.
5. "Academic year" as used in this policy ~~shall~~*is* ~~be~~ the full nine-month period from September through May.
6. *"Rigorous standards" are a set of verifiable standards developed by tenured and tenure-track faculty in the academic unit and are subject to approval by the dean and provost and vice president for academic affairs. Standards for promotion may be distinct from standards for tenure.*

B. Academic Rank

1. This policy applies to the ranks of *instructor,* assistant professor, associate professor, and professor (see policy 7.2).
2. The ranks of both librarian and archivist I, II, III, and IV are governed by policy 7.17.

II. Promotion Policy Principles

A. Promotion is not an entitlement but must be earned by ~~fulfilling~~ *meeting or exceeding* the ~~criteria~~ *standards* appropriate to the rank.

B. Recommendations and decisions on promotion ~~shall~~*will* not discriminate on ~~the basis of race, color, religion, sex, age, national origin, disability, or veteran status~~*any basis prohibited by law or policy*.

C. Application processes for tenure and promotion can be undertaken at the same time.

D. Promotion policies and guidelines in place at the time of hire will be used for evaluation and rating. If application for promotion occurs in year seven or beyond, policies in place at the time of application will be used for evaluation and rating.

~~C.~~*E.* For purposes of calculating years of service in rank, an "academic year" ~~shall~~*will* be the approximate nine-month period from September through May. If a faculty member begins service during an academic year, the period of service from the date of appointment until the beginning of the following academic year ~~shall~~*will* not be counted toward years of service in rank, unless the inclusion of that period of service is approved by the provost and vice president for academic affairs.

1. A scholarly leave of absence (see policy 12.11) ~~shall~~*will* count as part of the service in rank unless the candidate and the provost and vice president for academic affairs agree in writing to an exception to this provision at the time the leave is granted.

2. Periods during which a faculty member is on leave of absence for one semester or more due to health-related issues or ~~national guard~~*military* service (see policy 12.11) ~~shall~~*will* not be counted as part of the service in rank unless the candidate and the provost and vice president for academic affairs agree in writing to an exception to this provision at the time the leave is granted.

F. The portfolios of all candidates within a given academic unit should conform to the same criteria, although variation related to the nature of the candidate's activity is expected.

G. Review committees must consistently follow promotion procedures when evaluating all candidates within a college.

H. Each critical area—teaching, research/scholarly/creative accomplishment, and service—must be evaluated and rated separately and will include criteria addressing collegiality. An overall promotion rating must also be provided.

I. At a minimum, the rating system must include two levels—satisfactory/meets expectations and unsatisfactory/does not meet expectations.

J. Each person in the review process has a professional responsibility to treat information that evaluates another's work as confidential unless otherwise required by law.

K. Allegations of misconduct made against a candidate during the promotion review process will not be considered by the reviewers. Confirmed professional misconduct that occurred during the probationary period is a valid consideration.

III. Promotion Eligibility

A. Tenure-track faculty members who are hired at the rank of instructor will normally be expected to complete a terminal degree within a period of time prescribed by the initial contract offer. Completion of the terminal degree within the prescribed period, along with a letter requesting promotion and official transcripts reflecting the degree earned, will serve as the basis for promotion to assistant professor. All materials must be submitted to the appropriate academic unit head and approved by the dean and provost and vice president for academic affairs. Failure to complete the terminal degree in the prescribed time frame will result in the issuance of a terminal contract for the following academic year.

B~~A~~. Candidates for associate professor will meet or exceed the standards established by the appropriate academic unit for teaching, research/scholarly/creative accomplishments, and service. Generally, application for associate professor occurs in the last probationary year of service, provided candidates have served a minimum of three years in rank as assistant professor. Exceptions must be approved by the dean and provost and vice president for academic affairs. The circumstances warranting early application must be exceptional. The promotion review portfolio will document all years in service at SFA at the rank of instructor and/or assistant professor.

~~To apply for the rank of associate professor, an individual should have held the rank of assistant professor for at least three years at SFA. The portfolio shall document all years in service at SFA at the rank of assistant professor. The provost and vice president for~~

~~academic affairs may waive this requirement for an individual hired for a senior-level position.~~

C~~C~~. Candidates for professor will exceed established standards for teaching, demonstrate a regular and consistent record of research/scholarly/creative accomplishments, and document service at all appropriate levels while in rank as associate professor. To apply for the rank of professor, an individual should have held the rank of associate professor for at least *five* ~~three~~ years at SFA. ~~The portfolio shall document all years in service at SFA at the rank of associate professor.~~ *Exceptions must be approved by the dean and provost and vice president for academic affairs. The circumstances warranting early application must be exceptional. The promotion review portfolio will document all years in service at SFA at the rank of associate professor.* The provost and vice president for academic affairs may waive ~~this~~ requirements for an individual hired for a senior-level position.

~~In exceptional circumstances when warranted by extraordinary performance, faculty members may be reviewed for promotion earlier with the approval of the dean and provost and vice president for academic affairs. The evidence to support early promotion must be unequivocal.~~

IV. Promotion Procedures

A. Each college and its academic units ~~shall~~*will* establish a promotion review process that is approved by the dean and the provost and vice president for academic affairs.

1. A copy of all college/academic unit promotion review policies must be retained in the offices of the provost and vice president for academic affairs and the general counsel.
2. The promotion review process must allow for review of faculty being considered for promotion by all full-time faculty members in the academic unit holding rank higher than the candidate, the academic unit ~~chair/director~~*head*, elected faculty (one from each department) at the college level, and the dean.

~~3. The academic unit, with approval of the college dean and provost and vice president for academic affairs, shall establish the promotion criteria in teaching, research/scholarly/creative accomplishments, and service.~~

B. The applicant is responsible for developing and submitting to the academic unit ~~chair/director~~*head* a portfolio of supporting materials. If the individual is also applying for tenure, only one portfolio for both processes should be submitted. The portfolio should demonstrate how the candidate meets or exceeds the ~~promotion~~ *established standards*~~criteria~~. The portfolio should consist of relevant supporting materials, including a table of contents, current vitae, all annual ~~faculty activity~~*performance* reports since last promotion, annual administrative evaluations since last promotion, and documentation of the following:

1. teaching effectiveness, e.g., ~~summaries of~~ student evaluations, teaching awards, peer evaluations, innovative teaching approaches;
2. research/scholarly/creative accomplishments, e.g., publications,

research/creative projects, photographs of artworks, finished pieces of work;

3. service to the university, profession, and the general community as appropriate.

~~1. university-related service, e.g., committee responsibilities, leadership roles assumed at department, college, and university levels; contributions to the profession, e.g., memberships in professional organizations, offices held, other leadership roles; and general community service related to the profession, e.g., presentations and activities that enhance the professional discipline.~~

C. The portfolio must be submitted in the fall semester ~~of the appropriate year of service~~ according to the timetable established by the *appropriate academic dean* ~~provost and vice president for academic affairs~~. Once the portfolio is completed and submitted, nothing ~~shall~~*will* be added or deleted except according to academic unit, college, or university policy. *Academic unit heads and deans may consider other pertinent information in addition to the portfolio during the review process.*

D. The academic unit ~~chair/director~~*head* ~~shall~~*will* make the portfolio available for review by all full-time faculty members in the unit holding rank higher than the candidate. These faculty members ~~shall~~*will* constitute the academic unit promotion committee/panel for the candidate.

1. It is possible that two separate promotion committees/panels may be necessary in an academic unit, one for promotion to associate professor and one for promotion to professor.
2. Administrators who are not involved in the promotion recommendation process at another level are eligible to serve on promotion committees.
3. In academic units with two or fewer full-time faculty holding rank higher than the candidate, the *academic unit* ~~chair/director~~*head* and each candidate ~~shall~~*will* submit separately to the dean of the college a list of three names of full-time faculty members from other academic units in the university holding rank higher than the candidate. The dean ~~shall~~*will* appoint members from these lists until there are at least three members of the academic unit promotion committee/panel.

E. The committee/panel ~~shall~~*will* make its recommendations to the academic unit ~~chair/director~~*head*.

1. The *academic* ~~chair/director~~*unit head* ~~shall~~*will* notify each candidate in writing of committee/panel and chair/director recommendations in a manner and timeframe congruent with academic unit and college policies.
2. The *academic* ~~chair/director~~*unit head* ~~shall~~*will* make a recommendation on promotion even if not holding a rank higher than the candidate.
3. Within five (5) class days of being allowed to review the written recommendations of the academic unit *committee/panel* and *the* ~~chair/director~~*academic unit head*, the candidate may attach a letter of response addressing errors of fact in the recommendations. Such a notification and any subsequent response by the candidate ~~shall~~*will* become part of the portfolio.

F. Once the review process is completed at the academic unit level, all documentation

will ~~shall~~ be forwarded to the candidate's dean.

1. The dean ~~shall~~*will* follow college policy in assembling promotion committees/panels.
2. The committees/panels ~~shall~~*will* make their recommendations to the dean who ~~shall~~*will* notify each candidate in writing of the committee/panel's and dean's recommendations in a manner congruent with college policy.
3. Within five (5) class days of being allowed to review the written recommendations and comments, the candidate may attach a letter of response addressing errors of fact in the recommendations. Such a notification and any subsequent response by the candidate ~~shall~~*will* become part of the portfolio.

G. After the college has completed its promotion review, the portfolio, along with all academic unit and college recommendations and comments, ~~shall~~*will* be submitted to the provost and vice president for academic affairs for review.

1. The provost and vice president for academic affairs ~~shall~~*will* submit a recommendation on each candidate's promotion to the president, along with all materials and the recommendations generated at each preceding stage of the process.
2. At the same time, the provost and vice president for academic affairs ~~shall~~*will* notify the candidate of the recommendation submitted to the president.

H. The president ~~shall~~*will* review all materials and recommendations~~, and any other evidence deemed pertinent,~~ and make a recommendation to the Board of Regents.

I. Promotion in rank is by action of the Board of Regents of Stephen F. Austin State University. Exceptions to the policies and procedures related to promotion must be authorized by the Board of Regents.

J. Within the next class day following the action of the Board of Regents, each candidate *will* be notified in writing by the provost and vice president for academic affairs of the action of the ~~B~~*b*oard.

Cross Reference: Academic Appointments and Titles (7.2); Library Faculty (7.17); *Tenure and Continued Employment (7.29);* Leave of Absence (Faculty *and Staff*) (12.11)

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: ~~None~~*Application for Promotion/Tenure (Academic Affairs website)*

Board Committee Assignment: Academic and Student Affairs

POLICY SUMMARY FORM

Policy Name: Administration Evaluation of Faculty Performance and Consideration for Merit Pay

Policy Number: 7.6

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

Date of last revision, if applicable: 10/18/2010

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

Purpose of Policy (what does it do): states the general process for merit pay consideration for full-time faculty (excluding adjuncts)

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

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

☐ Internal Review ☒ Other, please explain: to couple the review process of policies related to faculty rank

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: (1) the policy committee separated the administrative evaluation of faculty performance from this policy and added it to the newly titled Performance Evaluation of Faculty (7.22) to better coordinate/situate policies with the common purpose of evaluating faculty performance; (2) the remaining portion of the original policy 7.6 was then retitled Faculty Merit Pay to make it more easily identified; (3) inserting "full-time" and "(excluding adjuncts)" focuses the intended audience of the policy; changing the name of the materials submitted for review purpose was altered to eliminate a particular product name (faculty activity report) and to identify the classification of the required materials to be submitted (report of professional activities and performance); (4) the remaining changes are grammatical and general in nature.

Specific rationale for deletion of policy: NOTE: the policy committee removed a portion of this policy and placed it in another, more appropriate policy (Performance Evalution of Faculty, 7.22) thus clustering requirements for employment of tenure-track and tenured faculty.

Additional Comments:

Recommend that the following policies be reviewed on the same cycle:
-Promotion
-Tenure and Continuing Employment
-Faculty Merit Pay
-Performance Evaluation of Faculty

Recommended changes to this policy were shared with Faculty Senate and with the Chairs Forum.

Reviewers:

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

~~Administrative Evaluation of Faculty Performance and Consideration for~~ *Faculty* Merit Pay

Original Implementation: September, 1982
Last Revision: ~~October 18, 2010~~*July 26, 2016*

~~Stephen F. Austin State University (SFA) recognizes that faculty performance should be regularly and systematically evaluated. SFA recognizes the importance of clearly articulated criteria and procedures for documenting and evaluating performance in teaching, scholarly and creative activities, and service.~~
~~Faculty evaluations should be used when considering tenure, promotion, and/or merit pay. The dean shall announce a schedule for review of these criteria and procedures.~~

~~**Faculty Evaluation**~~
~~Fulltime faculty members (excluding adjuncts) shall be evaluated annually for their assigned duties, which may include teaching, scholarly/creative activity, and service. For the evaluation, faculty members shall present to their academic chair/director all relevant or requested documentation, including at least the completed annual Faculty Activity Report (FAR) of their activities during the preceding year (September 1 through August 31). The chair/director shall review with each faculty member the submitted documentation and the administrative evaluation. A copy of the administrative evaluation shall be provided to the faculty member.~~
~~After the administrative reviews are completed, the chair/director may meet with the college dean to review faculty evaluations. The dean shall forward administrative evaluations and any supporting documentation to the provost and vice president for academic affairs.~~
~~**Merit Pay**~~
For merit pay consideration, *full-time* faculty members *(excluding adjuncts)* ~~shall~~*will* present to their academic *unit* ~~chair/director~~*head* all relevant or requested documentation, including at least the completed annual ~~FAR~~ *report of professional activities and performance, as well as* ~~and~~ any other information required under individual academic unit, college or university policy.

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

Merit recommendations by the *academic unit* ~~chair/director~~*head* ~~shall~~*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~~; Academic Promotion (7.4); and Tenure (7.29)~~

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

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: Annual ~~Faculty Activity Report~~ *report of professional activities and performance* and ~~A~~*a*dministrative *e*~~E~~valuation *f*~~F~~orm available in the Office of the Provost and Vice President for Academic Affairs

POLICY SUMMARY FORM

Policy Name: Agency Accounts

Policy Number: 3.1

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

Date of last revision, if applicable: 7/16/2013

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

Purpose of Policy (what does it do): Establishes guidelines for agency funds (custodial funds set up by the university for non-university entities.)

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 <u>each</u> substantive revision: Changed references from agency accounts to agency funds; added examples. Added sections related to transfers from other university funds and dormant accounts.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Dora Fuselier, Dannette Sales, Jacob Seamens
Danny Gallant, Vice President for Finance and Administration
Damon Derrick, General Counsel

Agency ~~Accounts~~*Funds*

Original Implementation: January 20, 1998
Last Revision: ~~July 16, 2013~~*July 26, 2016*

Agency ~~accounts~~ *funds* are ~~funds~~ held by the university as custodian or fiscal agent for ~~others~~*the benefit of institutionally associated groups or entities that support or enhance the mission of the university*. The money is deposited with the university for safekeeping, to be used or withdrawn by the agency ~~account's~~ *fund's* authorized representatives at will. All agency ~~accounts~~ *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 ~~account~~ *fund* or to terminate an existing agency ~~account~~*fund*.

Examples of agency funds include:

- *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 ~~accounts~~ *funds* will ~~neither~~ *not* earn interest ~~n~~or be assessed administrative fees, except for identifiable bank charges directly related to a specific agency ~~account~~ *fund. If an* ~~or the~~ agency ~~account~~*fund* is overspent, ~~in which case~~ a penalty ~~is~~*may be* assessed by the controller's office. ~~(~~*S*~~s~~ee below.~~).~~ Agency funds *deposited in financial institutions* will be managed at the same level of safekeeping as university funds. Should authorized representatives of ~~the~~*an* agency fund~~s~~ 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 ~~accounts~~ *funds* are subject to review by university and state officials as well as anyone legally authorized to do so.

Agency Fund Establishment~~Request~~ *and Disbursements* ~~to Establish an Agency Account~~

A request to establish an agency ~~account~~ *fund* is made *using procedural guidelines in the controller's office.* ~~by completing the "Establishing a New Banner Account (Fund Org Program) for Non-Grant Accounts" form. The form is available on the SFA Business Forms page at http://www.sfasu.edu/3386.asp. If approved, the agency account will be assigned a Banner fund (8XXXXX), which will be used by the agency account's authorized representatives when depositing or withdrawing funds.~~ *Receipts deposited to agency funds are*

not considered tax-deductible gifts to the university.

~~**Disbursement from an Agency Account*Fund***~~

Disbursements from an agency fund are guided by procedures established by and published on the controller's website. ~~Authorized representatives of agency accounts may withdraw funds or make payment to vendors by either of two methods:~~

~~Complete a "Purchase Voucher" form. Print the completed form, sign it, and submit it to the accounts payable department in the controller's office.~~
~~Complete a "Request for Disbursement from an Agency Account" form. Print the completed form, sign it, and submit it to the accounts payable department in the controller's office.~~
~~Both forms are available online on the forms link: http://www.sfasu.edu/3386.asp.~~

Negative Balances in Agency ~~Account~~ *Fund* Prohibited

Agency ~~accounts~~*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 ~~time~~ *month* an *agency fund*~~account~~ ~~goes into~~*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: ~~University~~ Controller

Forms: Establishing a New Departmental Account (Fund-Org-Program) for Non-Grant Accounts; Purchase Voucher; Request for Disbursement from an Agency ~~Account~~*Fund* ~~, all available on the university business forms website http://www.sfasu.edu/3386.asp~~

Board Committee Assignment: Finance and Audit

POLICY SUMMARY FORM

Policy Name: Assemblies and Demonstrations

Policy Number: 16.4

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

Date of last revision, if applicable: 7/16/2013

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): The policy reaffirms SFA's commitment to the freedoms of speech, expression and assembly.

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 <u>each</u> substantive revision: Reviewed with no changes recommended.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Lacey Claver, Assistant Director of Student Engagement
Amanda Horne, Director of Student Engagement
Dr. Hollie Smith, Assistant Dean of Student Affairs
Dr. Adam Peck, Dean of Student Affairs
Dr. Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel

Assembly and Demonstrations

Original Implementation: July 1980
Last Revision: ~~July 16, 2013~~*July 26, 2016*

I. Introduction
   1. Stephen F. Austin State University 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. 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. 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. 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 disrupt or interfere with the normal activities of the university;
      d. negatively impact the beauty of 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 anywhere on university grounds 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 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.
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, 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.
6. 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.
7. 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.
8. Persons or groups who violate this policy may, based on the severity of the offense, be restricted from using 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.

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.

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

POLICY SUMMARY FORM

Policy Name: Camp and Conference Reservations

Policy Number: 16.7

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

Date of last revision, if applicable: 10/22/2012

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

Purpose of Policy (what does it do): Outlines requirements necessary for using university facilities for camps and conferences.

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 <u>each</u> substantive revision: While this policy did include some substantive requirements related to the university's hosting of camps and conferences, it had over time become a large event production procedure manual rather than a true board policy. The proposed changes shift the the procedural elements of the current policy to a policy and procedure manual and retain the few policy elements that the board should be concerned with.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Sam Smith, Director of Student Services
Dr. Steve Westbrook, Vice President of University Affairs
Damon Derrick, General Counsel

Camp*s* and Conference*s* ~~Reservations~~

Original Implementation: 1987
Last Revision: ~~October 22, 2012~~*July 26, 2016*

~~Each year~~ Stephen F. Austin State University *may* ~~is~~ host ~~to~~ a variety of camps *and conferences* ~~, clinics, workshops and conferences on the main campus~~*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, ~~To facilitate the many and varied requests of these groups, t~~the *university provides a camps and conferences* coordinator *to assist with planning*~~for university reservations and conferences (coordinator)~~*. This coordinator is the primary position at the university that assists*~~, is available to assist~~ *camps and conference* ~~camp~~ directors ~~in~~ arrang*e*~~ing~~ *event inclusions such as* housing, meals ~~tickets~~, meeting space, insurance and *other special needs*~~banquets~~. ~~A camp, as referred to in this policy, refers to all special programs, camps and conferences.~~

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 ~~in the student center or at other locations~~ on ~~the~~ university *property*~~campus~~ are in compliance with the Americans with Disabilities Act and *university policy 13.5 (*~~the SFA~~ Campus Programs for Minors*)* ~~guidelines~~.

