

# **Stephen F. Austin State University**

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



**Nacogdoches, Texas  
July 27 and 28, 2015  
Volume 298**

**TABLE OF CONTENTS**  
**BOARD MINUTES FOR JULY 27 AND 28, 2015**  
**MEETING 298**

Page

**NAMING OPPORTUNITIES**

**Board Order 15-29**

Naming of Family Banking Program within the Nelson Rusche College of Business .....4

**Board Order 15-30**

Naming of Financial Advising Program within the Nelson Rusche College of Business...4

**APPROVAL OF MINUTES**

**Board Order 15-31**

Approval of Minutes for April 13 and 14, 2015 and June 16, 2015 Board of Regents  
Meetings.....5

**ADMINISTRATION**

**Board Order 15-32**

Election of President for 2015-2016 .....5  
Election of General Counsel for 2015-2016 .....5  
Election of Chief Audit Executive for 2015-2016.....6  
Election of Coordinator of Board Affairs for 2015-2016 .....6

**PERSONNEL**

**Board Order 15-23**

Approval of Faculty Appointments .....6  
Approval of Staff Appointments.....8  
Approval of Changes of Status .....10  
Promotions .....12  
Retirements .....12  
Holiday Schedule 2015-2016.....13

**ACADEMIC AND STUDENT AFFAIRS**

**Board Order 15-35**

Intercollegiate Athletic Policies and Procedures Manual .....13  
Purple Pride Licensing.....14

Core Curriculum Revision .....	14
Academic and Student Affairs Policy Revisions .....	14

## **BUILDING AND GROUNDS AFFAIRS**

### **Board Order 15-36**

Approval to Construct a Science, Technology, Engineering and Mathematics (STEM) Building .....	15
---	----

### **Board Order 15-37**

Selection of an Architectural Firm to Design the STEM Building.....	15
---	----

### **Board Order 15-38**

Selection of a Construction Manager at Risk (CMR) for the STEM Building.....	16
--	----

### **Board Order 15-39**

Approval of the Fiscal Year 2015-2016 Capital Plan .....	17
--	----

### **Board Order 15-40**

Selection of an Architect to Design the Housing Operations Facility .....	17
---	----

### **Board Order 15-41**

Approval of Building and Grounds Policy Revisions.....	17
--	----

## **FINANCIAL AFFAIRS**

### **Board Order 15-42**

Acknowledge Receipt of Audit Services Report .....	18
Adoption of the Fiscal Year 2015-2016 Capital Plan Budget .....	18
Approval of the Fiscal Year 2015-2016 Institutional Operating Budget.....	18
Adoption of the Expenditure Reimbursement Resolution for a STEM Building .....	18
Ad Astra Contract Expansion .....	19
Authority to Move Energy Project Phase III Capital Funds to Fund Balance.....	19
Additional Educational Advisory Board Student Success Collaborative Services .....	19
Purchase of Athletic Video Equipment.....	20
Late Payment Fee.....	20
Grant Awards .....	21
Approval of Financial Affairs Policy Revisions .....	21

## **STRATEGIC PLAN 2023**

### **Board Order 15-43**

Adoption of 2023 Strategic Plan: SFA Envisioned .....	22
---	----

## **BOARD RULES AND REGULATIONS**

### **Board Order 15-44**

Revision of Board Rules and Regulations .....	22
---	----

## **APPENDICES**

Appendix 1 – Intercollegiate Athletic Policies and Procedures Manual Revisions

Appendix 2 – Core Curriculum Revisions

Appendix 3 – SFA Envisioned

Appendix 4 – Capital Plan 2015-2016

Appendix 5 – Higher Education Fund Allocations 2015-2016

Appendix 6 – STEM Building Expenditure Reimbursement Resolution

Appendix 7 – Resolution for Approval of Lease-Purchase Agreement with Banc of America  
Public Capital Corp

Appendix 8 – Grant Awards

Appendix 9 – Policy Revisions

Appendix 10 – Revisions to the Board Rules and Regulations

**Stephen F. Austin State University  
Minutes of the Meeting of the Board of Regents  
Nacogdoches, Texas  
July 27 and 28, 2015  
Austin Building 307  
Meeting 298**

**Monday, July 27, 2015**

The regular meeting of the Board of Regents was called to order in open session at 8:10 a.m. on Monday, July 27, 2015, by Chair Scott Coleman.

**PRESENT:**

Board Members:      Dr. Scott Coleman, Chair  
                             Mr. David Alders  
                             Ms. Ryan Brown-Moreno, student member  
                             Mr. Bob Garrett  
                             Ms. Brigettee Henderson  
                             Mr. Steve McCarty  
                             Mr. Barry Nelson  
                             Mr. Ken Schaefer  
                             Mr. Ralph Todd  
                             Ms. Connie Ware

President:              Dr. Baker Pattillo

Vice-Presidents:     Dr. Steve Bullard  
                             Mr. Danny Gallant  
                             Ms. Jill Still  
                             Dr. Steve Westbrook

General Counsel:     Mr. Damon Derrick

Other SFA administrators, staff, and visitors

The board welcomed Ryan Brown-Moreno, new student regent, and Dr. Steve Bullard, newly appointed interim provost and vice president for academic affairs.

The meeting was recessed for committee meetings.

*The Building and Grounds Committee meeting convened at 8:00 a.m. and recessed at 11:30 a.m. The Finance and Audit Committee convened at 11:30 a.m. and recessed at 12:15 p.m. The Building and Grounds Committee reconvened at 1:30 p.m. and adjourned at 3:36 p.m. The Finance and Audit Committee reconvened at 3:36 p.m. and adjourned at 4:31 p.m. The*

*Academic and Student Affairs Committee convened at 4:45 p.m. and adjourned at 5:10 p.m. The Strategic Planning Committee convened at 5:10 p.m. and adjourned at 5:30 p.m.*

The chair called to order the Committee of the Whole in open session at 5:45 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
- Electronic Transfers 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 general counsel, the director of audit services, 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 reported complaints and claims; intellectual property; EEOC complaints; legislative update; Board Rules and Regulations; Joann Fields and Rose Trotty v. SFASU and Bob Coker; and USOR Site PRP Group v. SFASU (Texas Government Code, Section 551.071)

The executive session ended at 8:00 p.m. The Board of Regents meeting returned to open session and recessed for the evening with no further action.

## **Tuesday, July 28, 2015**

The regular meeting of the Board of Regents was called to order in open session at 9:00 a.m. Tuesday, July 28, 2015, in the Austin Building Board Room by Chair Scott Coleman.

### **PRESENT:**

Board Members:      Dr. Scott Coleman, Chair  
                             Mr. David Alders  
                             Ms. Ryan Brown-Moreno, student member  
                             Mr. Bob Garrett  
                             Ms. Brigettee Henderson  
                             Mr. Steve McCarty  
                             Mr. Barry Nelson  
                             Mr. Ken Schaefer  
                             Mr. Ralph Todd  
                             Ms. Connie Ware

President:              Dr. Baker Pattillo

Vice-Presidents:     Dr. Steve Bullard  
                             Mr. Danny Gallant  
                             Ms. Jill Still  
                             Dr. Steve Westbrook

General Counsel:     Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Dr. Pattillo introduced the new student regent, Ms. Ryan Brown-Moreno and the newly appointed interim provost and vice president for academic affairs, Dr. Steve Bullard. He also introduced and welcomed special guest, former regent Peggy Wright. Regent Alders led the pledge to the flags and Regent Garrett provided the invocation.

## **RECOGNITIONS**

Steve Bullard introduced the new dean of the Nelson Rusche College of Business, Dr. Tim Bisping, and introduced Dr. Robbie Steward to report on a predoctoral internship program grant awarded by the American Psychological Association to the human services department. Dr. Dana Cooper reported on the 2015 Woodrow Wilson Visiting Fellow. Dr. Pattillo introduced the new ROTC commanding officer, LTC Paul Pfeiffer. Robert Hill was introduced to present the SLC Commissioner's Cup. He introduced the athletic support staff, reported on the athletic academic success for the year, and introduced Demi Payne, the NCAA Women's Pole Vault champion and finalist for the Bowerman Trophy. Steve Westbrook introduced the team that worked on the strategic plan being considered at today's meeting.

President Pattillo introduced the Chadwick family, recipient of the following resolutions from the Board of Regents.

#### NAMING OF FAMILY BANKING PROGRAM WITHIN THE NELSON RUSCHE COLLEGE OF BUSINESS

##### **BOARD ORDER 15-29**

Upon motion by Regent Ware, seconded by Regent Todd, with all members voting aye, it was ordered that the university name the family banking program within the Nelson Rushe College of Business for the Chadwick family and that the following resolution be adopted:

WHEREAS, Marleta Chadwick lost her parents at an early age, and was raised by her grandfather until his death, at which time she returned home from college to take over the family businesses; and

WHEREAS, Ms. Chadwick never had an opportunity to return to college to obtain a degree, but realized the importance of the commitment needed to successfully run a business; and

WHEREAS, she later married a Baptist minister and they made their home in Center, Texas, where he pastored a church for many years until his death; and

WHEREAS, the three children of Marleta Chadwick: David Chadwick, Martha Lou Chadwick Scott, and Carleta Chadwick Sandeen, share her interest in charitable giving and wish to follow her example; and

WHEREAS, the Chadwick family has requested that Stephen F. Austin State University establish a program to prepare students to enter the banking industry with an emphasis on community banks;

NOW, THEREFORE, LET IT BE RESOLVED, the Board of Regents expresses its admiration, gratitude and high regard for the Chadwick Family by announcing that the Chadwick Family Banking Program will be established within the Nelson Rusche College of Business.

#### NAMING OF FINANCIAL ADVISING PROGRAM WITHIN THE NELSON RUSCHE COLLEGE OF BUSINESS

##### **BOARD ORDER 15-30**

Upon motion by Regent McCarty, seconded by Regent Garrett, with all members voting aye, it was ordered that the university name the student financial advising program within the Nelson Rushe College of Business for Marleta Chadwick and that the following resolution be adopted:

WHEREAS, Marleta Chadwick, as a young girl, lost her parents and was raised by her grandfather who owned several small businesses in Celeste, Texas; and



WHEREAS, after graduating from high school, Marleta Chadwick attended college, but during her second year, her grandfather died and she had to leave college to return home to deal with his businesses; and

WHEREAS, she later married a Baptist minister and they made their home in Center, Texas, where he pastored a church for many years until his death; and

WHEREAS, in the years that followed her grandfather's death, Marleta Chadwick was never in a position to return to college to obtain a degree, but realized the importance of the commitment needed to successfully run a business and manage finances and also recognized the value of a college education; and

WHEREAS, understanding that her life was extremely blessed, both spiritually and financially, Marleta Chadwick, now deceased, felt prompted to make a charitable gift to Stephen F. Austin State University, setting a distinguished example for others;

NOW, THEREFORE, LET IT BE RESOLVED, the Board of Regents expresses its admiration, gratitude and high regard for Marleta Chadwick by naming the financial advising program within the Nelson Rusche College of Business the Marleta Chadwick Student Financial Advisors.

## **APPROVAL OF MINUTES**

### **BOARD ORDER 15-31**

Upon motion by Regent McCarty, seconded by Regent Schaefer, with all members voting aye, it was ordered that the minutes of the April 13 and 14, 2015 regular meeting and the June 16, 2015 special meeting be approved as presented.

## **ADMINISTRATION**

### **BOARD ORDER 15-32**

Upon motion by Regent Ware, seconded by Regent Henderson, with all members voting aye, it was ordered that the following agenda items be approved:

#### **ELECTION OF PRESIDENT FOR 2015-2016**

A performance evaluation was conducted, and Baker Pattillo was reelected president of Stephen F. Austin State University for 2015-2016, at an annual salary of \$334,740, effective September 1, 2015.

#### **ELECTION OF GENERAL COUNSEL FOR 2015-2016**

A performance evaluation was conducted, and Damon Derrick was reelected general counsel for 2015-2016 at an annual salary of \$145,401, effective September 1, 2015.

## ELECTION OF CHIEF AUDIT EXECUTIVE FOR 2015-2016

A performance evaluation was conducted, and Gina Oglesbee was reelected to her position with a change in title to chief audit executive for 2015-2016 at an annual salary of \$121,723 effective September 1, 2015.

## ELECTION OF COORDINATOR OF BOARD AFFAIRS FOR 2015-2016

A performance evaluation was conducted, and Judy Buckingham was reelected coordinator of board affairs for 2015-2016 at an annual salary of \$41,927, effective September 1, 2015.

## PERSONNEL

### BOARD ORDER 15-33

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

### FACULTY APPOINTMENTS

#### BUSINESS

Christopher McKenna, Ph.D. (University of North Carolina), Assistant Professor of Business Communication and Legal Studies, at an academic year salary of \$78,000 for 100 percent time, effective September 1, 2015.

Andrew Thornley, J.D. (Harvard Law School), Assistant Professor of Business Communication and Legal Studies, at an academic year salary of \$80,000 for 100 percent time, effective September 1, 2015.

#### EDUCATION

Lauren Burrow, Ed.D. (University of Houston), Assistant Professor of Elementary Education at an academic year salary of \$59,000 for 100 percent time, effective September 1, 2015.

Gina Causin, Ph.D. (Oklahoma State University), Assistant Professor of Human Sciences, at an academic year salary of \$63,000 for 100 percent time, effective September 1, 2015.

Dustin Joubert, MA (Sam Houston State University), Assistant Professor of Kinesiology and Health Science, at an academic year salary of \$55,000 for 100 percent time, effective September 1, 2015, contingent upon completion of doctorate by December 31, 2015.

Hyunsook Kang, Ph.D. (Texas Tech University), Assistant Professor of Human Sciences at an academic year salary of \$56,000 for 100 percent time, effective September 1, 2015.

Suzanne Maniss, Ph.D. (St. Mary's University), Associate Professor of Human Services, at an academic year salary of \$66,000 for 100 percent time, effective September 1, 2015.

## FINE ARTS

Gennard Lombardozzi, DMA (Stony Brook University), Assistant Professor of Music, at an academic year salary of \$50,000 for 100 percent time, effective September 1, 2015.

Inga Meier, Ph.D. (University of Pittsburgh), Assistant Professor of Theatre, at an academic year salary of \$50,000 for 100 percent time, effective September 1, 2015.

## LIBERAL AND APPLIED ARTS

Jacqueline Cowan, Ph.D. (Duke University), Assistant Professor of English, at an academic year salary of \$51,000 for 100 percent time, effective September 1, 2015.

Catherine Pearte, Ph.D. (University of Central Florida), Assistant Professor of Psychology, at an academic year salary of \$52,000 for 100 percent time, effective September 1, 2015.

Deborah Sibila, M.S. (Sam Houston State University), Visiting Instructor of Government, at an academic year salary of \$44,000 for 100 percent time, effective September 1, 2015.

Staci Willis, M.A. (Texas A&M University), Visiting Instructor of Anthropology, Geography and Sociology, at an academic year salary of \$44,000 for 100 percent time, effective September 1, 2015.

## SCIENCES AND MATHEMATICS

Christopher Aul, Ph.D. (Texas A&M University), Assistant Professor of Physics and Astronomy, at an academic year salary of \$75,973 for 100 percent time, effective September 1, 2015.

Brian Barngrover, Ph.D. (Kansas State University), Assistant Professor of Chemistry and Biochemistry, at an academic year salary of \$57,200 for 100 percent time, effective September 1, 2015.

Malcolm Hotzman, MSN (University of Texas), Clinical Instructor of Nursing, at an academic year salary of \$56,000 for 100 percent time, effective September 1, 2015.

Angela Jones, DNP (Duquesne University), Assistant Professor of Nursing, at an academic year salary of \$65,000 for 100 percent time, effective September 1, 2015.

Jonathan Mitchell, Ph.D. (Southern Methodist University), Assistant Professor of Mathematics and Statistics, at an academic year salary of \$52,500 for 100 percent time, effective September 1, 2015.

Joy McGill Shupak, MSN (University of Texas), Clinical Instructor of Nursing, at an academic year salary of \$54,000 for 100 percent time, effective September 1, 2015.

Marcus Webb, M.S. (Texas State University), Assistant Professor of Mathematics and Statistics, at an academic year salary of \$52,500 for 100 percent time, effective September 1, 2015, contingent upon completion of doctorate by August 31, 2015.

## STAFF APPOINTMENTS

### ATHLETICS

Payton Adams, Athletic Operations Coordinator, at an annual salary of \$41,000 for 100 percent time, effective July 13, 2015.

Kristina Alexander, Athletic Academic Services Assistant, at an annual salary of \$35,000 for 100 percent time, effective July 6, 2015.

Adler Augustin, Assistant Volleyball Coach, at a 10.5-month salary of \$28,560 for 100 percent time, effective July 20, 2015.

Leonard Bishop, Assistant Women's Basketball Coach, at a 10.5-month salary of \$56,000 for 100 percent time, effective June 15, 2015.

Kendra Cullum, Assistant Softball Coach, at a 10.5-month salary of \$33,000 for 100 percent time, effective July 6, 2015.

Mark Kellogg, Head Women's Basketball Coach, at an annual salary of \$150,000 for 100 percent time, effective May 11, 2015.

Zachary Reynolds, Assistant Director of Athletics for Media Relations, at an annual salary of \$38,110 for 100 percent time, effective May 18, 2015.

Jayci Stone, Assistant Women's Basketball Coach, at a 10.5-month salary of \$70,000 for 100 percent time, effective June 29, 2015.

### CONTROLLER'S OFFICE

Vicki Wood, Assistant Manager of Payroll, at an annual salary of \$43,000 for 100 percent time, effective April 20, 2015.

### EDUCATION

Juliann Brooks, Charter School Teacher, at a 10-month salary of \$38,950 for 100 percent time, effective July 26, 2015.

Brittany Rustin, Charter School Teacher, at a 10-month salary of \$38,950 for 100 percent time, effective July 26, 2015.

Alyssa Thornton, Charter School Teacher, at a 10-month salary of \$37,700 for 100 percent time, effective July 26, 2015.

#### HUMAN RESOURCES

Nathaniel Pruitt, Human Resources Representative, at an annual salary of \$41,000 for 100 percent time, effective June 1, 2015.

#### INFORMATION TECHNOLOGY SERVICES

Richard May, Database Administrator I, at an annual salary of \$46,845 for 100 percent time, effective June 15, 2015.

#### PHYSICAL PLANT

Pamela Temple, Central Stores Manager, at an annual salary of \$41,000 for 100 percent time, effective June 1, 2015.

#### RESIDENCE LIFE

Matthew Daniels, Hall Director, at an annual salary of \$29,704 for 100 percent time, effective March 25, 2015.

Brittany Meservey, Hall Director, at an annual salary of \$29,704 for 100 percent time, effective April 13, 2015.

Jayde Nelson, Hall Director, at an annual salary of \$29,704 for 100 percent time, effective March 23, 2015.

Dominique Rodriguez, Hall Director, at an annual salary of \$29,735 for 100 percent time, effective July 13, 2015.

#### STUDENT AFFAIRS SUPPORT SERVICES

Jennifer Klingenberg, Counselor, at an annual salary of \$42,024 for 100 percent time, effective March 23, 2015.

#### UNIVERSITY MARKETING COMMUNICATIONS

Jocelyn Stephens, Marketing Communications Specialist, at an annual salary of \$30,000 for 100 percent time, effective March 30, 2015.

## CHANGES OF STATUS

### ACADEMIC AFFAIRS

Richard Berry, from Provost and Vice President for Academic Affairs at an annual salary of \$201,643 for 100 percent time, to Executive Assistant to the President at a two-month salary of \$33,607 for 100 percent time, effective July 1, 2015.

Steven Bullard, from Dean of the Arthur Temple College of Forestry and Agriculture and Henry. M. Rockwell Chair at an annual salary of \$210,377 for 100 percent time, to Interim Provost and Vice President for Academic Affairs with an annual salary of \$210,377 with a salary supplement of \$2,000 monthly for interim duties, effective July 1, 2015.

### ATHLETICS

Jamila Ganter, from Assistant Women's Basketball Coach at a 10.5-month salary of \$50,492 for 100 percent time, to Assistant Women's Basketball Coach with a change in responsibilities at an annual salary of \$64,000 for 100 percent time, effective June 1, 2015.

### CONTROLLER'S OFFICE

Tambra Thompson, from Assistant Manager of Payroll at an annual salary of \$43,912 for 100 percent time, to Accountant II at an annual salary of \$43,912 for 100 percent time, effective March 30, 2015.

### FINANCIAL AID

Donna Lee, from Counter Supervisor at an annual salary of \$29,494 for 100 percent time, to Financial Aid Officer at an annual salary of \$35,500 for 100 percent time, effective June 8, 2015.

Tammy Mitchum, from Financial Aid Officer at an annual salary of \$37,040 for 100 percent time, to Assistant Director of Financial Aid at an annual salary of \$48,500 for 100 percent time, effective April 1, 2015.

Kristan Smith, from Financial Aid Specialist at an annual salary of \$26,633 for 100 percent time, to Financial Aid Officer-Scholarships at an annual salary of \$35,500 for 100 percent time, effective April 20, 2015.

### FORESTRY AND AGRICULTURE

Kenneth Farrish, from Professor of Forestry and Interim Chair of Geology at an academic year salary of \$111,617 with a salary supplement of \$1,000 per month for 12 months for interim duties, to Professor of Forestry at an academic year salary of \$111,617 effective July 1, 2015.

Sarah Fuller, from Forestry Marketing Communications Assistant (Temporary) at an annual salary of \$31,198 for 100 percent time, to Outreach Coordinator at an annual salary of \$41,500 for 100 percent time, effective July 1, 2015.

Matthew McBroom, from Associate Professor of Forestry at an academic year salary of \$63,429 for 100 percent time, to Associate Professor and Interim Associate Dean of the Arthur Temple College of Forestry and Agriculture at an academic year salary of \$63,429 for 100 percent time with a salary supplement of \$1,000 monthly for interim duties, effective July 1, 2015.

Hans Williams, from Professor of Forestry and Associate Dean of the Arthur Temple College of Forestry and Agriculture at an annual salary of \$118,874 for 100 percent time, to Professor and Interim Dean of the Arthur Temple College of Forestry and Agriculture at an annual salary of \$118,874, with a salary supplement of \$1,000 monthly for interim duties, effective July 1, 2015.

#### GRADUATE SCHOOL

Richard Berry, from Executive Assistant to the President at a two-month salary of \$33,607 for 100 percent time, to Dean of the Graduate School at an annual salary of \$152,067 for 100 percent time, effective September 1, 2015.

#### HUMAN RESOURCES

John Wyatt, from Senior HR Representative at an annual salary of \$48,000 for 100 percent time, to Assistant Director of Human Resources at an annual salary of \$69,000 for 100 percent time, effective April 16, 2015.

#### LIBERAL AND APPLIED ARTS

Leslie Cecil, from Associate Professor of Anthropology, Geography and Sociology at an academic year salary of \$58,418 for 100 percent time, to Associate Professor and Chair of Anthropology, Geography and Sociology at an 11-month salary of \$92,000 for 100 percent time effective September 1, 2015.

Robert Szafran, from Professor and Chair of Anthropology, Geography and Sociology at an 11-month salary of \$123,069 for 100 percent time, to Professor of Anthropology, Geography and Sociology at an academic year salary of \$92,500 for 100 percent time, effective September 1, 2015.

#### PHYSICAL PLANT

Jeffery Ghiringhelli, from Plant Operations Analyst at an annual salary of \$63,651 for 100 percent time, to Assistant Director of Physical Plant at an annual salary of \$74,000 for 100 percent time, effective June 1, 2015.

## SCIENCES AND MATHEMATICS

Sara Bishop, from Associate Professor and Interim Director of the Richard and Lucille DeWitt School of Nursing at an 11-month salary of \$74,957 for 100 percent time with a salary supplement of \$500 per month for interim duties to Associate Professor and Director of the Richard and Lucille DeWitt School of Nursing at an annual salary of \$115,000 for 100 percent time, effective September 1, 2015.

Wesley Brown, from Associate Professor of Geology at an academic year salary of \$66,862 for 100 percent time, to Professor and Chair of Geology at an annual salary of \$110,000 for 100 percent time, effective June 15, 2015.

John Moore, from Professor of Chemistry and Interim Chair of Biology at an annual salary of \$106,667 for 100 percent time with a salary supplement of \$1,473 per month for 12 months for interim duties, to Professor of Chemistry at an academic year salary of \$80,850 for 100 percent time, effective July 1, 2015.

## PROMOTIONS

The following were granted promotion to the academic rank indicated:

To Professor, effective September 1, 2015:  
Wesley Brown, Geology

To Professor Emeritus, effective fall 2015  
Thomas Segady, Anthropology, Geography and Sociology

## RETIREMENTS

The following retirements were accepted:

Michael Bobo, Professor of Kinesiology and Health Science, effective May 31, 2015, with 34 years of service.

Wilbur Clark, Associate Professor of Accounting, effective May 31, 2015, with 31 years of service.

James Dowling, Physician in Student Health Services, effective July 15, 2015, with 17 years of service.

Anthony Duben, Professor of Chemistry, effective August 31, 2015, with 10 years of service.

Evie Jones, Manager of Central Stores, effective April 30, 2015, with 36 years of service.

Gary Parker, Instructor of Art, effective May 31, 2015, with 29 years of service.



Robert Patterson, Coordinator of Human Services, effective August 31, 2015, with 23 years of service.

Elizabeth Rhodes, Professor of Kinesiology and Health Science, effective May 31, 2015, with 24 years of service.

Pamela Roberson, Associate Professor of Mathematics and Statistics, effective May 31, 2015, with 32 years of service.

Violet Rogers, Professor of Accounting, effective May 31, 2015, with 24 years of service.

#### **BOARD ORDER 15-34**

Upon motion by Regent Schaefer, seconded by Regent McCarty, with all members voting aye, it was ordered that the following personnel item be approved.

#### **HOLIDAY SCHEDULE 2015-2016**

WHEREAS, the board considered the following: Fourteen holidays are allowed by the state for 2015-2016. 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 two days of vacation or compensatory time on December 30 and 31, and two days of vacation or compensatory time on March 17 and 18. Campus buildings will be closed for 12 days during the Christmas break, and nine days during Spring Break, which will result in significant energy savings.

September 7    Labor Day  
November 26-27    Thanksgiving Break  
December 23-January 1    Christmas Break  
March 14-18    Spring Break  
May 30    Memorial Day  
July 4    Independence Day

THEREFORE, this holiday schedule for 2015-2016 was approved as presented.

### **ACADEMIC AND STUDENT AFFAIRS**

#### **BOARD ORDER 15-35**

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

#### **INTERCOLLEGIATE ATHLETIC POLICIES AND PROCEDURES MANUAL**

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

## PURPLE PRIDE LICENSING

WHEREAS, the board members considered the following: Dr. David Creech, professor emeritus, and Dawn Stover, research associate for the SFA Mast Arboretum, invented a novel cultivar of *Prunus angustifolia*, named Purple Pride. The university filed for patent protection and has taken the plant to market. The university's Intellectual Property policy states: "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." The SFA Mast Arboretum desires to license to an additional nursery.

THEREFORE, it was ordered that the president be authorized to enter into license agreements with Tree Town USA and Almost Eden as reviewed and approved by the general counsel.

## CORE CURRICULUM REVISION

WHEREAS, the board members considered the following: As directed by legislation, the Texas Higher Education Coordinating Board issued rules requiring a complete revision of core curriculum in all Texas public institutions of higher education with implementation beginning in the fall 2014 semester. Institutions may change or make revisions to their Texas Core Curriculum once a year. Accordingly, the SFA Core Curriculum Committee reviewed proposals for the addition of courses to the core curriculum. The Council of Deans and the provost have approved the addition of the following courses to the core curriculum: AGN 110 Crop Science, PHY 118 Acoustical Physics and KIN 1XX Lifetime Wellness, listed in Appendix 2 in the appropriate curriculum component area. Following board approval, the additions will be submitted to the coordinating board for review and approval.

THEREFORE, it was ordered that the proposed additions to the core curriculum identified in Appendix 2 be approved.

## ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 9:

Access to University Records 2.1  
Compensation from Grants, Contracts and Other Sponsored Agreements 12.1  
Computing Software Copyright 9.1  
Course Add/Drop 6.10  
Dead Week 7.8  
Discrimination Complaints/Sexual Harassment 2.11  
Effort Reporting and Certification for Sponsored Activities  
Faculty Code of Conduct 7.11  
Faculty Compensation 12.6  
File Maintenance for Faculty Personnel Files 4.6  
Financial Conflicts of Interest in Sponsored Activities 8.2  
Grants and Contracts Administration 8.3

Illicit Drugs and Alcohol Abuse 13.11  
Institutional Animal Care and Use Committee (IACUC) 8.6  
Misconduct in Federally Funded Research 8.7  
Nepotism 11.16  
Payments to Human Research Subjects 8.8  
Prohibition of Campus Violence 13.5 (TO BE DELETED)  
Radioactive or Radiation-Producing Materials or Equipment 13.7  
Research Development Program 8.10  
Satisfactory Academic Progress for Financial Aid Recipients 6.16  
Service Awards 12.7  
Sexual Misconduct 2.13 (NEW)  
Social Media 15.11 (NEW)  
Student Code of Conduct 10.4  
Wireless Networking 14.11

## **BUILDING AND GROUNDS**

### **BOARD ORDER 15-36**

Upon motion by Regent Schaefer, seconded by Regent Todd, with all members voting aye, it was ordered that the following item be approved.

#### **APPROVAL TO CONSTRUCT A SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) BUILDING**

WHEREAS, the board members considered the following: The university was authorized by the 84<sup>th</sup> Texas Legislature to construct a \$46,400,000 STEM building. The legislature approved tuition revenue bond debt service funding for fiscal year 2016-17. The university seeks approval to construct and equip a STEM building at a project cost not to exceed \$46,400,000.

THEREFORE, it was ordered that the university proceed with the STEM Building project at a cost not to exceed \$46,400,000. The project will be funded with proceeds from a tuition revenue bond issue.

### **BOARD ORDER 15-37**

Upon motion by Regent Nelson, seconded by Regent Todd, with all members voting aye, it was ordered that the following item be approved.

#### **SELECTION OF AN ARCHITECTURAL FIRM TO DESIGN THE STEM BUILDING**

WHEREAS, the board members considered the following: The university seeks approval to proceed with the design of the STEM Building with the selection of an architectural firm. Requests for qualifications (RFQ) were issued and respondents were evaluated and ranked by a review committee that consisted of academic members, construction, and finance staff members. Three finalists were selected from the group of respondents to make presentations to the Building and Grounds Committee: Kirksey Architecture, Perkins+Will, and SmithGroupJJR, Inc.

On July 27, 2015, the Building and Grounds Committee met and heard from Danny Gallant, vice president for finance and administration, who provided an overview regarding the responses to a Request for Qualifications for architectural services related to the STEM building project. A copy of the evaluation team summary was provided to the committee members. The committee interviewed each of the finalists in the selection of the architect for the STEM building project. Major discussion issues in the selection of an architect for the STEM building project included: the collaboration concepts presented, past history with the university and in-house and subcontracted services. Following their discussion, the Building and Grounds Committee agreed to recommend to the Board of Regents that the university enter into negotiations with Kirksey Architecture for this project.

THEREFORE, it was ordered that the university enter into negotiations with Kirksey Architecture to serve as architect for the STEM building. It was further ordered that the president be authorized to sign any associated contracts or purchase orders.

#### **BOARD ORDER 15-38**

Upon motion by Regent Schaefer, seconded by Regent Todd, with all members voting aye, it was ordered that the following item be approved.

#### **SELECTION OF A CONSTRUCTION MANAGER AT RISK (CMR) FOR THE STEM BUILDING**

WHEREAS, the board members considered the following: The university seeks approval to proceed with the construction of the STEM Building when architectural design plans are completed. The administration wishes to select a CMR to work with the architects as the design plans are developed. Requests for proposals (RFP) were issued and respondents were evaluated and ranked by a review committee that consisted of academic members, construction, and finance staff members. Three finalists were selected from the group of respondents to make presentations to the building and grounds committee: JE Dunn Construction, J. E. Kingham Construction Company, and Swinerton Builders

On July 27, 2015, the Building and Grounds met to consider this item. Danny Gallant, vice president for finance and administration, provided an overview to the Buildings and Grounds Committee of the Board of Regents regarding the responses to a Request for Proposal for construction manager at risk services related to the STEM building project. A copy of the evaluation team summary was provided to the committee members. The committee interviewed each of the finalists in the selection of the construction manager at risk for the STEM building project. Major discussion issues in the selection of a construction manager at risk for the STEM building project included: anticipated cost, knowledge of and relationship with subcontractors, and past history with the university. The Buildings and Grounds Committee agreed to recommend to the full board that the university enter into negotiations with J. E. Kingham Construction Company for this project.

THEREFORE, it was ordered that the university enter into negotiations with J.E. Kingham Construction Company to serve as CMR for the STEM building. It was further ordered that the president be authorized to sign any associated contracts or purchase orders.

#### **BOARD ORDER 15-39**

Upon motion by Regent Garrett, seconded by Regent Ware, with all members voting aye, it was ordered that the following item be approved.

#### **APPROVAL OF THE FISCAL YEAR 2015-2016 CAPITAL PLAN**

WHEREAS, the board considered the following: The university has a long term campus infrastructure plan that addresses capital renewal, planned maintenance and renovation projects. The 2015-2016 capital plan includes academic, student life, building, and life safety initiatives.

THEREFORE, the fiscal year 2015-2016 capital plan was approved as presented in Appendix 4. Project funding was approved as listed, the source of funds for each project was approved as presented, and the president was authorized to sign associated purchase orders or contracts.

#### **BOARD ORDER 15-40**

Upon motion by Regent Schaefer, seconded by Regent Todd, with all members voting aye with the exception of Regent Henderson, who recused herself from the discussion and vote on this item, it was ordered that the following item be approved.

#### **SELECTION OF AN ARCHITECT TO DESIGN THE HOUSING OPERATIONS FACILITY**

WHEREAS, the board considered the following: The university presented a 2015-16 capital plan request to construct a housing operations facility. To develop the proposal, the administration utilized the architectural firm of Goodwin, Lassiter, and Strong under the existing hourly IDIQ architectural contract for preliminary design work. The university wishes to complete design the facility's design and begin construction.

THEREFORE, it was approved for Goodwin, Lassiter, and Strong to serve as the architectural firm to design the housing operations facility. The president was authorized to sign associated contract(s) and purchases orders.

#### **BOARD ORDER 15-41**

Upon motion by Regent Ware, seconded by Regent Todd, with all members voting aye, it was ordered that the following item be approved.

The Board of Regents adopted the following policy revisions as presented in Appendix 9:

Building Design Standards 16.6  
Energy Conservation 16.10  
Fleet Management 16.11  
Kennedy Auditorium 16.14  
Lease, Rental or Use of Off-Campus Facilities 16.15

Naming Guidelines 1.5  
Rental of University Vehicles 16.23

## **FINANCIAL AFFAIRS**

### **BOARD ORDER 15-42**

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

#### **ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT**

WHEREAS, the audit services report as presented included an Electronic Transfers Audit, Accounts Receivable Audit, Environmental Health and Safety Audit, Testing Services Audit, and an update on the annual audit plan.

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

#### **ADOPTION OF THE FISCAL YEAR 2015-2016 CAPITAL PLAN BUDGET**

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 2015-16 capital plan includes academic, student life, building, and life safety initiatives.

THEREFORE, it was ordered that the fiscal year 2015-2015 capital budget totaling \$7,077,169 be adopted. Project funding was approved as listed in Appendix 4, the source of funds for each project was approved as presented, and the president was authorized to sign associated purchase orders or contracts.

#### **APPROVAL OF THE FISCAL YEAR 2015-2016 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 \$242,013,985 for fiscal year 2015-16 is submitted for approval. The proposed budget includes faculty promotions, staff reclassifications, and a 3% merit pool for faculty and staff. A detailed Higher Education Fund allocation is included in Appendix 5.

THEREFORE, it was ordered that the 2015-16 annual operating budget that totals \$ 242,013,985 be approved, along with the HEF allocations included in Appendix 5.

#### **ADOPTION OF THE EXPENDITURE REIMBURSEMENT RESOLUTION FOR A STEM BUILDING**

WHEREAS, the board members considered the following: As part of the STEM Building construction initiative, the university wishes to seek begin pre-construction planning before bonds are issued. To begin that process and qualify pre-bond issuance expenditures for

reimbursement, the administration submits a STEM Building bond reimbursement resolution in Appendix 6.

THEREFORE, it was ordered that the STEM Building expenditure reimbursement resolution in Appendix 6 be adopted.

#### AD ASTRA CONTRACT EXPANSION

WHEREAS, the board members considered the following: Last fiscal year, the university contracted with Ad Astra Information Systems to obtain data used for more efficient space utilization management. The administration is examining ways to create additional efficiencies and wishes to expand the scope of Ad Astra's services to include a detailed analysis of student course demand and class scheduling. Information obtained from the analysis is expected to provide options for more efficient resource reallocation.

THEREFORE, it was approved for the university to contract with Ad Astra to examine instructional delivery efficiency opportunities at a cost not to exceed \$150,000. The fund source(s) will be designated funds. The president was authorized to sign the contract(s) and associated purchase orders.

#### AUTHORITY TO MOVE ENERGY PROJECT PHASE III CAPITAL FUNDS TO FUND BALANCE

WHEREAS, the board members considered the following: As a part of the Phase III energy project with Siemens Industry Inc., at the October 27, 2014 meeting the Board of Regents authorized certain fiscal 2015 capital plan items to be incorporated into the project's third phase. Those items were air handlers in the Liberal Arts North Building at a cost of \$275,000, residence life facilities' cooling towers for \$225,000, and water and air handler equipment at Johnson Coliseum for \$90,000. To leverage energy savings operating funds, the university wishes to create flexibility to utilize the original funding sources for appropriate capital support or debt service payments.

THEREFORE, it was ordered that the university be authorized to return the funds identified for air handlers, cooling towers, and water and air handling equipment to the original funding source. \$275,000 will be returned to the higher education fund balance, \$225,000 to the auxiliary fund balance, and \$90,000 to the designated fund balance.

#### ADDITIONAL EDUCATIONAL ADVISORY BOARD STUDENT SUCCESS COLLABORATIVE SERVICES

WHEREAS, the board members considered the following: The university has been a member of the Education Advisory Board (EAB) Academic Affairs Forum for a number of years. For the past three years, the university has been a part of the EAB Student Success Collaborative (SSC). EAB recently purchased GradesFirst, to combine with the SSC and create the Care Coordination Platform, with the combined product to be known as SSC Campus. The administration wishes to add the Care Coordination Platform to our current services. The total cost of the platform to

include the new functionality is \$714,935. The total cost of the platform to include the new functionality is \$714,935 for a five year period that extends through December 30, 2020.

THEREFORE, the university's expanded participation in the SSC and the Care Coordination Platform through the EAB, effective through December 30, 2020, was approved at a cost not to exceed \$714,935. The president was authorized to sign associated contracts and purchase orders.

#### PURCHASE OF ATHLETIC VIDEO EQUIPMENT

WHEREAS, the board members considered the following: The university is nearing the end of a 10-year agreement which provided the university with video boards, outdoor marquees, scoreboards and advertising sales. The revenue generated from the corporate sponsorships and advertising sales paid for the equipment. The existing equipment has reached the end of its useful life, and the university desires to replace the existing video/scoreboard structures with larger, better quality LED displays that will enhance the game experience for fans and provide additional sponsorship revenue at the venues. Unlike the prior agreement, the university will maintain full control of all corporate sponsorships, advertising sales and revenue.

THEREFORE, the purchase of the following athletic video and scoring system upgrades from Daktronics Inc. was approved: new video board and scoring components at Homer Bryce Stadium; new video board, scoring components, electronic fascia and digital courtside tables at William R. Johnson Coliseum; upgrade of the existing marquee at the corner of East College and University Drive; and new scoreboards for women's soccer, baseball and softball, all not to exceed \$3,000,000.

It was further ordered that the video boards and components be financed with a five-year municipal lease-purchase agreement through Banc of America Public Capital Corp. Revenue from corporate sponsorships and advertising will provide a level of support for the lease payments. It was approved that designated fund balance will be used to pay the difference between corporate sponsorship revenue and the amounts of the lease-purchase payments. It was further ordered that the municipal lease-purchase agreement resolution with Banc of America Public Capital Corp in Appendix 7 be approved. The president was authorized to sign associated purchase orders and contracts.

#### LATE PAYMENT FEE

WHEREAS, the board members considered the following: Students on the installment plan currently pay a late installment fee if the installment plan payment is made after the due date. No fees are charged if a student misses other payment due dates, such as due dates for short-term loans or repayment agreement due dates.

THEREFORE, it was ordered that the late payment fee of \$25 apply to short-term loan or bill repayment plan payments that are made after the scheduled due dates. It was ordered that the late fee changes begin in the fall 2015 semester.



## GRANT AWARDS

WHEREAS, board members considered the following: To date in fiscal year 2015, the university has received multi-year grant awards applicable to fiscal year 2015 totaling \$20,414,814, an increase of \$666,180 since the last report. Of this total, grant awards allocable to fiscal year 2015 are currently \$7,743,983, an increase of \$414,678 since the last report.

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

THEREFORE, it was ordered that the additional grant awards allocable to fiscal year 2015 that total \$414,678 be approved and ratified. These grant awards are detailed in Appendix 8.

## APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 9:

Auditing a Course – Tuition and Fees 3.3

Best Value Procurement 17.1

Central Stores 17.3

Check Cashing 3.7

Contracting Authority 1.3

Delegated Purchasing Authority 17.5

Ethics 2.6

External Bank Accounts 3.14

Fixed Amount Awards 8.12 (NEW)

Indirect Cost Recovery, Distribution, and Use and Fixed-Price Agreements 8.5

Institutional Reserves Fund 3.19

Memberships 17.10

Payment Card Acceptance and Security 14.8

Physical Plant Charges 16.20

Procurement Training 17.25

Purchase Requisition 17.19

Purchase Voucher 17.20

Purchases from Employees 17.21

Purchasing Ethics and Confidentiality 17.22

Travel 3.29

## STRATEGIC PLAN 2023

### BOARD ORDER 15-43

Upon motion by Regent McCarty, seconded by Regent Ware, with all members voting aye, it was ordered that the following agenda item be approved:

#### ADOPTION OF 2023 STRATEGIC PLAN: SFA ENVISIONED

WHEREAS, the board members considered the following: Over the past ten months the campus community, along with external stakeholders, has been engaged in a collaborative strategic planning process to develop a vision for the preferred future of SFA and the specific goals that will focus our work as this vision is implemented.

A planning team of 39 faculty and staff members interacted with more than 2,100 people to engage their thinking and solicit their ideas. More than 50 specialized reports from those interactions were shared with the university community on a dedicated website. In an intense review of what had been learned, this team then condensed the primary issues that emerged into six strategic priorities. Concept papers expanding an understanding of each of the six priorities were developed and shared with the university community as well as with a group of internal and external stakeholders in a day-long conference designed to develop a comprehensive statement regarding the preferred future for the university. The planning team, using this vision statement, then developed potential goals for implementing this vision. These proposed goals were honed by the executive leadership into a framework that gives structure and focus to the work going forward (Appendix 3).

THEREFORE, the *SFA Envisioned* strategic plan was approved as presented for a term to begin immediately and conclude on September 18, 2023 to coincide with the 100<sup>th</sup> anniversary of the university.

## BOARD RULES AND REGULATIONS

### BOARD ORDER 15-44

Upon motion by Regent Ware, seconded by Regent Henderson, with all members voting aye, it was ordered that the following agenda item be approved:

#### REVISION OF BOARD RULES AND REGULATIONS

WHEREAS, the board members considered the following: The *Rules and Regulations of the Board of Regents* provide guidelines for the performance of duties which are delegated to the board by the Texas Legislature. Regular updates are necessary to reflect needed changes. Proposed changes were emailed to members of the board fifteen days before this July 28 meeting, as required for their consideration. The general counsel has reviewed the proposed updates shown in Appendix 10.

Section 4 has been updated to reflect current law with regard to the broadcasting of board meetings. Sections 6-8 have been modified to provide clarity in the event of a vacancy to one of the elected positions. The proposed language clarifies the previously existing rules and how such rules would be interpreted in the event of a vacancy. Section 27 has also been modified to mirror a proposed change to the Naming Guidelines (1.5) policy.

THEREFORE, the Board of Regents adopted the revisions to the *Rules and Regulations of the Board of Regents* as presented in Appendix 10.

## REPORTS

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

- Upcoming Dates: August 15 commencement with Judy McDonald as the speaker; September 19 Parents Day; October 3 Battle of the Piney Woods in Reliant Stadium, Houston; October 31 Homecoming with the Fall Board of Regents meeting following on November 1 and 2.
- Tobacco-free campus
- Band Trip to New York for the Macy's Day Thanksgiving Parade
- Dr. Richard Berry's appointment as Dean of the Graduate School
- Legislative Follow-up

Dr. Karen Embry-Jenlink, faculty senate chair, reported on the following:

- Introductions
- Faculty Senate Update
- McGee Room 483
- Proposal for SGA Ombuds Position
- Newly Elected Senators

Tristian Harris, SGA president, gave a report on the following topics:

- Smoke-free campus
- Watermelon Bash on August 31 from 3 to 5 p.m.
- Weeks of Welcome

The meeting was adjourned by Chair Coleman at 10:43 a.m.

POLICY NAME	POLICY #	ACTION/CHANGE
Athletic Director	302A	minor change
AAD Business Affairs	302B	add receipt of payments
Head Coach	302F	minor change to job description
Head Athletic Trainer	302L	minor change to job description
Associate AD External	302O	add receipt language
Videographer	302S	add ESPN3 duties
Director of Corporate Sales	302U	add receipt language
Director of Athletic Development	302V	add receipt language
Budget Accountability	401C	minor change
Ticket Office-Comp Tickets	408C	minor change
SA Recruitment	502A	changes to reflect new software
SA Non-Recruited	502E	minor changes
SA Academic Policy	503A	minor changes
SA Food Service	504B	update meal plans
SA Medical Policy	506A	major rewrite to include concussion & pregnancy policy
Dept Staff-Conduct & Ethics	508A	add new NCAA violation levels
Individual Travel	601A	minor change
Travel-Teams	601B	add change to team lodging
Video Equipment & Production	603B	add policy on ESPN3 & other athletic video productions

## JOB DESCRIPTION DIRECTOR OF ATHLETICS

<b>Reports To:</b>	President
<b>Positions Directly Supervised:</b>	<p>Associate Athletic Director for Compliance &amp; <del>Student Services</del></p> <p><del>Assistant</del> Associate Athletic Director for External Affairs</p> <p>Assistant Athletic Director for Business Affairs</p> <p>Assistant Athletic Director for <del>Student</del> Academic Services</p> <p>Senior Woman Administrator</p> <p>Head Coaches</p> <p>Head Athletic Trainer</p> <p>Director of Wellness Center</p> <p>Administrative Assistant</p> <p><i>Supervisor of Equipment &amp; Facilities</i></p>

### Basic Function

Responsible for the overall management of the intercollegiate athletics program within the policies, procedures and guidelines established by the Stephen F. Austin Board of Regents, the President of the University, the Southland Conference, and the NCAA.

### Duties and Responsibilities

#### A. COACHING SUPERVISION

1. Maintains and develops a staff of Head Coaches that are recognized for their coaching records and their contributions to the coaching profession.
2. Establishes working environments for the coaches that are conducive to good coaching, and allows them to concentrate on their primary functions.
3. Ensures the continuous evaluation of coaches and trainers to promote and maintain high standards of performance in the areas of:
  - a. Teaching athletic skills,
  - b. Motivating assistant coaches and student-athletes,
  - c. Recruiting student-athletes,
  - d. Adhering to University responsibilities, and
  - e. All other factors important to coaching.
4. Provides the support needed for the professional development of the SFA coaching staff, to include recognizing the accomplishments of coaches, promoting collegial relationships within the coaching staff, providing for participation in coaching clinics, etc.

## B. MANAGEMENT, FINANCE, PERSONNEL AND FACILITIES

1. In conjunction with the Associate Athletic Director for Compliance and Student Services, establishes and maintains an efficient organizational structure which has clearly-defined goals, responsibilities and lines of authority.
2. Selects personnel for key administrative positions which are the best available in terms of their education, work experience and record of accomplishment.
3. Holds key administrators accountable for high standards of performance in their assigned duties.
4. Provides opportunities for the training and professional development of all employees.
5. In conjunction with the Director of the Student Center, ensures that athletic ticket transactions are made in accordance with the policies of the University, and that those responsible for sales are held accountable for all funds collected.
6. Oversees fund raising endeavors to maximize the accumulation of revenues in order to contribute to the costs of student scholarships and plant expenditures in conjunction with Assistant Associate Athletic Director for External Affairs and the Director of Athletic Development.
7. In conjunction with the Assistant Athletic Director for Business Affairs, maintains fiscal control over revenues and expenditures to ensure that the Department of Intercollegiate Athletics operates within its allotted budget.
8. In conjunction with the Assistant Athletic Director for Business Affairs, ensures that all Department of intercollegiate Athletics financial transactions are consistent with the policies and procedures of the University or special policies that apply to the Department.
9. Works closely with the Vice President of University Affairs to obtain campus assistance, as required, to successfully administer the Department of Intercollegiate Athletics.
10. Provides for a clean, safe and functional physical plant.
11. Ensures that student-athlete housing and food service functions are optimally managed from the Departmental prospective.
12. In conjunction with the Associate Athletic Director for Compliance & Student Services, works to ensure compliance with NCAA and Southland Conference rules and regulations.
13. Works with Departmental Administrative Staff members and Head Coaches to establish schedules for the various athletic teams. Ensures that the resulting inter-institutional contracts protect the interests of SFA.
14. Provides for optimum management of all athletic events.

## C. STUDENT-ATHLETES AND STUDENTS

1. Develops and maintains procedures to ensure that the rules and regulations of the Southland Conference and the NCAA are met.
2. In conjunction with the Associate Athletic Director for Compliance & Student Services, works with the Assistant Athletic Director for Student Academic Services to develop and maintain a quality program that meets the academic needs of the student-athletes (e.g., counseling, tutorial, study hall, academic advising, etc.).
3. In conjunction with the Head Athletic Trainer and Team Physician, provides a medical training program which focuses on the prevention and treatment of athletically related injuries, as well as the maintenance of the general health of all student-athletes.
4. Works with the Associate Athletic Director for Compliance & Student Services to ensure that student-athletes follow the Department and University's code of conduct, as well as rules and regulations related to ethical conduct, sportsmanlike behavior, etc.

## D. PUBLIC RELATIONS

Maintains effective working relationships with the following groups:

1. The academic community of the University, to include the faculty, staff, students and administration;
2. The University's Intercollegiate Athletics Council;
3. The Stephen F. Austin Board of Regents;
4. SFA alumni and friends, to include local civic and community organizations;
5. Representatives of the press and electronic media;
6. High school coaches and administrators;
7. General public; and
8. Southland Conference, NCAA, and other professional organizations.

Represents the University on committees within the Southland Conference, the NCAA as well as other related associations.

E. PROMOTIONS

1. Develops and maintains a quality media relations program covering all intercollegiate athletics programs.
2. Promotes athletics events directly on the campus and other events which provide indirect benefits to the campus and the community, such as NCAA championships, etc.
3. Promotes and supports coaches, student-athletes, etc.
4. Promotes the University.

F. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).

G. Compliance matters will also be included in your annual Performance Management Review.

H. Performs other duties as assigned by the President of the University.

SFA

| 7/20072015



**JOB DESCRIPTION**  
**ASSISTANT ATHLETIC DIRECTOR FOR BUSINESS AFFAIRS**

**Reports To:** Director of Athletics

**Positions Directly Supervised:**  
Coordinator of Athletic Operations

**Basic Function**

Responsible for directly overseeing the Department business operations and assisting the Director of Athletics with the overall management and control of the Department budget. Attends to daily business operations and financial planning and oversight.

**Duties and Responsibilities**

1. Assists in the development of budgets for all programs, in conjunction with the Director of Athletics, Head Coaches and other administrative staff members. Monitors budgetary compliance.
2. Participates in special planning studies related to income projections. Compiles budget estimate information for athletics program operations and special projects, as requested.
3. Assists coaches and administrative staff with the business operations pertaining to their programs.
4. Aids in the negotiation of all Departmental contracts to include, television and radio rights, business facilities, rental, maintenance and concessions at the direction of the Director of Athletics.
5. Works closely with appropriate University Offices to ensure that all developed contracts meet University, as well as State rules and regulations requirements.
6. Develops and implements capital equipment purchasing procedures and special remodeling/maintenance projects, working with the University's Business and Purchasing Offices.
7. Reviews game guarantees and other appropriate financial arrangements with visiting teams, and prepares contracts for events, as necessary.
8. Oversees the planning and coordination of team travel arrangements, including transportation, lodging, meals, etc., for regular and postseason events.
9. Assists in the development of Southland Conference, and NCAA Championship budgets and financial reports.
10. Keeps the Director of Athletics informed regarding Departmental fiscal operations, providing periodic budget status reports.

11. Interfaces with internal and external auditors, as well as with other University Departments having fiscal management authority.
12. Handles University receipts and has receipt processing duties as per University policy. *May receive and/or supervise the receipt of payments for department sponsored activities.*
13. Attends University, Southland Conference, NCAA and other organizational meetings, as assigned.
14. Participates on University committees and task forces, as required.
15. Initiates or participates in projects as requested by the Director of Athletics.
16. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
17. Compliance matters will also be included in your annual Performance Management Review.
18. Performs additional duties and special projects as assigned by the Director of Athletics.

SFA

7/20122015

## JOB DESCRIPTION HEAD COACH

**Reports To:** Director of Athletics

**Positions Directly Supervised:** Assistant Coaches  
Part-Time Coaches  
Intern Coaches  
Volunteer Coaches  
*Student Assistants*

### Basic Function

Responsible for the management and administration of all phases of a sports program in a manner that upholds the philosophy and objectives of the Department of Intercollegiate Athletics.