~~**Age of Participants**~~

~~Camp participants under ten (10) years of age are not permitted to stay overnight in the residence halls unless accompanied by parents and under close supervision at all times.~~

~~**Request for Camp/Conference Facilities**~~

~~Camp directors must submit a completed Camp/Conference Reservation Contract at least sixty (60) days prior to the start of the camp to the coordinator to request the use of university~~

~~facilities. An estimated number of attendees (including counselors and directors) for the camp must be included on this form. Housing, meal cards, meeting space and other requests will be reserved according to the stated needs on this form. Completion and return of these forms as early as possible will help assure that each specific need will be met. Some areas are limited and will be supplied on a first-come, first-serve basis. A packet containing passes, tickets, insurance forms and instructions will be assembled and should be picked up at the coordinator's office two (2) weeks before the scheduled camp date.~~

Insurance Requirements

~~It is the responsibility of the university sponsor to provide documentation to the coordinator to ensure that each group has appropriate liability coverage. All non-credit participants must be insured. A per camper fee will be assessed at the completion of the camp and included on the invoice for camp expenses. A list of names of all participants to be insured must be submitted to the office of the coordinator on the first working day of the camp session. Completion of insurance forms is the responsibility of the university sponsor/camp director. Forms returned because of insufficient information are also the university sponsor/camp director's responsibility.~~*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.*

~~**Health Clinic**~~

~~A university Medical Release and Consent Form must be completed and signed by the parent/guardian of each camper under age 18. Neither the university health clinic nor local hospitals will treat a minor student without this release form in hand. The camp director is responsible for having these forms signed and readily accessible at all times in case of an emergency.~~

~~Insurance claim forms are available from the coordinator as needed. The attending SFA health clinic physician/professional will forward the claim form to the insurance carrier following a medical visit. In the event that a camper requires treatment at a local hospital, the insurance claim form must be returned to the coordinator to ensure correct processing of the claim. No claim will be processed without the signature of a camp official.~~

~~A camp official must accompany a student camper to the university health clinic, local hospital emergency room or pharmacy.~~

~~**Emergency Phone Numbers**~~

~~All camp participants should be informed that a campus 911 number is available to them should an emergency take place.~~

Parents of participants should be informed of the twenty-four (24) hour emergency phone number (936) 468-2608 at the University Police Department.

Billing Procedures

Billing for summer camps will be handled through the coordinator's office. Costs for meals, housing and insurance will be negotiated each year and the projected costs made available upon request. An account number or billing address should be supplied at the time of the original camp reservation. Upon completion of the camp, invoice for all lodging, damages, lost keys, meals, special banquets, SFA food service deliveries and pick-ups, insurance, and other applicable costs will be issued to the camp director. Any damages, etc. discovered after the close of the camp will remain the camp director's responsibility. Payment must be made in full within 30 days of the date of the invoice.

Camp cancellations must be made **in writing** to the coordinator. Cancellations within one month to two weeks prior to the starting date of the camp will incur a $100 cancellation fee. There will be a $200-per-day charge for each day that the camp was scheduled when the cancellation is made within two weeks of the beginning date of the camp.

Housing

The camp director should estimate as closely as possible the number of students and counselors needing university housing for the camp session. Space will be reserved as per the reservation completed by the camp director. Concurrent camps may result in two or more groups occupying the same residence hall.

Before the camp session, the camp director will receive lists of final hall assignments, summer hall directors and their current phone numbers. Two weeks before the camp session, the university will send floor plans, roommate lists, information specific to the building, such as rooms being used for storage and not available to campers, and the current phone number for the hall director. The camp director should contact the hall director as soon as the lists are received and should keep the hall director updated on changes and special needs the camp may have in the hall.

If it is necessary for a camp to have staff or campers arrive one night early or check out one day later than the main camp, the early arrivals/late checkouts may be housed in a different facility for this time. Any early arrivals or late checkouts must have authorized supervision.

Final Arrangements

At least two (2) weeks prior to the start of the camp session, the camp director should contact

the coordinator to finalize arrangements. Issues to be discussed include early arrivals, pre-camp inventory of the residence hall, check-in and checkout procedures, room assignments, storage of equipment, late departures and post-camp inventory of the residence hall.

The SFA Housing Department is responsible for the overall cleaning of the residence halls, but it is the camp director's responsibility to make sure campers' posters, trash and other items are removed from the rooms and taken to the dumpster. The camp director is responsible for removal of any writing on walls, mirrors or doors prior to departure. Housing damages and lost key charges are assessed after the group has left the residence hall and remain the camp director's responsibility. (See Damages for more information.) Groups meeting in the lobbies of the residence halls are responsible for the general cleaning of these areas. Food deliveries are not permitted after the front desk closes.

Participants may not use hallways, floors, or rooms other than those assigned to the camp.

Special Accommodations

Any camper or conference attendee needing special accommodations due to a disability should contact the coordinator ten (10) days prior to arrival on campus.

The Camp/Conference Director Responsibilities

(Participants, as presented below, refers to all individuals associated with the camp/conference including campers, instructors, staff and guests.)

The camp/conference director:

1. Provides counselors and staff in adequate numbers to provide camper safety for the camps. Campers must be supervised at all times.
2. Inspects residence hall facilities immediately prior to and after the camp session;
3. Advises participants of appropriate check-in and checkout procedures including charges for damages and lost keys;
4. Familiarizes participants with university policies, especially those pertaining to fire and emergency evacuation procedures, appropriate conduct, possession of controlled substances and fire arms, and authorized entry into rooms;
5. Maintains discipline of all participants;
6. Cooperates with the residence hall director and staff who are responsible for the safety, security and maintenance of the building;
7. Collects and has readily available all Medical Release and Consent Forms on all participants;
8. Informs the university in advance of early and late arrivals;
9. Completes insurance forms at the time of treatment;

10. Handles insurance forms returned for lack of student information;
11. Furnishes the coordinator with a camp roster as soon as possible but no later than twelve (12) hours after camp check-in begins; and
12. Ensures that programs and activities conducted in the student center or at other locations on the university campus are in compliance with the Americans with Disabilities Act and the Campus Programs for Minors guidelines.

The Hall Director's Responsibilities

The hall director is responsible for supervising the SFA residence hall staff. He/she will develop a comprehensive work schedule and assist with distribution of keys and room assignments as needed to provide the best possible service to camp guests. The hall director will be available to assist the camp/conference director in providing adequate supervision and disciplinary guidelines to campers.

After camp completion, the hall director will be responsible for submitting to the Residence Life Department the final count of rooms/beds used.

The hall director:

1. Acts as a daily contact person to assigned groups;
2. Prepares staff for handling emergencies and familiarizes them with overall building layout (elevators, fire alarms, etc.);
3. Interprets, supports and enforces university policies, procedures and regulations;
4. Completes work orders and maintenance requests as needed for efficient hall maintenance;
5. Completes administrative paperwork as required by the Residence Life Office; and
6. Assesses all housing charges at the conclusion of the conference.

The Residence Hall Staff's Responsibilities

The hall staff:

1. Cooperates with the hall director in the operation of the residence hall;
2. Assists with check-in and preparation of facilities for each camp;
3. Assists with checkout and inspection of rooms at the close of each camp;
4. Performs desk responsibilities during assigned desk hours, gives information, checks guests in and out, issues keys, takes messages, and/or any other duties deemed necessary;
5. Serves as a referral/resource person to camp participants;
6. Assists in acquainting camp director with university policy, emergency procedures and facilities lay-out;
7. Maintains necessary reports and an accurate accounting of money, keys, maintenance requests, damages, etc.;

8. Is accessible in emergency situations;
9. Maintains duty hours as assigned by the hall director;
10. Attends staff meetings as assigned by the hall director; and,
11. Performs other duties as assigned by the hall director.

Residence Hall Rules and Regulations

- **Agenda/Schedule**

  A copy of the agenda or schedule for each conference group must be left with the hall director to assist the residence hall staff in directing students during their stay.

- **Alcohol**

  Alcohol is not allowed in residence halls at any time.

- **Cleaning Fee**

  Cleaning charges may result if the participant leaves the room in any condition that requires custodial personnel to be called in for extra cleaning or the removal of trash from the building.

- **Controlled Substance**

  Unlawful use, manufacture, possession or delivery of any controlled substance or dangerous drug is prohibited in residence halls.

- **Damages**

  The camp will be charged for any damages to the residence hall or its furnishings. Attaching signs or posters to the doors or the walls with tape may result in damage charges. The university is not responsible for any damage to a camper's room as a result of theft, vandalism or maintenance failure. The Housing Department encourages a representative from each group to conduct a walk-through inspection of each room prior to the arrival of the camp. All pre-existing damages should be noted at that time. The hall director will be available to inspect each room with the camp director upon request. The camp director is responsible for removal of any writing on walls, mirrors or doors prior to departure.
  Housing damages and lost key charges are assessed after the group has left the residence hall, but remain the camp director's responsibility.

- **Desk**

~~The desk will be open from 10 a.m. until the camp curfew (no later than midnight). Messages for camp participants received by desk attendants will be posted in a central location and not delivered to individual rooms. The hall director will unlock the front doors at the time requested by the camp director. The front door will be locked at midnight, or earlier if requested. Anyone who is locked out of the building may use the emergency phone located next to the door to contact the University Police Department for admittance to the building.~~

- ~~**Desk Deliveries**~~

~~Deliveries of prepaid merchandise may be made to the residence hall desk while it is open. Desk assistants will notify participants of a delivery, but shall in no way be made accountable for such items. Occupants will be contacted for deliveries when payment is needed.~~

- ~~**Discipline and Supervision**~~

~~It is the responsibility of the camp director or camp staff to administer discipline to participants who violate camp or university regulations. On occasions when camp personnel are not available, residence hall personnel will temporarily handle the situation. In cases of chronic or severe discipline problems, the residence hall director reserves the right to recommend that a camp participant is sent home. Violation of federal, state or municipal law will require the involvement of the University Police Department. All camps must provide on-site camper supervision throughout the duration of the camp. This includes overnight supervision within the residence hall.~~

- ~~**Emergency**~~

~~In case of an emergency, call 911 or University Police at (936) 468-2608.~~

- ~~**Entry-Authorized Entry Into Rooms**~~

~~Entry into a residence hall does not normally constitute a search. University personnel and the camp staff may enter a room to remove a potential fire, safety or health hazard; to perform maintenance; to correct situations intruding upon the comfort of others (a phone or alarm clock continuously ringing, loud radios, etc.); to retrieve items upon request of the participant's immediate family; and to retrieve the personal belongings of other individuals where there is no apparent dispute to ownership of the property.~~

~~All other situations which would require entry into a room should be coordinated with the hall director who may consult with University Police.~~

- **Evacuation Procedures**

  All persons are required to evacuate a building when an emergency alarm is activated. If an alarm sounds, each person must leave the room and proceed to the nearest clear exit. Stairwells must be used instead of elevators. If the camper is unable to exit the room, a towel, sheet, or similar item should be placed outside the window, so that emergency personnel will know that someone is in the room. Camp directors may request that a fire drill be scheduled during the camp by contacting the hall director prior to arrival.

- **Facility Sharing**

  In order to be more energy efficient, two or more camps may be scheduled in the same facility.

- **Firearms**

  Possession or use of weapons or explosives (such as pistols, rifles, shotguns, firecrackers, cherry bombs, or any weapons prohibited by laws of the state of Texas) in university-owned or university-controlled buildings is prohibited.

- **Fire Safety**

  No incense or candles may be burned in residence halls. If an extinguisher is maliciously discharged, a fee for refilling the extinguisher and for clean-up will be assessed. Transmission of a false alarm is a violation of state law and violators will be prosecuted.

- **Gambling**

  Gambling in any form is prohibited.

- **Games**

  Because of potential physical harm or residence hall damage, active games such as running and the use of frisbees, footballs, ice or water fights etc., are not allowed within residence halls. It is the responsibility of the camp to store the equipment for the camp such as basketballs, etc.

- **Guests With Disabilities**

  Camp guests that need any special accommodations should contact SFA's camp coordinator ten (10) days prior to arrival.

- **Housekeeping**

  Housekeeping staff are on duty Monday through Friday. Common areas of the residence halls and community bathrooms are cleaned daily. Cleaning of individual rooms and trash in individual rooms is the responsibility of the camper. Any housekeeping concerns should be reported to the front desk.

- **Keys**

  Keys are issued according to the camp director's request and university policy at the time of check-in. Keys must be turned in to residence hall staff at checkout. A replacement fee will be assessed for each key that is not returned at the end of the camp session. This charge covers the cost to change the lock and make a new set of keys. Camp officials will not be issued master or front door keys to any building. In the event a camper is locked out of a room, camp staff will be asked to confirm the identity and room assignment of the camper before a new key is issued. Each camp director will develop the camp procedure for lockouts and assessing the cost to campers.

- **Laundry Facilities**

  Coinless washing machines and dryers are located in each residence hall.

- **Lost and Found**

  Lost and found items should be turned in to the front desk. At the end of each camp, the camp director may pick up any lost and found items. Anything left over from the camp will be turned in to the Student Center Information Desk on campus. SFA will not be responsible for lost or stolen items.

- **Maintenance**

  Any maintenance problems should be reported to the hall director or desk personnel. Abuse of elevators, televisions, laundry machines or ice equipment or other excessive maintenance charges may be billed to the camp.

- **Medication**

  The residence hall staff will not dispense any type of medication to a camper. Contact the SFA health clinic at (936) 468-4008 if a camper will need assistance with medication during the camp session.

- **Movies**

No movies may be shown in the residence hall lobbies due to licensing law restrictions.

- **Pets**

  No pets are allowed within the residence halls.

- **Public Areas**

  Eating, drinking and smoking are not permitted in the lobbies, hallways, laundry rooms, community baths or other public areas. Pizza parties, etc. should be held outside or the food distributed and the campers dispersed to their rooms.

- **Roommates**

  The camp director will handle all roommate problems. If a room change is necessary, consult the hall director.

- **Smoking**

  No smoking is allowed in the residence halls or on the front porches during camps.

- **Storage**

  Rooms used for reasons other than living space will be charged the private room rate, (i.e., storage, offices or conference rooms).

- **Telephones**

  The university does not furnish telephones for individual residence hall rooms. Camp staff members are encouraged to bring telephones. Local telephone service is provided in each room. Dial 9 for an outside line. In order to place a long distance phone call, a telephone calling/credit card must be used. Incoming collect calls may not be accepted. The phone number is printed on the telephone jack.

- **Trash Policy**

  The SFA Residence Life Department is responsible for the overall cleaning of the residence halls, but it is the camp director's responsibility to make sure campers' posters, trash and other items are removed from the rooms and taken to the dumpsters located outside of each building. The Housing Department will furnish each camper with a plastic trash bag when they check into the building and large bags at the end of each camp to gather all of the smaller bags for removal from the building.

- **Vending**

  Vending machines are provided for the convenience and enjoyment of the camp participants. Empty or malfunctioning machines should be reported to the front desk as soon as possible. Camp participants who lose money in the machines should report to the Student Center Information Desk for a refund.

- **Windows**

  Windows in residence halls must be closed at all times for air conditioning systems to function properly. Window screens may not be removed by residents.

- **Dining Service**

  Meal and hall access cards to be used by camps will be enclosed in the camp packet according to the estimated number stated on the reservation form at a price per card. Meal cards are numbered for use in assignment. If a card is lost, the coordinator's office may be notified immediately, and SFA Dining Services will be alerted to watch for the lost card. To facilitate quick access to the cafeteria when several large groups are on campus simultaneously, meal times should be staggered. Special banquets in the student center can be arranged through the coordinator's office according to student center policies. SFA will charge the camp for all meals scheduled according to the Camp/Conference Reservation based on the actual number of attendees at the camp.

  Only food prepared and delivered by the university’s contract vendor is acceptable on campus.

- **Campus Recreational Facilities and Programs**

  Requests for the use of campus recreational facilities and programs will be made in writing by the camp director on the Camp/Conference Reservation Contract. All facilities and programs for camps will be scheduled around academic classes, maintenance, campus recreation programs and field conditions.

- **The Baker Pattillo Student Center Meeting Rooms**

  Rooms in the student center are made available to summer camps on a first-come, first-serve basis following established student center policies. Arrangements for room set-up and food orders for banquets or meetings must be made in the coordinator's office two weeks prior to the event. Failure to notify the coordinator of a cancellation approximately 72 hours in advance of the scheduled activity will result in payment of the cost incurred by

~~the student center or food service personnel. Student center decorating restrictions will be strictly enforced. The lounge areas are non-reservable areas during regular operating hours. Lounges are primarily intended for general use by the public. Due to limited space in the student center, rooms will not be available for storage before the camp dates. Boxes shipped before the group's arrival to the campus must be held by the sponsoring department.~~

- ~~**Academic Buildings for Meeting Rooms**~~

  ~~The coordinator will be available to assist camp directors in reserving meeting spaces in academic buildings and auditoriums following policy guidelines for each building. For assistance, the camp director should specify dates, hours and group size on the reservation form.~~

- ~~**William R. Johnson Coliseum**~~

  ~~Reservations for use of the William R. Johnson Coliseum will be arranged by the coordinator following the university regulations for coliseum usage. A per-event fee may be charged.~~

- ~~**University Police/Parking**~~

  ~~Parking permits are required and should be coordinated through the Office of Parking and Traffic for campers bringing cars and buses to the SFA campus. Parking permits are to be displayed in the car window while on campus and disposed of after the camp is completed.~~

Cross Reference: None

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Director of Student Services

Forms: ~~Medical Release and Consent Form (available in Student Center Administration); Camp/Conference Reservation Contract (available in Student Center Administration); Camp Director's Check List Form (available in Student Center Administration)~~*Camps and Conferences Policy and Procedure Manual*

Board Committee Assignment: Building & Grounds

POLICY SUMMARY FORM

Policy Name: Compliance

Policy Number: 2.12

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

Date of last revision, if applicable:

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Describes 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: This policy governs the creation, implementaiton, and evaluation of the university's compliance program. It details the membership and duties of each compliance committee, specifies various employees' responsibilities with regard to compliance, and described the reporting structure witnin the compliance program.