### Duties and Responsibilities

1. Adheres to and enforces all policies and procedures of the Department and the University, as well as the rules and regulations of the Southland Conference, the SFL, the NCAA and other authorities that may legitimately influence the intercollegiate sport.
2. Oversees the recruitment and selection of student-athletes. Ensures compliance with NCAA guidelines for contacting and entertaining prospects. Initiates the process for determining academic eligibility and issuing National Letters of Intent.
3. Provides leadership and instruction in the personal and athletic development of student-athletes, to include counseling team members in academic, disciplinary and personal matters, when appropriate.
4. Monitors the eligibility status and promotes the academic progress of student-athletes by working closely with the ~~Assistant~~ Associate Athletic Director for Compliance. Assists in enforcing study hall attendance for referred freshmen and others with grade deficiencies. Support the guidelines set-up by the Assistant Athletic Director for ~~Student~~ Academic Services.
5. ~~Develops and submits the sport's annual budget.~~ Manages the sport's program within the framework of a balanced budget.
6. Oversees the selection, purchase, fitting and maintenance of team equipment, to include uniforms, athletic equipment and supplies.
7. Schedules and conducts regular practice sessions in and out of season, as permitted by NCAA rules and regulations. Develops and implements strategies for motivating student-athletes to perform at maximum levels as both individuals and a team.
8. Arranges a competitive event schedule, in conjunction with the ~~Associate Athletic Director for Internal Affairs~~ Assistant Athletic Director for Business Affairs and the Director of Athletics.

9. Ensures that team travel arrangements are in compliance with University, Southland Conference and NCAA rules and regulations, to include monitoring the development of travel itineraries and coordination of travel plans.
10. Oversees the conditioning and training of team members, in conjunction with the Head Athletic Trainer and Director of the Wellness Center, to ensure that student-athletes are physically prepared for competition.
11. Supervises assigned assistant coaches, part-time assistant, restricted coaches, volunteer coaches, ~~graduate assistants~~ *student assistants* and/or other support staff to ensure their compliance with applicable rules, policies and procedures. Provides orientation, training and guidance, as needed. Conducts performance evaluations and recommends salary increases, as appropriate.
12. Participates in clinics, exhibitions and camp activities, as approved.
13. Assists with approved fund raising activities, as requested.
14. Participates in public relations activities, to include speaking engagements, television and radio interviews, and press conferences, as approved or requested. Represents the Department at professional, civic, charitable and alumni events.
15. Compiles data and reports, as required by the Department and University.
16. Provides student-athletes with information on opportunities to compete at approved national and international tournaments, meets, etc.
17. Develops and publishes team rules regarding appearances, practice, class attendance, punctuality, dress code and general standards of behavior, with the approval of the Director of Athletics. Enforces team rules, providing appropriate disciplinary action as warranted.
18. Ensures the safety of student-athletes and coaching staff through careful monitoring of the conditions of athletic equipment and facilities utilized by the designated sport. Submits requests for repair, maintenance and improvements of facilities to the Supervisor of Facilities and Equipment
19. Cooperates with all coaches within the intercollegiate athletics program to enhance overall Departmental operations.
20. *May receive and/or supervise the receipt of payments from parents, students and others for department sponsored activities including camps held on campus.*
2021. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
2122. Compliance matters will also be included in the annual Performance Management Review.
2223. Performs other duties and special projects as requested by the Director of Athletics.

SFA  
| 7/20052015

## JOB DESCRIPTION HEAD ATHLETIC TRAINER

**Reports To:** Director of Athletics, Team Physician

<b>Positions Directly Supervised:</b>	Assistant Athletic Trainers Athletic Training Interns Graduate Assistant Athletic Trainers <del>Student Assistants</del> Athletic Training Students Sports Nutritionist / Dietitian
---------------------------------------	---

### Basic Function

Supervises the administration of the Athletic Training Rooms and coordinates the comprehensive sports medicine department utilizing the six domains of athletic training: prevention, clinical evaluation, and diagnosis, immediate care, treatment, rehabilitation, and reconditioning, organization and administration, and professional responsibility. ~~the treatment of injuries to student athletes under the supervision of the Team Physician.~~

### Duties and Responsibilities

1. Oversees the application of therapeutic modalities and treatments in the Athletic Training Room.
2. Aids in the prevention of athletic injuries by supervising preventative taping and the purchase and fitting of special protective equipment, as well as maintaining safety conditions at practices and competitions.
3. Coordinates the rehabilitation programs for players after surgery, with off-season injuries, or preventative exercise, in response to pre-season screening results.
4. Administers emergency procedures to injured athletes in assigned sports during practices and games.
5. Maintains records of treatments and injuries of all student-athletes seen and treated in the Athletic Training Rooms. Supervises the distribution of approved medications under the orders of the Team Physician.
6. Makes appointments for student-athletes to see private physicians, as necessary.
7. Assigns and supervises graduate ~~and assistants and student assistants~~ athletic training students assigned to the Athletic Training Rooms and specific sports.
8. Coordinates the scheduling and conduct of pre-season athletic physicals for all student-athletes.
9. Prepares reports on injured student-athletes for the applicable Head Coach and provides periodic progress reports on the rehabilitation of these players injured during the year.
10. Coordinates and supervises the Department's Drug Testing Program.

11. Remains on 24-hour call to sports specific players for treatment and/or counseling, as assigned.
12. Coordinates the purchasing, maintenance and repair of all Training Room supplies and equipment. Maintains an on-going inventory of all such supplies and equipment.
13. Makes arrangements for *Athletic* Training Room supplies and equipment to be transported on trips.
14. Meets with recruits, as assigned, to tour the Department's *Athletic* Training Rooms and ———discuss injuries and rehabilitation programs.
15. Maintains current NATA *certification and Texas Athletic Training* licensure. ~~and Physician Assistant certifications.~~ Remains current on new training techniques by reading relevant literature and attending workshops and conventions, ~~as time permits.~~ Conducts training sessions and supervises graduate assistants in the performance of athletic medicine activities.
16. Abide by all rules of the National Collegiate Athletics Association (NCAA), ~~and the Southland Conference (SLC), the National Athletic Trainers Association (NATA), and State of Texas laws.~~
17. Compliance matters will also be included in your annual Performance Management Review.
18. Performs special functions for the Department as requested by the Director of Athletics.
19. *Oversees Electronic Medical Records (EMR) system and Third Party reimbursement platform in conjunction with Athletic Insurance Specialist.*
20. *Coordinates and supervises the Department's concussion management plan.*

SFA

7/200557/2015

## JOB DESCRIPTION

### ~~Assistant~~ 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  
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* ~~developing and implementing an overall~~ marketing plans for the department, and *oversight of all* ~~oversee~~ athletic promotional, public relations and ticket sales efforts. ~~Serves as liaison~~ Coordinates with appropriate staff the ~~liaisoning~~ *liaisoning* for the athletic department to the office of development, alumni associations, 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 ~~Develop and implement~~ strategies to increase ticket sales and overall attendance at athletic events.

#### Duties and Responsibilities

1. *Supervises the development and implementation of all* ~~Develop, implement and coordinate a~~ comprehensive athletic fund-raising, corporate partnership and a marketing and promotions plans for the University.
2. Coordinate the Athletic Department's public relations effort.
3. ~~Oversee~~ *Supervises the Director of Annual Giving who coordinates* the Athletic Annual Fund.
4. *With appropriate staff, coordinates department* ~~Communications-communications~~ and coordinates activities with all University fund raising agencies, including the Alumni Office, the Advancement office and outside parties.
5. *Oversees the planning* ~~Plan~~ of all athletic fund raising events.
6. *Oversees the design of* ~~Designs~~ proposals requesting gifts and/or sponsorships from donors, businesses or corporations and private foundations.
7. *Ensure that staff will* ~~Inform~~ 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.
10. Adhere to all applicable NCAA and Southland Conference rules and regulations.
11. Serve as the athletic department liaison with the Office of Public Affairs.
12. Attends luncheons or meetings with volunteers as needed.
13. Engages in speaking commitments to promote the University.
14. Travels in order to locate potential donors.
15. Handles university receipts and has receipt processing duties as per university policy.
16. *May receive and/or supervise the receipt of payments from corporations, donors, students and others for department sponsored activities*
17. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
18. Compliance matters will also be included in your annual Performance Management Review.
19. Performs other duties as assigned by the Athletic Director.

SFA

~~7/2014~~ 7/2015

## JOB DESCRIPTION VIDEOGRAPHER

**Reports To:** ~~Assistant~~ Associate Athletic Director for External Affairs

**Positions Directly Supervised:** Student Assistants  
Casual Workers

### Basic Function

This is a professional position responsible for overseeing the external video services for the Department of Intercollegiate Athletics. Responsible for the operation and content of video boards at Homer Bryce Stadium and the William R. Johnson Coliseum; ~~producing a weekly television show for the department and~~ producing ESPN3 telecasts of all home athletic events to include football, men's and women's basketball, volleyball and soccer; producing recruiting videos, promotional videos, etc; and hiring, supervising and scheduling production crews. Works under general supervision, with moderate latitude for the use of initiative and independent judgment. –

### Duties and Responsibilities

1. Designs, composes and directs creative audiovisual productions, including planning for use of talent, visualization of script and use of graphics.
2. Oversees all external video services, including ESPN3 production, writing, taping, editing and website streaming for the Department of Intercollegiate Athletics.
3. Supervises student, contract video and professional crews, including the recruiting, scheduling and hiring of crews for ESPN3 live productions.
4. Provides technical direction during ESPN3 live events, including website streaming if necessary.
- ~~5. Produces a weekly television show for department, including shooting video of practices, games and other activities; editing features; studio set up; and direction.~~
5. Coordinates production and archival of all SFASU Commencement Ceremonies.
6. Produces departmental recruiting videos, highlight films, promotional videos, videos for special events and the department's website.
7. Supervises ~~sets~~ set up and operates equipment such as cameras, lights and microphones to film and record productions, and edits for production using computer-assisted and other special effect audiovisual equipment.
8. Assesses needs of the department and meets those needs within the department's time schedule and budget.

9. Assesses equipment capabilities and user needs to recommend the purchase of new equipment or the modification of existing hardware.
10. Supports production and trafficking of advertising content for athletics event video boards.
11. Designs graphics and animation.
12. Abides by all rules of the National Collegiate Athletics Association (NCAA) and the Southland Conference (SLC).
13. Compliance matters will also be included in the annual Performance Management Review.
14. Performs other duties and assists with special projects as assigned.

SFA

7/20102015

## JOB DESCRIPTION

### DIRECTOR OF ATHLETIC CORPORATE SALES

**Reports To:** Associate Athletic Director for External Affairs

**Positions Directly Supervised:** none

**Basic Function:**

Responsible for performing administrative duties to include pursuing, packaging, and cultivating corporate partnerships for the Department of Intercollegiate Athletics. Responsible for strategic development and enhancement of partner relationships; leveraging and advertising of the department; strategizing and analyzing techniques to advance corporate involvement and sales; and identifying key decisions and opportunities to promote and enhance the ability to reach long-term goals.

**Duties and Responsibilities:**

1. Builds relationships with current corporate partners seeking their input on strategies to enhance existing elements of their contracts.
2. Leverages and promotes the visibility of SFA athletics to seek additional corporate support from local, regional, and national businesses.
3. Develops and implements strategies to increase corporate involvement through ticket opportunities, corporate nights, and hospitality events.
4. Engages and consults with corporate partners regularly, promoting quality customer service and contract fulfillment.
5. Identifies opportunities and establishes corporate partner relationships to enable the development of marketing and advertising opportunities.
6. Serves as the department's primary liaison with external partner entities.
7. Assists in planning and implementing revenue funding techniques to enable long-term equipment upgrades.
- 7-8. *May receive and/or supervise the receipt of payments from corporate sponsors and others for departmentally sponsored activities.*
- 8-9. Ensures corporate partnerships are compliant with NCAA, Southland Conference and University rules and regulations regarding corporate partnerships and use of student-athlete likeness.
- 9-10. Assists in securing radio and television packages.
- 10-11. Compliance matters will also be included in the annual Performance Management Review.

11.12.	Performs other duties and assists with special projects as directed.
SFA/20154	

## JOB DESCRIPTION DIRECTOR OF ATHLETIC DEVELOPMENT

**Reports To:** Associate Athletic Director for External Affairs

**Positions Directly Supervised:** none

**Basic Function:**

Responsible for performing administration duties, including: planning, organizing, directing, and coordinating the department's external fundraising efforts known as the Varsity Club.

**Duties and Responsibilities:**

1. Coordinates with supervisor to establish annual goals and objectives that fit into the department's overall mission.
2. Develops and implements a campaign aimed to increase annual fund giving and donations, membership, and additional revenues.
3. Fosters and establishes a good rapport with existing donors.
4. Engages donors on a consistent basis with a high regard for customer service.
5. Builds positive interpersonal relationships with colleagues and strategically collaborates to seek additional revenues through corporate foundations and other areas of philanthropy.
6. Cultivates and fosters relationships with former student-athletes to encourage involvement in the department's programs.
7. Maintains database of donors through applicable university and departmental software.
8. Coordinates and plans reunion weekends, Hall of Fame weekends, donor hospitality areas and other events related to areas of responsibility.
9. Collaborates with the Office of Development, the Alumni Association, the SFA Lettermen's Association and other University groups and departments regularly.
- 9-10. *May receive and/or supervise the receipt of payments from donors, students and others for departmentally sponsored activities.*
- 10-11. Follows all University, Southland Conference and NCAA rules and regulations. Compliance matters will also be included in the annual Performance Management Review.
- 11-12. Performs other duties and assists with special projects as directed.

SFA

7/~~2014~~2015

## BUDGET: ACCOUNTABILITY, CONTROL AND REVISION

Pursuant to the policies of the Board of Regents, the President of the University is ultimately responsible for the administration of athletic funds. However, the Director of Athletics has the authority to review and approve all Departmental expenditures, and is accountable for same. The Director of Athletics may delegate such authority for approving certain types of expenditures to the Assistant Athletic Director for Business Affairs.

### Accountability

**The University requires that approved budgets not be exceeded.** Therefore, it is imperative that staff members with budgetary responsibility (e.g., head coaches and department heads) operate within their budget guidelines. Staff members are held accountable for violating this policy.

Further, even though head coaches and department heads are held accountable for the depletion of budget accounts, substantiating unbudgeted expenditures and/or justifying the use of private funds to cover budget overruns, the Director of Athletics, in consultation with the Assistant Athletic Director for Business Affairs, is **solely** responsible for the approval of unbudgeted expenditures.

### Budgetary Control

The oversight and approval of funds expenditures is a central component of the Department's budgetary control system. Prior to committing the Department to a financial obligation, a staff member must have the request approved. **If prior approval is not obtained, the individual staff member may be held personally responsible for the resulting charges.**

The Assistant Athletic Director for Business Affairs reviews all purchase requisitions and analyzes expenditure levels to ensure that budget allocations are not exceeded.

It is recognized that there are areas within most budgets where staff members have little or no control (e.g., physical plant operating cost, etc.); however, in the areas that can be controlled, expenditures should be carefully monitored.

Once a purchase request is approved, it is processed by the Assistant Athletic Director for Business Affairs according to established purchasing procedures (see Policy 404, Purchasing Procedures, in this Manual).

### Budget Revisions

Requests for major revisions to the Department's approved budget must be submitted with written justification to the Assistant Athletic Director for Business Affairs, who ensures that such revisions are in compliance with University guidelines. The budget transfer request is then submitted to the Director of Athletics for approval prior to being sent to the President and the University's Budget Manager. ~~Individuals with cost-center control responsibilities are~~ *The Assistant Athletic Director for Business Affairs is permitted to adjust specific line items (e.g., funds may be transferred from one object code to another) to cover necessary expenditures in another area. However, extreme caution must be taken to ensure that the budget's bottom line continues to remain in balance. Further, the total Department expenditure budget can only be revised with the approval of the Board of Regents.*

SFA

7/20072015



## TICKET OFFICE: COMPLIMENTARY TICKETS

The Department of Intercollegiate Athletics' and the University's complimentary ticket policies have been devised to extend hospitality to University guests and to recognize supporters of the athletics program. Established procedures for distributing complimentary tickets enable the University's Ticket Office to account for these tickets. Complimentary ticket policies and procedures are consistent with University, Southland Conference and NCAA rules and regulations, and have been developed with careful consideration given to the best interests of the athletics program.

When used properly, complimentary tickets are an excellent public relations and recruiting tool; however, their misuse can result in administrative and NCAA sanctions, as well as loss of revenues. Therefore, Departmental Staff must be knowledgeable of all constraints placed on the distribution of complimentary admissions. **The transfer or resale of complimentary tickets is prohibited.**

~~Four hundred (400) seats in the Player Pass section and 320 seats in the Visitor's Player Pass section are allocated for complimentary admissions.~~

### Accountability

All complimentary tickets for home football, basketball, baseball and softball games must be accounted for: therefore, all tickets must be signed for by the recipient. Any unused tickets must be returned to the Ticket Office no later than one week following the event.

### Allocations of Tickets/Admissions

Generally, the allocation of complimentary tickets and/or admission is determined by the Director of Athletics. Any exceptions to established policies must be approved in writing by the Director of Athletics. **No hard tickets are issued to student-athletes, Departmental staff, visiting players or prospective student-athletes.**

In general, complimentary tickets are made available to the following groups:

- Guests of the Athletic Department;
- Student-Athletes;
- Visiting student-athletes and coaches; and
- —~~p~~Prospective student-athletes.

### Guidelines for Complimentary Admissions

The procedure for gaining complimentary admission to ticketed intercollegiate athletics events (i.e., football, basketball, baseball and softball) at SFA are the same for, student-athletes, recruits, and guests of the athletics department. Guidelines or information related to any specific group are detailed below. The following guidelines and procedures are applicable to every group:

1. The Southland Conference requires that *visiting* member institutions use its complimentary admission form that includes spaces for: the sport involved, date of competition, name of the person completing the form, the student-athlete's name, complimentary admission recipient and recipient's signature.

2. The head coach for football, men's basketball, women's basketball, softball and baseball, or their designee, is responsible for completing the complimentary admission form prior to each home contest. The completed forms are delivered to the East-side ticket booth of the Stadium, Ticket Window 1 of the Coliseum, the baseball ticket booth or softball ticket booth by a representative of the ~~Department~~ *visiting team* one and a half (1 1/2) hours prior to a game time.
3. Player pass ticket windows are marked at all venues.
4. The person requesting complimentary admission gives his/her name, as well as the person requesting the ticket for him/her to ticket personnel at the window.
5. A photo identification is requested and the identity of the person is verified.
6. The person receiving the ticket must sign for the ticket. Following each home game, the complimentary admission form is sent to the Associate Athletic Director for Compliance and Student Services and the visiting institution's compliance administrator within one week of the completed event.

- Department of Intercollegiate Athletics Staff & Guests

All staff members of the Department receive a staff pass at the beginning of each academic year which admits them and three other guests to all home competitions. Additional special guests of the Department are admitted using the complimentary admission form. (See [Appendix 408C-1](#) for a copy of the staff pass used for Department personnel complimentary admissions.)

- Student-Athletes

Student-athletes are allowed four (4) complimentary admissions in their sport for each home event *and away events where complimentary admissions are provided*. Only eligible team members of the traveling squad receive four (4) complimentary admissions for on-the-road events in their sport. *Student-Athletes in the sports of football, basketball, baseball and softball will use ARMS Software to designate who will receive their complimentary admissions. Those submissions are approved by the Associate Director of Athletics for Compliance. Complimentary Player Ticket Requests reports are then printed by the SEA Ticket Office for home events, and by that sports head coach and/or designee to be delivered for away contests to that schools ticket office.* ~~(See [Appendix 408C-2](#) for a copy of the complimentary admission form used for student-athlete complimentary admissions.)~~ **Student-athletes may neither receive payment for complimentary admissions nor exchange them for any item of value.**

- Recruits

The NCAA has very specific guidelines for the issuing of complimentary tickets to recruits. During the Official Visit to the University campus, complimentary admissions may be issued for the exclusive use of the prospective student-athlete and his family, guardian or spouse. On an Official or Unofficial Campus Visit, a maximum of three (3) complimentary admissions to a campus athletic event may be given the prospect and

those accompanying the prospect. *Coaches will complete the Official/Unofficial Visit Complimentary Admissions Form found on the Coaches Forms link on the SFA Athletics website. This form should be delivered to the SFA Ticket Office representative no later than 90 minutes prior to the opening of the ticket windows. (For additional information, see Policy 502A, Student-Athletes: Recruitment, in this Manual.)*

The number and use of admissions to events for recruiting purposes is determined by the Head Coach of each sport, *but cannot exceed limits set by NCAA legislation.*

- Visiting Teams

For non-conference teams, complimentary tickets are provided as per contractual agreement for football and basketball. Non-conference teams provide their approved complimentary ticket form to the east side ticket booth at Homer Bryce Stadium or to Window 1 at the Coliseum. No complimentary tickets are made available for baseball or softball.

For conference teams, SLC operating codes for each sport are followed as they pertain to complimentary admissions.

### **Away Conference Games**

Complimentary admission for student-athletes and staff members for away Southland Conference games generally follows the same procedure as home games using the SLC complimentary admission form.

### **Away Non-Conference Games**

For non-conference away games, only those who are a part of the official travel party will receive complimentary tickets (4 per person). Staff members or student-athletes who are not considered part of the official travel party will not receive complimentary tickets without prior approval of the Director of Athletics. The Director of Athletics, or his designee, will review and monitor the official travel party list and coordinate the distribution of complimentary tickets.

### **Media Representatives**

Media representatives are admitted to athletic events on a credential basis only. Representatives requiring credentials apply to the Media Relations Office prior to a scheduled event requesting press credentials for the event. The Media Relations Office prepares and mails the credentials. (See Policy 606D Media Coverage: Events, in this Manual for additional information.)

### **Charitable Events and Donations**

Complimentary tickets for promotional purposes are provided on a case-by-case basis by the Director of Athletics, or his designee. The Director of Athletics, or his designee, requests a specified number of tickets from the Ticket Office Manager. All tickets issued by the Ticket Office for use by the Department are accounted for on an Interdepartmental Transfer. The Director of Athletics, or his designee, must sign for these tickets in the Ticket Office.

### **Postseason Events**

In the event that a University team is invited to participate in a postseason competition, the Department distributes complimentary tickets within guidelines established by the Southland Conference and the NCAA. In general, the University follows established guidelines for on-the-road events, with each traveling student-athlete allotted up to six (6) complimentary admissions. Complimentary admissions are not given to staff members and student-athletes not participating in the event or to recruits for postseason Conference and/or NCAA championship events.

SFA

| 7/20102015

## 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. *This form is available to head coaches in ARMS software for completion and submission to the Director of Athletics.* ~~The Associate Athletic Director for Compliance & Student Services is responsible for the administration of this form and for securing the required signatures of each Head Coach and 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 ~~& Student Services~~. If the Associate Athletic Director for Compliance ~~& Student Services~~ 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 September 1 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, ~~including letters, postcards issued by the U.S. Postal Service, institutional note cards and schedule cards;~~ size 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; ~~and.~~

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).

- ~~Videotaping~~Media

~~Videotapes highlighting the academic, enrichment, social and athletic programs (within NCAA guidelines) at Stephen F. Austin State University may be sent to a prospective student-athlete by the Office of Admissions only, provided it is the institution's policy to send or make available such materials to all prospective students. 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 ~~Assistant~~ 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 ~~& Student Services~~ 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



~~Student~~ 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 is kept for each prospective student-athlete in each sport is recorded in the ARMS software program. on the Southland Conference Recruiting Log or on an electronic recruiting package approved by the Associate Athletic Director for Compliance and Student Services (see Appendix 502A-4 for Football, 502A-5 for Basketball, and 502A-6 for all other sports for sample forms). This form ARMS data includes the recruiting coach's name, prospect's name, address, phone and social security number, 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.~~

~~A Recruiting Log form for each prospective student-athlete is kept on file in the Head Coaches' office and made available to the Associate Athletic Director for Compliance & Student Services, as requested. Copies of completed Recruiting Logs and relevant recruiting materials are to be filed in the offices of the Head Coach for each sport and the Associate Athletic Director for Compliance & Student Services. 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 & Student Services.

- 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 & Student Services.** 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 and Student Services (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 & Student Services.

### 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:

1. In men's and women's golf, tennis, 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 & 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.

~~There are no limitations placed on collect telephone calls made to the Department by a prospect or calls made to SFA students or student athletes by a prospect, provided these calls occur after July 15 following the prospects junior year in high school. In men's basketball, collect calls can be received after the conclusion of prospects sophomore year in high school. However, the Department is not permitted to utilize a toll-free (1-800) number to receive such calls.~~*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 ~~designate~~ *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. provides that Associate Athletic Director for Compliance & Student Services with 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. and Official Visit Checklist (see Appendix 502A-14).* 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. ~~(see Appendix 502A-9) for a sample letter). A photocopy of the letter is to be sent to the Associate Athletic Director for Compliance & Student Services.~~
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 ~~and completed Southland Conference Official Visit Roster form (see Appendix 502A-11) upload into the ARMS software program during the post-visit phase. are submitted to the Associate Athletic Director for Compliance & Student Services, within one and one half (1-1/2) days of the completion of the official visit. Additionally, a copy is retained for insertion in the prospect's recruiting file.~~

### 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 and Student Services 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.

### **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 & Student Services 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

7/20142015

## STUDENT-ATHLETES: NON-RECRUITED

The Department of Intercollegiate Athletics recognizes the right of individuals who have not been recruited to try out for an intercollegiate sports team and includes non-recruited, as well as recruited, student-athletes on their team rosters. Non-recruited student-athletes are students who are entering or presently enrolled at SFA and who have not been recruited or offered financial aid based on athletic ability.

The Head Coach of each sport has sole authority for establishing tryout guidelines and for determining the success or failure of a tryout. The Associate Athletic Director for Compliance and Student Services works closely with the Head Coaches of all sports to ensure that applicable compliance records are maintained on all non-recruited student-athletes.

A non-recruited student-athlete not receiving institutional financial aid is not considered a counter. A non-recruited student-athlete receiving institutional financial aid is not considered a counter if there is certification on file in the Director of Athletics Office signed by the Director of Admissions and the Director of Financial Aid certifying that the financial aid was granted without regard to athletic ability.

### Eligibility Certification

A non-recruited student-athlete entering the University as a first semester freshman or transfer student may practice once ~~they have a completed TRYOUT/WALK-ON CLEARANCE FORM~~ the "Walk-On Approval Form" submitted in the ARMS software program has been approved, 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. Approval for practice is only granted after the student has passed a medical examination, *provided proof of insurance coverage*, as well as registering and providing all required academic documentation to the NCAA Eligibility Center. After this period, the student-athlete must have established eligibility in order to continue to practice or compete.

The eligibility certification process for non-recruited student-athletes follows the same process as for other student-athletes as described in Policy 502C.

### Benefits Extended to Non-Recruited Student-Athletes

Excluding grand-in-aid awards, the University extends to all non-recruited student-athletes the same benefits as scholarship student-athletes. These benefits may include:

- Academic Services (e.g., study hall, tutoring, academic counseling, etc.);
- Training Room treatment for athletically related injury;
- Strength and conditioning facility use;
- Team Travel and equipment use; and
- Athletic achievement awards.

Additionally, non-recruited student-athletes may eventually be offered athletically related financial aid at the discretion of the Head Coach and according to the provisions described in Policy 502D.

SFA



| 7/20122015

## STUDENT-ATHLETES: ACADEMIC POLICY

Stephen F. Austin State University and the Department of Intercollegiate Athletics are committed to excellence in education. Academic standards and requirements for student-athletes at SFA are no less stringent than for the general student population. Both the University and the Department of Intercollegiate Athletics are aware that participation in varsity athletics makes exceptional demands upon a student-athlete's time and energy. Student-athletes, however, must assume ultimate responsibility for their academic endeavors while attending the University.

The Assistant Athletic Director for Academic Services is responsible for the daily administration of the academic support program and works closely with the Office of Admissions and the Registrar's Office to institute program services which help ensure continuing eligibility for SFA's student-athletes.

### Philosophy and Objectives

The University believes in the development of a well-rounded individual, sound in mind and body. To achieve this, the University and the Department strive to offer a balanced academic and athletics program that encourages student-athletes to develop characteristics that will make them better citizens and assist them in their life endeavors. Further, the University and the Department are committed to helping each student-athlete achieve a quality education and graduate. This philosophy encompasses helping the motivated student-athlete to learn faster and more completely, and the under-motivated student-athlete to become more motivated and better able to succeed in the academic arena.

In fulfilling its philosophy, the Department, as a whole, strives to:

- Recruit only student-athletes with the potential to succeed academically, as well as athletically;
- Maintain the athletic eligibility of every student-athlete;
- Graduate all student-athletes;
- Protect the academic integrity of the University; and
- Comply with all rules, regulations and procedures of the University, the Southland Conference and the NCAA.

### Coach's Responsibility

Although it is the University's and Department's goal to create an academically supportive environment, it is the student-athlete's responsibility to work within the parameters of this environment. Coaches are asked to support the efforts of the Assistant Athletic Director for Academic Services and Academic Services Assistants to impose logical consequences for those student-athletes who are not fulfilling their academic obligations. If problems with specific student-athletes cannot be resolved jointly by the coach and the Assistant Athletic Director for Student-Academic Services, the student-athlete may be in jeopardy of losing his/her academic support services privileges.

The Department requests that coaches not only support the program with encouragement and appropriate sanctions, but also be supportive of the program's requirements and allow flexibility with student-athletes who may be on occasion late to practice due to academic counseling or related responsibilities.

In an attempt to advise coaches of scheduled workshops and tutorials, regular reports are sent by the Assistant Athletic Director for Academic Services and/or Academic Services Assistants. These reports address the student-athletes participation, performance and attitude as related to services offered by the Academic Support Program.

*To ensure that academic accountability occurs through the proper channels, coaches should not contact SFA faculty members directly with regard to student-athlete academic matters. Furthermore, coaches should not discuss student-athlete academic outcomes with faculty, or discuss matters that relate to grades, grade changes, adding late classes, withdrawing from class, or other matters that would be outside of the normal practices of the university. Coaches should send all requests for information from faculty to the academic staff of the athletic department.*

### **Student-Athlete's Responsibilities**

As stated previously, the student-athlete is ultimately responsible for his/her academic progress at the University. General academic requirements and responsibilities are contained within this policy.

#### **Academic Programs and Services for Student-Athletes**

The Department's goal is to provide student-athletes with an academic support program which utilizes Departmental and University resources to address a variety of academic, personal and career issues. To accomplish this goal, the Academic Support Program, in concert with University student services strives to make available to student-athletes the services described below.

- SFA 101 - Each new student-athlete is requested to enroll in SFA 101. This class will include campus life and survival skills presentations; the explanation of academic support programs and academic counseling services, etc. The class is specialized for student-athletes and taught by members of the athletic department staff.
- Personal Counseling - Confidential assistance is provided to student-athletes by Licensed ~~professional~~ Professional Counselors to help them with transitional issues, stress management, academic focus and personal crisis intervention.
- Career Counseling - Vocational counseling, including interest testing, career library and SIGI (computerized guidance system) is made available to student-athletes
- Testing Services - National tests such as GRE, MAT, LSAT, GMAT, and the TASP are administered to student-athletes, as appropriate. Preparation counseling is also available.
- Placement and Career Services - A liaison service between employers and prospective employees is offered. All students are encouraged to begin a placement file early in their senior year.
- Career Planning - Job development skills are offered in the form of resume development, cover letter writing, job search strategies, interviewing skills and professional school placement assistance.
- Student-Athlete Advisory Committee - The purpose of this established ~~Board~~ Committee is to encourage student leaders and staff to discuss concerns, set goals and identify projects.

- Service Program - This program encourages and facilitates the involvement of student-athletes with students in the community as peer counselors and role models.
- Educational Assessments - A proactive approach is utilized to help develop a personalized academic support plan for student-athletes by offering: reading, writing and listening assessments, services for students with disabilities and in-depth academic assessments and evaluations.
- Tutorial Support - Various programs are offered to help student-athletes experience academic success. They include: subject tutoring, mentor tutoring, group tutorials, time management counseling and supplemental instruction.
- Academic Supervision - Short and long term supervision includes study halls, grade report updates from instructors informing academic staff and coaches of course performance, class attendance monitoring and evaluation of overall academic progress. The GradesFirst software program utilizes the latest computer technology to track attendance, grade status, comments from professors and arranging appointments with tutors.
- Computer Resources - Computers and computer assistance are made available to student-athletes.
- Degree Audit Program - This program contains a tracking system which is used to insure accurate course selection and to monitor progress towards graduation through evaluation, maintenance of records and their updating, semester by semester, via an evaluation of academic transcript and degree requirements.

### **Intercollegiate Athletics-Kinesiology 200**

Students who are members in good standing of any intercollegiate team are eligible to enroll in this two-hour activity/participation course up to a maximum of six times. Hours earned in this course can only apply as electives if permitted by each individual academic degree plan. This course may be taken for 1 or 2 hours of credit.

This is a pass-fail course with students receiving either an A or F. In order to earn an "A" in the course, enrolled students must begin and end the semester as a team member in good standing. Failure to do so will result in a grade of "F".

If prior to the last day to drop during the semester, a student voluntarily quits or is cut/dismissed by the coach from the team, the student should drop this course to avoid receiving a grade of "F". Students who voluntarily quit or are cut/dismissed from the team after the last day to drop will receive a grade of "F".

All students enrolled in this course can receive a syllabus detailing the requirements expected from the Kinesiology & Health Science Office-HPE204. The Associate Athletic Director for Compliance and Student Services is responsible for the athletic administration of this course.

### **Progress-Toward-Degree**

To comply with the NCAA's progress-toward-degree rule, each student-athlete must designate a program of studies leading toward a specific baccalaureate degree by the beginning of the third year of enrollment (i.e., the fifth semester). The Assistant Athletic Director for Academic Services

confirms, with the assistance of the Office of Admissions, that each student-athlete meets this requirement, and then works with the student-athlete to ensure that satisfactory progress toward to specified degree is being made.

Each student-athlete's on-going academic status is monitored via the Southland Conference Eligibility Verification form (Appendix 502C-4). All Information is verified by the Office of Admissions, using University computer data. A copy of the completed form is kept on file with the Assistant Athletic Director for Academic Services.

In order to remain academically eligible to participate in intercollegiate athletics, a student-athlete's course load must not drop below 12 hours. If dropping a class results in a student-athlete being registered for less than 12 hours, the Assistant Athletic Director for ~~Student~~ Academic Services immediately informs the individual's Head Coach of the potential eligibility problem.

### **Drops and Adds**

All student-athletes are required to receive signatory approval for drop/add from the Assistant Athletic Director for Academic Services before ~~proceeding~~proceeding with changes in approved schedules. No schedule changes may be made after the deadline specified in the academic calendar without the approval from the course instructor and the departmental dean.

### **Class Attendance**

Student-Athletes are expected to attend class on a regular and punctual basis. In any university course, professors have discretion over whether or not to accept excuses. Further, course instructors establish specific attendance policies to which student-athletes must adhere. The University recognizes the legitimacy of intercollegiate competition while striving to minimize the number of classes missed due to competition. Absences due to personal reasons unrelated to athletics competition and not in accord with the University's attendance policy may significantly affect grades.

Arrangements for taking any examination or completing work assignments affected by team travel are the student-athlete's responsibility. Instructors are aware of the problems involved in scheduling athletic competitions, and are usually willing to provide some flexibility if the student-athlete requests consideration in advance. Student-athletes should identify themselves to their professors as early as possible in each course and provide professors with their team and travel schedule to eliminate potential conflicts.

Additionally, your class attendance will be regularly monitored by Athletics staff (Assistant Athletic Director for Academic Services and coaching staff). Professors routinely provide information to the Assistant Athletic Director for Academic Services regarding missed classes and concerns they may have about academic performance.

Each head coach will be responsible for enforcing class attendance and deciding penalties for unexcused and excessive absences. Penalties could include additional study hall time, loss of game participation and loss or reduction of athletic scholarship.

### **Exams**

When a student-athlete learns that an exam is scheduled during the time he/she will be participating in the intercollegiate athletics program, the student-athlete is responsible for

notifying the instructor and making arrangements to make up the exam. The instructor should be contacted at the earliest possible date.

### **Incomplete Grades**

Student-athletes are required to complete all course assignments by the last day of classes for the semester. However, student-athletes may petition the dean of their college prior to the last day of classes to request an extension, if circumstances warrant the extension. The course instructor must endorse the petition for the extension. Extensions are granted only if the student has completed the major requirements of the course. If an extension is granted, a grade of I (incomplete) is given. The incomplete is removed at the end of the extension period. If the student has not completed the course requirements, a grade of zero is assigned to all missing grades and the final grade is assigned by the instructor.

### **Study Hall**

The Assistant Athletic Director for Academic Services identifies minimum recommended study hall hours for all freshmen and transfer student-athletes. Additionally, study hall attendance may be mandated by the Assistant Athletic Director for Academic Services and Academic Services Assistants in consultation with the student-athlete's Head Coach. Student-athletes attending study hall sessions are required to verify their attendance by electronic login using their University ID. The Assistant Athletic Director for Academic Services or designate, monitors the sessions to verify the presence of these student-athletes. A student-athlete's failure to attend required study halls is reported to his/her Head Coach for counseling.

All study hall sessions are open to all student-athletes.

### **Tutoring Services**

The Assistant Athletic Director for Academic Services coordinates a variety of tutoring services for student-athletes. These programs include individualized subject tutoring, small group tutorial sessions, supplemental instruction and time management counseling.

At-risk students are identified and assigned tutors at the beginning of each semester. Any student-athlete requesting tutoring must receive permission form the Assistant Athletic Director for Student Academic Services.

### **Academic Monitoring and Evaluation**

The Assistant Athletic Director for Academic Services compiles and maintains a file on each student-athlete. The file contains all materials documenting the academic profile of the student-athlete (e.g., academic transcripts, SAT and/or ACT scores, grade point averages, plan and/or program of study), as well as various forms verifying the eligibility status of the student-athlete.

The Assistant Athletic Director for Academic Services and Academic Services Assistants monitor all grades and class attendance for student-athletes designated as high risk. The student-athlete and the Head Coach are contacted to review problems and offer possible solutions as necessary.

## STUDENT-ATHLETES: FOOD SERVICE

The Department of Intercollegiate Athletics adheres to all University, Southland Conference, and NCAA rules and regulations related to providing food service to student-athletes. Each Head Coach determines which student-athletes are to receive board as part of their athletic scholarship. Students who reside in University residence halls are required to obtain room and board in a package plan, for a single unit price, as listed in the schedule of residence halls in the current General Bulletin. Student-athletes designated to receive board allotments as part of their athletically related financial aid participate in one of the University's meal programs or receive a cash-in-lieu monthly meal stipend, depending upon their living arrangements.

### REGULAR FOOD SERVICE

The Director of Campus Dining Services administers the food service program utilizing two (2) cafeterias located on campus and several "pay as you go" locations. One is on East College Drive across from Steen Hall and the other is located on the first floor of the Baker Pattillo Student Center. The magnetic strip on the student i.d. card electronically identifies the chosen dining plan and debits each meal purchased from the weekly or semester allowance.

### On-Campus Procedure

Most students living on campus are required to sign a contract for board based on their residence hall plan. ~~The contract cost includes either a semester plan of 20 meals in 7 days with a \$50 dollar declining balance, a 14 meal 7 day plan with a \$125 declining balance, or a block plan (210 meals, no restrictions) with a \$75 declining balance. The declining balance fund (Dining Dollars) can be used at any "pay as you go" location on campus. Four plans are offered: (A) 7 day / 14 meals, (B) 7 day / 14 meals Premium, (C) Unlimited All Access, (D) Unlimited All Access Premium. The Premium plans offer Dining Dollars for use in the on campus retail dining areas. Athletes who receive a meal plan as a scholarship benefit receive the (C) Unlimited All Access Plan.~~

### Off-Campus Procedures

In compliance with NCAA regulations, student-athletes living off campus who are eligible for board, receive a stipend equal to the *cash value of Plan (C) Unlimited All Access*. ~~established, average on-campus board award. A listing of student-athletes approved to receive off-campus room and board stipends is completed in August by each Head Coach and submitted to the Associate Athletic Director for Compliance and Student Services. Additions and/or deletions for the second semester must be submitted in December. Cash-in-lieu Stipends of board payments combined with the off-campus housing payments are distributed in a lump sum payment at the beginning of each semester from the University Financial Aid Business Office. Student athletes must present their photo I.D., in person, to receive their stipend. Students who have established accounts with Higher One will receive electronic deposits. Otherwise, Higher One will mail a paper check to the local address the student has provided the University approximately 3 to 4 weeks later.~~

A Head Coach can choose to award a commuter dining plan to a student-athlete living off campus as part of ~~the total board~~ *his/her scholarship award*. This commuter dining plan includes either a 5 meals in 7 days ~~with a \$50 declining balance~~, a 50 meal block plan ~~with \$50 declining balance~~, or a 25 meal block plan ~~with \$100 declining balance~~.

Married student-athletes receive the same board amount as any other student-athlete living off campus.

Further information regarding stipend disbursements can be found in Policy 502D, Student-Athletes: Financial Aid, in this Manual.

**Late Meals**

Pre-game, post-game and late meals can be coordinated with the Director of Campus Dining Services by the Head Coach or his/her designee (assistant coach or athletic trainer. Additionally, sack lunches may be provided when necessary and charged to the meal plan.

**Vacation and Break Meal Service**

Coaches requiring meal service for their teams during vacation or break periods when the dining halls are closed are to request per-diem allowances from the Assistant Athletic Director for Business a minimum of two (2) weeks in advance of the vacation or break period.

**Guest Meals**

Student-athletes are personally responsible for paying for all meals eaten by guests in the campus dining facilities.

SFA

| 7/20142015



## 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, ~~and~~ 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 ~~designate~~*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. ~~BA~~ Baseline neurocognitive 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**

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.

### **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 on student athletes who participate in those sports which have been identified as collision and or contact sports and/or who have had a history of concussions prior to entering Stephen F. Austin State University* 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 and fall)* and presents itself uniquely in each individual. A concussion ~~can be mild or severe and~~ 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.

<del>Loss of Consciousness (LOC)</del>	<del>Visual Disturbances (blurry, double vision)</del>
<del>Headache</del>	<del>Photophobia (sensitivity to light)</del>
<del>Confusion</del>	<del>Phonophobia (sensitivity to loud noises)</del>
<del>Amnesia (PTA) (Memory Loss)</del>	<del>Disequilibrium</del>
<del>Feeling "in a fog" or "zoned out"</del>	<del>Emotional Changes</del>
<del>Disorientation</del>	<del>Vacant Stare</del>
<del>Inability to focus</del>	<del>Delayed verbal and motor responses</del>
<del>Dizziness</del>	<del>Slurred/incoherent speech</del>
<del>Nausea/Vomiting</del>	<del>Irritability</del>
<del>Excessive drowsiness</del>	

### **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 ~~at 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. ~~in the sports of football, volleyball, soccer, basketball, baseball, softball, volleyball, cheerleading, tennis, and track & field.~~ The same assessment tools (ImPACT) 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. ~~A student-athlete should be asymptomatic at least 24 hours before returning to classes.~~ Proper documentation will accompany the injured student-athlete to present to his/her instructors.
- ~~While symptomatic, A~~ student-athlete should not attend practice or team meetings if they are not actively engaged in academic activity and classroom. ~~They attendance nor should they also not 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. ~~Once asymptomatic with rest athletes may attend a return to classes,~~ **RTP-1- Light Exertional Activities.** The student-athlete will begin an exertional progression program starting with ~~to include~~ 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.**
- ~~weight training, sport specific exercises, non-contact drills, and contact drills.~~ 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 ~~normal~~ **ImPACT and X2 Biosystems ICE testing.** ~~has been established.~~ 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 ~~occured~~ 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 Athletes 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.

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 enclosed~~ following is for ~~your~~ the protection of the student athlete and for the protection of ~~you~~ the unborn child, should pregnancy occur. SFA Athletics ~~cannot~~ will not force ~~you~~ a student athlete to inform the medical staff or ~~your~~ coaches that ~~you~~ a student athlete has~~ee~~ become pregnant; but ~~hopefully~~ ~~you will~~ encourages the student athlete to do what is in the best interest of ~~you~~ the student athlete and ~~your~~ unborn child and inform the medical and coaching staffs ~~to help protect the health of both of you.~~ The sports medicine department will honor the student athletes request for confidentiality, 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***

### **If a pregnancy is suspected**

- Once the athlete suspects that she is pregnant, ~~and~~ 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 Waiver, 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 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*

| 7/20142015

## 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 and Student Services 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 not discriminate against any individual by reason of race, sex, creed, color, national origin, age, handicap or sexual orientation;
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 and Student Services.

### **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 ~~and Student Services~~. 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 ~~Student 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 ~~and Student Services~~ any alleged or suspected violations of Conference, or NCAA rules. If the Associate Athletic Director for Compliance ~~and Student Services~~ is not available, violations should be reported directly to the Director of Athletics.

The Associate Athletic Director for Compliance ~~and Student Services~~ 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 ~~major~~ Level 1 or 2 violation or a ~~secondary~~ 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 ~~secondary~~ 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 ~~major~~ *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.

SFA

| 7/~~2007~~2015

## TRAVEL: INDIVIDUAL STAFF MEMBERS

Official travel is defined as that which means an absence from the city or town where one normally works for the purpose of conducting University business. Departmental staff travel covers all approved business travel by individual staff members including, but not limited to, activities such as recruiting; training; staff development; and attending professional meetings, fund raising events, speaking engagements or sport's events. State of Texas policies and procedures are the same for all types of travel, although staff members must also abide by any additional Departmental, NCAA, and Southland Conference rules and regulations.

The Assistant Athletic Director for Business Affairs monitors all travel and business expense reimbursement forms for conformity with University guidelines and ensures that expenses are within designated budget allocations. For travel expenses to be approved for reimbursement, they must be:

1. Actual and reasonable in cost;
2. Supported by original receipts;
3. Consistent with reasonable living standards and an appropriate representation of the University at the activity; and
4. Necessary for the performance of University business

Travel expenses that are reimbursed by another institution or organization are not reimbursed by the Department and should not be processed through University reporting systems. In general, non-reimbursable expenses are defined as any social, personal or non-essential expense. (For detailed information on travel reimbursements, see Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual.)

### Travel Requests and Travel Advances

All official travel by Departmental staff must be approved in advance and in writing, regardless of whether the University or Department incurs any expense related to the travel. ~~A Travel Request form (Appendix 405C-1) must be completed and submitted to the appropriate departmental secretary who will enter the information into the university's Banner system in a timely manner to allow time for the authorization process.~~ Travel plans must be submitted to the appropriate secretary or administrative assistant in a manner which allows the input of desired travel into the university's travel module (TEM). Once the information is submitted through the TEM module, travel can be approved and expenses authorized upon completion of travel. See Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual, for detailed information on travel approval and advances.

The purpose of this form is to authorize the trip, encumber the funds, request travel advances and provide insurance coverage.

~~Any Departmental staff member traveling on official business may obtain an advance for estimated expenses, except for those which are to be paid directly by the Department and those which are charged to a credit card. A request for advance of funds must be made at least two (2) weeks prior to departure. Travel advances are issued only in amounts exceeding \$100.~~

Detailed instructions and examples of completed Travel Authorization forms can be found in the Stephen F. Austin State University Business Policies and Procedures Manual.

### **Non-Reimbursable Travel**

Travel requests may be approved on a non-reimbursement basis for purposes that do not conflict with other University policies and are approved in advance of travel through appropriate procedures as outlined above.

Approval on a non-reimbursement basis may be given for travel that is:

1. Regarded as Official University business, but for which funds are not approved;
2. Associated with approved outside employment and consistent with the established travel guidelines.
3. Necessitated by faculty when providing consultant services related to the academic programs of SFA;
4. In compliance with the Leave of Absence policy of SFA;
5. Deemed consistent with SFA's mission of service, teaching and/or research;
6. Necessitated by personal business that can not otherwise be scheduled; and/or
7. Approved when annual leave is being used.

Moreover, in any event of absence from class, an instructor is not to dismiss class but is to arrange for an appropriate replacement. Only in extraordinary situations will travel be approved which results in an instructor missing the same class more than twice in succession.

### **Travel Reservations**

Individuals should make their own travel reservations as far in advance of a planned trip as possible to ensure that travel discounts and suitable accommodations can be obtained.

An employee wishing to book an airline flight for authorized University and/or Department travel has the following options:

1. Direct purchase by employee using a personal credit card. Employee must submit a travel request form to the appropriate departmental secretary who in turn will enter the information into the university's Banner system. Upon approval, employee may obtain ticket with personal funds and will be reimbursed upon completion of travel and the filing of a travel voucher.
2. Direct purchase by department. Employee must notify the Assistant Athletic Director for Business Affairs to request a ticket. Ticket is then purchased and a travel request form is filed by employee. Assistant Athletic Director for Business Affairs will retain ticket receipts to reconcile University issued MasterCard central bill account for athletics air travel.

### **General Business Travel**

Departmental staff are encouraged to participate in educational and/or professional conferences, conventions and other forms of training and professional development. However, some limitations have been placed on the amount of time that can be taken away from work and the reimbursable expenses allowed for such travel.

Further, the Department recognizes the public's interest in intercollegiate sports and encourages staff members to accept speaking engagements which will provide an acceptable forum to increase public awareness and support of the University's intercollegiate sports program, as well as to generate goodwill within the community, state or nation. However, staff members must make every effort to minimize expenses, as well as their time away from work, related to speaking engagements. When individuals accept fees for addressing various groups, travel expenses must be paid by the individual. For non-fee-paid speaking engagements, reimbursement of travel expenses is provided when attendance is first approved by the Director of Athletics. All requests for travel expenses related to a personal appearance or a speaking engagement must be approved in advance by the Director of Athletics. (See Policy 510B, Coaches and Administrators: Outside Employment and Promotional Activities, in this Manual for additional information.)

### **Recruiting Travel**

Travel expenses for recruiting purposes must be within the approved budget for each sport. Therefore, the amount of recruiting, the mode of transportation used for recruiting and other related travel expenses are constrained by budgetary guidelines (see Policies 401A, Budget: Formulation, and 401C, Budget: Accountability, Control Reports and Revision, in this Manual for additional information).

Individual staff members are responsible for making their own travel arrangements and documenting specific information about travel, including high schools visited and contact with high school coaches and prospective student-athletes. (See Policy 502A, Student-Athletes: Recruitment, in this Manual for additional information.) A travel itinerary should always be given to the sport's secretary or the Associate Athletic Director for Compliance and Student Services.

The Associate Athletic Director for Compliance and Student Services monitors recruiting procedures to ensure compliance with NCAA and Southland Conference regulations regarding:

1. The number, the site and the dates of contacts made by athletic staff members with prospective student-athletes and their relatives; and
2. The cost and type of entertainment provided for prospective student-athletes during contact.

Specific information concerning acceptable recruiting practices is provided in the NCAA Manual (Bylaw 13) and the Rules Governing Athletics and All Participation of the Southland Conference.

**The Department will not reimburse the expense of recruiting performed while on vacation. Any exception to this rule must be approved by the Director of Athletics PRIOR to the trip.**

### **Allowances and Documentation**

Department staff members are to use established ethical business practices when traveling on official Departmental business. Travel reimbursements are limited to actual expenses incurred for transportation, meals, lodging and related business expenses. Staff members are responsible for all expenses of spouses or other dependents who may accompany them on trips. Expenses requiring receipts are as follows:

1. Lodging;
2. Meals;
3. Travel by commercial carrier (airplane, bus or train);
4. Registration fees;
5. Car rental;
6. Taxi;
7. Parking, toll or tunnel charges; and
8. Gasoline charges

Miscellaneous expenses are subject to approval and must be supported by a receipt. Travelers are not reimbursed for movies, magazines, car washes, shoe shines, valet services or other such personal expenses.

### **Reimbursement of Travel Expenses**

At the completion of travel, a State of Texas Travel Voucher (Appendix 405C-2) along with all receipts and other required documentation must be submitted to the Athletic Business Office. 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. For additional information, see Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual.

The Travel Voucher is used not only to report all expenses associated with travel but also to reconcile and clear any funds advanced for a trip. In the event that funds which were advanced for a trip were not needed to cover official business expenses, the traveler must return the balance of the funds to the Athletic Business Office when submitting the Voucher. In addition, reimbursement for personal expenses that have been charged to the Department must be remitted before the travel clearance is complete.

### **TRAVEL EXPENSE GUIDELINES**

The Department provides reimbursement for approved travel expenses which are within established policies and procedures.

In general, the State of Texas travel guidelines approve only coach class travel, using the most direct route to and from the travel site. Staff members may request preferred travel arrangements; however, the method of transportation is subject to the approval of the Assistant Athletic Director for Business Affairs as dictated by budgetary limitations. Consideration is given to extenuating circumstances.

### **Air Transportation**



Tourist, economy or coach class accommodations should be used. Special circumstances requiring first class service must be approved by the Director of Athletics.

Refer to Travel Reservations (601A:2) to book airline tickets.

### **Personal Car Expenses**

When it is necessary for a staff member to use a personal vehicle, mileage is reimbursed at \$.40 per mile and limited to the equivalent cost of commercial air fare for the travel. Mileage is based on the shortest highway distance, including the use of all farm-to-market roads, and must be itemized on a point-to-point basis. Mileage is determined by Google Maps.

### **Rental Cars**

The cost of rental cars is reimbursed only if the nature of the trip is such that the use of local transportation is not practical or would be more expensive. The rental cars are to be used strictly for Departmental business. Rental arrangements should be made in advance, when possible, and compact or standard-type vehicles requested. Additional charges for GPS equipment in rental vehicles are not reimbursable.

All rental receipts must be submitted with the State of Texas Travel Voucher. (For more information on reimbursements, see Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual.)