Specific rationale for each substantive revision:

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Damon Derrick
Gina Oglesbee
Compliance Coordinating Committee

Compliance

Original Implementation: July 26, 2016
Last Revision: None

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. 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
4. Athletic Director
5. Controller

6. Director of Procurement and Property Services
7. Director of Human Resources
8. Chief Information Officer
9. Director of Research and Sponsored Programs
10. Director of Environmental Health, Safety, and Risk Management
11. Chief of Police
12. Executive Director of Development
13. Director of Financial Aid
14. Executive Director of Enrollment Management
15. Chair of the Academic Affairs Policy Committee
16. Dean of Student Affairs
17. Chair of the Chairs Forum
18. 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, 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

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: 7/16/2013

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Outlines university's 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 <u>each</u> substantive revision: Minor wording changes. Discrimination revised for consistency with policy 2.11.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Tiffany Rivers, ADA Coordinator
Dr. Michael Walker, Assistant Dean of Student Affairs
Dr. Adam Peck, Dean of Student Affairs
Dr. Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel

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

Original Implementation: October 19, 1993
Last Revision: ~~July 16, 2013~~*July 26, 2016*

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 ~~series~~ *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 ~~against faculty, staff or students~~ on the basis of race, color, religion, sex, age, national origin, disability, genetic information, citizenship, ~~or~~ *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 ~~means~~*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 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

Contact for Revision: ADA Coordinator

Forms: None

Board Committee Assignment: Academic and Student Affairs

POLICY SUMMARY FORM

Policy Name: Computer System Access

Policy Number: 14.3

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

Date of last revision, if applicable: 7/13/2013

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

Purpose of Policy (what does it do): establishes the individuals responsible for monitoring access to SFA computer system

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 <u>each</u> substantive revision: No substantive revisions

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

Computer System Access

Original Implementation: January 19, 1999
Last Revision: ~~July 16, 2013~~*July 26, 2016*

University information resources are strategic assets which, being property of the state of Texas, must be managed as valuable state resources. Access to university information resources is normally controlled by a login ID associated with an authorized account. Proper administration of these login IDs is ~~very~~ important to ensure the security of confidential information and normal business operation of university managed and administered information resources.

~~Applicability~~

This policy applies to university information resources that store or process mission critical and/or confidential information.

The information resource owner, or designee, is responsible for ensuring that the risk mitigation measures described in this policy are implemented. Based on risk management considerations and business functions, the resource owner may determine that it would be appropriate to exclude certain risk mitigation measures provided in this policy. All exclusions must be submitted to the ~~director of Information Technology Services (ITS)~~*chief information officer* for approval.

The intended audience for this policy includes, but is not limited to, all information resource~~s~~ owners and system administrators.

~~Policy~~

1. An approval process is required prior to granting access to an information resource. The approval process will document the acknowledgement of the account holder to follow all terms of use and the granting of access by the resource owner or their designee.
2. Each person will have a unique login ID and associated account for accountability purposes. Guest accounts are to be used in ~~very~~ limited situations, and must provide individual accountability. ~~when used to access mission critical and/or confidential information.~~
3. Access controls are to be modified appropriately as an account holder's employment or job responsibilities change.
4. Account creation processes are required to ensure that only authorized individuals receive access to information resources.
5. Processes are required to disable login IDs that are associated with individuals that are no longer employed by, or associated with, the university. In the event that authorized access is to remain active, the unit (e.g., owner, unit head) will document that a benefit to the university exists and give a date when access can be disabled.
6. Passwords associated with login IDs will comply with university password minimum requirements.

7. System administrators and other designated personnel *will have documented processes*:
    a. ~~Will have a documented process f~~*F*or removing the accounts of individuals who are no longer authorized to have access to university information resources.
    b. ~~Will have a documented process t~~*T*o modify user account access controls to accommodate changes in job status.
    c. For periodically reviewing existing accounts for validity.

Cross Reference: None

Responsible for Implementation: Provost and Vice President of Academic Affairs

Contact for Revision: Chief Information Officer

Forms: Account Authorization Form

Board Committee Assignment: Academic and Student Affairs

POLICY SUMMARY FORM

Policy Name: Distance Education Faculty Competencies and Compensation

Policy Number: 7.9

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

Date of last revision, if applicable: 10/18/2010

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

Purpose of Policy (what does it do): Identifies requirements for faculty to be considered for compensation related to online education and states that the provost has the responsibility for determining possible compensaiton related to online education development and teaching.

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 <u>each</u> substantive revision: (1) to establish the criteria for which a stipend may be paid for course redesign; (2) to establish the expectation that faculty engaged in online education are responsible for keeping courses current and must include best practices in online education in the course development and updating.

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

Distance Education Faculty Competencies and Compensation

Original Implementation: August 1, 2000
Last Revision: ~~October 18, 2010~~*July 26, 2016*

~~Employees may receive a stipend for the development of online courses or portions of online courses and/or for teaching or delivering an online course. No stipends are given for developing or delivering hybrid or interactive television (ITV) courses.~~

~~Distance education courses include the following:~~

- ~~Online course – A course which has been approved by the Office of Instructional Technology (OIT) as fully-developed for online delivery~~
- ~~Hybrid course – A course which has not yet been approved as a fully-developed online course yet delivers at least 50% of its instruction online~~
- ~~ITV course – A course in which the majority of the content is delivered using two-way interactive television between two or more locations~~

~~Three requirements must be met to be eligible to receive a stipend for developing or teaching an online course: (1) the person must be certified by OIT as an online instructor, (2) the person must be approved by the appropriate academic chair/director and dean to offer the class, and (3) the course must be recognized by OIT as a fully-developed online course. While OIT shall assess the design elements of a course for online delivery, the content and quality of online courses are the responsibilities of the academic unit. Persons who received online or distance education certification prior to employment at Stephen F. Austin State University (SFA) may be granted SFA certification by demonstrating competency in online course development and teaching to the satisfaction of OIT.~~

~~The provost and vice president for academic affairs, after receiving recommendations from OIT and the distance education committee, shall set the amount of stipends for the development and/or delivery of online courses.~~
Instructional modality for delivery of curriculum should be driven by student need, program need, and market demand. The decision to offer a fully online course should be a collaborative process among program faculty and the appropriate academic unit head.

Qualified faculty may be compensated for work in online education. Eligibility for compensation requires that the instructor be currently certified by the Center for Teaching and Learning (CTL) as an online instructor and that the course by recognized by CTL as a fully online course. The provost and vice president for academic affairs, after receiving recommendations from the Distance Education Committee, will set the amount of stipends for the development and/or delivery of online courses.

- *Faculty members who develop a new fully online course may be eligible for a course development stipend.*
- *With adequate justification for the need, faculty members who substantially redevelop an approved existing online course may be eligible for a course redevelopment stipend.*
- *Faculty members who teach an online course may be eligible for a course delivery stipend.*

Faculty are expected to engage in best practices for curriculum by maintaining and updating content in courses they are teaching to reflect current knowledge in the field.

The Texas Higher Education Coordinating Board definition for fully distance learning courses will be utilized to determine instructional modality. Only asynchronous, fully distance learning courses are eligible for stipends. Other distance education modalities are not eligible for an online delivery stipend under this policy.

The CTL will assess the instructional design elements of a course for online delivery. The content and quality of online courses are the responsibilities of the academic unit.

Faculty who obtained online or distance education certification prior to employment at Stephen F. Austin State University (SFA) may be granted SFA certification by demonstrating competency in online course development and delivery.

Cross Reference: ~~None~~*19 Tex. Admin. Code § 4.257(9)(A)*

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: None

POLICY SUMMARY FORM

Policy Name: Dual Employment

Policy Number: 11.7

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

Date of last revision, if applicable: 7/16/2013

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

Purpose of Policy (what does it do): Describes the conditions under which an employee can be simultaneously employed by two state agencies.

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 <u>each</u> substantive revision: No changes being recommended

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

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

Dual Employment

Original Implementation: Unpublished
Last Revision: ~~July 16, 2013~~*July 26, 2016*

Employees who are employed in two positions within Texas government must have prior board approval and are subject to the following provisions:

1. Separate leave records will be maintained for each employment.
2. Time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for the other position.
3. Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.
4. The state's contribution towards the taxes imposed on the employee by the Federal Insurance Contributions Act may not exceed the overall limit specified in the General Appropriations Act. The comptroller shall prescribe such uniform accounting and reporting procedures as necessary to ensure that expenditures for this purpose do not exceed this limit.
5. The total state contribution toward the employee's group insurance will be limited to no more than the amount specified in the General Appropriations Act for one full time active employee.
6. The employee will be entitled to receive longevity payment for no more than one employment.
7. Overtime compensation will accrue for each employment totally independent of the other, except that when an employee works in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act (FLSA) of 1938, 29 U.S.C., sec. 201 et seq., in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions.
8. Employees must inform both employers before accepting additional employment with the state.

Cross Reference: Tex. Const. art. XVI, §§ 33, 40; Tex. Gov't Code §§ 667.001-.007; General Appropriations Act; Fair Labor Standards Act, 29 U.S.C. §§ 201-219

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

POLICY SUMMARY FORM

Policy Name: Electronic Accessibility

Policy Number: 16.9

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

Date of last revision, if applicable: 10/21/2013

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

Purpose of Policy (what does it do): Defines compliance standards for federal and state regulations regarding accessibility of electronic information.

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 <u>each</u> substantive revision: Only minor edits with a suggested title update

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Jason Johnstone, University Webmaster
Paul Davis, Chief Information Officer
Tiffany Rivers, Director of Disability Services
Dr. Michael Walker, Assistant Dean of Student Affairs
Dr. Adam Peck, Dean of Student Affairs
Dr. Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel

Accessibility of Electronic Information Resources
~~Electronic Accessibility~~

Original Implementation: October 18, 2010

Last Revision: ~~October 21, 2013~~*July 26, 2016*

Stephen F. Austin State University is committed to making electronic information *resources* ~~and services~~ accessible to all users. Chapter 213 of the Texas Administrative Code 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 shall designate an Electronic Accessibility Coordinator to monitor policy compliance and assist university personnel with relevant training information for EIR accessibility. The coordinator will chair the Electronic Accessibility Board, and may be contacted at 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

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 shall be accessible to, and usable by, all users and compliant with Texas Administrative Code Section 206.70, unless an exception is approved by the president, or an exemption has been made.

Web developers shall follow guidelines established by chapter 206 of the Texas Administrative Code, section 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. Please send your name, contact information, the nature of the accessibility problem, and the website address or specific Web page of concern to 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 and appropriate university personnel in the process of determining a resolution. The EAB 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.

Cross Reference: Purchase of Electronic and Information Resources (17.16); University Web~~–~~ ~~S~~site (15.10); Web Accessibility Page ~~(http://www.sfasu.edu/web-dev/85.asp)~~; 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: Vice President for University Affairs

Contact for Revision: Electronic Accessibility Coordinator

Forms: Electronic Accessibility Exception Request Form

Board Committee Assignment: Academic and Student Affairs

POLICY SUMMARY FORM

Policy Name: Emergency Operations Plan

Policy Number: 13.8

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

Date of last revision, if applicable: 6/16/2013

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Provides an all-hazard emergency management guideline that is built upon scalable, flexible and adaptable coordinating systems to align key roles and responsibilities across the university when an emergency occurs.

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 <u>each</u> substantive revision: Updated department name change. Removed number of residence halls.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Department of Public Safety
Environmental Health, Safety and Risk Management Department
Dr. Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel

Emergency Operations Plan

Original Implementation: November 1986
Last Revision: ~~July 16, 2013~~*July 26, 2016*

Preface

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

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

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

Definitions

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

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

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

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

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

EOP Organization

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

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

The Base Plan

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

Functional Annexes

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

Situational Annexes

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

1.0 Purpose

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

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

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

2.0 Scope

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

3.0 Authority

The Stephen F. Austin State University Emergency Operations Plan is based upon the foundations of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Pub. L. 93-288, as amended, 42 U.S.C. §§ 5121-5207; Homeland Security Presidential Directive 5 (HSPD-5); The Texas Disaster Act of 1975, Tex. Gov't Code §§ 418.001-.191; Tex. Gov't Code §§ *Ch.* 433~~.001-.007~~; Executive Order by the Governor, Exec. Order RP32 or current version; Tex. Att'y Gen. Op. No. MW-140 (1980); Hazard Communication Act, Tex. Health & Safety Code §§ 502.001-.019; Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code §§ 26.261-.267; Solid Waste Disposal Act, Tex. Health & Safety Code ~~§~~ *Ch.* 361; and the State of Texas Emergency Management Plan (Disaster Plan).

4.1 Situation

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

governor of Texas.

2. Stephen F. Austin State University's main campus is located in the city of Nacogdoches, within Nacogdoches County in Eastern Texas. Nacogdoches is a community of approximately 30,000 residents, with population surges during numerous months of the year due to the university population and the local tourism industry.
3. The main campus of Stephen F. Austin State University includes approximately 103 buildings across more than 400 acres. In addition, the university owns or leases property and facilities located within other areas of the city of Nacogdoches, including the DeWitt School of Nursing and the ~~Scientific~~*Discovery* Research Center. Other property and facilities in Nacogdoches County include the Walter Todd Agricultural Research Center and the SFA Observatory. Outside of Nacogdoches County the university ~~operates~~ *owns a facility known as* the Pineywoods Conservation Center in San Augustine County.
4. The university operates ~~15~~ student residential facilities that can house more than 5,000 students.
5. The A.L. Mangham Regional Airport in Nacogdoches is a city-owned facility. Runway 18-36 has an asphalt surface and is 5001 feet x 75 feet in length. It is equipped with a precision instrument approach and is capable of serving aircraft up to larger corporate jets. There is no scheduled commercial service. The most accessible airports capable of handling scheduled commercial flights are East Texas Regional Airport (GGG) in Longview (59 miles), Tyler Pounds Regional Airport (TYR) in Tyler (84 miles), Shreveport Regional Airport (SHV) located in Shreveport, Louisiana (93 miles), and George Bush Intercontinental Airport (IAH) in Houston (130 miles).
6. The university is exposed to hazards which have the potential to disrupt normal operations within the university and local community, causing damages and/or casualties.
7. The university experiences population surges at numerous times during the year for specific events such as football games, graduation, new student orientations and other events that are hosted on campus from time to time.

5.1 Assumptions

Incident Assumptions

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

or holiday, with little or no warning.

4. The succession of events in an emergency incident or disaster is unpredictable; therefore this plan should be utilized as a guidance document, and adapted for the specific needs of the emergency incident or event.
5. Although Stephen F. Austin State University is more vulnerable to specific hazards, such as severe weather and its consequences, the university must plan to respond using a standard structure and organization to any hazard that may affect the university.
6. The fundamental priorities for Stephen F. Austin State University during an emergency incident or disaster are:
   A. The preservation of life and protection of people.
   B. The protection and restoration of property and infrastructure.
   C. Stabilization of the emergency incident or disaster.
   D. Recovery to pre-incident conditions.
7. During an emergency incident or disaster, all operations will be coordinated through the Emergency Operations Center (EOC). The EOC will coordinate with other entities as needed.
8. Stephen F. Austin State University may seek the advice and guidance of other entities when making emergency management decisions, but reserves the right to make decisions beyond those of other entities.
9. Extended incidents that require 24 hour operations will most likely be divided into two (2) operational periods or shifts of 12 hours each. Staffing should be planned accordingly.

Plan Assumptions

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

students when needed.

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

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

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

6.1 National Incident Management System

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

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

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

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

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

7.1 Concept of Operations

1. This Plan will be activated when the condition of the university is downgraded from normal. Any member of the Executive Group, in coordination with the ~~chief of the University Police Department~~*Executive Director of Public Safety/Chief of Police*, or

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

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

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

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

8.1 Organization

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

- **Executive Group:** the president, vice presidents and other key personnel to make executive decisions and provide general incident oversight.
- **Emergency Operations Center Group**: identified personnel to manage the incident, provide coordination for the ground operations, and communicate with the Executive Group.
- **Operations Group**: the departments and personnel that physically provide the services to prepare, respond, and recover from the incident.
- **Public Information**: Information that must be delivered to the Stephen F. Austin community is managed through this group that is in communication with the EOCG, Executive Group, and Operations Group.

8.2 The Executive Group

The Executive Group is responsible for major decisions that impact university operations, such as university closure. Additionally, the Executive Group will plan and prioritize the long term recovery efforts following a disaster. The Executive Group will communicate with the Emergency Operations Center, generally through the vice president for university affairs, and provide oversight to the Emergency Operations Center Group as needed.

Each member of the Executive Group will identify at least one alternate to serve in his/her absence. The Executive Group is comprised of the following:

- President
- Provost
- Vice President for University Affairs
- Vice President for Finance and Administration
- General Counsel

Once the Executive Group is convened, they will make decisions as needed in regards to the following:

- Cancellation of classes
- Cancellation of university sponsored events and activities
- Closing of non-essential buildings and sending non-essential personnel home
- Evacuation of the entire or part of the campus
- Closure of the university

Direction and Succession of the Executive Group

The president will call the Executive Group meetings and provide direction. If the President is not available, the line of succession is as follows:

1. Vice President for University Affairs
2. Provost / Vice President for Academic Affairs
3. Vice President for Finance and Administration

8.3 The Emergency Operations Center Group (EOCG)

The Emergency Operations Center Group will provide staffing in the Emergency Operations Center to represent the primary divisions of the university. The EOCG, through the EOC director, has the authority to assign university resources and make operational decisions to provide the most efficient response and recovery possible. The Emergency Operations Center Group consists of a primary divisional representative and one alternate.

In accordance with the National Incident Management System, each of the primary university divisions will be referred to as a branch during activation. The Emergency Operations Center Group members that report to the Emergency Operations Center are dependent on the situation, although each of the following university divisions has a representative identified in the EOCG:

- Academic Affairs
- Finance and Administration
- University Affairs
- *University Marketing Communications*~~Public Affairs~~
- ~~University Police~~*Department of Public Safety* (Emergency Management)

Immediately upon notification of an emergency or disaster, the representative of each branch within the EOCG will report to the Emergency Operations Center.

If the primary EOC is not available, a secondary location will be identified.

Once the Emergency Operations Center Group is convened and operating within the EOC, they will make operational decisions for their respective division, coordinate with external resources, provide information to the Executive Group, and maintain continuous operations until the emergency or incident is terminated.

8.4 Operations Group

Although many university departments will most likely be utilized to some degree during a major emergency or disaster, the Operations Group (OG) consists of primary departments that are identified to provide critical services or perform emergency functions. Each member of the Operations Group will coordinate activities through its representative at the Emergency Operations

Center, or the Incident Commander. The head of each department represented in the Operations Group will identify an alternate to manage department operations in his/her absence.

The following departments are identified as members of the Operations Group:

- Information Technology Services
- Athletics
- Counseling Center
- Dean of Student Affairs
- Food Services
- Health Services
- Residence Life
- Physical Plant
- Environmental Health, Safety, & Risk Management
- Student Services
- ~~University Police~~*Department of Public Safety*

Immediately upon notification of an emergency or disaster, the primary representative of each department within the OG will report to their office, where they will communicate with the Emergency Operations Center (Incident Commander during incidents with no EOC activation) and coordinate departmental resources.

8.5 Essential Staff

All university personnel may be requested to work during a major emergency or disaster; however, Essential Staff are those that are more likely to be requested. Essential Staff are those university personnel that work within one of the Operations Group Departments, members of the Emergency Operations Center Group, and other personnel that may be designated as essential by the department director.

Essential Staff are expected to be directly involved with the response and recovery actions as the result of a major emergency or disaster. Immediately upon notification of an emergency or disaster, Essential Staff should stand-by for specific tasks, or follow department policy with regards to emergencies and disasters. Essential staff should use caution appropriate to the circumstances when reporting to work during emergency or disaster conditions.

Each director of an Operations Group Department is responsible for determining Essential Staff in his/her respective areas. The Director must then ensure that all employees identified as Essential Staff annually review the Emergency Operations Plan and their possible involvement during a major emergency or disaster.

8.6 Operating Within the Incident Command System

During incidents where the Emergency Operations Center is not activated, the Executive Group and Operations Group may be working directly with the Incident Commander.
The Incident Command System provides several positions the Incident Commander may designate to order and coordinate resources. The university may choose to expand or condense the structure depending on the incident.