### **Ground Transportation**

Actual cost for local transportation, including bus, subway, toll or tunnel fees, taxi, etc. is allowable. Scheduled bus or limousine transportation to and from airports should be used unless it is to the Department's advantage for the traveler to use a taxi or other means of transportation.

### **Airport Parking**

Airport parking is reimbursed upon submission of a parking receipt.

### **Accident Reporting**

In the event of a vehicle accident, regardless of responsibility, the Departmental driver is responsible for submitting written notification of the accident to the Assistant Athletic Director for Business Affairs.

## **LODGING, MEALS, REGISTRATION FEES, ETC., GUIDELINES**

State employees authorized to travel on official business must complete a State of Texas Travel Voucher for reimbursement. The State Comptroller's Office publishes an annual State of Texas Travel Allowance Guide to assist the state employees in the completion of travel vouchers.

Every effort should be made to minimize subsistence expenses. The employee is expected to obtain receipts whenever practical for all expenses. Expense documentation should include the following:

1. The name of the establishment on an imprinted receipt. If imprinted receipts are not available, the staff member should request a written receipt with the establishment's

- official stamp, bank deposit stamp or credit card imprinted receipt (without the card being inserted);
2. Transaction date;
  3. The amount of the expense clearly itemized on the receipt;
  4. A description of the item(s) purchased;
  5. For lodging, the number of occupants, and
  6. For entertainment expenses, names of individuals entertained, business affiliation of entertained and relationship to the Department, and reason for entertaining.

Additionally, expenses must be within reasonable and customary charges for the area visited; if not, expenses may be approved for payment and therefore would become the responsibility of the staff member.

### **Lodging**

The cost of actual overnight accommodations is normally reimbursed at a rate consistent with State of Texas Travel Allowance Guide recommendations for in-State travel Federal Travel Regulations for out-of-State travel.

Accommodations should be made in advance to ensure satisfactory lodging and to obtain any discount rates available. Lodging guarantees are the responsibility of the individual staff member, who must cancel a reservation should schedule changes occur or assume responsibility for charges that result when reservations are not canceled. For in-state lodging, all staff members are required to present a Texas Hotel Occupancy Exemption Certificate upon check-in. No reimbursement will be made for state tax on in-state lodging.

Hotel receipts must accompany Travel Voucher reports. The employee must claim his/her expenses. If lodging is shared, each employee must have his/her own receipt.

### **Meals**

Meals are considered a reimbursable expense when associated with University business. State of Texas Travel Allowance Guidelines must be followed for in-State travel and Federal Per Diem Rates guidelines for out-of-State travel, however, expense reports must reflect actual costs. If meals are provided as part of the registration fee for attending a convention or conference no per diem is allowed regardless if the attendee ate or not.

Current allowances for in-State meals are \$36 per day.

### **Employees Traveling Together**

When two (2) or more staff members travel together and share expenses (e.g., room, meals, taxi, car, etc.) it is recommended that one person pay the bill in full and submit the appropriate documentation with an explanation of what the total expense includes and a reference to the name of the other staff members. However, both parties are required to complete a Travel Voucher.

**Combined Vacation/Business Trip**

When individuals combine a vacation with a bona fide business trip, the Department reimburses only travel expenses incurred on the business portion of the trip.

**Spouse Travel**

Travel, meal and lodging expenses for wives or husbands who accompany staff members on a business trip are not reimbursable unless prior approval has been granted by the Director of Athletics. For lodging accommodations a single room rate is reimbursable and the incremental charge for double occupancy and meal is considered a personal expense.

**Personal Expenses**

Personal expenses which are not reimbursable are:

- Tips;
- Laundry
- Hair Care;
- Shoe shines; and
- Personal phone calls.

SFA

| 7/20102015

## **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)* ~~on a Travel Request form (Appendix 405C-1)~~ 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 system-module (TEM)* which will assign a ~~requisition~~ *travel authorization* number to the document. ~~Banner-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 or 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 may be assigned rooms with double occupancy provided the cost does not exceed the Maximum daily allowable expense.~~

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 and Student Services 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 than 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.

SFA

7/20122015

## **~~EQUIPMENT: VIDEO~~ VIDEO EQUIPMENT & PRODUCTION**

*The Athletic Department's usage of video equipment is wide ranging to include video recording of team practice and competition, live video production of team competition, packaged video footage for rebroadcast via linear outlets as well as website content.*

### ***Video Equipment Purchase & Repair***

Video equipment may be purchased by each sport as needed within each sport's budget. University purchasing procedures must be adhered to, as described in Purchasing Procedures, Policy 404 of this Manual. The security and maintenance of all video equipment is the responsibility of each sport's office.

The Assistant Athletic Director for Business Affairs coordinates the repair and maintenance of all video equipment with the University's Electronics Technician. Generally, sports are charged for parts only using an Interdepartmental Transfer (see Policy 404, Purchasing Procedures in this Manual for additional information). However, a sport may be charged an additional fee for service when warranted.

In the event that the Electronics Technician is unable to repair a piece of equipment, a request for service and repair using a recommended authorized repair service is requested by the Assistant Athletic Director for Business Affairs.

Costs for repairs or service are charged to each sport's budget.

### ***SFA All Access***

*SFA All Access is the video and multimedia production department for SFA Athletics. The department is located in the SFA/ESPN3 studio on the first floor, south end of William R. Johnson Coliseum. An ancillary office and studio is located on the third floor of the pressbox at Homer Bryce Stadium. The Coordinator of Athletic Video Production is responsible for overseeing all video operations and services for SFA Athletics. Only video staff members and student assistants who have been properly trained are authorized to use departmental video equipment. SFA All Access also shall maintain all multimedia content and any associated video content for the SFA Athletics website. SFA All Access does not staff or purchase equipment for coaches "cut-up" video. The Coordinator of Athletic Video Production can advise individual sports concerning equipment purchases specific to their coaching needs, but each sport is responsible for its own coaches' video needs and equipment.*

### ***Video Services***

*All requests for video needs should be directed to the Coordinator of Athletic Video Production with appropriate advance notice. Appropriate advance notice is crucial to the completion of any project. This includes but is not limited to: Highlight Tapes, sport banquets, other banquets, reunions or gatherings that will need audio/visual content or support, commercials, interviews, national and local media requests, radio spots, and all video content for the videoboard in William R. Johnson Coliseum and Homer Bryce Stadium.*

*Any request for video services relating to recruiting must first be approved by the Associate Athletic Director for Compliance.*

### ***ESPN3 Production***

*SFA will fulfill the terms of the media contract with ESPN to produce live, home events for ESPN3.*

*The Coordinator of Athletic Video Production will be responsible for hiring and overseeing all full-time, student and intern staff members of SFA All Access, as well as hiring a capable freelance production crew to assist with video production on game days if needed.*

*The Coordinator of Athletic Video Production will also work directly with the Mass Communication Department on a curriculum for students to earn credit while working on ESPN3 productions.*

### ***Request for Video***

*All video requests from local & national media outlets, private parties, and public companies shall be directed to the Coordinator of Athletic Video Production. SFA All Access will handle all requests on a case-by-case basis. SFA Athletics does not make available copies of any sports athletic contests to the public, regardless of whether the contest was produced in house or by an outside entity. Video footage requests made by companies wishing to profit in any way from SFA Athletics athletes or employees footage, will be handled on an individual basis and the Coordinator of Athletic Video Production will consult with Associate AD for External Affairs to determine if the request is something the department would like to pursue.*

SFA

7/20062015

## Stephen F. Austin State University Core Curriculum Revisions 2015\*

### Statement of Purpose

Through the Texas Core Curriculum, students will gain a foundation of knowledge of human cultures and the physical and natural world, develop principles of personal and social responsibility for living in a diverse world, and advance intellectual and practical skills that are essential for all learning.

### Communication Component Area (6 hours)

Courses in this category focus on developing ideas and expressing them clearly, considering the effect of the message, fostering understanding, and building the skills needed to communicate persuasively.

Courses involve the command of oral, aural, written, and visual literacy skills that enable people to exchange messages appropriate to the subject, occasion, and audience.

Prefix	Number	Title	Credit Hours	TCCNS
<i>Select one ENG</i>				
ENG	131	Rhetoric and Composition	3	ENGL 1301
ENG	133H	Composition and Rhetoric	3	
<i>Select one COM</i>				
COM	111	Public Speaking	3	SPCH 1315
COM	170	Interpersonal Communication	3	SPCH 1318
COM	215	Small Group Communication	3	

### Mathematics Component Area (3 hours)

Courses in this category focus on quantitative literacy in logic, patterns, and relationships.

Courses involve the understanding of key mathematical concepts and the application of appropriate quantitative tools to everyday experience.

Prefix	Number	Title	Credit Hours	TCCNS
MTH	110	Mathematics in Society	3	
MTH	127	Introduction to Foundations of Math I	3	MATH 1350
MTH	138	College Algebra	3	MATH 1314
MTH	143	Finite Mathematics	3	MATH 1324
MTH	220	Introduction to Probability and Statistics	3	MATH 1342
MTH	233	Calculus I	4	MATH 2413

### *Explanation of Overflow Semester Credit Hours*

MTH 233 Calculus I is a four credit hour course. The extra hour is not included in the Core. MTH 233 is a required math course for many departments who account for the extra hour in their degree programs.

*\*Indicates proposed additions to the core curriculum.*

**Life and Physical Sciences (6 hours)**

Courses in this category focus on describing, explaining, and predicting natural phenomena using the scientific method.

Courses involve the understanding of interactions among natural phenomena and the implications of scientific principles on the physical world and on human experiences.

Prefix	Number	Title	Credit Hours	TCCNS
<b>*AGN</b>	<b>110</b>	<b>Crop Science</b>	<b>3</b>	
AST	105	Classical and Modern Astronomy	3	PHYS 1311
AST	105 L	Classical and Modern Astronomy Lab	1	PHYS 1111
BIO	121	Concepts of Biology	4	BIOL 1408
BIO	123	Human Biology	4	
BIO	125	Principles of Ecology and Evolution	4	
BIO	131	Principles of Botany	4	BIOL 1411
BIO	133	Principles of Zoology	4	BIOL 1413
BIO	225	Local Flora or Fauna	3	
BIO	238	Human Anatomy and Physiology	4	BIOL 2401
CHE	101	Conceptual Chemistry	3	
CHE	111	Introduction to Chemistry I	3	CHEM 1305
CHE	111 L	Introduction to Chemistry I Lab	1	CHEM 1105
CHE	133	General Chemistry I	3	CHEM 1311
CHE	133 L	General Chemistry Lab I	1	CHEM 1111
CHE	134	General Chemistry II	3	CHEM 1312
CHE	134 L	General Chemistry Lab II	1	CHEM 1112
ENV	110	Introduction to Environmental Science	4	ENVR 1401
GOL	101	Fundamentals of Earth Science	3	
GOL	131	Introduction to Geology	4	GEOL 1403
GOL	132	The Earth through Time	4	GEOL 1404
PHY	100	Physics in Society	3	
PHY	101	General Physics I	3	PHYS 1305
PHY	101 L	General Physics I Lab	1	PHYS 1105
PHY	102	General Physics II	3	PHYS 1307
PHY	102 L	General Physics II Lab	1	PHYS 1107
PHY	110	Fundamentals of Electronics	4	
<b>*PHY</b>	<b>118</b>	<b>Acoustical Physics</b>	<b>3</b>	
PHY	131	Mechanics and Heat I	3	PHYS 1301
PHY	131 L	Mechanics and Heat I Lab	1	PHYS 1101
PHY	132	Electricity, Sound, Light, and Optics	3	PHYS 1302
PHY	132 L	Electricity, Sound, Light, and Optics	1	PHYS 1102
PHY	241	Technical Physics I	3	PHYS 2325
PHY	241 L	Technical Physics I Lab	1	PHYS 2125
PHY	242	Technical Physics II	3	PHYS 2326
PHY	242 L	Technical Physics II Lab	1	PHYS 2126

*\*Indicates proposed additions to the core curriculum.*

### *Explanation of Overflow Semester Credit Hours*

Under the old core, all but one science course was four credits including a lab. The committee voted that only six hours of science credits will count towards the core, and also required that all successful course applications to the Life and Physical Sciences Component Area must include a lab component. In order to meet these requirements several new three credit hour courses, including labs, were created. The committee further stipulated that programs requiring four credit hour science courses must cover the extra credit hours in their appropriate college, department, or program requirements. The proposed system thus satisfies the THECB hour requirements while simultaneously allowing for flexibility as needed by individual programs.

### **Language, Philosophy, and Culture (3)**

Courses in this category focus on how ideas, values, beliefs, and other aspects of culture express and affect human experience.

Courses involve the exploration of ideas that foster aesthetic and intellectual creation in order to understand the human condition across cultures.

Prefix	Number	Title	Credit Hours	TCCNS
ENG	200	Introduction to Literature	3	
ENG	209	Mythology	3	
ENG	211	World Literature to 1650	3	ENGL 2332
ENG	212	World Literature from 1650	3	ENGL 2333
ENG	221	British Literature to 1800	3	ENG 2322
ENG	222	British Literature from 1800	3	ENGL 2323
ENG	229	American Literature to 1865	3	ENGL 2327
ENG	230	American Literature from 1865 to Present	3	ENGL 2328
ENG	233 H	Literary Genres	3	
HIS	151	Western Civilization I	3	HIST 2311
HIS	152	Western Civilization II	3	HIST 2312
PHI	153	Introduction to Philosophy	3	PHIL 1301
PHI	223	Introduction to Ethics	3	PHIL 2306

*\*Indicates proposed additions to the core curriculum.*

**Creative Arts (3)**

Courses in this category focus on the appreciation and analysis of creative artifacts and works of the human imagination.

Courses involve the synthesis and interpretation of artistic expression and enable critical, creative, and innovative communication about works of art.

Prefix	Number	Title	Credit Hours	TCCNS
ART	280	Art Appreciation	3	ARTS 1301
ART	281	Art History Survey I	3	ARTS 1303
ART	282	Art History Survey II	3	ARTS 1304
DAN	140	Dance Appreciation	3	DANC 2303
MHL	245	Introduction to Music Literature	3	MUSI 1307
MUS	140	Music Appreciation	3	MUSI 1306
THR	161	Theatre Appreciation	3	DRAM 1310
THR	163	Film and Culture	3	

**American History (6)**

Courses in this category focus on the consideration of past events and ideas relative to the United States, with the option of including Texas History for a portion of this component area.

Courses involve the interaction among individuals, communities, states, the nation, and the world, considering how these interactions have contributed to the development of the United States and its global role.

Prefix	Number	Title	Credit Hours	TCCNS
HIS	133	US History Survey, 1000-1877	3	HIST 1301
HIS	134	US History Survey, 1877-present	3	HIST 1302

**Government/Political Science (6)**

Courses in this category focus on consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas.

Courses involve the analysis of governmental institutions, political behavior, civic engagement, and their political and philosophical foundations.

Prefix	Number	Title	Credit Hours	TCCNS
PSC	141	American Government, Theory	3	
PSC	142	American Government, Structure and Function	3	

*\*Indicates proposed additions to the core curriculum.*

*Government/Political Science Transfer Protocol*

Students at SFA are required to take both PSC 141 (corresponding to GOVT 2301) and PSC 142 (Corresponding to GOVT 2302) to fill the Government/Political Science Component Area. Students transferring with three credits of either GOVT 2305 (U.S. Government) or 2306 (Texas Government) will be required to take PSC 141 to complete the Government/Political Science core requirement.

**Social and Behavioral Sciences (3)**

Courses in this category focus on the application of empirical and scientific methods that contribute to the understanding of what makes us human.

Courses involve the exploration of behavior and interactions among individuals, groups, institutions, and events, examining their impact on the individual, society, and culture.

Prefix	Number	Title	Credit Hours	TCCNS
ANT	231	Introduction to Cultural Anthropology	3	ANTH 2351
ECO	231	Principles of Macroeconomics	3	ECON 2301
ECO	232	Principles of Microeconomics	3	ECON 2302
GEO	131	World Regional Geography	3	GEOG 1303
<b>*KIN</b>	<b>101</b>	<b>Lifetime Wellness</b>	<b>3</b>	
PSY	133	General Psychology	3	PSYC 2301
SOC	137	Introduction to Sociology	3	SOCI 1301

*\*Indicates proposed additions to the core curriculum.*



**Component Area Option (6)**

- a. A minimum of 3 SCH must meet the definition and corresponding Core Objectives specified in one of the foundational component areas
- b. As an option for up to 3 semester credit hours of the Component Area Option, an institution may select course(s) that:
  - (i) Meet(s) the definition specified for one or more of the foundational component areas; and
  - (ii) Include(s) a minimum of three Core Objectives, including Critical Thinking Skills, Communication Skills, and one of the remaining Core Objectives of the institution's choice.

Prefix	Number	Title	Credit Hours	TCCNS
Required Writing Course				
ENG	132	Research and Argument	3	ENG 1302
Communication Options- Select One				
BCM	247	Business Communication	3	BUSI 2304
ENG	273	Technical and Scientific Writing	3	
FRE	131	Elementary French I	3	FREN 1411
FRE	132	Elementary French II	3	FREN 1412
GER	131	Elementary German I	3	GERM 1411
GER	132	Elementary German II	3	GERM 1412
POR	131	Elementary Portuguese I	3	PORT 1411
POR	132	Elementary Portuguese II	3	PORT 1412
SPA	131	Elementary Spanish I	3	SPAN 1411
SPA	132	Elementary Spanish II	3	SPAN 1412
SPH	172	Beginning American Sign Language	3	SGNL 1301
SPH	272	Intermediate American Sign Language	3	SGNL 1302

*Explanation of the Component Area Option*

All six Component Area Option credits were allocated to the Communication Component Area in order to address communication weakness among our students. The CAO requires all students to take an additional writing class, ENG 132, and to take either an additional writing or a modern language course, which includes American Sign Language. All Component Area Option courses, including modern language courses, followed the requirements of the Communication Component Area in terms of content description and core objectives.

*Continued Attainment of Core Objectives*

In order to further improve student attainment of critical thinking and communication, all students will have in their majors at least two courses that are critical thinking intensive, two courses that are writing intensive, and two courses that are oral communication intensive. These elements may be combined into two courses or separated into as many as six courses.

*\*Indicates proposed additions to the core curriculum.*

# SFA ★ ENVISIONED

*An aspirational vision of our future to guide our planning*

[1] Stephen F. Austin State University (SFA) will have a distinct and stellar reputation based on the transformational learning experiences we provide for all our students in an exceptional setting. We will not use the term "transformational" lightly. We will be deeply committed to providing high impact, experiential learning for all SFA students.

[2] Our students will be engaged and empowered. They will know that we care about them and that we have high expectations for their performance and success. Our students will graduate with the marketable skills and qualities necessary to be leaders in their respective fields. Employers will seek out our students because of a demonstrated reputation of a solid work ethic. Their moral compass will be strong and true.

[3] We will expand our reach and increase our enrollment, not merely for the sake of growth, but because we are committed to our responsibility to the people of Texas to prepare more citizens to lead our state into the future. By seeking and accepting diverse students with a strong potential for success and providing them the resources and experiences to capitalize on their promise, the percentage of SFA students graduating also will increase.

[4] We will achieve financial sustainability by meeting tough choices head-on and making smart decisions about the future of the university. We will diversify our revenue streams, allocate our resources strategically, increase our private funding, and achieve meaningful enrollment growth. We will invest in our people and achieve appropriate levels of compensation, reward, and recognition. Professional development for faculty and staff will be seen as an investment and not an expense because our people are the greatest asset we have.

[5] We will be an innovative university. We will reach our students where they are and prepare them for life-long learning and career responsiveness in the twenty-first century. We will use cutting-edge teaching techniques and advanced research methods both inside and outside the classroom. We will be a forward-thinking university that not only is responsive to the realities of higher education but also is a leader in academia. Technology will be appropriately and sensibly infused throughout the campus in our classrooms and operations. It will facilitate—not drive—how we teach and work together.

[6] Our campus culture will be open, collaborative, and engaged. We will have an energetic and respectful workplace where civility, inclusivity, and accountability are guiding principles for everyone. We will become well known for the high quality of our faculty and staff. People will feel valued as employees of the university and work hard to sustain the sense of community that distinguishes us. Communication will be robust, transparent, and trusted.

[7] Our brand and identity will be authentic, clear, and understood by all our stakeholders. People will know who we are, what we contribute to the local, regional, and state communities, and what matters to us as a university. We will be known as trusted partners. We will leverage the strengths of our stakeholders, including community colleges, businesses and industries, K-12 institutions, and government entities. These partnerships will enable us to provide a stellar learning experience for our students and contribute to the quality of life of everyone we touch.

# SFA ★ ENVISIONED



*The graphic illustrates the over-arching goal of “Transformational Experiences” supported by the goals of: “Attracting and Supporting Faculty & Staff”, “Academic & Co-curricular Innovation”, “University Culture”, and “Connections;” built upon the foundational goal of “Enrollment Growth.”*

*The bracketed numbers reference paragraph numbers within the Vision Statement.  
“Goal Owners” are named.*

7/8/2015

## *Capital Plan Items*

### ***1. Student Housing Operations & University Printing Services Facility***

Housing Operations (HOPS) is the division within Residence Life that provides facility support for the 1,273,942 square feet of space within our sixteen facilities that offer housing for up to 5,126 students. Prior to 1989, HOPS used shared space in the current Physical Plant facility, but as the complexity of maintaining student housing facilities grew along with the addition of the amenities necessary to remain competitive, HOPS had to seek its own space. In 1989, while a new facility could be planned, HOPS relocated to the unused Gibbs Hall. Intended to be a temporary solution, Gibbs Hall, built as a residence hall in 1938, is an inefficient operations facility and its limitations have become more pronounced as the square footage maintained by HOPS grew by almost 250,000 square feet since 1989. It is time to construct an adequate and properly designed facility that will consolidate the HOPS staff, provide consolidated warehouse space, and provide maintenance shops designed for the purpose they are used for. The development of this facility is called for within, and consistent with the goals of, our institutional Master Plan.

University Printing Services currently occupies approximately 3,900 square feet of space in the Rusk Building that can be more efficiently used for other programs within the University Affairs division. The inclusion of space in this project for Printing Services will allow for the relocation and modernization of its print production facility along with the addition of a loading dock for both incoming and outgoing deliveries, which does not exist in its current location.

The administration recommends development and construction of this new shared Student Housing Operations and Printing Services facility at a cost not to exceed \$3.5 million. The source of funds is Auxiliary Fund Balance. The administration further recommends that the president be authorized to sign associated purchase orders and contracts.

### ***2. Residence Hall Sprinkler Installations***

These projects are a continuation of the life safety system upgrades we have been making in older residence halls over the past several years. While these buildings are currently equipped with fire extinguishers and fire hose standpipes for fire department connection, the installation of full-building fire sprinkler systems will continue to 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:

Hall 14 | built 1964 | 4 stories | 218 rooms | up to 436 residents | 69,595 square feet.

Mays Hall | built 1950 | 4 stories | 75 rooms | up to 150 residents | 30,156 square feet  
Hall 10 | built 1955 | 3 stories | 75 rooms | up to 150 residents | 26,928 square feet.

The administration recommends project approval at a cost not to exceed \$844,850, using budgeted auxiliary funds, project fund balance and auxiliary fund balance. The administration further recommends that the president be authorized to sign associated purchase orders and contracts.

### **3. *University Printing Services NexPress/Duplo Lease/Purchase***

Over the past three years Printing Services has seen a 61% increase in both black and white and color digital production. This increase has strained the current printing system resulted in more frequent equipment failures requiring numerous service calls. At the same time, market demands are shifting to larger formats and longer runs that exceed our current equipment's ability to print. A larger format printing system is needed to meet the current and future printing demands of the university. The Kodak SX 3300 Nexpress system has been selected as the appropriate replacement system. Although this system is on the Texas DIR state contract list for \$500,760, our negotiated quoted price is \$425,000. In addition to the printing system Ricoh will provide leasing of needed support equipment; a Polar 45" paper cutter and a Duplo folder that will fold up to 13.5" x 39". The initial first year expense for this system will be \$281,144 and includes an initial payment, the folder, the cutter, training for staff, annual service. The annual cost for subsequent years of the lease will be \$96,144 per annum.

The administration recommends approval of a six-year lease of the Kodak Nexpress SX 3300 with the Polar cutter and Horizon folder to replace the Xerox 700DCP at a cost not to exceed \$761,864 for the term of a 6-year term lease. The source of funds for this lease will be Printing Services revenue. The administration further recommends that the president be authorized to sign associated purchase orders and contracts.

### **4. *Rusk Building Exterior Restoration and Drainage Renovation***

The Rusk Building was originally constructed in 1926 and renovated in 1986. The exterior brick veneer, stone, plaster, windows and adjoining concrete joints need to be cleaned, repaired and water proofing applied for a full exterior renovation. In addition, various interior cast iron roof drain lines require replacing due to deterioration. The administration recommends project approval at a cost not to exceed \$270,000 using the Higher Education Fund (HEF). The administration further recommends authorization of the president to sign associated purchase orders and contracts.

### **5. *Student Housing Wireless Modernization Project – Phase I***

During the time 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 handle 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 will be a multi-year project based on expense and installation time. This first phase will focus on addressing access issues in the areas identified as most problematic.

The administration recommends approval of phase one of this project at a cost not to exceed \$265,382, using budgeted auxiliary funds. The administration further recommends that the president be authorized to sign associated purchase orders and contracts.

### **6. *Baker Pattillo Student Center Reroof Project- Final Phase***

The roof on the Baker Pattillo Student Center consists of five main sections. Two of these sections are part of the newer construction and will not be due for replacement in the near future. In 2014 the roof area over the Grand Ballroom was replaced followed by the roof area over the Twilight Ballroom in 2015. The final area of roof to be replaced in this multi-year project is over the Regents Suite and its surrounding areas. This section is approximately 25 years old.

The administration recommends project approval at a cost not to exceed \$265,073, using budgeted auxiliary funds. The administration further recommends that the president be authorized to sign associated purchase orders and contracts.

### **7. *Kerr Hall Roof Replacement***

Kerr Hall is a student residential facility that was built in 1968 and last re-roofed in 1992. The current roof is due for replacement.

The administration recommends project approval at a cost not to exceed \$245,000, using budgeted auxiliary funds. The administration further recommends that the president be authorized to sign associated purchase orders and contracts.

### **8. *Austin Building Exterior Restoration***

The Austin Building was constructed in 1924 with various interior renovations through the years. The main entry steps were cleaned repaired and had a waterproof coating applied in 2013. The exterior brick veneer, stone, plaster, windows and adjoining concrete need to be cleaned, repaired and water proofing applied for a full exterior renovation. The

administration recommends project approval at a cost not to exceed \$175,000 using the Higher Education Fund (HEF). The administration further recommends authorization of the president to sign associated purchase orders and contracts.

#### ***9. University Plaza Cleaning and Repair***

The University Plaza began with the construction of the Steen Library in 1972 followed by the McGee Business and McKibben Education Buildings in 1974. The last addition was the Stephen F. Austin Sesquicentennial Plaza constructed in 1986. The brick pavers and concrete need to be cleaned, repaired, and expansion joints replaced along with the resetting of stone and pavers around the fountain. Waterproofing will be applied where appropriate. Also, expansion joints will be repaired in other areas of the campus as needed. The administration recommends project approval at a cost not to exceed \$175,000 using the Higher Education Fund (HEF). The administration further recommends authorization of the president to sign associated purchase orders and contracts.