9.0 Emergency Operations Center

The Emergency Operations Center (EOC) serves as the central location for situation assessment, resource coordination, and operational management of an emergency or a disaster. The physical location of the primary Emergency Operations Center is the EOC Room within the ~~University Police Department~~*Department of Public Safety* facility on East College Street. The Emergency Management Committee, in coordination with other university officials, will identify and maintain alternate emergency operations centers that may be utilized during an incident where the primary facility is inaccessible or damaged.

EOC Activation Levels

Level I - Routine operations; comparable to a normal university condition; EOC is not staffed.

Level II - Minimal staffing; may include limited personnel to monitor a situation or assist in planning and logistics for the on-scene Incident Command System.

Level III - Some staffing to support an expanding on-scene Incident Command System and provide communication to and from the Executive Group.

Level IV - Fully activated; includes staffing with the Emergency Operations Center Group.

The vice president of university affairs will serve as the EOC director during activation and ensure the continuity of EOC operations. The EOC director has the authority to deploy all necessary university resources to respond to the situation. The ~~chief of the University Police Department~~*Executive Director of Public Safety/Chief of Police* will serve as EOC director in the absence of the vice president for university affairs.

The vice president of university affairs, or the ~~chief of the University Police Department~~*Executive Director of Public Safety/Chief of Police*, may open the Emergency Operations Center for situational monitoring or limited operations. The decision to staff the EOC with the EOC Group will be made by the Executive Group or the vice president for university affairs.

During incidents that utilize the on-scene incident command model, the EOC may serve as a central coordination point for resource allocation and general planning. In this case the ~~chief of the~~

~~University Police Department~~*Executive Director of Public Safety/Chief of Police* will serve as the EOC director, unless activation of the EOC Group is necessary for extended operations.

During emergency operations, all university departments must submit their requests for external resources to the EOC. The EOC is the single point for coordination with the city, county and state Emergency Operation Centers.

EOC Operations

Set-Up and Readiness:
The ~~chief of the University Police Department~~*Executive Director of Public Safety/Chief of Police* is responsible for the physical set-up of the EOC, including but not limited to computers, telephones, and expendables; and is responsible for maintaining the EOC at a state of constant readiness for activation.,

Direction and Control:
The vice president for university affairs is responsible for the direction and control of the EOC as EOC director when the center is activated.

Activation:
All personnel assigned to the EOC Group are expected to report to the EOC as soon as possible after notification of activation. Should a primary member of the EOC Group be unable to immediately report, the alternate for this position should report instead.

EOC Demobilization

As an incident lessens in scope, the EOC director may reduce staffing in the EOC based on situational need. The EOC shall remain in operation until the university is placed in a normal condition status.

10.0 University Conditions

The use of a condition status for the university is intended to assist personnel in understanding the risk level of a specific hazard or threat. The Emergency Operations Center and/or the ~~University Police Department~~*Department of Public Safety* will initiate any university condition status change from normal.

Additional status changes may be released by the Emergency Operations Center / Incident Commander as an incident evolves.

<u>Normal Condition</u>
This indicates that the university is operating under normal conditions. There is no special hazard or threat.

Guarded Condition
This indicates that there is some general threat information that may affect the university. Examples include general threats towards a college campus in Texas or natural hazard watch.

Elevated Risk Condition
This indicates that information has been collected in regards to a specific threat directed towards the campus, such as imminent flash floods or specific threats.

High Risk Condition
There is information of an immediate threat on campus including but not limited to hazardous materials release, active shooter, storm, major fire, etc.

11.1 Public Notification and Information

The initial notification of an emergency or disaster will usually be received first by the ~~University Police Department~~*Department of Public Safety*. The ~~University Police Department~~*Department of Public Safety* is the department within the university that is responsible for issuing timely campus alerts in compliance with the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act {20 U.S.C. § 1092(f)}.

The determination of when an alert will be issued will be made on a case-by-case basis and will consider the facts surrounding the incident; including such factors as the nature of the incident, and the imminent or continuing threat to the university community. The ~~University Police Department~~*Department of Public Safety* will make a determination regarding the information presented to help ensure it does not hinder the successful response to an incident, or the investigation of the cause or nature of an incident. Weather alerts may be issued when there is an imminent threat to the safety of the campus community from severe weather.

When a determination is made that an alert should be issued, ~~UPD~~ *DPS* will inform the campus community by utilizing a number of communication methods. The following are ways in which the campus community may be notified when the incident in question warrants. These methods may be used individually, or in any combination, depending upon the message being conveyed and the nature of the incident prompting the alert.

1. **Emergency Alert Website Activation**: The emergency alert website, maintained by ~~UPD (http://www2.sfasu.edu/upd/information.html)~~*DPS (http://www.sfasu.edu/dps/campus-alert.asp)* may be activated and as much information as can be concisely presented about the current state of the incident triggering the alert will be posted. When this site is activated, an alert banner is posted on top of each webpage hosted on the main university Web server indicating an alert and directing visitors to the alert Web site. Web pages and ~~ebsites~~*websites* hosted on individual

departmental servers do not display this alert banner. The emergency alert website will be updated with evolving information as it becomes available and can be shared.

2. **Campus Alerts System Activation**: Depending on the incident, the ~~University Police Department~~*Department of Public Safety* will issue text and/or voice messages to all participants registered in the Campus Alerts system. These alert messages will notify the recipients that an event has occurred that requires notification, will contain a very brief description of the event if possible, and will direct them to the emergency alert ~~ebsite~~*website* for details and updates.
3. **Outdoor Alert System**: To promptly alert the campus in case of an imminent threat, there is a centrally located outdoor alert system installed on the roof of the Ralph W. Steen Library to ensure the alert sound may be heard inside some buildings on campus; the system is designed to provide an audible alert outdoors only. The outdoor alert system will be sounded when there is an imminent threat to SFA students, faculty, staff and visitors, such as severe weather, such as a tornado that is on a direct path toward the campus, or the development of an active danger situation, such as a hostile, armed individual on campus.
4. **Campus-Wide Broadcast E-Mail**: E-mail messages may be sent to all faculty, staff, and students via the Stephen F. Austin State *University* e-mail system. These alert messages will notify the recipients that an event has occurred that requires notification, will contain a very brief description of the event if possible, and will direct them to the emergency alert website for details and updates.
5. **Call Center Activation**: When needed, an informational Call Center will be activated as soon as possible to field telephone calls relative to the alert issued. This call center is located adjacent to the primary EOC in the ~~University Police~~*Department of Public Safety* facility and is staffed by pre-designated staff members. Once the Call Center is active, the telephone number assigned to the center will be posted on the alert website.
6. **Non-alert related communications** will be handled through ~~the Office of Public Affairs~~ *University Marketing Communications* in coordination with the Executive Group, Emergency Operations Center, or the Incident Commander.
7. **In the event of an expanded incident**, the *University Marketing Communications office*~~Office of Public Affairs~~, in coordination with the Emergency Operations Center, may establish a Joint Information Center to handle media inquiries. The Joint Information Center will be established by the ~~Office of Public Affairs~~*University Marketing Communications office* and located at the Baker Pattillo Student Center Theater unless an alternate location is necessary.

12.0 Plan Annexes

The Base Plan is intended to provide the general framework based on an all-hazards planning model. The general response roles and responsibilities of the Base Plan provide basic guidelines to ensure that the university is prepared to respond to any major emergency or disaster. Annexes

expand on the information provided in the Base Plan to outline more specific responsibilities.

Functional Annexes

Specific functions that support the Base Plan can be defined and associated roles and responsibilities assigned to individual departments within the university. Each Functional Annex is constructed as a supplement to this Base Plan.

Situational Annexes

Additionally, specific hazards that present a significant risk or vulnerability may have specific plans to provide more detailed guidance than the Base Plan provides. Each Situational Annex is constructed as a supplement to this Base Plan.

13.1 Preparedness

Although the majority of the Emergency Operations Plan discusses response mechanisms and procedures, the ultimate resilience and capability of the university to respond is dependent upon the preparedness of all students, faculty, staff, and departments.
The University Emergency Management Committee is the point of contact for all emergency management programs, including preparedness. In coordination with various university departments, the Emergency Management Committee will help ensure the following preparedness mechanisms are completed on a continual basis:

Emergency Exercises

Exercises are fundamental to the university's emergency preparedness program. Exercises test plan elements, as well as the university's ability to respond to specific incidents. The Federal Emergency Management Agency identifies four types of exercises, each with a significant degree of complexity and involvement. The university will conduct at least one emergency table-top exercise per year. The university should conduct a functional or full-scale exercise at least once every five years. Exercises should involve members of the Executive Group.

Plan Maintenance

The plan should be reviewed at least annually and updated when needed. This annual plan maintenance may be completed following the exercise schedule.

Maintain Record of Incident Command System Training

The ~~chief of the University Police Department~~*Executive Director of Public Safety/Chief of Police* serves as the Emergency Management Coordinator, and will ensure that sufficient training courses

are offered in Incident Command, and ensure that the university complies with standards established through National Incident Management System guidance documents. The Emergency Management Committee, chaired by the ~~chief of the University Police Department~~*Executive Director of Public Safety/Chief of Police,* will meet regularly and provide oversight for the emergency management program.

Departmental Responsibilities

All university departments should continually maintain preparedness via the following actions at a minimum:

- Review this Emergency Operations Plan and applicable annexes at least annually and provide recommendations to the Emergency Management Coordinator to be considered in the annual review/revision.
- Compile and maintain an active call/contact list with current phone numbers of all personnel within the department.
- Provide clear lines of succession identifying personnel that may fulfill the department head's role should they be absent during a major emergency or disaster.
- Train employees on basic preparedness procedures and general departmental plans for responding to an emergency.
- Identify program weaknesses and make recommendations to the university Emergency Management Coordinator.

14.1 Recovery Actions

Recovery from a major emergency or disaster will most likely begin while response activities are still being conducted. Recovery actions involve the development, coordination, and execution of university restoration. Examples of recovery actions may include debris removal, damage assessment, and re-opening of non-critical facilities.

Damage assessment is a critical process in any disaster; additionally an accurate damage assessment is critical to obtaining reimbursement during a state or federally declared disaster. Therefore, damage assessments should begin as soon as possible.

During and following larger incidents, Damage Assessment is the responsibility of the Physical Plant Department, although personnel to physically conduct the damage assessment may be provided by various departments within the university. During the damage assessment, the extent of the damage and estimated repairs will be reported to the Emergency Operations Center as long as the EOC remains activated. After the EOC is demobilized, these reports will be made to the Executive Group through the vice president for finance and administration. Essentially, recovery resources will be handled in the same manner that response resources are managed.

The two elements of recovery that are reserved for the Executive Group include:

1. Determining when to terminate the incident.
2. Determining when to return the university to normal condition.

15.0 Post-Incident Actions

Following each major emergency or incident, the university will conduct a debriefing to identify major weaknesses, strengths, lessons learned, and best practices. The initial debriefing should occur not less than twenty-four hours, but not more than one week following the conclusion of an incident.

Following the debriefing, the Emergency Management Coordinator will ensure that an After Action Report (AAR) is drafted, reviewed, and distributed. Elements discussed in the AAR and debriefing(s) will be applied to improve the university's emergency management program and Emergency Operations Plan.

Cross Reference: Stafford Act, Pub. L. 93-288, as amended, 42 U.S.C. §§ 5121-5207; Homeland Security Presidential Directive 5, HSPD-5; Texas Disaster Act of 1975, Tex. Gov't Code §§ 418.001-.191, *Ch. 433*; ~~Tex. Gov't Code §§ 433.001-.007;~~ Executive Order by the Governor, Exec. Order RP32 or current version; Tex. Att'y Gen. Op. No. MW-140 (1980); Hazard Communication Act, Tex. Health & Safety Code §§ 502.001-.019; Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code §§ 26.261-.267; Solid Waste Disposal Act, Tex. Health & Safety Code ~~§~~ *Ch.* 361; Tex. Educ. Code § 51.201-.211; The Texas Emergency Management Plan, Governor's Division of Emergency Management; Employee Safety Manual / Emergency Management Plan

Responsible for Implementation: President

Contact for Revision: *Executive Director of Public Safety/*Chief of Police; Vice President for University Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs

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: 7/16/2013

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

Purpose of Policy (what does it do): Aids in protecing the physical, human, fiscal and resources of 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 <u>each</u> substantive revision: Rewording for clarity and continuity; updates of code standards.

Specific rationale for deletion of policy: Removal of Smoking and Use of Tobacco Products because of the university tobacco and smoke free policy.

Additional Comments:

Reviewers:

Jeff Thompson, Dr. Jeremy K. Higgins
Dr. Danny Gallant, Vice President for Finance and Administration
Damon Derrick, General Counsel

Fire and Life Safety

Original Implementation: July 16, 2013
Last Revision: ~~None~~*July 26, 2016*

PURPOSE

The purpose of this policy is to aid in protecting the physical, human, fiscal and environmental resources of the university. To help achieve this goal the *Department of* Environmental Health, Safety, and Risk Management ~~Department~~ (EHSRM) provides various personal and group training sessions, safety guidelines and procedures on the EHSRM website (http://www.sfasu.edu/safety/) and fire and life safety inspections throughout the campus on a regular basis.

EHSRM has *the* primary responsibility to establish and enforce policies and procedures that ensure university compliance with ~~fire and life safety federal, state, and local~~ *fire and life safety* guidelines.

POLICY STATEMENTS

1. 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 are essential in promoting fire and life safety and enhancing university compliance with applicable ~~federal, state, and local~~fire and life safety standards.

2. 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.

3. The university's fire and life safety program will comply with the *NFPA 1 Fire Code and* NFPA 101 Life Safety Code and all referenced materials therein, as well as all procedures listed in the EHSRM *W*~~w~~eb page ~~(http://www.sfasu.edu/safety/)~~ and the SFA Campus Safety Information ~~w~~*W*eb page ~~(http://www.sfasu.edu/campussafety/).~~.

DEFINITIONS

1. **Authority Having Jurisdiction (AHJ) –** National Fire Protection Association (NFPA) title for the organization, office, or individual responsible for *enforcing the requirements of a code or standard, and* approving equipment, materials, an installation, or fire *and* safety procedures in accordance with NFPA rules and regulations.
2. **Egress** – A continuous and unobstructed way of travel from any point in a building or structure to a public way consisting of three separate and distinct parts 1) the exit access, 2) the exit, and 3) the exit discharge.
3. **Exit Corridor** – A pedestrian pathway that allows direct access to the outside of a building and allows access to a building entrance and subsequent pathways to the outside of the building.
4. **Flammable and Combustible Materials** – A general classification given to gaseous, liquid, or solid materials that are capable of being easily ignited and burn rapidly. Examples of common flammable materials are: natural gas, liquefied petroleum gas, ~~naphthas,~~ gasoline, oils, organic powders, films, paper and paper materials, powdered solids such as powdered metals, sawdust, plastics such a polystyrene, polyethylene, synthetic and natural rubbers, aerosols, paints, lacquers, floor cleaning agents, and all other flammable organic material that has not been specifically treated to be flame retardant.
5. **National Fire Protection Association (NFPA)** – An international professional nonprofit organization with the mission of reducing the worldwide burden of fire and other hazards on the quality of life by developing and advocating scientifically based consensus codes and standards, research, training, and education. NFPA serves as the world's leading advocate of fire prevention and is an authoritative source on public safety.
6. **Nationally Recognized Testing Laboratory (NRTL)** – An organization which is recognized by Occupational Safety and Health Administration (OSHA) as one which tests for safety, and lists or labels or accepts equipment or materials. Examples of NRTL's are: Underwriters Laboratory (UL) MET Laboratory, Electrical Testing Labs (ETL), and Canadian Safety Agency (CSA).
7. **Open Flame** – Any fire regardless of size or origin. This includes, but not limited to, candles, incense burners, and fireworks capable of igniting flammable or combustible materials in the area of the flame, spark, burner, or explosive.
8. **State Fire Marshal (SFM)** – Any official member of the state fire marshal's office.
9. **Violation** – A condition or hazard identified as an infringement of applicable state, local, and national fire and life safety standards.
10. **Fire Door** – A door with a fire-resistance rating (sometimes referred to as a fire protection rating for closures) used as part of a passive fire protection system to reduce the spread of fire or smoke between compartments and to enable safe egress

from a building or structure.

RESPONSIBILITIES

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

    a) Inspecting university buildings and property ~~on a regular basis~~ for fire safety hazards, risks, or in response to a notice of a possible violation. In carrying out this duty, the EHSRM officer or representative shall have the authority to enter any university building, structure, room, office or laboratory (university employees may accompany the EHSRM 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*~~University 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.

2. 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 ~~UL~~*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.

3. 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 ~~w~~*W*eb page ~~(http://www.sfasu.edu/campussafety/)~~; 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* ~~all~~ 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.

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

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

6. Faculty members ~~will~~ *should* inform students of fire safety and evacuation procedures.

FIRE PREVENTION PLANS AND GUIDELINES

1. 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 *W*~~w~~eb page ~~(http://www.sfasu.edu/safety/)~~. All university employees and students need to be aware of potential fire safety hazards and report them to EHSRM for corrective action.

2. 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.
        i. commercial cooking in designated food preparation areas complying with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations;
        ii. open flame burners used in university approved laboratories complying with NFPA 45, Standard on Fire Protection for Laboratories using Chemicals; and
        iii. 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)In accordance with Smoking and Use of Tobacco Products (D-35.5), smoking and the use of tobacco products will be prohibited in all buildings, facilities and vehicles owned or leased by Stephen F. Austin State University, except in areas so designated by the university. Smoking and the use of tobacco is further prohibited within 20 feet of any entrance to a building or facility. Cigarettes must be disposed in appropriate receptacles only. All SFA employees are responsible for complying with Smoking and the Use of Tobacco Products (13.21).~~

    c) Electrical connections must conform to the following requirements:

        i. 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.

ii. 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 ~~safety director~~*director of EHSRM* 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 EHSRM. 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 ~~A~~*a*thletics ~~D~~*d*epartment.

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 ~~the Physical Plant Department (PPD) and~~ 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

1. 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.

2. *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.*

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

4. 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.

5. 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.

6. 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 ~~Stephen F. Austin State University~~*SFA* employees comply with federal, state, and local environmental health, safety, and risk management legislation, and relevant government fire and life safety codes. In addition, it is essential that employees observe industry best practices and comply with SFA safety policies, procedures, and programs. Noncompliance may result in disciplinary action.

Cross Reference: ~~Smoking and Use of Tobacco Products (13.21),~~ Health and Safety (13.10~~),~~ *);* Risk Management (13.19~~),~~ *);* National Fire Protection Association~~:~~ ~~http://www.nfpa.org/~~ *;* Texas State Fire Marshal~~:~~ ~~http://www.tdi.state.tx.us/fire/~~

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

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: 7/29/2014

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

Purpose of Policy (what does it do): to esablish the rights and responsbilities of faculty and institution regarding intellectual property

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: In reviewing policy 9.5, Property Rights for Distance Education, determined that critical text from this policy could be inserted into policy 9.4, Intellectual Property, to make it more encompassing. This allowed deletion of policy 9.5

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for <u>each</u> substantive revision: Added clarifying language to ensure that online course and course materials are treated appropriately as intellectual property.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

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

Intellectual Property

Original Implementation: April 9, 1988
Last Revision: ~~July 29, 2014~~ *July 26, 2016*

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. ~~(See Policy 9.5)~~

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, ~~(courses in which 50% or more of content is delivered by electronic means to off campus students are governed by Policy 9.5),~~ 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, 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 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.

~~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.~~

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, ~~products classified as staple foods, meats, and natural agricultural 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: ~~Intellectual Property Rights for Distance Education (9.5);~~ Tex. Educ. Code § 51.912; United States Code, Titles 17, 35

Responsible for Implementation: ~~General Counsel~~*President*

Contact for Revision: General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs

POLICY SUMMARY FORM

Policy Name: Intellectual Property Rights for Distance Education

Policy Number: 9.5

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

Date of last revision, if applicable: 7/19/2011

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

Purpose of Policy (what does it do): to establish the rights and responsibilities of faculty and the institution regarding intellectual property of distance education materials

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 <u>each</u> substantive revision: Much of the policy was redundant; policy 9.4, Intellectual Property, included nearly all of the rights and responsibilities of faculty and the institution related to intellectual property regardless of mode of course delivery. Where there were gaps, clarifying language was added to policy 9.4. Consequently, policy 9.5 is no longer needed.

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

~~Intellectual Property Rights for Distance Education~~ Policy to be deleted

~~**Original Implementation:** April 22, 2003~~
~~**Last Revision:** July 19, 2011~~

~~This policy applies only to courses in which 50% or more of the content is delivered electronically and for which the university has a compelling interest because of its obligation to deliver advertised curricular programs and courses. The university recognizes that faculty and students have exclusive ownership of copyrightable materials they create in the normal course of academic teaching or enrollment in courses, including, but not limited to syllabi, class notes and outlines, exams, handouts, and web enhancements.~~

~~The university supports the concept that ownership of intellectual property rights in distance education courses does not have to be an all-or-nothing proposition. The university believes that clarification of rights supports mutual interests of both the university and the developers of electronically delivered courses.~~

> ~~Strategic judgments about distance course development or the development of whole degree programs offered via distance education media are to be driven by curricular needs identified and approved by appropriate faculty, chairs, and deans in consultation with the director of the Office of Instructional Technology (OIT).~~

~~**Introduction to Categories**~~

~~Intellectual property rights for distance education courses are classified as one of three categories: 1) works totally faculty- or staff-generated; 2) works jointly generated by an individual and the university; and 3) works-for-hire.~~

~~The decision about the appropriate category for each specific course will be made by the faculty member, academic unit directors, college dean, and OIT prior to the development of the course, and according to the unique role of the course within the program.~~

~~Faculty members must meet with their academic unit director and OIT to sign a license agreement. The agreement must then be signed by the college dean and the university president. If circumstances warrant, a new license agreement may be signed by all parties reflecting any new categorization. Courses in which the university does not have a compelling interest may not require any license agreement with the university and can be considered the sole property of the authors. This determination, made by the president or designee, must be made before the course is developed. (An example of a "compelling interest" for the university might be a graduate course that is part of a complete online degree program that would be jeopardized if the faculty member left the university and the faculty replacement was either unskilled or~~

unable to create a similar course in a timely fashion.)

Rights That Apply to All Three Categories

Individuals creating these materials maintain the right to:

- make derivative works that do not compete with academic interests of the university;
- be identified as the author of the work, including the right to decide whether to allow the author's name to be displayed in association with the work;
- use the work for teaching, scholarship/research and service by colleagues or students in one's own department on the SFAcampus; and
- borrow portions of the work for use in compilations or other composite works that do not compete with academic interests of the university.

The university maintains the right to:

- be informed in advance of any uses, reproductions, distributions and dispositions of the work by the author(s) that may be construed as a conflict of interest or in conflict with university policy on outside employment; and,
- control whether the university's name or logo is displayed in association with the work.

Category 1 – Works Totally Faculty- or Staff-Generated

Works in this category result from an individual's efforts on personal time without any extraordinary support from or through the university. Ordinary support would include required support from OIT, or standard university resources such as office and laboratory space, library facilities, and ordinary access to computers, software, and networks.

Rights, Responsibilities, and Agreements

While employed by the university, an individual:

- has the exclusive right to allow or disallow the use of one’s intellectual property in part or in whole by others;
- has the exclusive right to market the work outside the university in a manner that does not compete with the mission or market of the university;
- shall revise the work as necessary to meet or exceed the *Principles of Good Practice for Electronically Delivered Courses* as required by the Texas Higher Education Coordinating Board (THECB);

- shallsubmit to a review of the work by appropriate academic program leaders and OIT staff to verify that the course or other work meets or exceeds the *Principles of Good Practice for Electronically Delivered Courses*;
- is solely responsible for keeping the work current; and,
- shall abide by all applicable university policies, and state and federal laws.

Before any use is made of intellectual property materials, faculty members shall and do hereby warrant that theyare the sole owners of the contributions to the worksor that the contributions do not infringe on any copyright, violate any property rights, or contain any libelous unlawful material.

Portability

Upon the individual's departure from employment with the university, the university forfeits all rights to use the intellectual property of the individual unless permission is granted in writing by the individual.

Category 2 – Works Jointly Generated by the Individual and University

Works in this category result from the individual's effort in part or entirely on university time and/or with access to and use of specialized staff, facilities, and equipment beyond that ordinarily provided. These works also include those involving compensation in the form of direct grants, additional compensation, or release time for course development.

Rights, Responsibilities, and Agreements

While employed by the university, an individual:

- has the non-exclusive right to market the work outside the university in a manner that does not compete with the mission or market of the university;
- has the right to be informed in advance of any uses, reproductions, distributions, and dispositions of the work by the university;
- shall revise the work as necessary to meet or exceed the *Principles of Good Practice for Electronically Delivered Courses* and understands that any compensation for development of the work is contingent upon adherence to *Principles of Good Practice for Electronically Delivered Courses*;
- shall submit to an initial and periodic review of the work by appropriate academic program leaders and OIT staff to verify that the work meets or exceeds the *Principles of Good Practice for Electronically Delivered Courses* as required by the THECB;

- is solely responsible for keeping the course or other work current; and,
- shall abide by all applicable university policies, or state and federal laws.

Before any use is made of intellectual property materials, the individual shall and does hereby warrant that he or she is the sole owner of the contribution to the work, and that the contribution does not infringe on any copyright, violate any property rights, or contain any libelous unlawful material.

The university:

- has the non-exclusive right to market the work outside the university in a manner that does not compete with the mission or market of the university;
- has the right to use the intellectual property of the individual in a course as part of SFA course delivery for both credit and noncredit purposes;
- has the right to borrow portions of the work for use in compilations or other composite works;
- has the right to make derivative works if the author or authors assign copyright ownership to a third party;
- may not assign the use of the individual's intellectual property in the course or course components to another instructor without first allowing the individual the options to teach the section(s) of the course being offered up to and including what is considered an overload for the individual; and,
- has the right to assign revision and teaching tasks to another faculty member if an individual refuses to revise the work according to the recommendations made during a review process.

Portability

Upon the individual's departure from employment with the university, the individual has the:

- non-exclusive right to use the course as part of course delivery for both credit and noncredit purposes, provided the university's name or image (logo) is not used in connection with the course; and
- non-exclusive right to market the course, provided the university's name or image is not used in connection with the course.

Upon the individual's departure from employment with the university, the university has the:

- non-exclusive right to use the course, or course components, for both credit and noncredit purposes without the individual’s consent; and

- non-exclusive right to market the course.

Category 3 – Works for Hire – University Generated

Works in this category result from an individual's effort under a formal contractual arrangement with the university to develop and/or revise courses or as a result of the terms of the individual's employment or hiring agreement.

Rights, Responsibilities, and Agreements

While employed by the university, an individual:

- shall develop the course to meet or exceed the *Principles of Good Practice for Electronically Delivered Courses* and understands that any compensation for development and/or revision of the course is contingent upon adherence to the Principlesas required by the THECB;
- shall submit to a review of the course by the appropriate academic program leaders and OIT staff to verify that the course meets or exceeds the *Principles of Good Practice for Electronically Delivered Courses* and the appropriate standards and contractual specifications;

The university:

- has the exclusive right to use the materials generated under the terms of the contract;
- has the right to borrow portions of the work for use in compilations or other composite works; and,
- has the exclusive right to market the course outside the university.

Portability

Upon the departure of the individual from employment with the university, the individual forfeits all rights to use or market the course or any components of the intellectual property unless permission is otherwise granted in writing by the university. The university retains the exclusive right to use and revise the course for both credit and noncredit purposes. The university has the exclusive right to market the course outside the university.

~~**Cross Reference:** Intellectual Property (9.4); Financial Conflict of Interest in Sponsored Activities (8.2); Instructor-Generated Materials (7.16); Copyrighted Works Reproduction (9.2); Distance Education Faculty Competencies and Compensation (7.9); Outside Employment (11.19).~~

~~**Responsible for Implementation:** President; Vice President for Academic Affairs~~

~~**Contact for Revision:** President~~

~~**Forms:** License Agreement for Works Totally Faculty or Staff Generated; License Agreement for Works Jointly Generated by the Individual and University; License Agreement for Works for Hire – University Generated; Principles of Good Practice for Electronically Delivered Courses.~~

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

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: 7/16/2013

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

Purpose of Policy (what does it do): The policy exists to provide direction for 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 <u>each</u> substantive revision: No substantive changes recommended.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Kay Johnson
Danny Gallant
Damon Derrick

Interagency and Interlocal Contracts

Original Implementation: Unpublished
Last Revision: ~~July 16, 2013~~ *July 26, 2016*

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.

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 Interlocal Agreement.

For some large dollar interagency contracts, board approval may be required; see Items Requiring Board of Regents Approval (1.4).

A requisition must be submitted to initiate an interagency or interlocal purchase where SFA is the receiving agency. The requisition must include 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.

A formal written agreement signed by both agency heads is required regardless of the dollar amount. The written agreement must contain the items listed above required to be in the purchase requisition.

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, ~~in agreement with a state agency~~ 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.

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 – Forms for interlocal and interagency 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

Policy Number: 17.9

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

Date of last revision, if applicable: 7/16/2013

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

Purpose of Policy (what does it do): Establishes guidelines for 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 <u>each</u> substantive revision: Added language to elaborate the Budget Office should be contacted when moving budgets between funds.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Dora Fuselier, Dannette Sales, Debbie Sellman
Danny Gallant
Damon Derrick

Interdepartmental Transfer (IDT)

Original Implementation: Unpublished
Last Revision: ~~July 16, 2013~~*July 26, 2016*

A university department may pay for goods and services received from another department using the Interdepartmental Transfer (IDT) procedure. This internal procedure *provides a mechanism to* charge~~s~~ and credit~~s~~ accounts within the university without the need to write a check. The department providing the goods or services should initiate the IDT *using procedures established by the controller's office*. ~~Departments that initiate many IDTs should provide the charges in a spreadsheet format approved by the controller's office. Departments that have few charges to other departments may initiate their IDTs either by memo to the controller's office or by completing the IDT form online, printing it, and sending a hard copy to the controller's office. If a memo is used, it should contain the same information as requested on the IDT form. Departments that initiate IDTs must provide substantiating documentation of the charges to the receiving departments.~~ 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 unless there is a legitimate transfer of goods or services at a fair and reasonable price. If a department's intent is to move budgets from one fund to another, the budget office should be contacted.

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 to effectuate that part of the process.

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
-
- *The process used to review accounts and verify IDT charges and credits*

~~An IDT is not to be used to shift balances or move budgets from one account to another unless there is a legitimate transfer of goods or services at a fair and reasonable price.~~

- ~~Additionally, 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 to effectuate that part of the process.~~

~~Each account manager is responsible for reviewing their accounts to verify accuracy of IDT charges.~~

Cross Reference: ~~Property Inventory and Management (17.14);~~ 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 Summary available on the SFA Business Forms website ~~http://www.sfasu.edu/3386.asp~~

Board Committee Assignment: Finance and Audit

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: 6/16/2013

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

Purpose of Policy (what does it do): Establishes a framework for cooperation among members of the university community in accordance with the HEOA of 2008, aimed at locating and assisting currently enrolled students who reside in on-campus housing and have been reported missing.

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 <u>each</u> substantive revision: Department name change since last revision

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Department of Public Safety
Dr. Adam Peck, Dean of Student Affairs
Dr. Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel

Missing Student Notification

Original Implementation: July 20, 2010
Last Revision: ~~July 16, 2013~~*July 26, 2016*

Purpose:

This policy, along with its accompanying procedures, establishes a framework for cooperation among members of the university community, in accordance with the Higher Education Opportunity Act of 2008, aimed at locating and assisting currently enrolled students who reside 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 ~~University Police Department~~*Department of Public Safety*. The ~~University Police Department~~*Department of Public Safety* 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 ~~University Police Department~~*Department of Public Safety* 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 ~~University Police Department~~*Department of Public Safety* immediately at 936-468-2608.

- Any report of a missing student made to a university office or employee, should be directed immediately to the ~~University Police Department~~*Department of Public Safety* at 936-468-2608.
- When a student is reported missing, the ~~University Police Department~~*Department of Public Safety* shall;
  - Initiate an investigation to determine the validity of the missing person report;
  - Notify the vice president for university affairs;
  - 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 ~~University Police Department~~*Department of Public Safety* 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 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 ~~University~~ Police

Forms: None

Board Committee Assignment: Academic and Student Affairs

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: 1/26/2016

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Provides the format and review period for each policy, and details the process for submitting a policy for board consideration

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

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

☐ Internal Review ☒ Other, please explain: To modify the policy review schedule

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for <u>each</u> substantive revision: Policy modified to provide that university policy 2.13, Sexual Misconduct, be subject to annual review.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Damon Derrick

Policy Development & Format

Original Implementation: July 16, 2013
Last Revision: ~~January 26, 2016~~*July 26, 2016*

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
- 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 ~~director of audit services~~*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 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. 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

POLICY SUMMARY FORM

Policy Name: Post-tenure Review

Policy Number: 7.22

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

Date of last revision, if applicable: 1/25/2011

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

Purpose of Policy (what does it do): establish processes for regularly evaluating the performance of tenured 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 <u>each</u> substantive revision: (1) This is a substantial change to the previous policy to ensure that SFA is meeting the expectations of the Texas Education Code; (2) many of the changes make this policy consistent with other policies critical to faculty--tenure, promotion, merit awards, annual performance evaluation; effort was made to make the language consistent and the steps of the processes consistent; effort was made to make more explicit the expectations related to the annual performance evaluation and to post-tenure review, and to the the establishment of a plan for assisted development when warranted; efforts were made to clarify and simplify the language, the descriptions, and the explanations; (3) Title change to the policy is recommended to more accurately reflect substance of the policy.

Specific rationale for deletion of policy:

Additional Comments:

Recommend that the following policies be reviewed on the same cycle:
-Promotion
-Tenure and Continuing Employment

-Faculty Merit Pay
-Performance Evaluation of Faculty

Recommended changes to this policy were shared with Faculty Senate and with the Chairs Forum

Reviewers:

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

~~Post-tenure Review~~*Performance Evaluation of Faculty*

Original Implementation: August 26, 1997
Last Revision: ~~January 25, 2011~~*July 26, 2016*

~~Purpose~~

~~A faculty member's performance should continue to be evaluated even after receiving tenure. The results of a tenured faculty member's performance evaluation may be used to support personnel decisions relating to commendations, suggestions for improvement, and when required, counseling of a faculty member whose evaluation shows the necessity for a professional development plan designed to address deficits in performance.~~

~~Academic Freedom and Responsibility~~

~~Stephen F. Austin State University (SFA) regards academic freedom as critical to the maintenance of a positive scholastic atmosphere as articulated in Policy 7.3.~~

~~Criteria and Evaluation~~

~~For the purpose of assessing performance of tenured faculty, each academic unit has developed criteria for categories of performance. Tenured faculty in each academic unit shall be evaluated annually for teaching, scholarly/creative activity, and service. Regardless of the criteria used for assessing performance, each evaluation must include the designation of either a satisfactory or unsatisfactory rating.~~

~~If a faculty member receives a satisfactory administrative evaluation, the evaluation process is concluded for that year; the faculty member may then be considered for merit and/or promotion.~~

~~One unsatisfactory administrative evaluation shall result in a consultation with the academic unit chair/director. If a tenured faculty member receives two unsatisfactory administrative evaluations within any three-year period, a comprehensive professional review will be initiated.~~

~~Professional Review and Development Plan~~

~~The purpose of the professional review is to identify and place on record the deficiencies in performance and to formulate a specific professional development plan aimed at addressing the deficiencies. The academic unit chair/director shall notify the faculty member that a professional review will be initiated, and will inform the individual of the procedures for the review. The faculty member can request that the review process be conducted by the academic unit chair/director or through peer review.~~

~~The reviewer(s) shall consider the two previous unsatisfactory evaluations of the faculty member and recommend a specific development plan to the academic unit chair/director within sixty days. The development plan will specify the deficiencies that are being addressed and what steps the faculty member needs to take to remediate the performance deficiencies according to a timeline.~~

~~The final development plan should be the collaborative effort of the faculty member, and the academic unit chair/director and dean, and should seek to benefit both the faculty member and the university. It is expected that all parties involved in the process of implementing a specific development plan will work in good faith. The annual evaluation process prescribed in Policy 7.6 is suspended while a faculty member is under professional review.~~

~~All professional development plans are formed to address specific situations and may vary from one plan to another. However, each professional development plan should include the following:~~

- ~~specific deficiencies to be addressed in the plan;~~
- ~~specific objectives needed to remediate the named deficiencies;~~
- ~~a list of activities to be carried out to achieve the required outcomes of the professional development plan;~~
- ~~a schedule of deadlines for completing the activities;~~
- ~~criteria that will be used to assess progress; and,~~
- ~~a plan for periodic documented assessment to be conducted at least annually.~~

~~Assessment documentation must include a statement of progress prepared by the faculty member and a formal written response by the reviewer(s). The university will provide reasonable support for the professional development plans within available resources. At the completion of the schedule stated in the plan, the academic unit chair/director will make a final report to the faculty member, the review committee, and the dean. If the academic unit chair/director and the dean agree that the faculty member has successfully completed the development plan, then the faculty member will be notified of the outcome. If the academic unit chair/director and dean determine that the faculty member has failed to meet the objectives of the professional development plan, dismissal proceedings may be initiated under Policy 7.29. Failure to adhere to the professional development plan is considered grounds for dismissal.~~

~~Appeal~~

~~At any point in the process a faculty member may enter an appeal under university grievance procedures. A faculty member subject to termination on the basis of evaluations conducted under this policy will receive specific written reasons for the terminations 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 appeal procedures are exhausted.~~

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 EVALUTION 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, then he/she 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~~ed~~ 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~~e~~ 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~~ed~~ 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 P~~ad~~AD, 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); ~~Administrative Evaluation of Faculty Performance and Consideration for Merit Pay (7.6);~~ *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

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: 7/16/2013

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

Purpose of Policy (what does it do): Describes the process for applicants and employees to request accommodations for 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 <u>each</u> substantive revision: No substantive changes being recommended.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

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

Reasonable Workplace Accommodation for Disabilities

Original Implementation: April 20, 2004
Last Revision: ~~July 16, 2013~~*July 26, 2016*

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 the Texas Commission on Human Rights Act, which does not constitute an undue hardship to the university. 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 designee will be responsible for overseeing the reasonable workplace accommodation policy and procedures to ensure compliance.

Definitions:

- Disability: Any employee having a known mental or physical impairment that substantially limits one or more major life activities of that individual; a record of such an impairment; or being regarded as having such an impairment.
- Qualified Individual with a Disability: 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 Accommodation: 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; 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.
- Undue Hardship: Accommodation requests may be disapproved based on the impact on operations and business, the cost factors involved, and the effect on the safety of the requestor or other individuals.

Procedures for requesting a reasonable workplace accommodation:

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 designee.