#### ***10. HPE Complex Restroom Renovation***

The Lucille Norton HPE Complex was completed in 1974. The public restrooms are heavily used by students, faculty, staff and visitors and are in need of updating. The renovation will include updating the finishes, lighting and fixtures in order to improve the overall aesthetics of this important building service area. The administration recommends project approval at a cost not to exceed \$150,000 using the Higher Education Fund (HEF). The administration further recommends authorization of the president to sign associated purchase orders and contracts.

#### ***11. Web Content Management Server and Software***

As a part of its marketing initiative, the university is examining the redevelopment of the SFA web site. The university's marketing firm, Richards Carlberg, has closely inspected the content of the SFA web site and recommends a more robust web content management system. The university is in the process of identifying the appropriate web content management system and wishes to acquire a software and server necessary for the initiative. The administration recommends the purchase of a web content management solution that includes software, a server, and system maintenance at a cost not to exceed \$125,000. The Higher Education Fund (HEF) is the source of funds for the system. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

***12. Forestry Lab Air Handler Replacement***

The Forestry Laboratory was renovated in 1964 and the present day air handler was installed during that project. It has served the facility well over the last 50 plus years but has been struggling to maintain space temps and humidity control for the last several years and is in need of replacement. This project will provide a new more efficient air handler and associated equipment. The administration recommends project approval at a cost not to exceed \$100,000 using the Higher Education Fund (HEF). The administration further recommends authorization of the president to sign associated purchase orders and contracts.

***13. Physical Plant Van Replacement***

The university has three eight passenger vans available for rent by university personnel that are 7 years old (2008 model year) and each has been driven over 123,000 miles. Because of age and the number of miles driven it is time to replace these units. The administration recommends the purchase of three eight passenger vans at a cost not to exceed \$100,000 using the Higher Education Fund (HEF). The administration further recommends authorization of the president to sign associated purchase orders and contracts.

***14. Classroom Technology Upgrades***

The university began a classroom technology upgrade during fiscal year 2015 that included five classrooms. The administration wishes to continue that initiative and recommends an additional fiscal year 2016 commitment of \$100,000 in classroom technology upgrades. The fund source for the upgrades is the Higher Education Fund (HEF).



**Stephen F. Austin State University  
Capital Plan  
Fiscal Year 2015-16**

Capital Item	Total Project Budget	Source of Funds				
		HEF	Budgeted Auxiliary Funds	Auxiliary Fund Balance	Designated Revenue	Project Fund Balance
Housing Operations Facility	3,500,000			3,500,000		
Residence Hall Sprinkler Systems Mays, & Halls 10 and Hall 14	844,850		567,888	25,601		251,361.00
Printing System	761,864				761,864	
Rusk Building Exterior Restoration and Drainage Renovation	270,000	270,000				
Auxiliary Wireless Project	265,382		265,382			
Baker Pattillo Student Center Roof Replacement	265,073		265,073			
Kerr Hall Roof Replacement	245,000		245,000			
Austin Building Exterior Restoration	175,000	175,000				
University Plaza Cleaning and Repair	175,000	175,000				
HPE Complex First and Second Floor Restroom Renovation	150,000	150,000				
Web Content Management Server and Software	125,000	125,000				
Forestry Lab Air Handler Replacement	100,000	100,000				
PPD Replace Three 8 Passenger Vans in Rental Fleet	100,000	100,000				
Classroom Technology Upgrades	100,000	100,000				
Total Capital Plan	<u>7,077,169</u>	<u>1,195,000</u>	<u>1,343,343</u>	<u>3,525,601</u>	<u>761,864</u>	<u>251,361</u>

**Stephen F. Austin State University  
HEF Allocation  
Fiscal Year 2015-16**

<b>Higher Education Fund Appropriation</b>	<b>7,757,442</b>
Debt Service	1,239,150
Academic Affairs Capital Fund	1,250,000
Library Materials Acquisition	1,000,000
Computer Replacement	1,000,000
SECO Phases 1 and 2 Debt Service	753,218
SECO Phase 3 Debt Service	390,949
Network Infrastructure	310,000
Rusk Building Roof Exterior Waterproofing, Restoration and Drainage Renovation	270,000
ITS Capital Fund	200,000
Austin Building Exterior Waterproofing and Restoration	175,000
University Plaza Cleaning and Repair	175,000
HPE Complex First and Second Floor Restroom Renovation	150,000
Web Content Management Server and Software	125,000
Forestry Lab Air Handler Replacement	100,000
PPD Replace Three 8 Passenger Vans in Rental Fleet	100,000
Classroom Technology Upgrades	100,000
Forestry Lab Renovation - Room 240	90,000
Math Building Interior Renovations and Upgrades	75,000
Institutional Road Maintenance	75,000
Purchase 12 Passenger Van	62,000
School of Music Lobby, Lounge and First Floor Upgrades	60,000
College of Education Annex Heating Boiler and Pump Replacements	57,125
	<hr/>
Total HEF Allocation	<u><u>7,757,442</u></u>

**A RESOLUTION RELATING TO ESTABLISHING THE BOARD'S  
INTENTION TO REIMBURSE FOR THE EXPENDITURE OF FUNDS  
RELATING TO THE ACQUIRING, PURCHASING,  
CONSTRUCTING, IMPROVING, RENOVATING, ENLARGING OR  
EQUIPPING PROPERTY AND FACILITIES, INCLUDING ROADS  
AND RELATED INFRASTRUCTURE FOR A SCIENCE,  
TECHNOLOGY, ENGINEERING AND MATHEMATICS RESEARCH  
BUILDING APPROVED BY THE 84<sup>TH</sup> TEXAS LEGISLATURE FROM  
THE PROCEEDS OF TAX- EXEMPT OBLIGATIONS TO BE ISSUED  
BY THE BOARD; AUTHORIZING OTHER MATTERS INCIDENT  
AND RELATED THERETO; AND PROVIDING AN EFFECTIVE  
DATE**

**WHEREAS**, the Board of Regents of Stephen F. Austin State University (the "Board") has entered into or will enter into various contracts pertaining to the expenditure of lawfully available funds of the Board to finance the costs associated with acquiring, purchasing, constructing, improving, renovating, enlarging or equipping property and facilities, including roads and related infrastructure for a science, technology, engineering and mathematics research building approved by the 84<sup>th</sup> Texas Legislature which constitute the costs of the Board's project that is the subject of this Resolution (the "Project"); and

**WHEREAS**, the provisions of Section 1201.042, as amended, Texas Government Code ("Section 1201.042") provide that the proceeds from the sale of obligations issued to finance the acquisition, construction, equipping, or furnishing of any project or facilities, such as the Project, may be used to reimburse the Board for costs attributable to such project or facilities paid or incurred before the date of issuance of such obligations; and

**WHEREAS**, the United States Department of Treasury (the "Department") released Regulation Section 1.150-2 (the "Regulations") which establishes when the proceeds of obligations are spent and therefore are no longer subject to various federal income tax restrictions contained in the Internal Revenue Code of 1986, as amended (the "Code"); and

**WHEREAS**, the Board intends to reimburse itself, within eighteen (18) months from the later of the date of expenditure or the date the property financed is placed in service (but in no event more than three (3) years after the original expenditures are paid), for the prior lawful capital expenditure of funds from the proceeds of one or more series of tax-exempt obligations (the "Obligations") that the Board currently contemplates issuing Obligations to finance the costs of the Project and expects to expend approximately \$5,000,000 prior to issuance of such Obligations; and

**WHEREAS**, under the Regulations, to fund such reimbursement with proceeds of the Obligations, the Board must declare its expectation ultimately to make such reimbursement before making the expenditures; and

**WHEREAS**, the Board hereby finds and determines that the reimbursement for the prior expenditure of funds of the Board is not inconsistent with the Board's budgetary and financial circumstances; and

**WHEREAS**, the Board hereby finds and determines that the adoption of this Resolution is in the best interests of Stephen F. Austin State University (the "University"); now, therefore,

**BE IT RESOLVED BY THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY THAT:**

**SECTION 1:** This Resolution is a declaration of intent to establish the Board's reasonable, official intent under section 1.150-2 of the Regulations and Section 1201.042 to reimburse itself from certain of the proceeds of the Obligations for any capital expenditures previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the Project from lawfully available funds of the University.

**SECTION 2:** The Board intends to issue the Obligations and allocate within 30 days after the date of issuance of the Obligations the proceeds therefrom to reimburse the University for prior lawful expenditures with respect to the Project in a manner to comply with the Regulations.

**SECTION 3:** The reimbursed expenditure will be a type properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles.

**SECTION 4:** The Board will reimburse itself, within eighteen (18) months from the later of the date of expenditure or the date the property financed is placed in service but in no event more than three (3) years after the original expenditures are paid.

**SECTION 5:** The Board intends to otherwise comply, in addition to those matters addressed within this Resolution, with all the requirements contained in the Regulations.

**SECTION 6:** This Resolution may be relied upon by the appropriate officials at the Office of the Attorney General for the State of Texas and establishes compliance by the Board with the requirements of Texas law and the Regulations.

**SECTION 7:** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

**SECTION 8:** All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**SECTION 9:** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 10:** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Resolution would have been enacted without such invalid provision.

**SECTION 11:** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 12:** This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**EXECUTED** this the \_\_\_\_ day of \_\_\_\_\_, 2015.

---

Chair, Board of Regents

---

Secretary, Board of Regents

**A RESOLUTION OF THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE/PURCHASE AGREEMENT WITH RESPECT TO THE ACQUISITION, PURCHASE, EQUIPPING AND LEASING OF CERTAIN PROPERTY FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION**

**WHEREAS**, Stephen F. Austin State University (the "Lessee"), an institution of higher education of the State of Texas, is authorized to acquire, purchase, equip and lease property for the benefit of the Lessee and to enter into contracts with respect thereto for and on behalf of its institution or institutions, or any branch or branches thereof pursuant to Section 55.11 of the Texas Education Code, including Chapters 95 and 101 of the Education Code, as amended; and

**WHEREAS**, the Lessee desires to purchase, acquire, equip and lease certain property with a cost not to exceed \$3,000,000 constituting property necessary for the Lessee to perform essential functions for and on behalf of the institution (the "Property"); and

**WHEREAS**, in order to acquire and equip such Property, the Lessee proposes to enter into that certain Lease/Purchase Agreement (the "Agreement") with Banc of America Leasing & Capital, LLC (or one of its affiliates) (the "Lessor"), the form of which has been presented to the governing body of the Lessee at this meeting; and

**WHEREAS**, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement and the documentation relate to the financing of the Property for the purchase, acquisition, equipping and leasing of the equipment to be therein described on the terms and conditions therein provided;

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY AS FOLLOWS:**

**Section 1. Approval of Documents.** The form, terms and provisions of the Agreement are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the Vice President of Finance and Administration of the Lessee or other members of the Board of Regents of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval; and the Vice President of Finance and Administration of the Lessee is hereby authorized and directed to execute, and the Secretary of the Board of Regents of the Lessee is hereby authorized and directed to attest and countersign, the Agreement and any related Exhibits attached thereto and to deliver the Agreement (including such Exhibits) to the respective parties thereto, and the Secretary of the Board of Regents of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

**Section 2. Other Actions Authorized.** The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of Acceptance Certificates and any tax certificate and agreement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

**Section 3. No General Liability.** Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit, except to the extent that the Rental Payments payable under the Agreement are special limited obligations subject to appropriation of the Lessee as provided in the Agreement.

**Section 4. Appointment of Authorized Lessee Representatives.** The Vice President of Finance and Administration of the Lessee is hereby designated to act as an authorized representative of the Lessee for purposes of the Agreement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement.

**Section 5. Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**Section 6. Repealer.** All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

**Section 7. Effective Date.** This Resolution shall be effective immediately upon its approval and adoption.



**ADOPTED AND APPROVED** by the governing body of the Lessee this \_\_\_\_\_ day of July, 2015.

**BOARD OF REGENTS,  
STEPHEN F. AUSTIN STATE UNIVERSITY,**

as lessee

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Attest:**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Grants<sup>1</sup> awarded between March 14, 2015 and June 29, 2015**Fiscal Year 2015 – as of June 26, 2015****Amounts allocable to FY15** (detailed in this report)

Direct Federal	\$ 68,006
Federal Pass-through	\$ 219,441
State and State Pass-through	\$ 13,998
Private and Local Government	\$ 113,233
<b>TOTAL</b>	<b>\$ 414,678</b>

**Cumulative amount allocable to FY15** **\$ 7,743,983**

**New awards** (detailed in this report, all project years) **\$ 666,180**

**Cumulative award total, all project years** **\$20,414,814**

**Direct Federal**

**Title:** *\*Compaction and Seedling Growth and Survival on Reclaimed Mines in the Western Gulf*

**Sponsor:** Office of Surface Mining  
Award # S15AC20018, CFDA 15.255

**Award Term:** June 1, 2015 – May 31, 2019

**PI/PD:** Dr. Jeremy Stovall, Forestry

**Total Award:** \$149,939 **Amount Allocable to FY 2015:** \$62,017

*This research project will install a demonstration area and study the impacts of compaction, erosion, and surface hydrology, and determine effects on seedling growth and survival.*

**Title:** *\*Evaluate the Use and Effectiveness of Park Media for Visitors (Yellowstone National Park)*

**Sponsor:** National Park Service, U.S. Department of the Interior  
Award # P15AC00910 (P12AC51051), CFDA 15.945

**Award Term:** June 18, 2015 – January 30, 2017

**PI/PD:** Dr. Pat Stephens-Williams, Forestry

**Total Award:** \$24,426 **Amount Allocable to FY 2015:** \$3,489

*This research project will evaluate the effectiveness of print versus digital media by analyzing perceptions of visitors to the park.*

Previously detailed awards with modifications:

***Prescribed Fire Monitoring***

**Award Total:** \$7,500 **Additional Amount allocable to FY 2015:** \*\$2,500

**Subtotal Federal Amounts Allocable to FY 2015 = \$68,006**

**Subtotal New Federal Awards = \$176,865**

\*New awards

<sup>1</sup>For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.

Grants<sup>1</sup> awarded between March 14, 2015 and June 29, 2015

### **Federal Pass-through**

**Title:** *\*An Oral History Documentary of East Texas Society and Culture Based on a Found 1938 Film*

**Sponsor:** Humanities Texas (National Endowment for the Humanities)  
Award # 2015-4738, CFDA 45.149

**Award Term:** January 1, 2015 – December 31, 2015

**PI/PD:** Dr. A.C. Himes, College of Fine Arts

**Total Award:** \$1,000      **Amount Allocable to FY 2015:** \$1,000

*This grant provides matching funds toward the production of a documentary film based on recently found 1938 film scenes of life in Nacogdoches and East Texas.*

*Previously detailed awards with modifications:*

***Child Welfare Professional Development Project***

**Award Total:** \$585,510      **Additional amount allocable to FY 2015:** \*\$138,360

***Bottomland Hardwood Restoration and Enhancement in Degraded River Basins***

**Award Total:** \$249,748      **Amount allocable to FY 2015:** \$74,330

***StateView Program Development and Operations for the State of Texas***

**Award Total:** \$53,478      **Additional Amount allocable to FY 2015:** \*\$ 2,905

***Educational Approach to Increase Respiratory Use among Broiler Chicken Workers***

**Award Total:** \$51,998      **Additional Amount allocable to FY 2015:** \*\$2,846

***Subtotal Federal Pass-through Amounts Allocable to FY 2015 = \$219,441***

***Subtotal New Federal Pass-through Awards = \$145,111***

### **State and State Pass-through Awards**

**Title:** *\*Pre-Engineering Summer Program*

**Sponsor:** Texas Higher Education Coordinating Board

**Award Term:** June 1, 2015 – August 31, 2015

**PI/PD:** Dr. Dan Bruton, Engineering Physics

**Total Award:** \$13,998      **Amount Allocable to FY 2015:** \$13,998

*This formula grant provides funds for the conduct of a residential summer program targeting high school students who have expressed interest in pursuing a major in engineering.*

***Subtotal State and State Pass-through Amounts Allocable to FY 2015 = \$13,998***

***Subtotal New State and State Pass-through Awards = \$13,998***

*\*New awards*

<sup>1</sup>*For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.*

Grants<sup>1</sup> awarded between March 14, 2015 and June 29, 2015

**Private Entity and Local Government Awards**

**Title: \*Finding, Evaluating and Promoting Salt- and Hurricane-tolerant Plants for Galveston Island, Texas (SFA Foundation Application)**

**Sponsor:** Moody Foundation  
**Award Term:** April 9, 2015 – April 8, 2018  
**PI/PD:** Dr. David Creech, SFA Gardens, Department of Agriculture  
**Total Award:** \$251,969      **Amount Allocable to FY 2015:** \$34,996  
*This collaborative research project will identify ornamental plants, such as trees and shrubs, which tolerate conditions found on Galveston Island, Texas.*

**Title: \*Infant and Toddler Inclusion Activities for Child Care Providers**

**Sponsor:** Workforce Solutions Deep East Texas  
**Award Term:** June 4, 2015 – September 30, 2015  
**PI/PD:** Dr. Elizabeth Vaughan, Department of Elementary Education  
**Total Award:** \$10,048      **Amount Allocable to FY 2015:** \$10,048  
*Funds provide support for a training activity for area child care providers on inclusion activities for infants and toddlers with disabilities.*

**Title: \*Energy, Economics and the Environment Summer Institute**

**Sponsor:** Texas Mining and Reclamation Association  
**Award Term:** June 1, 2015 – August 31, 2015  
**PI/PD:** Dr. Alan Sowards, Department of Elementary Education  
**Total Award:** \$10,000      **Amount Allocable to FY 2015:** \$10,000  
*Funds provide support for an energy, economics, and environmental education summer course/workshop that includes field trips and inquiry-based instruction.*

**Title: \*Increasing IV Start Efficiency**

**Sponsor:** East Texas Communities Foundation, Roy & Betty Erickson Charitable Fund for Nursing  
**Award Term:** March 26, 2015 – August 1, 2015  
**PI/PD:** Mr. David Smith, DeWitt School of Nursing  
**Total Award:** \$7,790      **Amount Allocable to FY 2015:** \$7,790  
*This grant provides funds for the purchase of mannequin arms for IV instruction and simulation.*

**Title: \*SFA Gardens Environmental Education Support (SFA Foundation Application)**

**Sponsor:** George and Fay Young Foundation  
**Award Term:** May 19, 2015 – December 31, 2015  
**PI/PD:** Ms. Elyce Rodewold, SFA Gardens, Agriculture  
**Total Award:** \$5,000      **Amount Allocable to FY 2015:** \$5,000  
*This grant provides funds to help support environmental education programs offered to the community, including summer day camp, after-school activities, and outdoor family days.*

\*New awards

<sup>1</sup>For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.

Grants<sup>1</sup> awarded between March 14, 2015 and June 29, 2015

---

**Title:** *\*Outdoor Pursuits Day at the Lake (SFA Foundation Application)*

**Sponsor:** Outdoor Nation

**Award Term:** January 1, 2015 – May 31, 2015

**PI/PD:** Mr. Steven Whitman, Campus Recreation

**Total Award:** \$500                      **Amount Allocable to FY 2015:** \$500

*This grant provides funds to support a Lake Day Getaway for students at Lake Nacogdoches, including instruction in the safe and proper use of water craft such as kayaks and canoes.*

*Previously detailed awards with modifications:*

***Welch Chemistry Departmental Research Grant***

**Award Total:** \$190,000                      **Additional award allocable to FY 2015:** \*\$40,000

***Field Trials of Giant Salvinia Extracts as an Endocide to Control Giant Salvinia near Lake Claiborne, LA***

**Award Total:** \$20,533                      **Additional award allocable to FY 2015:** \*\$4,899

***Subtotal Private Amounts Allocable to FY 2015 = \$113,233***

***Subtotal New Private and Local Awards = \$330,206***

---

***Note:*** Amounts are based on award notices as they are received from the funding entity, not on expenditures or balances in funds/accounts. To reflect the approximate availability of funds in a given fiscal year, some current year awards are estimates based on the total amount awarded spread over the award period.

\*New awards

<sup>1</sup>For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.

**Policies for Board Review  
July 28, 2015**

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Access to University Records	2.1	ASA	Updated references.	P-7
Auditing a Course – Tuition and Fees	3.3	F&A	Clarified financial aid limitations.	P-8
Best Value Procurement	17.1	F&A	Limits on direct negotiation changed. Contract management described.	P-9
Building Design Standards	16.6	B&G	Interior design standards added. Line drawings of signage replaced with photos.	P-14
Central Stores	17.3	F&A	Detailed procedures removed.	P-22
Check Cashing	3.7	F&A	Returned check fee added.	P-24
Compensation from Grants, Contracts and Other Sponsored Agreements	12.1	ASA	Major rewrite.	P-25
Computing Software Copyright	9.1	ASA	Minor updates of titles and references.	P-34
Contracting Authority	1.3	F&A	Inclusion of board member's family.	P-36

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Course Add/Drop	6.10	ASA	Medical withdrawals must be made within six months.	P-38
Dead Week	7.8	ASA	Minor clarifications.	P-40
Delegated Purchasing Authority	17.5	F&A	References added. P-card purchase limit increased to \$3000.	P-41
Discrimination Complaints/Sexual Harassment	2.11	ASA	Title changed. Major rewrite.	P-44
Effort Reporting and Certification for Sponsored Activities	8.1	ASA	Major rewrite.	P-53
Energy Conservation	16.10	B&G	Minor wording changes.	P-57
Ethics	2.2	F&A	Substantive additions on training, requirements and consequences of violations.	P-58
External Bank Accounts	3.14	F&A	Student employees exempted.	P-69
Faculty Code of Conduct	7.11	ASA	Added nepotism prohibitions and title updates.	P-70
Faculty Compensation	12.6	ASA	Minor and required updates.	P-73

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
File Maintenance for Faculty Personnel Files	4.6	ASA	Reviewed with no changes.	P-77
Financial Conflicts of Interest in Sponsored Activities	8.2	ASA	Minor and required updates.	P-79
Fixed Amount Awards	8.12	F&A	New policy.	P-92
Fleet Management	16.11	B&G	Minor updates.	P-95
Grants and Contracts Administration	8.3	ASA	References to procedures manual added.	P-97
Illicit Drugs and Alcohol Abuse	13.11	ASA	Written notice schedule added.	P-98
Indirect Cost Recovery, Distribution, and Use and Fixed-Price Agreements	8.5	F&A	Title changed. Minor and required updates.	P-107
Institutional Animal Care and Use Committee (IACUC)	8.6	ASA	Minor updates.	P-111
Institutional Reserves Fund	3.19	F&A	Reviewed with no changes.	P-113
Kennedy Auditorium	16.14	B&G	Changed title. Major rewrite.	P-115



<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Lease, Rental or Use of Off-Campus Facilities	16.15	B&G	Minor wording changes.	P-118
Memberships	17.10	F&A	Reviewed with no changes.	P-120
Misconduct in Federally Funded Research	8.7	ASA	Minor wording changes.	P-121
Naming Guidelines	1.5	B&G	Building plaque will list names as of date project approved.	P-140
Nepotism	11.16	ASA	Kinships charts added to clarify relationships.	P-142
Payment Card Acceptance and Security	14.8	F&A	Training required annually for those with information access. Reporting and violation information added.	P-145
Payments to Human Research Subjects	8.8	ASA	Minor word changes.	P-149
Physical Plant Charges	16.20	F&A	Minor clarifications.	P-151
Procurement Training	17.25	F&A	Minor updates.	P-153
Prohibition of Campus Violence	13.5	ASA	Policy to be deleted.	P-155

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Purchase Requisition	17.19	F&A	Minor revisions.	P-158
Purchase Voucher	17.20	F&A	Minor updates.	P-160
Purchases from Employees	17.21	F&A	Title changed. Definitions and clarifications added to include officers.	P-161
Purchasing Ethics and Confidentiality	17.22	F&A	Definitions and clarifications added.	P-163
Radioactive or Radiation-Producing Materials or Equipment	13.17	ASA	Major rewrite.	P-167
Rental of University Vehicles	16.23	B&G	Minor changes.	P-171
Research Development Program	8.10	ASA	Minor changes and updates.	P-175
Satisfactory Academic Progress for Financial Aid Recipients	6.16	ASA	Content reorganized and clarified and definitions added.	P-177
Service Awards	12.17	ASA	Reviewed with no changes.	P-183
Sexual Misconduct	2.13	ASA	New policy.	P-184

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Social Media	15.11	ASA	New policy.	P-204
Student Code of Conduct	10.4	ASA	Updated language and references.	P-206
Travel	3.29	F&A	Minor clarifications.	P-224
Wireless Networking	14.11	ASA	Minor updates.	P-226

## Access to University Records

**Original Implementation:** 1975

**Last Revision:** ~~January 31, 2012~~ July 28, 2015

Access to documents or records in the custody or control of Stephen F. Austin State University is determined by the provisions of state law. In general, the records of the university are open to public inspection during normal business hours, upon written request. However, various exceptions to the public's right to examine university documents exist under law. These include, but are not limited to, information in personnel files, the disclosure of which would clearly be an unwarranted invasion of privacy; documents relating to litigation or settlement negotiations; information relating to the possible purchase of real property; student records; interagency or intra-agency memoranda or letters not available by law except in the context of litigation; and rare books or original manuscripts held for the purpose of research.

The Office of the General Counsel has been designated by the Board of Regents as the public information coordinator responsible for processing public information requests. Requests for public information by outside entities and vendors are to be immediately referred to the Office of the General Counsel. The requests must be in writing and may be submitted by mail, fax, e-mail or in person. The requestor must include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested. The requestor must also cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested. The university may charge for copies of public information in accordance with the fee schedule set out in 1 Tex. Admin. Code § 70.3.

Requests by student organizations that are for organizational use only should be submitted to the Office of Student Affairs. Requests for alumni information should be submitted to the Alumni Association.

This policy does not prevent either students or employees from examining university records applying to themselves.

**Cross Reference:** Public Information Act, Tex. Gov't Code Ch. 552; *1 Tex. Admin. Code § 70.3*

**Responsible for Implementation:** General Counsel

**Contact for Revision:** General Counsel

**Forms:** None

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

## Auditing a Course - Tuition and Fees

**Original Implementation:** October 18, 1980

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

Tuition and fees for auditing a course shall be the same as tuition and fees paid by regularly enrolled students. *Generally, financial aid (including exemptions and waivers) cannot be applied to the charges related to auditing a course, unless specifically allowed under the terms of a scholarship or grant.*

**Cross Reference:** General Bulletin

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

**Contact for Revision:** Controller

**Forms:** None

**Board Committee Assignment:** Finance and Audit

## Best Value Procurement

**Original Implementation:** January, 1988

**Last Revision:** ~~January 27, 2015~~ July 28, 2015

### PROCUREMENT PROCESSES

Stephen F. Austin State University makes purchases, not otherwise delegated through Delegated Purchasing Authority (17.5), in accordance with Education Code 51.9335 and university policy.