The employee shall provide to the director of human resources or their 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 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 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 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 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 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 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 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 ~~and General Counsel~~

Forms: None

Board Committee Assignment: Academic and Student Affairs

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: 7/25/2015

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): This policy contains policy statements and procedure with regard to sexual misconduct

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 <u>each</u> substantive revision: The policy has been revised to reflect the university's procedure for when a conflict of interest presents itself during the adjudication of a complaint. Additionally, the previous procedure whereby both parties would be subject to an automatic "pre-appeal" has been modified to reflect a standard appeal procedure. The university will utilize a panel of trained deputy coordinators or investigators to review the appeal, rather than the Title IX coordinator managing this responsibility on his/her own.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Damon Derrick, Steve Westbrook, Michael Walker, Adam Peck, Glenda Herrington

Sexual Misconduct

Original Implementation: July 27, 2015
Last Revision: ~~None~~ *July 26, 2016*

1. General Policy Statement

Stephen F. Austin State University (university) is committed to maintaining a learning and working environment that is free from *sex* discrimination~~ based on sex~~. Sexual misconduct is a form of sex discrimination and will not be tolerated. ~~As stated in the definition, sexual misconduct includes sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence.~~ Individuals who engage in sexual misconduct ~~and other inappropriate sexual conduct~~ will be subject to disciplinary action.

1.1 The university will take prompt disciplinary action against any individuals or organizations within its control who violate this ~~Policy~~*policy*. The university encourages any student, faculty, staff or visitor to promptly report violations of this policy to an individual identified in Section 3.2.

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 the complainant's education or employment with the university. It also applies regardless of the gender, gender identity or sexual orientation of the complainant or the respondent. In addition, it applies whether the complaint was made by or against a third party, and whether the complaint was made verbally or in writing.

3. Filing a Complaint and Reporting Violations

3.1 All Members of the University Community, Third Party and Anonymous Complaints. All administrators, faculty, staff, students, and third parties are strongly encouraged to immediately report any incidents of sexual misconduct and other inappropriate sexual conduct to the Title IX coordinator or deputy coordinators.

a. Anonymity
Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication with the Title IX coordinator or a deputy coordinator; however, electing to remain anonymous may greatly 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

complaint or participating in an investigation is prohibited as outlined in Section 8.1 of this policy.

b. Confidentiality
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 request for confidentiality. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section 3.5.

c. Timeliness of Complaint
Complaints should be reported as soon as possible after the complainant 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.

3.2 Responsible Employees

Incidents of sexual misconduct ~~(including sexual harassment and sexual violence) and other inappropriate sexual conduct~~ may also be reported to responsible employees. A responsible employee 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 employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.5.[1] Responsible employees can find contact information for the Title IX coordinator and deputy coordinators at the following website: ~~www.sfasu.edu/titleIX~~*www.sfasu.edu/lumberjacks-care*.

3.3 Reporting to Law Enforcement

Complaints of sexual misconduct may also be made to the Stephen F. Austin State University Police Department 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. The Title IX deputy coordinators can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the University Police Department.

[1] For example, a student may make a complaint to an employee in the Office of the Dean of Student Affairs, a faculty member or ~~university police~~*residence life staff*. Each of these individuals is considered a responsible employee and accordingly each is obligated to report the complaint to the Title IX coordinator or other appropriate designee.

If a complaint of sexual misconduct is reported to the University Police Department, it shall advise the complainant of his or her right to file a complaint 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 complaint, and provide the Title IX coordinator or the individual investigating the complaint access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation.

3.4 Reporting to Outside Entities

An individual wishing to make a complaint 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 ~~Health and Human Services~~*Education*
~~1301 Young Street, Suite 1169~~*1999 Bryan St., Suite 1620*
Dallas, TX ~~7520~~*75201*
Phone: (~~800~~*214*) ~~537-7697~~*661-9600*
FAX: (214) ~~767-0432~~*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
~~1201 Louisiana St., 6th Floor~~*1919 Smith St., 6th Floor*
Houston, TX 77002
Phone: (800) 669-4000
FAX: (713) 651-4987

Texas Workforce Commission
Civil Rights Division
101 E 15th St., Rm 144-T
Austin, TX 78778
Phone: (888) 452-4778

3.5 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 victim, without the victim's permission. These parties are required to submit non-personally identifiable reports so that statistical reports can be accurately produced. Thus, students may discuss an incident with a counselor in the SFA Counseling Center or a health care provider in the Student

Health Clinic without concern that the incident will be reported to the Title IX coordinator. Employees may seek assistance from 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* ~~The~~ university and community resources that provide such confidential services *can be found on the following website:* ~~are www.sfasu.edu/titleIX~~*www.sfasu.edu/lumberjacks-care*.

3.6 Immunity

In an effort to encourage reporting of sexual misconduct, the university may grant immunity from disciplinary action to a person who voluntarily initiates a report of sexual misconduct or assists a complainant, if that person acts in good faith in reporting a complaint or participating in an investigation. This immunity does not extend to the person's own violations of this policy.

3.7 Title IX Coordinator and Deputy 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 and its implementing regulations, including the investigation of Title IX complaints.

Contact information for the Title IX Coordinator and Deputy Coordinators is outlined below. This information is subject to change. The most updated contact ~~Detailed~~ information ~~about~~ *for* the Title IX coordinator and deputy coordinators can be found at ~~www.sfasu.edu/titleIX~~*www.sfasu.edu/lumberjacks-care*.

The SFA Title IX coordinator is the ~~Vice President for University Affairs~~*Assistant Dean of Student Affairs for Support Services*
~~Austin~~ *Rusk* Building, ~~Suite~~ *Room 301*~~4~~ | ~~swestbrook~~*titleIX*@sfasu.edu | (936) 468-~~2701~~ *8292*

Deputy Title IX coordinator for Students is the *Assistant* Dean of Student Affairs *for Programming*
~~Suite 3.302~~ Baker Pattillo Student Center, *Suite 3.302* | ~~peckae~~*titleIXstudents*@sfasu.edu | (936) 468-7249

Deputy Title IX coordinator for Faculty, Staff, and Third Parties is the Director of Human Resources
Austin Building, Suite 201 | ~~gherrington~~*titleIXemployees*@sfasu.edu | (936) 468-2304

Deputy Title IX coordinator for Athletics is the Senior Woman Administrator, SFA *Intercollegiate* Athletics
SFA Athletic Fieldhouse | ~~lmccary~~*titleIXathletics*@sfasu.edu | (936) 468-3751

Deputy Title IX coordinator for the SFA Charter School is the CEO/Principal

SFA Charter School | 2428 Raguet Street | ~~lhagan~~*titleIXcharter*@sfasu.edu | (936) 468-5899

4. Parties' Rights Regarding Confidentiality

The university has great respect for the privacy of the parties in a complaint. Under federal law, however, Responsible employees who receive a report of sexual misconduct must share that information with the Title IX coordinator and/or a deputy coordinator. Those individuals may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the complainant's request for confidentiality.

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. 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 to a report of sexual misconduct.

5. Victim Resources~~.~~

5.1 Immediate Assistance

SFA Counseling 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

A. Healthcare
An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately.

B. Police Assistance

The university encourages individuals who have experienced sexual misconduct to make a report to the police. It is important to note that a police department's geographic jurisdiction depends on where the sexual misconduct occurred. If the incident occurred on the university campus, 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 a protective order.

Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to 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 assailant ~~was~~ *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 Services

A person who has experienced sexual violence is strongly encouraged to seek medical and psychological care even if he or she 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.

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 Center.

Students desiring counseling should contact:

SFA Counseling Center
(936) 468-2401

Faculty and staff should contact:

Family Crisis Center of East Texas
(936) 468-7233

5.2 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 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 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 complainant while an investigation is pending.

6. Intake Procedures and Protocol

6.1 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. The Title IX coordinator is responsible for leading the administrative investigation of reports of 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 coordinators.

Any member of the university community may contact the Title IX coordinator or a deputy coordinator with questions.

B. Investigators

The Title IX coordinator will ensure that complaints are properly investigated under this policy. The Title IX coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this policy.

6.2 Assessment of Complaint

The Title IX coordinator or designee will conduct a preliminary assessment of the complaint and determine whether a formal resolution or an informal resolution should occur.

6.3 Notification to Complainant of University Offices Offering Assistance

After receiving a complaint, the Title IX coordinator or deputy coordinator shall inform the complainant of available resources and assistance.

6.4 Informal Resolution of Certain Sexual ~~Harassment~~ *Misconduct* Complaints. (OPTIONAL)

Informal resolution may be appropriate:

(a) With a complaint not involving sexual 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 in informally resolving the alleged sexual ~~harassment~~*misconduct*. Assistance may include, depending on the complaint, providing the complainant with strategies for communicating with the offending party that his or her behavior is unwelcomed and should cease, directing a university official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, the university may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct. A complainant may end this informal process at any time and proceed with a formal complaint.

Timeframe

Informal resolutions should be completed no later than 10 business days after the Title IX coordinator receives the request for 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 ~~and record~~ informal resolutions. The Title IX coordinator will retain the documentation. If the ~~individual's~~ *complainant* wish*es* to remain anonymous, ~~limits~~ the university's ability to establish facts and eliminate the ~~potential~~ *alleged* ~~harassment~~*misconduct will be limited*~~,~~. ~~t~~*T*he university will attempt to find the right balance between the ~~individual's~~ *complainant's* desire for privacy and confidentiality and its responsibility to provide an environment free of sexual ~~harassment~~*misconduct*.

6.5 Formal Complaint and Investigation

Formal Complaint

To begin the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person 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 documents or information that is relevant to the complaint. The university may initiate an investigation regardless of the manner in which a complaint is received, however a detailed written complaint may enhance the investigation. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be after the initial interview and ask the complainant to verify that statement.

Investigation *and Finding(s)*

A. An investigator will be assigned to investigate the complaint.

B. As part of the investigation process, the complainant and the respondent will be provided notice of the complaint and be allowed five (5) business days to respond in writing. *If the complainant or 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 complaint, such individual should describe and provide the evidence for the conflict of interest or bias in their response. Substantiated conflicts of interest or other bias will be handled in accordance with Section 7.3 of this policy.*

C. As part of their response, the complainant and the respondent may present any document or information that is believed to be relevant to the complaint.

D. Persons thought to have information relevant to the complaint will be interviewed~~,~~ and those interviews will be appropriately documented. Both the respondent and the complainant may recommend witnesses for interview and suggest questions that should be asked. Neither the complainant nor the 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. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. The complainant, respondent, and Title IX coordinator should be provided updates on the progress of the investigation and issuance of the report. In investigations exceeding 60 calendar days, a

justification for the delay will be presented by the investigator to the Title IX coordinator.

F. After the investigation is complete, a written report[2] will be issued to the Title IX coordinator and the appropriate administrator. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty, employee, or third party). The report shall include a summary of the complaint and investigation, factual findings and a ~~preliminary~~ conclusion ~~of~~ *regarding* whether a policy violation occurred (based on a "preponderance of the evidence" standard).

G. After the written report is completed, the complainant and respondent *shall be informed concurrently in writing of the finding(s). Each* will be allowed to inspect the report or, at the university's discretion, provided letters summarizing the findings in the report in keeping with FERPA and Texas Education Code, Section 51.971 to the extent applicable. ~~If a letter is provided, it will contain enough detail to allow the complainant and respondent to comment on the adequacy of the investigation. Each will have five (5) business days from the date the report/letter is issued via e-mail to each party to submit written comments regarding the investigation to the Title IX coordinator.~~

H. *If the respondent is found responsible for violation of this policy, after the appeal process in Section 6.6 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 respondent (i.e. student, faculty, or employee).*

6.6 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) to the Title IX coordinator. Appeals should be in writing and must include: the appealing party's name, university identification number (if applicable), and the grounds for the appeal. 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;

[2] Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971, to the extent applicable.

(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 (2) business days to file a response to the appeal.

Appeals will be reviewed ~~W~~*w*ithin ~~five~~ *seven* (~~5~~*7*) business days after ~~the deadline for receipt of comments from the complainant and respondent~~*being received*~~,~~. ~~t~~*T*he Title IX coordinator *will submit all appeal materials to an appeal panel consisting of three (3) members from a pool of trained individuals, typically deputy Title IX coordinators or investigators not affiliated with the matter. The appeal panel may:* ~~or his or her designee will:~~

(a) Affirm or uphold the determination~~(1)~~

(b) ~~request~~ *Request* further investigation into the complaint; *or*~~(2)~~

~~(a)~~*(c)* ~~dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or (3) find that the policy was violated. A decision that the policy was violated shall be based on the record~~*Take such other action as may be warranted under the circumstances.*.

The complainant and the respondent shall be informed concurrently in writing of the decision.

~~If the Title IX coordinator or designee determines that the policy was violated, the matter will be referred to the appropriate administrator who will impose disciplinary action or sanction(s) in accordance with the applicable policies and procedures dependent on the status of the respondent (i.e., student, faculty or employee).~~

6.~~6~~*7* Standard of Proof

All investigations under this policy will use the preponderance of the evidence standard to determine violations of this policy.

6.~~7~~ *8* Timelines

Barring any unforeseen and reasonable delays, the university will endeavor to resolve complaints under this policy no later than *sixty (*60*)* calendar days after the initial report was received by the responsible employee. If the investigation and resolution exceeds *sixty (*60*)* calendar days, the university will notify all 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 complainant regarding his/her rights, procedural options, the status of the investigation, and the implementation of interim measures to ensure his/her safety and well-being. The university will also communicate with the respondent regarding his/her rights, procedural options and information regarding the status of the investigation. 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 complaints of sexual misconduct.

The filing of a complaint under this policy does not excuse the 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 complaint.

6.~~8~~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 complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

(a) Imposing sanctions against the respondent, including attending training, suspension, termination or expulsion;
(b) Ensuring the complainant and respondent do not share classes, working environments or extracurricular activities;
(c) Making modifications to the on campus living arrangements of the respondent or complainant (if the complainant requests to be moved);
(d) Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
(e) Providing the complainant extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
(f) Determining whether sexual misconduct adversely affected the 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 sexual misconduct created a hostile environment in a residence hall or department, fraternity or sorority, 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 complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the 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.

6.~~9~~ *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 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 advisor representation. Further, the standard of proof in determining the outcome will be the "preponderance of the evidence," as defined in this policy.

7. Provisions Applicable to the Investigation

7.1 Assistance

During the investigation process, a complainant or respondent may be assisted by an advisor of their choosing, however, the advisor may not actively represent the complainant or respondent in any meeting or interview. Failure to abide by this policy may result in the advisor being dismissed from the meeting or interview.

7.42 Documentation

The university shall document complaints and their resolution and retain copies of all materials in accordance with state and federal records laws and university policy.

7.3 Conflicts of Interest

In the event a conflict of interest (or related bias) exists between a complainant/respondent and a university official responsible for any part of the investigation or disposition of the complaint, 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.

8. Additional Conduct Violations

8.1 Retaliation

Any administrator, faculty member, student or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint under this policy, participated in an investigation or disciplinary process of such a complaint, or opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the university.

8.2 False Complaints

A charge of filing a false complaint may be made by the university against any person who knowingly and intentionally files a false complaint under this policy. An individual found responsible is subject to disciplinary action up to and including dismissal or separation from the university. A finding of non-responsibility does not indicate a report was false.

8.3 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.

8.4 No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint

The filing of a complaint under this policy will not stop or delay any action unrelated to the complaint, 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.

9. Dissemination of Policy and Educational Programs

9.1 This policy will be made available to the university community online at www.sfasu.edu/policies and in university publications. Periodic notices will be sent to university administrators, faculty, staff and students about the university's sexual misconduct policy. The notice will include information about sexual misconduct, including the complaint 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.

9.2 Ongoing Sexual Misconduct Training

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.

9.3 Training of Coordinators and Investigators

All Title IX coordinators, deputy coordinators, investigators, and those with authority over the administration of this policy shall receive training each academic year on the elements of this policy.

10. 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 coordinators, explain which offenses are prohibited and where to report violations of this policy, provide information regarding victim resources, and provide a link to this policy and other related university websites.

11. Definitions and Examples[3]

Consent – A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.[4]

Dating Violence[5] – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

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[3] 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.

[4] Texas Penal Code, Section 22.011(b) states that a sexual assault is without 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 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 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.

[5] Dating Violence is defined by the Texas 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

The existence of such a relationship shall be determined by the victim 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.

Dating 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[6] – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim 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-based harassment is sufficiently severe or pervasive 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 hostile environment can be created by anyone involved in a university's program or activity (e.g., administrators, faculty members, employees, students, and university visitors).

(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.

(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 Dating Violence.

[6] 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 violence, as that term is defined by Section 71.0021.

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.

In determining whether sex-based harassment has created a hostile environment, the university considers the conduct in question from both a subjective and objective perspective. 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 hostile environment, 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 hostile environment exists for an individual or individuals, the university considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

First Amendment Considerations: This policy does not impair the exercise of rights protected under the First Amendment. The university's sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the university applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

Incapacitation – A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

Intimidation – Unlawfully 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 victim to actual physical attack.

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, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.5. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to responsible employees.

Retaliation – Any adverse action threatened or taken against someone *because* the individual has filed, supported, provided information in connection with a complaint of sexual misconduct or engaged in other legally protected activities. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, witness or third party.

Sexual Assault[7] – An offense that meets the definition of rape, fondling, incest, or statutory 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 victim.
b) *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her 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 consent.

Sexual Exploitation – Occurs when an individual takes non-consensual or abusive sexual advantage of another for 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 non-consenting students/groups; and any activity that goes beyond

[7] 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 consent; or
b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
c) Causing the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) 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, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, 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 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 discrimination that includes:

a) Sexual violence, sexual assault, stalking, domestic violence and dating violence 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.

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.

Sexual Violence – Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.

Stalking[8] – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition--

a) 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.
b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Cross Reference: Faculty Code of Conduct (7.11); Faculty Disagreements (7.25); Tenure (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; Tex. Lab. Code Ch. 21; Tex. Penal Code § 39.03; Pub. L. 88-352; Pub. L. 102-166; Pub. L. 110-233

Responsible for Implementation: President

Contact for Revision: Title IX Coordinator

Forms: Complaint Form, *Appeal Form*

Board Committee Assignment: Academic and Student Affairs

[8] 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.

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: 7/28/2015

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

Specific rationale for <u>each</u> substantive revision: Minor updates, including changes to reflect previous modifications to other university policies.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Dr. Peggy Scott, Director of Student Rights and Responsibilities
Dr. Michael Walker, Assistant Dean of Student Affairs
Dr. Adam Peck, Dean of Student Affairs
Dr. Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel

Student Code of Conduct

Original Implementation: January, 1998
Last Revision: ~~July 28, 2015~~*July 26, 2016*

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.

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.
6. The term "respondent" means any student accused of violating this Student Code of Conduct.
7. The term "complainant" means any person who submits a charge alleging a student has violated this Student Code of Conduct.
8. 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 complainant, the complainant will have the same access to due process as the respondent.

9. 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.
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.
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.
12. The term “advisor” means an individual accompanying a respondent or a complainant in a student conduct hearing. An advisor may not participate in the hearing in any capacity other than providing advice to the student they are accompanying.
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.
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.
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.
16. The term “university official” includes any person employed by the university while in the act of performing assigned responsibilities.
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.
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).
19. The term “organization” means any number of students who have met as a group, whether as a registered student organization or not.
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.
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.
22. The term “interim suspension” refers to the suspension of a student after notice but prior to a student conduct hearing.
23. The term “shall” is used in the imperative sense.
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 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 ~~breech~~ *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.
    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 (Computer and Network Security), 9.3 (Digital Millennium Copyright), or 9.1 (Computing Software Copyright). Examples of prohibited acts in these policies include:

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 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 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 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 Student Conduct Code and Residence Life Community Living Guidelines may be secured to all students and that the disciplinary procedures within Stephen F. Austin State University shall be definite and determinable.

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 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, limited involvement by the complainant 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 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. The investigator will interview the complainant, the accused 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 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 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 o r 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

When a hearing is held with a student 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 (five minutes)
c. Opening statement by the respondent if the respondent chooses (five minutes)
d. Presentation of witnesses and evidence by complainant
e. Presentation of witnesses and evidence by respondent
f. Closing statement by the complainant (five minutes)
g. Closing statement by the respondent if the respondent choses (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 closing statement, the student conduct administrator, the complainant, 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 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 will receive the notice of the hearing.
b. Both the respondent and the 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 complainant have the right to have an advisor present.
d. Both the respondent and the complainant may ask for a continuance.
e. Both the respondent and the 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 will have the right to testify or refuse to testify.
g. Both the respondent and the 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 to testify and respond to questions and cross-examinations without face-to-face contact with the respondent.
h. Both the respondent and the complainant 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 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 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 Complainants 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 complainant's input may be sought during the disciplinary process, the ultimate disposition of the case rests with the university. If a 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 complainant.

During the course of a disciplinary proceeding, a 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. 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.

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, ~~or~~ 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: *Fraud (2.7);* Discrimination Complaints (2.11); Sexual Misconduct (2.13); Student Academic Dishonesty (4.1); *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); ~~Computing Software Copyright (9.1); Digital Millennium Copyright (9.3); Fraud (2.7); Hazing (10.3);~~ Illicit Drugs and Alcohol Abuse (13.11); ~~Students Displaying Serious Psychological Problems (10.13)~~*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

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: 10/22/2012

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

Purpose of Policy (what does it do): Guides process for responding to students who display serious psychological problems

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 <u>each</u> substantive revision: Added a general policy statement at the beginning to provide context and alignment with other policy formats. This did not provide substantive change. Other changes are minor clarifications, title updates to mirror related policies and/or editing corrections.

Specific rationale for deletion of policy:

Additional Comments:

Reviewed by:

Dr. Michael Walker, Assistant Dean of Student Affairs
Dr. Adam Peck, AVP and Dean of Student Affairs
Dr. Steve Westbrook, Vice President for University Affairs
Damon Derrick, General Counsel

Students Displaying Serious Psychological Problems

Original Implementation: October 12, 1982
Last Revision: ~~October 22, 2012~~*July 26, 2016*

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 ~~a~~ further deterioration of the behavior could *result in significant disruptive behavior and/or become dangerous to* ~~lead to physical harm or danger to~~ any member of the university community~~y or continues to display significant disruptive behavior~~. Examples of non-emergency situations ~~are~~*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 ~~Student Affairs and Academic Affairs~~ *university* professionals~~ including qualified medical and mental health providers~~ who review *and evaluate reported studen~~t beh~~avioral* each situation*s that are~~ ~~concerning on a case-~~by-case basis 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 nat~~ure of the situation. The dean of students chairs the team. The assistant dean of students for support services or the director of student rights~~ also convene meetings of the team.

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 ~~the~~ *a* ~~judicial~~ *student conduct* ~~officer~~*authority*, the assistant dean of student affairs for support services, *the* ADA coordinator, a staff counselor from Counseling Services, and a ~~staff~~ physician from the Student Health Center acting as chair. ~~The counselor and physician are appointed by their respective department directors.~~ 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*
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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 ~~the~~ *a* ~~judicial~~ *student conduct authority* ~~officer~~ as soon as is reasonably possible *after responding to the reported incident*. The ~~judicial~~ *student conduct authority*~~officer~~, 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* ~~judicial~~ *authority* ~~officer~~ 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 *with*in the letter, the student will be informed of the*ir* 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* ~~judicial~~ *authority* ~~officer~~ 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* ~~judicial~~ *authority* ~~officer~~ 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* ~~judicial~~ *authority* ~~officer~~ 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* ~~judicial~~ *authority* ~~officer~~ 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* ~~judicial officer~~ who may continue under non-emergency procedures.

Non-Emergency Procedures

A student conduct authority ~~judicial officer~~ 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* ~~judicial officer~~ 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* ~~judicial officer~~ as soon as is reasonably possible for an initial meeting. At this meeting, *student conduct authority* ~~the judicial officer~~ 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* ~~judicial officer~~ 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* ~~judicial officer~~ 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* ~~judicial officer~~ will assist the student in making the necessary referrals. If the student's condition is drug or alcohol related, the *student conduct authority* ~~judicial officer~~ 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*~~judicial officer~~, be handled through the regular disciplinary procedures outlined in the Student Conduct Code (10.4)~~ and Student Discipline (10.5) policies~~.
- The student's condition and behavior is found to require no action.

Behavior Intervention Team

~~When~~*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 polices 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* ~~judicial officer~~ 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 ~~will have~~*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*~~judicial officer~~ 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* ~~judicial officer~~ 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*~~judicial officer~~. 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* ~~judicial officer~~ 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 ~~Code~~ (10.4)~~;~~ ~~Student Discipline (10.5)~~

Responsible for Implementation: Vice President for University Affairs

Contact For Revision: Dean of Student Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs

POLICY SUMMARY FORM

Policy Name: Tenure

Policy Number: 7.29

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

Date of last revision, if applicable: 10/18/2011

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

Purpose of Policy (what does it do): establishes processes for applying for tenure, for the annual continuation of employment, and for revoking tenure for full-time 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 <u>each</u> substantive revision: (1) Many of the changes make this policy consistent with other policies critical to faculty--promotion, merit awards, post-tenure review; effort was made to make the language consistent and the steps of the processes consistent; effort was made to make more explicit the expectations related to tenure and to revoking tenure; efforts were made to clarify and simplify the language, the descriptions, and the explanations; (2) II.B. was inserted to clarify that reappointment is not guaranteed and is determined by the appropriate academic administrators--the academic unit head, the dean, and the provost and vice president for academic affairs according to the guidelines provided.

Specific rationale for deletion of policy:

Additional Comments:

Recommend that the following policies be reviewed on the same cycle:
-Promotion
-Tenure and Continuing Employment
-Faculty Merit Pay
-Performance Evaluation of Faculty

Recommended changes to this policy were shared with Faculty Senate and with the Chairs Forum.

Reviewers:

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

Tenure *and Continued Employment*

Original Implementation: April 27, 1970 and April 3, 1979
Last Revision: ~~October 18, 2011~~*July 26, 2016*

Tenure may be awarded according to established procedures after an appropriate probationary period, or when an individual who already has tenure at another institution is hired for a senior-level position. *Tenure is only awarded after candidates successfully demonstrate that they have met or exceeded performance standards in teaching, research/scholarly/creative accomplishments, and service as established by the academic unit.* ~~Tenure is awarded when the candidate successfully demonstrates meritorious performance in teaching, research/scholarly/creative accomplishment and service.~~ Extensions of employment beyond the probationary period should not be construed as entitlement to tenure.

Tenure is only granted as prescribed in this policy. Tenure ~~shall~~*will* normally be restricted to full-time faculty members who have earned the highest academic degree customarily awarded in their field of study. Exceptions may be granted by the provost and vice president for academic affairs.

This policy establishes procedures to be used for tenure in all academic units of the university. *Academic units are responsible for establishing rigorous standards for teaching, research/scholarly/creative accomplishments and service for use in decisions regarding tenure. Unit standards must be approved by the dean and by the provost and vice president for academic affairs.*~~Each college and the library shall also establish their own policies and procedures that are consistent with this policy. Academic units and the library are responsible for establishing standards of excellence in teaching, research/scholarship/creative work and service for use in decisions regarding tenure, as well as promotion and merit~~.

I. General Provisions
   A. Definitions
      1. "Tenure" is a status that may be earned by faculty members and librarians who hold academic rank as defined in policy 7.2, Academic Appointments and Titles. Tenure allows these personnel to continue in their positions, unless dismissed for good cause, circumstances of exigency, or discontinuance of a program or academic unit.
      2. "Academic unit" normally refers to a subdivision of a college, but can also refer to the library.
      3. "Academic unit ~~chair/director~~*head*" is the administrator immediately responsible for the academic unit.
      4. "Tenure review portfolio" (referred to hereafter as the portfolio) is a set of verifiable materials demonstrating evidence of a candidate's credentials and suitability for tenure. The portfolio should contain a succinct, relevant, substantive and cumulative record of a candidate's performance during the

probationary review period at Stephen F. Austin State University (SFA); for senior-level *and administrative* positions, the portfolio will consist of materials requested by the provost and vice president for academic affairs.

5. "Academic year" as used in this policy ~~shall be~~*is* the full nine-month period from September through May.

~~5.~~*6. "Rigorous standards" are a set of verifiable standards developed by tenured faculty in the academic unit and are subject to approval by the dean and the provost and vice president for academic affairs. Standards for tenure may be distinct from standards for promotion.*

B. Tenure Policy Principles

1. Recommendations for granting or denying tenure ~~shall~~*will* be based on a verifiable record of performance.

2. Recommendations and decisions on tenure will not discriminate on any basis prohibited by law or policy.

3. The required content of the portfolio and the academic unit ~~criteria~~ *standards* ~~shall~~*will* be available to the candidate and the reviewers.

~~2.~~*4. The tenure policy and guidelines at the time of hire will be used for evaluation and rating during the critical year for tenure as stated in the initial contract letter.*

~~3.~~*5.* The portfolio*s* of all candidates within a given academic unit should conform to the same criteria, although variation related to the nature of the candidate's activity is expected.

6. ~~Tenure~~ *Review committees must consistently follow tenure* procedures ~~must be applied consistently to~~ *when evaluating* all candidates within a college.

7. Each critical area—teaching, research/scholarly/creative accomplishment, and service—must be evaluated and rated separately and will include criteria addressing collegiality. An overall tenure rating must also be provided.

8. At a minimum, the rating system must include two levels—satisfactory/meets expectations and unsatisfactory/does not meet expectations.

~~4.~~*9.* Each person in the review process has a professional responsibility to treat information that evaluates another's work as confidential unless otherwise required by law.

~~5.~~*10.* ~~Unconfirmed allegations~~ *Allegations* of misconduct made against a candidate during the tenure review process ~~shall~~*will* not be considered by the reviewers. ~~(but C~~*c*onfirmed professional misconduct that occurred during the probationary period is a valid consideration.

II. Appointments

A. With the exception of special appointments clearly limited to a brief association with the university and reappointments of retired faculty members on special conditions, all full-time appointments eligible for tenure under Academic Appointments and Titles (7.2) ~~shall~~*will* be either 1) tenured or 2) probationary.

1. Tenured appointments ~~shall~~*will* require that, prior to the appointment, the candidate successfully complete tenure procedures specified in this policy.
2. Probationary appointments are subject to annual renewal at the university's discretion and are made on the basis of several factors.
   a. A probationary faculty member's tenure status and years of credit for probationary service will be specified in the initial appointment letter, along with any conditions.
   b. Beginning with full-time appointment to the rank of instructor or above, the probationary period for a faculty member ~~shall~~*will* not exceed six years, including within this period credit granted for appropriate full-time service in all institutions of higher education*, unless extended as permitted by university policy*.
   c. ~~The portfolio must be submitted in the fall semester of the final year of probationary service, unless permission is granted by the provost and vice president for academic affairs for earlier submission.~~
   d. At the discretion of the provost and vice president for academic affairs, prior full-time service at another university may be counted toward fulfillment of the required probationary period for tenure at SFA. Normally this credited time is no more than two years and must be determined at the time of initial appointment to a tenure-track position.
   e. Leaves of absence for appropriate scholarly reasons specified in Policy ~~E~~ 12.11 will count as part of the probationary period, unless an exception to this provision is agreed to in writing at the time the leave is granted.
   f. Leaves of absence for one semester or more due to health-related issues or military service as specified in Policy 12.11 ~~shall~~*will* not be counted toward fulfillment of the required probationary period, unless an exception to this provision is agreed to in writing at the time the leave is granted.
   g. For purposes of calculating the period of probationary service, an "academic year" ~~shall be~~*is* the full nine-month period from September through May. If a faculty member begins service after September 1, the partial year ~~shall~~*will* not be counted toward fulfillment of the maximum probationary period.
   h. *The portfolio must be submitted in the fall semester of the final year of probationary service, unless permission is granted by the provost and vice president for academic affairs for earlier submission.*
   i. Circumstances may justify adjustment of the probationary period. It is the faculty member's responsibility to provide documentation that demonstrates why an adjustment should be granted. This documentation must be submitted to and approved by the candidate's academic unit ~~chair/director~~*head*, dean and then the provost and vice president for academic affairs.

B. The reappointment of probationary faculty will be determined by the appropriate

academic administrators.

~~B.~~*C.* Notice of reappointment will be in writing and will specify the probationary faculty member's tenure status, years of credit for probationary service and any special conditions. Any special conditions contained in the initial appointment letter will continue to be in effect until expressly revoked *by the provost and vice president for academic affairs,* regardless of whether such special conditions were re-published in the annual contract letter.

~~C.~~*D.* Notice of non-reappointment, or of intention not to reappoint a faculty member, will be provided in writing according to ~~a~~ *the following* ~~prescribed~~ schedule. Non-reappointment may be made for any lawful reason or no reason.

1. During the first year of probationary service, notice will be provided no later than March 1 *and termination will occur at the end of that year's contract*.
2. During the second year of probationary service, notice will be provided no later than December 15 *and termination will occur at the end of that year's contract*.
3. During subsequent years of a probationary appointment, the faculty member will be notified no later than August 31 that a terminal contract will be offered for the next ~~full~~ academic year.

III. Pre-tenure Reviews

A. Each college and its academic units ~~shall~~*will* establish a pre-tenure review process that is approved by the dean and the provost and vice president for academic affairs. ~~and c~~*C*opies must be filed in the offices of the provost and vice president for academic affairs and the general counsel. Each faculty member's progress toward tenure ~~shall~~*will* be formally reviewed at least once during the probationary period. The process must allow all tenured faculty members at the academic unit level, the academic unit ~~chair/director~~*head*, elected tenured faculty (one from each academic unit) at the college level, ~~and~~ the dean, *and the provost and vice president for academic affairs* to review probationary faculty materials. The candidate ~~shall~~*will* receive written feedback that includes strengths and weaknesses (with recommendations for addressing any weaknesses), a statement indicating whether the candidate is progressing satisfactorily toward tenure, and ~~a recommendation~~*specific expectations* concerning the continuation of appointment. At a minimum, pre-tenure reviews must be conducted according to the following schedule:

1. Faculty fulfilling a six-year or five-year probationary period must be reviewed in the third year of probationary service.
2. Faculty fulfilling a four-year or three-year probationary period must be reviewed in the second year of probationary service.

B. *Failure to submit the pre-tenure portfolio will result in a terminal contract for the following academic year*.

~~C. A college or academic unit may develop a mentoring system to assist probationary faculty in their professional development.~~

IV. Tenure Reviews

A. *The academic unit, with approval of the dean and the provost and vice president for academic affairs, will establish tenure standards for teaching, research/scholarly/creative accomplishments and service.* Each college and its academic units ~~shall~~*will also* establish a tenure review process that is approved by the dean and the provost and vice president for academic affairs.

1. *C*opies must be filed in the offices of the provost and vice president for academic affairs and the general counsel.

2. The process must allow all tenured faculty members at the academic unit level, the academic unit ~~chair/director~~*head,* elected tenured faculty (one from each academic unit) at the college level, and the dean to review probationary faculty materials.

3. *Academic unit heads and deans may consider other pertinent information during the review process. All candidates for tenure will be evaluated based upon standards in place as of the candidate's initial contract letter.*

~~1.~~*4.* *Research/scholarly/creative achievements produced prior to employment at SFA will only count toward fulfilling an academic unit scholarship requirement for tenure if recommended by the unit head and dean in the initial hiring contract and approved by the provost and vice president for academic affairs.* ~~The academic unit, with approval of the dean and the provost and vice president for academic affairs, shall establish tenure criteria for teaching, research/scholarly/creative accomplishments and service.~~

B. During the academic year prior to the year of the tenure review, the academic unit ~~chair/director~~*head* ~~shall~~*will* meet with the candidate to discuss the tenure review process including the requirements for preparation of the portfolio, which is due the following fall semester.

1. A candidate must apply for tenure in the final year of probationary service, according to the date specified in the initial contract ~~and/~~or the schedule set by the provost and vice president for academic affairs.
2. Candidates are responsible for preparing and submitting a portfolio that demonstrates how the candidate meets or exceeds the tenure ~~criteria~~*standards*. The portfolio ~~should consist of~~*must contain all* relevant supporting materials, including a table of contents, current vitae, all annual ~~faculty activity~~*performance* reports, all pre-tenure reviews, all administrative evaluations, *all student evaluations while at the university since the candidate's pre-tenure review* and other materials ~~that may be~~ required by the academic unit. The candidate may consult with the academic unit ~~chair/director~~*head* (or dean) in preparation of the portfolio.
3. Faculty members in administrative positions will submit their portfolios to their immediate supervisors who will receive recommendations and supporting

comments from the tenured faculty reviewers at the academic unit and college levels. In all other respects the review process for faculty in administrative positions will be consistent with the approved faculty review process for their college.

4. Faculty members with concurrent appointments in two academic units and/or two colleges will be evaluated by both academic units and/or colleges.

C. The candidate ~~shall~~*will* be notified in writing within five (5) class days after the academic unit ~~chair/director~~*head* completes all recommendations regarding applications for tenure. Within five (5) class days of reviewing the written recommendation and supporting comments, the candidate may attach a letter of response addressing errors of fact in the recommendation. Such a notification and any subsequent response by the candidate will become part of the candidate's portfolio.

D. The candidate ~~shall~~*will* be notified in writing within five (5) class days after the college tenure committee and dean complete all recommendations regarding applications for tenure. Within five (5) class days of reviewing the written recommendation and supporting comments, the candidate may attach a letter of response addressing errors of fact in the recommendation. Such a notification and any subsequent response by the candidate will become part of the candidate's portfolio.

E. The complete portfolio ~~shall~~*will* then be submitted to the provost and vice president for academic affairs for review. The provost and vice president for academic affairs ~~shall~~*will* submit the complete portfolio and a recommendation to the president and notify the candidate of the recommendation.

F. The president ~~shall~~*will* review the complete portfolio and recommendations and any other evidence deemed pertinent as a basis for a recommendation to the Board of Regents.

G. ~~A~~ *The* recommendation ~~by~~ *of* the president ~~for tenure must be approved~~*is then submitted for consideration* by the Board of Regents. Tenure may only be granted by official action of the Board of Regents. Within the next class day following the action of the Board of Regents, each candidate ~~shall~~*will* be notified in writing of the board's action by the provost and vice president for academic affairs.

V. Termination and Non-Renewal of Contracts Procedural Guarantees

A. Tenured or Probationary Faculty with an Unexpired Appointment Extending Beyond the Date of Proposed Dismissal

1. Good cause for the dismissal of a ~~tenured~~ *probationary faculty member whose specified term of employment has not expired,* or ~~probationary faculty member whose specified term of employment has not expired~~*for the revocation of tenure and dismissal of a tenured faculty member*~~,~~ includes but is not limited to: moral turpitude; conviction ~~by trial court~~ of any felony; professional incompetence; substantial neglect of professional responsibilities; finding of sexual harassment/misconduct or discrimination *under policies 2.11 and/or 2.13*; bona

fide financial exigency or phasing out of programs or an academic unit requiring faculty reduction; and physical or mental disability of a continuing nature rendering the faculty member unable to perform professional responsibilities of the position.