*The university purchases goods or service by the method that provides ~~on a~~ the best value to the university, including: basis and following the procedures outlined in the procurement procedure manual.*

~~The university may purchase goods or services:~~

- A. ~~through~~ programs associated with the purchase of goods or services from persons with disabilities as required under applicable state law;
- B. ~~through~~ direct negotiation if the aggregate total is \$510,000 or less; *except that the limit for federal funds is \$3,000*
- C. ~~through~~ group/cooperative purchasing programs;
- D. ~~through~~ contracts *awarded by available through* the state comptroller's office, Department of Information Resources, Council on Competitive Government, ~~or~~ State Office of Risk Management, *or other state of Texas agencies or institutions of higher education;*
- E. ~~through any contract issued and awarded by other state of Texas agencies or institutions of higher education;~~
- ~~F.E. from~~ contracting with other state agencies or political subdivisions in accordance with Interagency and Interlocal Contracts (17.8);
- ~~G.F. purchasing~~ on a proprietary basis in accordance with Proprietary Purchases (17.15);
- ~~H.G. purchase of through a professional or consultant services contract~~ in accordance with Professional and Consultant Services (17.12);
- ~~I.H. purchasing~~ from state or federal surplus warehouses in accordance with Purchase of Surplus Property (17.17);
- ~~J. from university employees in accordance with Purchases From Employees (17.21);~~
- ~~K. from GSA contracts that are available for direct use by state agencies and institutions of higher education;~~
- I. ~~through a soliciting bids or proposals as follows:~~ *ation process including, but not limited to, informal bid, competitive sealed bid, competitive sealed proposal, or request for qualifications;*
  - 1. *informal solicitation if the aggregate total is \$25,000 or less; this limit may be increased to \$150,000 if using federal grant funds;*
  - ~~L.2.~~ *formal solicitation if the aggregate total is over \$25,000; this limit may be*

*increased to \$150,000 if using federal grant funds*

~~M.J.~~ *purchasing* on an emergency basis as long as the procurement is necessary to prevent a hazard to life, health, safety, welfare or property, or to avoid undue additional cost to the university;

~~N.K.~~ *purchasing* on a best value basis without using one of the above processes as long as the supporting justification is approved by the director of procurement and is in compliance with best value considerations outlined in Education Code 51.9335.

## **ADDITIONAL PROCUREMENT CONSIDERATIONS**

The university may not accept a bid or award a contract that includes proposed financial participation by a person who received compensation from the university to participate in preparing the specifications or request for proposals on which the bid or contract is based. This does not prohibit a bidder or contract participant from providing free technical assistance to the university.

In accordance with Gov't Code Ch. 2252, Subchapter A, the university will apply reciprocity when evaluating informal bids and competitive sealed bids. *This requirement does not apply to federal funds.*

Contracting with a former employee or retiree for services is prohibited on state funds within 12 months of the employee's separation date from the university. The use of local funds is allowed within 12 months of the employee's separation date with prior approval of the director of procurement and property services, director of human resources, and general counsel.

Contracting with the executive head of a state agency, or with a person who at any time during the four years before the date of the contract was the executive head of a state agency, or with a person who employs a current or former executive head of a state agency is prohibited unless the Board of Regents votes in open meeting to approve the contract, and the Legislative Budget Board is notified no later than the fifth day before the date of the vote, of the terms of the proposed contract.

Contracts that generate revenue may be processed through any of the above procurement processes, through direct negotiation, or through any other process that is determined to represent the best value to the university.

All procurements, regardless of the source of funds, shall comply with laws and rules relating to historically underutilized businesses. Reference Historically Underutilized Businesses (17.7).

Some procurements may require Board of Regents approval prior to purchasing. Reference Items Requiring Board of Regents Approval (1.4).

Some procurements have additional restrictions based on the source of funding. Reference the Funds Guidelines and HEF Guidelines published on the procurement and controller's

office websites.

*The procurement office shall establish and maintain contract management procedures that provide for consistent contracting policies and practices and contract review procedures, including a risk analysis procedure. The contract review procedures, contract review checklist, and any updates, must be reviewed and approved by the general counsel before implementation.*

*The procurement office shall establish procedures to identify each contract that requires enhanced contract or performance monitoring. At a minimum new construction projects shall be included in this requirement. Identified contracts shall be reported to the Board of Regents at regularly scheduled meetings, including the following information:*

- a. a description of the contract*
- b. the vendor awarded the contract*
- c. the procurement method by which the vendor was selected*
- d. who is managing the contract*
- e. any serious issue or risk associated with the contract*

*The following types of purchases or contracts are excluded from this reporting requirement: a memorandum of understanding, interagency contract, interlocal agreement, or contract for which there is no cost.*

## **EXEMPT PURCHASES**

The following purchases are exempt from best value procurement processes outlined herein. Submission of a purchase requisition and other rules may apply.

1. Advertising
2. Hotels and meeting rooms for conferences
3. Conference expenses – expenses related to conference room services such as audio/visual/network and food services. (does not include goods purchased for attendees or transportation services)
4. Moving expenses (employee) – see Moving Expenses (3.23)
5. Student travel – expenses related to student travel
6. Library materials and services for Stephen F. Austin State University libraries when such exemption represents the best value to the university
7. Membership dues and associated fees
8. Direct publications only available from a single source as defined in the procurement procedure manual
9. Freight, including shipping, handling, fuel surcharge, hazardous material fee, postage, and other surcharges
10. Intra-agency payments (IDT)



11. Rental of exhibit space
12. Items for resale
13. Internal repairs – repairs for which the extent and cost of such cannot be determined until the commodity is disassembled and evaluated; an internal repair must contain labor and may also include parts
14. Purchases from federal agencies
15. Utilities, other than deregulated electricity
16. Organized activity purchases – goods and services for the Early Childhood Lab, Cole Audiology Lab, Beef Farm, Poultry Farm, Equestrian Program, Broiler Houses, and Swine Farm when the purchase directly affects operations and such exemption represents the best value to the university
17. Group travel – expenses related to group travel when such group travel includes non-university persons and/or is funded by payment from individual travelers; i.e., Art Tour
18. Gifts, prizes and awards for students, employees and non-university individuals
19. Accreditation fees
20. Tournament fees or game guarantees
21. Licensing fees or permits
22. Employee registration or tuition
23. Sponsorships
24. Non-travel-related meals
25. Fees, not otherwise identified herein
26. Notary bonds
27. Guest lecturers, speakers, artists, entertainers, performers, musicians, etc.
28. Educational/training services for university employees
29. Veterinary services
30. Other professional services as defined by the state comptroller's expenditure codes

**Cross References:** Items Requiring Board of Regents Approval (1.4); Historically Underutilized Businesses (17.7); Delegated Purchasing Authority (17.5); Interagency and Interlocal Contracts (17.8); Proprietary Purchases (17.15); Professional and Consultant Services (17.12); Purchase of Surplus Property (17.17); Purchases From Employees (17.21); Moving Expenses (3.23); Purchase Requisition (17.19); Tex. Educ. Code §§ 51.9335, .9337; *Tex. Gov't Code* § 572.069; Tex. Gov't Code § 669.003; *Tex. Gov't Code* § 2261.253; Tex. Gov't Code §§ 2252.001-.004, .901; 2 *CFR* §§ 200.317-.326

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

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

**Forms:** Purchase Requisition, Purchase Voucher

**Board Committee Assignment:** Finance and Audit

## Building Design Standards

**Original Implementation:** July 21, 2009

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

### 1. Statement of purpose

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

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

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

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

### 5. Site Standards

#### I. Buildings shall be setback from streets a sufficient distance to provide transition from city-streetscape to campus environment. Building setback dimensions should be governed by the height and mass of the proposed structure and the traffic volume of the adjacent street.

##### i. Minimum setbacks from public streets:

1. North Street 100 feet
2. University Boulevard 100 feet
3. East College 50 feet
4. Austin Street 50 feet
5. Raguet Street 100 feet

##### ii. Minimum setback from internal campus streets:

1. Griffith Boulevard 100 feet
2. Vista 40 feet
3. Clark Boulevard 35 feet
4. Clark Boulevard (at Kennedy Auditorium) 25 feet
5. Alumni Drive 40 feet
6. Aikman Street 40 feet
7. Raguet Street 40 feet
8. Hayter Street 40 feet
9. Wilson Drive 25 feet

- II. Building separation  
Buildings shall be separated by distances governed by the building height and mass; and by the pedestrian load along routes that pass between buildings.
- III. Pedestrian malls  
Pedestrian malls – developed between the Steen Library and the Baker Pattillo Student Center and Raguet Street from Griffith Boulevard to Aikman Drive – shall be spacious openings with two lanes, each with 8 or more feet in width.
- IV. Sidewalks
  - i. Major pedestrian route shall be 8 or more feet wide.
  - ii. Secondary pedestrian route shall be 5 feet or more wide.
  - iii. Maintenance access walks shall be sized to meet the service need but not less than 3 feet wide.
- V. Site lighting ~~shall~~ *should* be provided by campus standard pole lamps\* located 75 feet apart. Individual spacing may vary to avoid conflict with driveways, intersections, and utilities.
- VI. Site selection and building placement shall accommodate and prepare for future campus development.
- VII. Way-finding signs shall conform to ~~SFA Direction Signs System, undated (excerpts appear here as Appendix B).~~
- VIII. Building identification signs on the main campus shall conform to Appendix C. The monument shall be cast stone with a cream white finish similar to /Indiana limestone. A bronze university seal shall be embedded at monument ~~base~~*top*. The text field shall be porcelainized steel, white letters on a purple field (CPEC 865-6 Custom Purple). The typeface shall be Univers over Amasis. The designer shall adjust type size and stretch to accommodate building made. Construction and attachment of the text field assembly shall allow the text field to be removed and replaced without modification of the monument.
- IX. Building identification signs at remote campus sites shall conform to Appendix C~~4~~. The monument shall be cast stone with cream white finish similar to Indiana limestone. A bronze university seal shall be embedded at monument ~~base~~*top*. The designer must proportion the monument to fit the site, road speed, and setback requirements. The text field shall be porcelainized steel, white letters on a purple field (CPEC 865-6 Custom Purple). The typeface shall be Amasis or Univers Bold. The designer shall adjust type size and stretch to accommodate building name and proportions of the monument. Construction and attachment of the text field assembly shall allow the text field to be removed and replaced without modification of the monument.
- X. Landscape designers shall refer to the SFA landscape installation maintenance standards, ~~May 2009~~ *which are on file at the Physical Plant Department.*

XI. *Surface parking*

*Surface parking should be punctuated by island trees at a ratio of 1 tree well/island (approx. equal to two parking spaces) for each 30 cars parked.*

XII. *Roads and bridges*

*Campus trees should be lined by concrete curb and gutter. Sidewalks should be separated from road pavements by a grass parkway that should be equal in width to the sidewalk but shall not be less than one-half the sidewalk width.*

X. \_\_\_\_\_

6. Architectural Style

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

i. Major buildings\* shall express their entrance by use of a podium, monumental stair or canopy.

1. Pedestrian approach considerations should include one or more covered entrances.
2. A passenger vehicular approach shall be provided with a drop off point within 40 feet of an entrance.
3. Service vehicles shall have a separate approach that comes within 30 feet of the building and provides parking for two trucks for every 40,000 s. f. of building area.
4. A dumpster shall be located within 50 feet of the building's service entrance. Dumpsters shall be screened with brick enclosures. Provide task lighting, storm drains, or hose bubs at dumpster locations/

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

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

—Dark brown and brown-black *brick* blends are desirable.

1.

2. Stone or cast stone selected *as a detail shall to be* complement the brick selection. ~~should be used for detail.~~

~~2.3.~~ *Standard paint color codes are on file at the Physical Plant Department for most exterior materials*

iv. Window *frames* shall be insulated, clear anodized aluminum, bronze anodized aluminum, or white painted aluminum.

1. Glass shall be fixed, clear, green or bronze double glazing. Reflective finishes ~~d~~ should be limited, if not discouraged.
2. Operable windows *are discouraged unless required by code.* ~~shall be provided when required by the educational program being housed.~~

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

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

i. Building entrance

1. The building should have one or more entrances *with an access control system*, protected by a canopy if recessed entrance.
2. A passenger vehicular approach shall be provided with a drop off point within 30 feet of an entrance. Residence halls should be allowed a variance.
3. Service vehicles shall have a separate approach that comes within 209 feet of the building and provide parking for 1 service vehicle per 110 beds.

ii. Dumpsters shall be located within 50 feet of a secondary building entrance (preferably a service entrance). Dumpster locations should be as discrete as practical and shall be screened *with brick enclosures* but must allow easy access to residents and staff. Provide task lighting, storm drains or hose bibs at dumpster locations.

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

1. Brick shall be red and red with black-washed blend with stone of cast stone detailing.
2. Roofs shall slope and have architectural standing seam metal roofing with a green or earth-green finish.
3. Window frames shall be insulated, bronze anodized aluminum or bronze painted aluminum.
  - a. Glazing shall be double pain clear, bronze or earth-green.
  - b. Operable window shall be provided in sleeping rooms,
  - c. Fixed or operable glazing may be used in common areas.

~~7~~III. Auxiliary buildings should reflect an architectural style that relates to the building function, blend with the campus surroundings and when appropriate relate to a legacy style (ref. to paragraph 6.1 above).

~~8~~IV. Parking structures

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

7. Interior Design

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

- i. *utilizing manufacturer standards in lieu of custom solutions when possible.*
- ii. *working in partnership with university operations and maintenance staff.*
- iii. *following established SFA interior finish and fixture guidelines which are on file at the Physical Plant Department.*

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

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

- i. *meet the functional requirements of the intended use.*
- ii. *be designed for flexibility, life safety and accessibility.*
- iii. *have superior indoor air quality, proper lighting and acoustics.*
- iv. *incorporate methods of way finding through the facility, including but not limited to, the development of an interior signage plan.*

**III. *Any materials selected should take into account:***

- i. *optimum life-cycle costs;*
- ii. *durability and maintainability; and*
- iii. *a preference for sustainable or “green” principles.*

**9. ~~Surface parking~~**

~~Surface parking should be punctuated by island trees at a ratio of 1 tree well/island (approx. equal to two parking spaces) for each 3 cars parked.~~

**10. ~~Roads and bridges~~**

~~Campus trees should be lined by concrete curb and gutter. Sidewalks should be separated from road pavements by a grass parkway that should be equal in width to the sidewalk but shall not be less than one half the sidewalk width.~~

**Cross Reference:** None

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

**Contact for Revision:** Vice President for Finance and Administration

**Forms:** None

**Board Committee Assignment:** Building and Grounds

## Appendix A

### Definitions and Terms

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

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

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

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

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



## Appendix B

### Exterior Campus Wayfinding Signage

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



## Appendix C

### Exterior Monumental Signage

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



## Central Stores

**Original Implementation:** Unpublished

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

Central Stores provides a supply of materials primarily to support maintenance activities. Additionally, a limited number of other items are provided to support instructional and administrative activities.

### Purchases

Purchases from Central Stores will be allowed only upon presentation of a valid university account number, work order number, and authorized signature on sales receipt. ~~Sales will not be made to overdrawn accounts without approval of the appropriate vice president.~~

~~Orders may be placed with Central Stores in the following manner:~~

- ~~1. in person at the Central Stores sales counter;~~
- ~~2. by telephone at extension 5303; or,~~
- ~~3. by online entry to physical plant home page~~

*For information regarding orders, returns, delivery services, or stocking requests, please refer to the Central Stores procedures located on the Central Stores website.*

### Returns

~~Returns with credit will be allowed for non-discontinued merchandise within ten (10) days of purchase. Defective/damaged merchandise will be replaced, or a refund made, when return is made within a reasonable period of time. The sales receipt (counter release ticket) is required for all returns, replacements or credits.~~

### Delivery Services

~~Bulk items of Central Stores merchandise will be delivered without additional cost by Central Receiving. Small items and small quantities will not be routinely delivered. Orders may be picked up at the Central Stores sales counter.~~

### Requests to Stock Merchandise

~~New merchandise will be added to the Central Stores stock upon the request of a department head or his/her designee when the item meets one or more of the following criteria:~~

- ~~1. The item is critical to operations and not available in the local marketplace.~~
- ~~2. The item is needed routinely by one or more departments.~~

~~3. Institutional benefits can be shown either in having the item available when needed, or by saving money through ordering in bulk.~~

~~4. Adequate physical facilities are available to store and protect the merchandise.~~

Special items stocked at the request of a department that are not sold after a reasonable time (one year) will be charged to the requesting department and disposal of the items will be the responsibility of the requesting department.

**Cross Reference:** ~~None~~ *Central Stores Procedures*

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

**Contact for Revision:** Director of Physical Plant

**Forms:** None

**Board Committee Assignment:** Finance and Audit



## Check Cashing

**Original Implementation:** September 1, 1988

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

The business office in the Austin Building cashes checks for faculty, staff and currently enrolled students with a Stephen F. Austin State University I.D. The check cashing limit is fifty dollars (\$50) per day. If an extenuating circumstance exists in which a student or employee needs to cash a check in excess of \$50, authorization must come from the controller, the bursar in the business office or the bursar's designee. Checks returned to the university for nonsufficient funds (*NSF*), payment stopped, or account closed will be collected by the university or an outside collection entity. *A \$30 fee will be assessed by the university for any check returned.* Any fees charged to the university by an outside collection entity or the financial institution will be assessed to the individual. The university reserves the right to refuse personal checks from individuals who have a history of bad checks.

The university business office is not authorized to cash two party checks, post-dated checks or checks which are disbursed by the university (i.e., payroll checks, travel checks, etc.) except when the university-issued check is used as payment on the payee's account. Web check payments in excess of the amount owed, thus resulting in a refund, are not permissible.

Employees with a history of returned checks may be subject to disciplinary action.

**Cross Reference:** Returned Payments (3.27)

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

**Contact for Revision:** Controller

**Forms:** None

**Board Committee Assignment:** Finance and Audit

## Compensation from Grants, Contracts and Other Sponsored Agreements

**Original Implementation:** April 17, 2012

**Last Revision:** ~~None~~ July 28, 2015

### **~~I. Background and Purpose~~**

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

~~Non-exempt staff members are not eligible for additional compensation from grants and must be paid overtime at the appropriate rate of pay.~~

~~For purposes of this policy, “compensated effort” is defined as all university-related activities included in the institutional base salary, including salary used for cost sharing, regardless of whether the activity takes place inside or outside of normal business hours. For higher education faculty, this “compensated effort” includes teaching, research, and service, which is consistent with SFA’s Faculty Compensation policy (12.6) and Faculty Workload policy (7.13). Institutional base salary refers to academic year faculty contracts (usually nine months).~~

~~In general, federal and state agencies discourage the use of funds from sponsored project agreements to provide pay above the institutional base salary. Many agencies strictly adhere to the language of Federal OMB circular A-21 and specifically prohibit additional compensation above base salary for some or all of their sponsored programs.~~

~~General requirements for payment of additional compensation are detailed in Stephen F. Austin State University (SFA) policy, Salary Supplements, Stipends, and Additional Compensation (E-9).~~

### **~~II. Compensation from Grants, Contracts, and Other Sponsored Agreements~~**

~~If permitted by *thea specific grant, contract or other sponsored agreement*(, faculty and/or professional (exempt) staff may receive compensation for personal services *directly* related to *the grants, contracts, and other sponsored agreements* in the form of *direct* salary (preferred) or additional compensation (strictly limited). The form and amount of compensation depends upon a number of factors, including:~~

- ~~the workload status of the employee (part-time or full-time);~~

- ~~required approvals from sponsors~~*the type of work being performed;*
- ~~certification from the employee that additional compensation to be received is for work that is outside of their job description or contractual obligation~~*employee status (exempt/non-exempt, faculty/staff); and*
- ~~confirmation from the chair and dean that the requested form of compensation is appropriate and will not adversely affect department functions~~*time the work is performed (for example, weekends, after normal work hours, and summer months).*
- ~~the employee has not already reached the maximum compensation.~~

A. ~~Direct Salary Compensation~~ (preferred)

~~Compensation from grants, contracts, and other sponsored agreements should be in the form of~~ *is normally paid as a portion of the institutional base salary (IBS) for actual work performed on the project grant from which the salary is paid. Compensated services must be performed during the project period and are captured in effort certification reporting as part of total compensated effort* ~~the individual's IBS (institutional base salary).~~ *Compensation from grants can never exceed the individual's normal IBS rate of pay.*

1. ~~Release Time~~ *Whenever possible, sponsored agreement funds should be used to buy out teaching and/or scholarly activities (research, creative activities, and/or service) proportional to the level of effort on the project. This gives the faculty member adequate time to devote to the project.* ~~Exempt and non-exempt staff~~ *– A portion of an individual's IBS may be paid from one or more grants proportional to the effort expended on each grant agreement during the term the work is performed. Individuals paid 100% from grant funds cannot perform any institutional functions outside of their grant-related job duties. See Effort Reporting and Certification of Sponsored Activities policy (8.1).*

~~This approach is consistent with SFA's faculty workload policy, which states "Any work that exceeds normal expectations in the categories of research/scholarly/creative accomplishment and service constitutes an opportunity to request a course load reassignment with the department chair." For purposes of compensation from grants, contracts, and other sponsored agreements (paid or cost shared), a normal three credit hour course taught during the fall or spring semester is equivalent to 25% effort (or 0.25 FTE); 20% is normally devoted to instruction and 5% is normally devoted to institutional responsibilities outside of instruction.~~

2. ~~Faculty Summer Salary~~ *Full-time Faculty* - ~~If a faculty member's institutional workload is less than 100% (1.0 FTE) during a summer term, the faculty member may also be paid from one or more grants proportional to the effort expended, subject to~~

~~the summer salary calculations outlined in policy E-9. For purposes of compensation from grants, contracts, and other sponsored agreements (paid or cost shared), a normal three credit hour course in a summer part of term is prorated proportionally as described above. For example, a normal three hour course taught during Summer I is equivalent to 50% effort (or 0.50 FTE) for the Summer I part of term; 40% is normally devoted to instruction and 10% to institutional responsibilities outside of instruction for the Summer I part of term. A full-time faculty member's salary may be paid from one or more grants proportional to the effort expended on each grant agreement during the academic term such work is performed. This reassigned time releases the faculty member from teaching and/or research/scholarly/creative and service activities proportional to the level of effort on the grant.~~

~~Sponsored project funding may not be used during the summer months to pay for work performed during the academic year, nor may these funds be used to supplement institutional compensation that may be paid at a lower than base salary rate. For a full-time nine-month assignment (24 Teaching Load Credits, TLC), the equivalent of 20% effort over the term is normally devoted to research/scholarly/creative and service activities. Therefore, for purposes of compensation from grants, (paid or cost-shared), a normal three-credit hour course is equivalent to 20% effort (or 0.20 FTE) and non-instructional activities are equivalent to 5% effort (or 0.05 FTE).~~

3. ~~≤1.0 FTE Professional (Exempt) Staff~~ *Faculty Summer Assignments* - ~~A portion of a less than full-time individual's salary may be paid from one or more sponsored project agreements proportional to the effort expended on each project agreement during the term such work is performed. If a faculty member's teaching workload is less than 100% (6 TLC) during a summer part of term, the faculty member may also be paid from one or more grants proportional to the effort expended, subject to the summer salary calculations outlined in Salary Supplements, Stipends and Additional Compensation policy (12.16).~~

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

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

#### **B. Additional (~~Extra~~) Compensation (~~strictly limited~~)**

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



~~contracted duties. Additional compensation is not allowed for work that is considered “compensated effort;” therefore, a clear delineation of normal faculty workload activities is required in all requests for additional compensation.~~

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

~~If allowed by a sponsor for a specific sponsored project, additional compensation may be paid from sponsored agreement funds if the employee meets all requirements; however, all such requests for additional compensation must be routed by the employee's dean or primary administrator to the Office of Research and Sponsored Programs for verification of sponsor approval.~~

~~Professional (eExempt, full-time) staff members may be with 12-month, full-time employment are not eligible for to receive receive additional compensation for any function that is part of their job description and duties incidental activities (task assignments) . However, the staff member may be eligible for additional compensation if the sponsored agreement grant-related activities are: (1) can be defined as consulting or incidental work; (2) are clearly unrelated to their current duties as demonstrated by the employee’s job description or other documentation; and (3) are performed outside of the employee's regular work hours.~~

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

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

#### ~~1. Acceptable Forms of Additional Compensation~~

~~Additional compensation from grants, contracts, and other sponsored agreements may be paid for work that is in excess of the normal workload and only for one-time or short-term activities as defined below.~~

- ~~1. Intra-university Consulting - Normally, intra-university consulting is considered to be a professional courtesy or normal university faculty obligation for which extra compensation is not paid. However, under unusual circumstances additional compensation may be paid if all of the following conditions are met: Intra-university consulting is: (1) limited to unusual circumstances; (2a) for work in excess of a full workload; and (3) for faculty working across departmental lines or at a separate or remote location, such as outside of the Nacogdoches area; and (b) :~~

~~Examples include statistical consulting, foreign language assistance, project evaluations, and other highly specialized services or activities as applicable to a specific award. Intra-university consulting does not include routine consulting, which is considered to be a professional courtesy or normal university faculty obligation.~~

- ~~1. In addition to the above conditions, it must be demonstrated that the services to be provided are essential and cannot be provided by persons receiving salary support from the sponsored agreement, or otherwise compensated for their services by the university.~~
- ~~2. Incidental Work Activities (task assignments) - If it can be demonstrated that it is crucial to the success of the project, on occasion, faculty members or exempt staff may be paid from grants, contracts, or other sponsored agreements for incidental work activities. Incidental work activities should be based on completion of an assignment or task and is restricted to one-time services or jobs with a time commitment of one month or less.~~

~~Federal OMB circular A-21 does not provide examples of incidental work because “in general, these assignments are not related to sponsored programs;” however, SFA has determined that some tasks related to grants are incidental. Therefore, for purposes of this policy, incidental work includes: (1) activities that are clearly defined in university policy as additional to the normal workload (e.g., development of online courses and delivery of off-campus instruction); (2) training institutes or workshops that are conducted outside the employee’s regular work hours (such as, evenings or weekends) for external entities and their employees or students; and (3) delivery of off-campus services to non-SFA employees or students as defined in the sponsored project agreement.~~

~~Exceptions to these limitations must be pre-approved by the chair and dean and reviewed by ORSP to ensure compliance with institutional policy before ORSP submits the proposal or other request to the sponsor for approval.~~

## ~~2.~~ Rate of Pay

~~The rate of pay for additional compensation shall be no more than the hourly equivalent of the individual’s regular institutional base rate of pay (IBS). This rate is calculated using a monthly basis of 173.33 hours. An exception may be provided for non-research, privately funded contracts for services such as consulting and training.~~

## ~~3.~~ Specific Requirements

~~To ensure equitable and consistent application of SFA’s faculty workload policy, these guidelines apply to all sponsored project agreements regardless of the source of funding (federal, state, local government, and/or private entities).~~

~~For sponsors that allow additional compensation to be paid *in the form of intra-university consulting or incidental activities*, ÷~~

~~÷, ÷~~~~The sponsor must be informed of the intent to charge salary as additional compensation, preferably in the original budget proposal.~~

~~The budget and/or project narrative of the grant or contract should clearly state:~~

- ~~a.~~ • that additional compensation above institutional base pay will be paid to university employees;
- ~~b.~~ • the name or position of the individuals who will be receiving the additional compensation; and
- ~~c.~~ • the work and services to be performed by these individuals.