2. The burden of proof that good cause exists for dismissal rests with the university. The burden of proof ~~shall~~*will* be by preponderance of the evidence.
3. Dismissal ~~shall~~*will* be preceded by discussion between the faculty member and appropriate administrative officers of the university. If a mutua*lly agreeable* ~~settlement~~ *resolution* cannot be achieved, a written statement of specific charges ~~shall~~*will* be prepared by the president or the president's designee.
4. If a written statement of specific charges is issued, the faculty member has the right to a hearing by a hearing committee of the grievance panel. Notice of the hearing with specific charges in writing ~~shall~~*will* be served at least twenty (20) calendar days prior to the hearing. Hearings should be completed ~~by the end of the semester in which the faculty member has been served with the notice of hearing and specific charges, or by the end of the fall semester if notice is served during the summer~~*without undue delay*. ~~At the faculty member's option, the hearing may be open or closed.~~*The hearing will be private and confidential, to the extent allowed by law, unless the faculty member elects to have a public hearing.*
    a. The hearing committee ~~shall~~*will* be comprised of seven members selected from the grievance panel; three ~~shall~~*will* be selected by the faculty member, three by the president's designee and one by random selection. The faculty member and the university may each challenge the selection of two committee members without stated cause. *In the event the faculty member fails to make his/her selection, the three individuals will be selected at random. If a selected member of the hearing committee deems himself/herself biased, he/she will remove herself/himself and an alternate selection will be made using the same procedure that named the removed committee member.*
    b. The hearing committee ~~shall~~*will* assign members' roles and establish procedures to carry out its responsibilities *in a manner that affords both parties due process and fairness. At a minimum, both parties have the right to appear in person at the scheduled time, present all evidence that is relevant or material to the matter, and introduce and cross-examine witnesses.*
    c. The faculty member may have an advisor present at the hearing; however the advisor may only consult and advise the faculty member and is not permitted to participate in the hearing.
    ~~b.~~*d. At least five (5) calendar days prior to the hearing, the faculty member and president's designee will provide the hearing committee and each other*

with copies of any evidence to be used at the hearing, the names of witnesses to be called, and a summary of each witnesses' expected testimony.

~~c.~~*e.* The hearing committee will not be bound by strict rules of legal evidence and may consider any evidence of probative value. ~~The committee's finding of fact and recommendation will be based solely on the hearing record.~~

~~d.~~*f. The hearing committee, by a majority of its total membership, will make written findings on each charge and recommendations. The findings and recommendations will be based solely on the hearing record.* The hearing committee's *findings,* recommendations, and the basis for ~~it~~ *them* will be communicated in writing to the faculty member and the president. It will be accompanied by a verbatim written record and audio recording of the hearing.

~~e.~~*g.* If the hearing committee concludes that good cause for dismissal has not been established by the evidence in the record and the president rejects the committee's recommendation, the reason for doing so ~~shall~~*will* be stated in writing to the committee and the faculty member. The president will provide a reasonable time for response before presenting the case to the Board of Regents.

5. When it is the president's final judgment to recommend dismissal, the recommendation, a verbatim written record of the hearing, and the report of the hearing committee ~~shall~~*will* be presented to the Board of Regents.

a. If the recommendation of the president for dismissal conflicts with the recommendation of the hearing committee, the Board of Regents will review the case based on the record of the hearing, with opportunity for argument by the faculty member and president's designee.

~~f.~~*b.* If the recommendations of the president and the hearing committee are in accord, the Board of Regents may choose to limit its review to the record of the hearing. The Board of Regents chair will communicate the decision in writing through the president to the chair of the hearing committee and the faculty member.

~~5.~~*6.* Pending action by the Board of Regents, the faculty member may be suspended without pay and immediately removed from the university, or assigned to other duties with pay, if the faculty member: (1) poses a continuing danger to persons or property; (2) disrupts the orderly operation of the university; (3) endangers the education of students; or (4) has been convicted ~~by a trial court~~ of a felony or crime of moral turpitude. In cases of suspension or reassignment, the president ~~shall~~*will* set a hearing before the appropriate administrator or committee on the faculty member's case as soon thereafter as is practical unless otherwise waived by the faculty member.

~~6.~~*7.* Faculty members with tenure subject to termination ~~on the basis of~~ *due to failure*

to successfully complete a plan for assisted development ~~post-tenure review~~shall*will* be given the opportunity for referral of the matter to a nonbinding alternative dispute resolution process as described in Chapter 154, Civil Practice and Remedies Code, or other type of alternative dispute resolution as mutually selected by the faculty member and president or president's designee.

B. Probationary Faculty Whose Contract is Not Renewed

1. A probationary faculty member who has been notified of non-reappointment may appeal *through the proper channels* only on presentation of a prima facie case that constitutional guarantees or academic freedom was violated. Appeals ~~shall~~*will* adhere to the following schedule:
   a. Non-reappointment on or before March 1 during the first year of probationary service must be appealed within 30 days of notification.
   b. Non-reappointment on or before December 15 during the second year of probationary service must be appealed within 60 days of notification.
   c. Non-reappointment during a subsequent year of probationary service must be appealed within 30 days after the beginning of the next fall term.
2. The burden of proof for allegations of abridgement of constitutional guarantees or academic freedom is upon the probationary faculty member. The burden of proof ~~shall~~*will* be by the preponderance of the evidence.
3. A faculty member who alleges abridgement of constitutional guarantees or academic freedom ~~shall~~*will* present evidence to a grievance panel ~~advisory~~ *hearing* committee.
   a. The committee ~~shall~~*will* be comprised of five members selected from the grievance panel; two ~~shall~~*will* be selected by the faculty member, two by the president's designee, and one by ~~lot~~*random selection*. The faculty member and the university may each challenge the selection of one committee member without stated cause. *In the event the faculty member fails to make his/her selection, the two individuals will be selected at random.*
   b. The committee ~~shall~~*will* assign members' roles and establish procedures to carry out its responsibilities.
   c. The faculty member may have an advisor present at the hearing; however the advisor may only consult and advise the faculty member and is not permitted to participate in the hearing.
   d. At least five (5) calendar days prior to the hearing, the faculty member and president's designee will provide the committee and each other with copies of any evidence to be used at the hearing, the names of witnesses to be called, and a summary of each witnesses' expected testimony.
   e. Hearings should be completed without undue delay. The hearing will be private and confidential, to the extent allowed by law, unless the faculty member elects to have a public hearing.

~~b. Hearings should be completed by the end of the semester in which the appeal is~~

~~filed or by the end of the fall semester if an appeal is filed during this summer.~~

4. If the ~~advisory~~ *hearing* committee finds probable cause that there was an abridgement of constitutional guarantees or academic freedom, conferences between the faculty member and appropriate administrative officers of the university will be scheduled. If the conferences fail to achieve a mutual settlement, the faculty member's institutional due process is completed.
5. If the ~~advisory~~ *hearing* committee finds no probable cause that there was an abridgement of constitutional guarantees or academic freedom, the faculty member's institutional due process is completed.
6. A written report of the ~~advisory~~ *hearing* committee's finding will be sent to the president and to the faculty member.

Cross Reference: Academic Appointments and Titles (7.2); Leave of Absence (Faculty *and Staff*) (12.11); Academic Freedom and Responsibility (7.3); ~~Post-Tenure Review~~*Performance Evaluation of Faculty* (7.22); ~~Discrimination Complaints/Sexual Harassment~~*Discrimination Complaints (2.11); Sexual Misconduct* (~~11.5~~*2.13*); ~~Tex. Educ. Code § 51.942(d);~~ *Faculty Code of Conduct (7.11); Authorization for the University President to Suspect Faculty and Staff (11.3); Tex. Educ. Code § 51.942(d)*~~;~~

Responsible for Implementation: President

Contact for Revision: President

Forms: Faculty Activity Report; Administrative Evaluation; Promotion/Tenure Application

Board Committee Assignment: Academic and Student Affairs

POLICY SUMMARY FORM

Policy Name: Transfer Admission and Credits

Policy Number: 6.20

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

Date of last revision, if applicable:

Unit(s) Responsible for Policy Implementation: Academic Affairs

Purpose of Policy (what does it do): Sets transfer admission requirements and describes process for admissions decisions.

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 <u>each</u> substantive revision: Broadened policy to include current undergraduate admission requirements and admission decision-making processes for freshmen students, nontraditional students, former students and provisional students.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

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

~~Transfer~~ *Undergraduate* Admission and Credits

Original Implementation: September 8, 1978
Last Revision: ~~January 26, 2016~~*July 26, 2016*

Stephen F. Austin State University (SFA) encourages qualified students to apply for admission. Students seeking admission should make every effort to complete the appropriate procedures as soon as possible. Undergraduate application for admission, preliminary academic counseling and evaluation of previous college course work are available on campus in the Office of Admissions.

Application

Applicants wishing to apply for admission to the university must complete the Texas Common Application. It is strongly recommended that applicants apply by completing the electronic version of the Texas Common Application, which is available at www.applytexas.org.

All new and returning undergraduate applicants for admission are required to submit a non-refundable application fee of $45. The application fee for international students is $50.

FIRST-SEMESTER FRESHMEN

First-semester freshmen applicants are those who have graduated from high school and have not attended a college or university since high school graduation. Students who have participated in a high school dual credit program, concurrent enrollment program or early college high school program while in high school are considered first semester freshmen. Freshmen applicants must submit official test results from either the ACT or the SAT.

High School Preparation

SFA requires first time freshman applicants to have completed the Recommended High School Program, the Distinguished Achievement Program, Endorsement Program with Algebra II or Distinguished with Endorsement Program to ensure they have received adequate preparation for college-level work. Applicants who have not completed one of these programs will need to demonstrate that they have completed a high school curriculum more rigorous than what is required of the Minimum Graduation Plan, Basic Plan or Foundation Plan. Applicants from accredited private high schools and out-of-state high schools will be required to complete a curriculum similar to the Recommended High School Program, Distinguished Achievement Program, Endorsement Program with Algebra II or Distinguished with Endorsement Program.

Admission Requirements

Applicants for admission to SFA will be required to meet the following class rank and minimum test scores:

High School Rank	***SAT Reasoning*** *(Not including writing)*	***ACT Score*** *(Not including writing)*
1st quarter		
Top 10%	*No minimum score*	*No minimum score*
11-25%	*850*	*17*
2nd quarter	*950*	*20*
3rd quarter	*1100*	*24*
4th quarter	*File review*	*File review*

Students are required to submit the SAT Reasoning Test with writing scores or the ACT with writing scores. At this time, admission requirements do not include writing scores.

Review Process

The admission files of applicants who do not have a minimum of the Recommended High School Program, Distinguished Achievement Program, Endorsement Program with Algebra II, or distinguished with Endorsement Program and those who do not meet the rank-in-class and test score requirements will be individually reviewed. Admission will be offered to those applicants who demonstrate potential for academic success. It is recommended that applicants complete Part II of the Texas Common Application, as this information will assist with the review process. Factors used in the review process include an applicant's high school record to include high school preparation, class rank and standardized test score on the SAT or ACT. Additional factors such as high school activities, responsibilities while attending high school, bilingual proficiency and region of residence will also be taken into consideration. Admission will be granted to students who have been awarded competitive scholarship by an official SFA scholarship committee.

GRADUATES OF NON-RANKING AND NON-ACCREDITED HIGH SCHOOLS, HOME-SCHOOLED STUDENTS AND GED RECIPIENTS

Those applicants who graduate from non-ranking high schools, non-accredited high schools, or who are home schooled or received a General Education Development (GED)certificate, will be assessed on an individual basis. Any student attending a non-accredited high school must submit an official high school transcript and official SAT or ACT scores. Home-schooled applicants must submit official SAT or ACT scores and academic records of their high school curriculum. GED applicants must submit official GED scores and SAT or ACT scores. Applicants whose academic background indicates probability of success may be admitted.

Freshman applicants who have attempted college-level courses while in high school must earn a 2.0 minimum GPA on all attempted transferable college course work. Failure to do so may result in the imposition of academic probation during the first semester of enrollment or the withdrawal of the SFA admission offer.

Other than the Concurrent Enrollment Program, SFA does not admit any applicant for any semester that begins prior to the graduation of his/her high school class.

NON-TRADITIONAL/MATURE STUDENTS

Applicants who have not attended high school in the previous five years or who have not attended college for an extended period of time may apply for mature student admission. Eligibility for admission will be based on the ability to succeed at SFA utilizing individual educational, work and personal life experiences. Military service veterans with honorable or general discharges are eligible to apply for mature student admission. Applicants who did not graduate from high school are required to submit official GED scores.

TRANSFER ~~ADMISSION~~*STUDENTS*

Students applying to Stephen F. Austin State University (SFA) who have attended accredited institutions of higher education must apply as transfer students.

Transfer applicants must have a cumulative 2.0 grade point average (GPA) (using a 4.0 scale) on all transferable work attempted [see Course Grades (5.5)]. Transfer applicants who have completed fewer than 15 semester hours of transferable college credit must have the required cumulative 2.00 GPA and must also satisfy eligibility requirements for first-semester freshmen. Transfer applicants who have completed 15 or more semester hours must have the required 2.00 GPA and must not be on academic suspension.

Although transfer students with less than a 2.0 grade point average are not eligible for admission into the fall or spring semesters, those who are not currently on academic suspension at another institution are eligible for provisional admission to a summer term. Summer provisional students may be eligible to enroll for subsequent semesters if they complete nine semester hours of non-developmental coursework as approved by their academic dean and earn at least a 2.0 grade point average on all work attempted.

Applicants who are denied admission as transfer students may appeal the admission decision through the Transfer Appeals Program in the Office of Admissions. Appeals are reviewed by the Admission Appeals Committee. Following the review of an appeal, the committee submits a recommendation to the executive director of enrollment management for final decision. Students admitted through this procedure are assigned to the Academic Advising Center for advisement.

Transfer Credits

The university accepts transfer credit from accredited institutions on a course-by-course basis as determined by the Office of Admissions. All courses are examined in terms of content, level, and credit hours awarded, and are subject to the following conditions:

- An SFA course prefix and number are assigned when the content of the transfer course is equivalent, and when the course was taught on the same level.
- General enbloc credit is assigned to a course that is transferable but is not an exact equivalent by level or by description. In this case, the credit is awarded on the same level as was attempted at the transferring institution, and the student's academic dean will determine its acceptability into degree programs.
- Most academic credit is transferable with the exception of remedial or developmental courses. Some departments may limit the number of credit hours that may be applied toward a degree.
- A maximum of 66 academic hours plus four hours of kinesiology activity from junior or community colleges may apply toward a degree, unless an exception has been granted by the provost and vice president for academic affairs.
- Courses transferred from a community college may be transferred only as a lower-level course and may not be considered as advanced upper-level credit.
- There is no limit for undergraduate credits transferred from four-year institutions. At the graduate level, no more than 12 credit hours may be transferred; however, the total number of transferable hours may vary by program.
- All undergraduate students must complete a minimum of 42 semester hours including 36 hours of advanced credit at SFA in order to earn a bachelor's degree. The Registered Nurse –Bachelor of Science in Nursing (RN-BSN) degree requires 30 semester hours in residence, all of which must be advanced (300-400 level). Graduate students must complete a minimum of 18 course credits at SFA that apply to their graduate degree.
- Course work earned from educational experience obtained in the armed forces is accepted in transfer on a limited basis. The "Guide to the Evaluation of Educational Experience in the Armed Services" is used by the Office of Admissions for evaluating military credit. Military transcripts such as the AARTS, SMART, Community College of the Air Force and the Coast Guard Institute, and the joint services transcript are used in the evaluation review process.
- Credit for vocational/technical courses, experiential learning and professional certification programs can be used in the Bachelor of Applied Arts and Sciences degree program or programs approved by the provost and vice president for academic affairs.

Students may repeat courses taken at SFA at other accredited institutions. Transfer hours will, however, be governed by the following rules:

1. The grades earned at SFA will remain on the transcript.
2. The hours attempted at SFA will not be changed as a result of course work completed

elsewhere.

3. Transfer credit for a course originally taken at SFA has no effect on the grade point average for work attempted at SFA. Only credit hours transfer; grades for courses do not transfer.
4. Transfer hours of repeated work may be used to satisfy degree requirements other than those related to grade point average.

FORMER STUDENTS

Students who have previously attended SFA and who have not enrolled for the previous fall or spring semester must satisfy the following re-enrollment requirements:

1. *Submit a completed Texas Common Application for Former Students with a $45 non-refundable application fee.*
2. *Submit official transcripts from all post-secondary educational institutions attended since last enrolled at SFA.*

Former students must have earned a 2.0 GPA on all transferable coursework completed at other institutions since their last enrollment at SFA. Students currently on academic suspension from other institutions are not admissible.

PROVISIONAL ADMISSION PROGRAMS

First-semester freshman applicants not meeting the admission requirements may become eligible for regular admission by enrolling in the Summer Pathways Program. More information about the program may be obtained from the Office of Admissions.

Transfer students with less than a 2.0 GPA who are not currently on academic suspension at another institution are eligible for provisional admission to the Summer Provisional Program. Students who complete nine semester hours (excluding developmental courses) of work in Summer I and Summer II semesters combined and earn at least a 2.0 GPA on all work attempted may be eligible to enroll for the fall semester. The nine hours taken must be approved by the appropriate academic dean before courses begin. Summer Provisional students are not eligible for financial aid.

Students returning to SFA with transfer coursework with less than a 2.0 GPA and are not currently on suspension from SFA or another institution also are eligible for the Summer Provisional Program.

Students who do not successfully complete the Summer Provisional Program as specified by their academic dean may only be re-admitted to SFA upon presentation of academic credits transferred from all post-secondary institutions attended for which the overall GPA is 2.0 or higher. Calculation of this GPA will be based on all non-SFA academic credits earned; it will include credit earned both before and after participation in the SFA

Summer Provisional Program

TRANSIENT STUDENTS

Transient students planning to attend fall, spring, summer I or summer II are required to submit a completed undergraduate application, the $45 application fee for new students and official transcripts from all educational institutions attended. Students must be in good academic standing at the last institution attended in order to be eligible for admission as transient students. Student currently on suspension from another educational institution are not eligible for admission as transient students. Transient students are subject to all applicable SFA probation/suspension policies. Transient students from other Texas state-supported schools must submit official THEA scores and are subject to the provisions of the Texas Success Initiative. Transient students who later decide to continue their academic studies at SFA must apply and meet the admission requirements as a transfer student. Beginning freshman students cannot apply as transient students.

Policies and procedures of the Texas Higher Education Coordinating Board and other applicable accreditation bodies will be followed regarding transfer of core curriculum courses, fields of study courses, and any transfer credit disputes.

Cross Reference: General Bulletin; Graduate Bulletin; Course Grades (5.5)

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Provost and Vice President for Academic Affairs; Dean of the Graduate School

Forms: None

Board Committee Assignment: Academic and Student Affairs

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: 7/16/2013

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

Purpose of Policy (what does it do): The policy exists to provide a process by which vendors can protest bid solicitations, evaluations or awards.

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 <u>each</u> substantive revision: No substantive changes recommended.

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

Vendor Protests

Original Implementation: July 14, 1998
Last Revision: ~~July 16, 2013~~*July 26, 2016*

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. 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 under this section, 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
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 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 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 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.
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.
4. The president's determination of the appeal shall be final.

Unless good cause for delay is shown or the president determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

A decision issued in writing either by the president or in writing by the vice president for finance and administration, shall be the final administrative action of Stephen F. Austin State University.

Cross Reference: ~~Texas~~ *Tex.* Gov't Code § 2155.076; 34 Tex. Admin. Code § 20.384

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