The amount of the additional compensation should be segregated from regular salary expenses and the budget justification should clearly indicate:

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

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

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

#### C. Responsibility for Compliance

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

4. Office of Research and Sponsored Programs ~~staff is responsible for verifying sponsor for additional compensation approval, either in the form of an approved grant application as submitted, or in the language of a contract or other sponsored agreement the grant, by approved amendment, or from subsequent written correspondence from the sponsor's contracting official.~~
5. Human Resources ~~staff is responsible for confirming that the individual has not exceeded the maximum additional compensation limits as outlined in the Salary Supplements, Stipend, and Additional Compensation policy (12.16) and that the IBS rate of pay has not been exceeded policy E-9.~~

D. Remedies for Non-Compliance

~~Consequences of non-compliance with the university's additional compensation policies or those of the sponsor, specific program requirements, and/or federal and state rules and regulations may include:~~

- ~~▪ loss of funding for current and future projects from a sponsor;~~
- ~~▪ suspension of the privilege to submit future grants; and/or~~
- ~~▪ repayment by the department, college, or employee of salary and fringe benefits paid over the institutional base salary rate.~~

~~In the event that repayment of additional compensation paid from sponsored project grant funds is required by a sponsoring agency, auditor, or other authorized entity, the department and/or college academic unit with managerial oversight of the sponsored agreement in question must identify funds within its department or college to repay the amounts in question. This includes instances where administrative and/or sponsor approvals were not obtained in advance.~~

~~Employees who receive additional compensation in amounts greater than those approved by the sponsor, or that exceed the regular rate of pay as outlined in this policy, and/or exceed the cap as outlined in policy 12.16 may be required to repay those amounts.~~

**Cross Reference:** ~~Federal Circular OMB A-212 C.F.R. § 200.430; Uniform Grant Management Standards for Texas, UGMS; Council on Governmental Relations (March 1, 2007). Policies and Practices: Compensation, Effort Commitments, and Certification. Ch. 1c. Special Care for Supplemental Compensation (pp. 20-23); Tenure (7.29); Distance Education Faculty Competencies and Compensation (7.9); Effort Reporting and Certification for Sponsored Activities (8.1); Faculty Workload (7.13); Outside Employment (11.19); Off-campus Credit~~

Courses (5.13); Grants and Contracts Administration (8.3); Faculty Compensation (12.6); Summer Teaching Appointments (7.28); ~~Overload Assignments (7.20)~~; *Salary Supplements, Stipends and Additional Compensation (12.16)* .

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

**Contact For Revision:** Director, Office of Research and Sponsored Programs

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

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

## Computing Software Copyright

**Original Implementation:** July 27, 1999

**Last Revision:** ~~January 31, 2012~~ July 28, 2015

### Purpose and Scope

Most software on computers at Stephen F. Austin State University is protected by federal copyright laws. In addition to copyright laws, there is usually a license agreement between the software seller and the purchaser to protect the software. Educational institutions are not exempt from legislation covering copyrights. The university's policy is to adhere to the copyright protections given under federal law and to the conditions of license agreements.

### Policies and Procedures

- Software provided through the university for use by faculty, staff, and students ~~shall~~ will be used on computing equipment only as appropriate to the specific software licenses.
- Licensed software ~~shall~~ will not be copied on university equipment except as specifically permitted by the software license, e.g., to create a backup copy.
- ~~It is a violation of university policy to knowingly use or attempt to use unauthorized software.~~
- Faculty, staff, and students may not use unlicensed or unauthorized copies of software on university-owned computers, or any computer connected to the university network.
- The individual who normally uses a specific computer is responsible for ensuring and documenting via license agreement or proof of purchase that the software used on that machine is licensed. When the same computer is used by more than one person, a specific individual ~~shall~~ will be assigned responsibility for ensuring and documenting appropriate software licensing.
- For a multi-user computing system, the director of the organizational unit owning the system, or the person responsible for its operation, ~~shall~~ will document licenses, inform users of licensing conditions, and take reasonable actions to ensure compliance.
- The university may audit software on university-owned equipment at any time, with or without notice to the designated users. The university may request permission to audit software on non-university equipment that is connected to the university network as a condition of approval to use such equipment on the network.

### Sanctions for Policy Violations

Unauthorized or unlicensed use of software is a serious matter. Faculty, staff, and students should bring known or suspected violations of these policies to the attention of supervisors or other responsible persons such as the ~~director of Information Technology Services~~ chief

*information officer*. Any individual violating these policies is required to take immediate corrective action, e.g., to remove the unlicensed software; persons refusing to do so are subject to university disciplinary procedures.

**Cross Reference:** Computer and Network Security (14.2); *Purchase of Electronic and Information Resources* (17.16)

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

**Contact for Revision:** ~~Director of Information Technology Services~~ *Chief Information Officer*

**Forms:** None

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



## Contracting Authority

**Original Implementation:** July 18, 1988

**Last Revision:** ~~July 16, 2013~~ July 28, 2015

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

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

- a. In the absence of the president, or at such time as the president is unavailable to sign a document by a required deadline, the following individuals are authorized to sign on his behalf: (listed in order of priority) provost and vice president for academic affairs, vice president for finance and administration, vice president for university affairs, associate vice president for academic affairs. All other delegations must be specific and in writing to be effective. The general counsel should review and provide legal advice on all contracts or agreements.
- b. All delegations of contracting authority to persons other than those listed above which were made by a previous president shall be void once a new president assumes office.

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

**Responsible for Implementation:** President

**Contact for Revision:** President

**Forms:** None

**Board Committee Assignment:** Finance and Audit Committee

## Course Add/Drop

**Original Implementation:** April 27, 1986

**Last Revision:** ~~April 23, 2013~~ July 28, 2015

Students may add courses through the second class day during the summer semesters and through the fourth class day during the fall or spring semesters. Academic unit chairs/directors will reconcile class schedules by the official reporting date. Students may drop classes through five working days past mid-semester or mid-session as applicable. A student may not drop a course after these dates, unless withdrawing from the university.

The following rules apply:

1. A withdrawal or course dropped by the official reporting date will not be recorded on a student's transcript.
2. After the official reporting date, a drop or withdrawal will be noted as a "W" grade on the student's official transcript. Undergraduate students who enrolled in a Texas public institution of higher education for the first time in the fall 2007 or thereafter may not drop more than six courses with a "W" grade. This number includes any course dropped at another Texas public institution but excludes full semester withdrawals and exceptions as defined in Texas law (Education Code section 51.907). After six withdrawals, the student will receive the grade awarded for each attempted course.
3. Beginning on the sixth working day after mid-term for full semester courses or mid-session for partial semester courses, a drop will not be permitted unless the student withdraws from all courses for the term. This withdrawal will be noted on the transcript as a "WP" if the student is passing at the time or a "WF" if the student is failing at the time.
4. If a student has been found guilty of academic dishonesty, a grade of "WP" or "WH" may be changed to "WF" at the discretion of the faculty member. In the case of a grade change to "WF," the course will not count toward the six course drop limit since the student is incurring an academic penalty.
5. Approved medical withdrawals may be granted for medical conditions that prevent the student from completing the semester. Medical withdrawals are not intended to shield a student from unsatisfactory progress. Medical withdrawal requests must be made to the Office of the Registrar within ~~one year~~ *six months of the semester-affected illness or incident cited by* in the medical ~~condition~~ *withdrawal request*, and will be considered by a committee comprised of the registrar and other appropriate university officials.

**Cross Reference:** General Bulletin; Graduate Bulletin; Schedule of Classes; Tex. Educ. Code § 51.907; Tex. Admin. Code § 4.10; Academic Integrity (4.1); Military Service Activation (6.14)

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

**Contact for Revision:** Registrar

**Forms:** None

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

## Dead Week

**Original Implementation:** June 16, 1982

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

Dead week is an established tradition in higher education to allow students the necessary time to prepare for final examinations. During the last five class days of each long semester, written examinations (except to cover daily assignments) and themes or assignments beyond normal daily requirements are not to be assigned without written notification to the students prior to the twelfth class day.

The Division of University Affairs and ~~major student groups of the university~~ *university sponsored student organizations, including Student Government Association (SGA), Student Activities Association (SAA), Residence Hall Association (RHA), SFA Panhellenic Association (SFAPA), National Pan Hellenic Council (NPHC), Interfraternity Council (IFC) and Multicultural Greek Council (MGC),* shall observe dead week by refraining from sponsoring ~~on-campus student social activities~~ *events during this time. (parties, dances, films, concerts, banquets).* *All student organizations shall be unable to reserve on-campus facilities for events or for the purpose of advertising events during dead week. Student Organizations may not advertise on or off-campus events through any campus medium during this time period. On-campus advertising for any social activity sponsored off-campus by a student group during dead week is not permitted.*

**Cross Reference:** Faculty Handbook

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

**Contact For Revision:** Provost and Vice President for Academic Affairs, Vice President for University Affairs

**Forms:** None

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

## Delegated Purchasing Authority

**Original Implementation:** Unpublished

**Last Revision:** ~~April 15, 2014~~ July 28, 2015

Stephen F. Austin State University adheres to a policy of centralized purchasing for the purposes of:

1. ensuring compliance with state and federal laws, rules, and regulations;
2. protecting the university from unauthorized acquisitions of supplies, equipment and services;
3. providing budgetary control and coordination;
4. ensuring fair and ethical business practices;
5. providing savings through consolidation of requirements and standardization of products where appropriate; and
6. providing best value acquisition through various procurement methods. *Policy 17.1, Best Value Procurement, provides guidelines that prescribe best value purchasing.;* ~~see Best Value Procurement (17.1).~~

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

1. The director of the university libraries is authorized to purchase books, periodicals, journals and other related materials needed to maintain university resource material collections.
2. The curator of the Stone Fort Museum is authorized to purchase general merchandise for resale in the museum gift shop.
3. Employees are authorized to make procurement card purchases ~~of items costing \$2,000 or less through~~ *in accordance with policy 17.11, Procurement Card, and procurement card procedures maintained on the procurement department website. See Procurement Card (17.11).*
4. Employees without procurement cards may make purchases and request reimbursement if the purchase is approved by the account manager, follows university procurement policy and procedure, and other purchase options are not possible or available. Taxes will not be reimbursed, except as allowed by law.
5. Certain payments may be made by completing a voucher for submission to the controller's office. *Policy 17.20, Purchase Voucher, provides guidelines for purchase voucher use. See Purchase Voucher (17.20).*

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

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

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

### **UNAUTHORIZED PURCHASES MADE OUTSIDE OF DELEGATED AUTHORITY**

An unauthorized purchase occurs when a university employee orders a product or service without an authorized purchase order issued by procurement. Unauthorized purchases will include inappropriate reimbursement requests that fall outside the scope of university procurement policy and procedure. Except as delegated herein university employees are not authorized to commit to an expenditure of funds on behalf of the university.

Unauthorized purchases over ~~\$2000~~\$3000 will not be paid by the university unless a justification is submitted to the vice president for finance and administration for review.

If approved, the appropriate documentation and payment approval must be submitted to the procurement office to process a purchase order for the unauthorized purchase, and state appropriated funds may not be used to pay for the service or product unless approved by the vice president for finance and administration.

If the unauthorized purchase is not approved by the vice president for finance and administration, the employee will be responsible for payment to the vendor unless the order can be cancelled and/or the goods returned. Any freight, shipping costs, or return penalties will be paid by the employee in the event the order is cancelled and/or the goods returned to the vendor.

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

- a. emergency purchases as defined by Best Value Procurement (17.1);
- b. memberships;
- c. purchases that were to be made with a p-card that reasonably could have been expected to be less than ~~\$2000~~\$3000;
- d. magazine or book subscriptions;
- e. other automatically recurring or renewable fees;

- f. purchases associated with existing contracts negotiated by the procurement office;
- g. tournament fees or game guarantees;
- h. *contracts for which a pool of contractors may contacted, but availability is not known until the event is held; i.e., athletics game workers, etc.;*
- i. guest lecturers, speakers, artists, entertainers, performers, musicians if the contract is signed by the president prior to the event;
- j. other professional services as defined by state comptroller's expenditure codes, if the contract is signed by the president prior to the event;
- k. services contracts associated with grants as long as the contract is in process with the research and sponsored programs office.

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

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

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

**Forms:** None

**Board Committee Assignment:** Finance and Audit



## Discrimination Complaints/~~Sexual Harassment~~

**Original Implementation:** September 1990/February 2, 1982

**Last Revision:** ~~January 27, 2015~~ July 28, 2015

### General Policy Guidelines

1. **Purpose:** To provide an educational and working environment free of unlawful discrimination or harassment to all members of the university community. This policy applies to visitors, applicants for admission to or employment with the university, and students and employees of the university who allege discrimination ~~or sexual harassment~~ by university employees, students, visitors, or contractors.
2. **Non-discrimination Statement:** It is the policy of Stephen F. Austin State University, in accordance with federal and state law, to prohibit unlawful discrimination on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, and veteran status. Unlawful discrimination based on sex includes discrimination defined as sexual harassment. Stephen F. Austin State University is committed to the principles of Equal Employment Opportunity (EEO) law. An employee who violates this policy is subject to disciplinary action up to and including termination. A student that violates this policy is subject to disciplinary action up to and including expulsion.

The president or designee will be responsible for overseeing the Discrimination Complaint/~~Sexual Harassment~~ policy (2.11) and procedures and for ensuring compliance with EEO laws. All employment decisions will be based on objective, job-related, and measurable criteria that can be consistently applied. Human resources or designee will annually review all personnel policies and procedures to ensure compliance with EEO laws and present any recommendations for changes to the president. All employment related documents will be maintained in accordance with the university's Texas State Record Retention Schedule.

For employee-related complaints, the human resources director or designee will be responsible for maintaining records of all formal complaints and the results of such complaints. For student-related complaints, the dean for student affairs or designee will be responsible for maintaining records of all formal complaints and the results of such complaints.

~~The Title IX coordinator is designated as the vice president for university affairs and will have three (3) deputy coordinators responsible for investigation of complaints of gender discrimination, including sexual harassment. The deputy coordinators are designated as the director of human resources, dean for student affairs, and the athletics senior women's administrator. Instances of sex discrimination based on sexual harassment or hostile environment are governed by the Sexual Misconduct policy (2.13).~~

## Definitions

1. Discrimination is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, color, religion, national origin, sex, age, disability, genetic information, citizenship, or veteran status.
2. Harassment as a form of discrimination is defined as verbal or physical conduct that is directed at an individual or group because of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, or veteran status when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment.
3. ~~Sexual Harassment is a form of sex discrimination and is described as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature even if carried out under the guise of humor, and constitutes sexual harassment when:~~
  - ~~▪ submission to or tolerance of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or~~
  - ~~▪ submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions (including admissions and hiring) affecting that individual; or~~
  - ~~▪ such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational or living environment.~~

The totality of the circumstances will be considered in determining whether a hostile environment exists. Relevant factors in determining whether the conduct has created a hostile environment include but are not limited to the type, frequency and severity of the conduct, whether the conduct is physically threatening or humiliating, and the relationship between the individuals.

~~Physical conduct that, depending on the totality of circumstances present may constitute sexual harassment includes, but is not limited to:~~

- ~~▪ unwelcome intentional touching;~~
- ~~▪ deliberate physical interference with or restriction of movement or;~~
- ~~▪ sexual violence.~~

~~Verbal conduct, defined as oral, written, or symbolic expressions (regardless of the method of communication) that depending on the totality of circumstances present may constitute sexual harassment includes, but is not limited to:~~

- ~~▪ explicit or implicit propositions to engage in sexual activity;~~

- ~~gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies;~~
- ~~gratuitous remarks about sexual activities or speculation about sexual experiences;~~
- ~~persistent, unwanted sexual or romantic attention;~~
- ~~subtle or overt pressure for sexual favors;~~
- ~~exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials;~~
- ~~deliberate, repeated humiliation or intimidation based upon sex.~~

### **General Procedures**

1. **Reporting:** A person who believes that he or she has been subjected to any type of discrimination, ~~including sexual harassment~~, should report the incident to any university official, administrator, or supervisor. Students are encouraged to report such incidents to the dean of student affairs. Employees and visitors are encouraged to report to the director of human resources. *Reports of sexual harassment should be reported in accordance with the Sexual Misconduct policy (2.13).* Incidents should be reported as soon as possible after the time of their occurrence. No person is required to report discrimination ~~or sexual harassment~~ to the alleged offender. Any allegations of sex based discrimination ~~or sexual harassment~~ may also be directed to the attention of the Title IX coordinator; allegations of disability based discrimination may also be directed to the ADA coordinator but will be investigated in accordance with this policy.
2. **Referral Responsibility:** Every supervisor, administrator, department head, and university official is responsible for promptly reporting incidents of discrimination, ~~including sexual harassment~~, that come to his or her attention to the appropriate university official. Students-to-student complaints should be reported to the dean of student affairs. All other complaints should be reported to the director of human resources. Any allegations of sex based discrimination ~~or sexual harassment~~ may also be directed to the attention of the Title IX coordinator and allegations of disability based discrimination may also be referred to the ADA coordinator but will be investigated in accordance with this policy. Every attempt should be made to keep the information confidential and restricted to only those who have an absolute need to know.

### **Complaint Resolution Procedures**

1. **Definitions**
  - a. **Complaint** means a signed document alleging discrimination, ~~including sexual harassment~~ under this policy.

- b. **Complainant** means a person who submits a written complaint alleging discrimination, ~~including sexual harassment~~, under this policy. As there may be more than one complainant in an unlawful discrimination ~~or sexual harassment~~ case, the term "complainant" as used herein shall refer to one or more complainants. In the event of a third party charge, the university may serve as the complainant.
- c. **Respondent** means the person alleged to be responsible for the prohibited discrimination or harassment, ~~including sexual harassment~~ alleged in a complaint. The term "respondent" may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for the procedures and policies in those areas covered in a complaint.

## 2. Complaint Procedure

- a. **Complaint:** A complaint alleging discrimination or harassment, ~~including sexual harassment~~, must be submitted in writing. The complaint must contain the following information:
  - Name of the complainant;
  - Contact information, including address, telephone number, email address;
  - Name of person(s) directly responsible for alleged violations(s);
  - Date(s) and place(s) of alleged violation(s);
  - Nature of alleged violation(s) as defined in this policy;
  - Detailed description of the specific conduct that is the basis of alleged violation(s);
  - Copies of documents pertaining to the alleged violation(s);
  - Names and contact information (if known) of any witnesses to alleged violation(s);
  - Action requested to resolve the situation;
  - Complainant's signature and date of filing;
  - Any other relevant information.
- b. **Time Limit:** A written complaint should be filed within 180 calendar days of the occurrence of the alleged violation. Depending on the circumstances, the university may accept and investigate a complaint even if filed after 180 calendar days.
- c. **Third Party Charge:** If a pattern of harassment appears to exist but no complainant files charges, the university may file a third-party charge against an individual. Such charges will be handled with as much care and control as any other complaint so as to avoid acting on rumor or unjustified accusation.

### **Investigative Process for Employee and Third-Party Related Complaints**

The dean or director (or other appropriate administrator) for the area involved will investigate, not as a representative of the complainant, but as an impartial party. If the director is the direct supervisor of the respondent (accused), the vice president will assign an alternative director from within their division so the investigator is not investigating his or her own department. The investigation shall normally be conducted within 20 business days from when the investigation is appointed to the dean or director. Case complexity will vary and the termination of the investigation will depend on case circumstances; however, the investigation will conclude under normal circumstances within 20 business days. It is incumbent upon the investigating official to document a reasonable justification for extending an investigation beyond 20 business days.

The investigator will interview the complainant and persons who are considered to have pertinent factual information related to the complaint. The investigator will also gather and examine documents relevant to the complaint. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the conduct complained of, including, but not limited to, the context of that conduct, its severity, its frequency, and whether it was physically threatening, humiliating, or simply offensive in nature. The dean or director conducting the investigation may also consult with appropriate management personnel, including the director of human resources, the ADA coordinator, the Title IX coordinator, and/or the general counsel for advice and guidance as applicable.

The university reserves the right to take such action as may be reasonably appropriate upon receipt of a complaint to protect the complainant or university community pending outcome of the investigation, including interim suspension with pay of an employee.

**Notification of the Respondent:** After investigating the allegations, the dean or director will meet with the respondent, provide them with a copy of the complaint, and give them an opportunity to respond. The respondent may, but is not required to, submit a written response to the allegations in the time prescribed by the investigator.

**Report of Findings and Recommendations:** The investigator is responsible for preparing a report responding to each allegation that the complainant has made. This report should describe the investigator's findings and conclusions to each allegation. The report should also include a brief overview of the investigative process including the category and number of individuals interviewed (excluding names), timelines, and a summary of each allegation. Finally, the report should contain the investigator's recommendations for resolution of the matter. This report should be addressed to the appropriate vice president with copies provided to the general counsel, the director of human resources, and the Title IX or ADA coordinator, as applicable.

The vice president shall review the findings and recommendations of the investigator and take such action deemed appropriate. Such action shall be communicated in a letter to the complainant and respondent with copies to the general counsel, director of human resources, and the Title IX or ADA coordinator, as applicable, within 5 business days of receipt from the investigator.

Appeal Process: If the decision of the vice president is not satisfactory to the complainant or respondent, that individual has five (5) business days in which to request a formal hearing of the discrimination complaint review board ("review board"). The request must be put in writing to the vice president issuing the decision. If the vice president concludes that the charges are serious enough to require termination or suspension, the faculty or staff member may be placed on a leave of absence with pay, pending a hearing by the review board and action by the president.

Discrimination Review Board: The review board of three individuals will be selected from a panel of 20 pre-selected faculty members and 20 pre-selected staff members to be appointed by the president. If the respondent is a faculty member, the review board will be composed of at least two faculty members. If the respondent is a staff member, the review board will be composed of at least two staff members. The complainant will select one member and the respondent will select one member from the applicable panel. The two selected members will choose the third person from the panel. None of the review board members shall be from the department of the respondent or the complainant (if applicable). These three individuals will comprise the review board and will elect a chair from among them. The university president may remove any selected review board member if substantial proof of bias exists.

The chair of the review committee is responsible for coordinating the hearing. The complainant, the respondent, and the university all have the right to be advised by counsel, but lawyers will not be allowed to conduct or participate in the hearing. The day prior to the scheduled review committee hearing, each side shall submit a list of its witnesses and four copies of its evidence to the chair. A list of witnesses and copy of the evidence will be provided to each side. The rest of the review committee will not receive the material until the time of the hearing. All materials presented must be maintained in a confidential manner by all parties involved.

The dean or director who conducted the investigation will apprise the review board of the charges and will normally present all relevant evidence. Both parties will have an opportunity to respond to the charges and present evidence. Each party may make a 5 minute opening statement prior to presentation of the evidence. The burden will be on the complainant to prove by a preponderance of the evidence that the respondent has committed an act of ~~sexual harassment and/or unlawful discrimination~~. Cross examination of the witnesses is allowed by all parties. ~~In cases of alleged sexual harassment, the parties shall not be permitted to question each other directly.~~ Each party may make a 5 minute closing statement. The review board is permitted to question the parties and/or witnesses at any time during the proceeding.

The chair of the review board will conduct a fair hearing before the complainant and the respondent and shall allow relevant witnesses and evidence from both parties. The hearing shall be closed to the public. The general counsel and/or the director of human resources may be consulted in procedural matters of the review board and may be present at meetings. All information presented in the hearing is confidential to the extent allowed by law and restricted to only those who have an absolute need to know. The review board will normally have five (5) days after the completion of the hearing to -summarize its findings and make a written recommendation to the president.

Review by the President: The president may accept, reject, or modify the decision of the review board and will have access to all evidence, both parties, and witnesses as deemed appropriate. In all instances except those that involve the revocation of tenure or termination with an unexpired appointment extending beyond the date of the proposed dismissal, the decision of the president is final. In cases that involve the revocation of tenure or termination with an unexpired appointment extending beyond the date of the proposed dismissal, termination proceedings shall commence under university policy 7.29. Such termination proceedings shall not reconsider whether discrimination ~~or sexual harassment~~ occurred, but rather determine if good cause exists for dismissal. Pending termination proceedings, a faculty member may be suspended and removed from the university or assigned to other duties with pay at the president's discretion. Final disposition of the case will be communicated to the respondent and the complainant.

## Sanctions

University imposed: University sanctions for violations of this policy may include any disciplinary action, up to and including termination of employment for faculty or staff. Such activities may be viewed as constituting ~~moral turpitude or substantial neglect of academic responsibilities under~~ a violation of the Faculty Code of Conduct policy (7.11) and *grounds for termination under the* Tenure policy (7.29), and a major work rule violation under the Discipline and Discharge policy (11.4).

Civil: Unlawful discrimination ~~and sexual harassment are~~ is illegal under state and federal law. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education may result in civil lawsuits against any person guilty of unlawful discrimination ~~or sexual harassment~~.

Criminal: ~~Sexual harassment by a public servant is a criminal offense under 39.03 of the Texas Penal Code. Depending on the severity of the acts, sexual harassment may also specifically include indecent exposure, public lewdness, assault, or sexual assault under Chapter 21 and 22 of the Texas Penal Code.~~

False charges may result in disciplinary action against the complainant by the university or civil

charges against the complainant by the respondent. An unsubstantiated charge is not considered "false" unless it is found to be made with the knowledge of it being false.

### **Investigative Process for Student-to-Student Complaints**

The dean for student affairs, or their appointee, shall investigate student to student complaints and follow the timeframes described in the preceding guidelines for employees. If student discipline is recommended, policy 10.5, Student Discipline will guide the proceedings. Informal and formal disposition procedures are outlined within the policy; and it contains full due process procedures.

**Student Sanctions:** Disciplinary action for student-to-student related complaints may range from sensitivity counseling to suspension or expulsion. False charges may also result in disciplinary action. An unsubstantiated charge is not considered "false" unless it is found to be made with knowledge of it being false.

### **Retaliation**

A supervisor or employee commits an unlawful employment practice if the supervisor or employee retaliates or discriminates against a person, who (a) opposes a discriminatory or harassing practice, (b) makes or files a complaint alleging employment discrimination or harassment, (c) or testifies, assists, or participates in any manner in an investigation, proceeding or hearing. Any employee who retaliates against another employee violates the university's policies and procedures and may be subject to disciplinary action up to and including termination. Instances of alleged retaliation shall be investigated pursuant to the procedures of this policy. A student violates this policy if the student retaliates or discriminates against a person in violation of Title IX. A student that violates this policy is subject to disciplinary action up to and including expulsion.

The dean/director (or other appropriate administrator) who investigated the complaint will be responsible for monitoring the circumstances surrounding the complaint to insure the situation has been remedied.

### **Training**

The university is required by the Texas Labor Code 21.010 to provide EEO training to each new employee, including student employees on policies regarding discrimination, including sexual harassment, no later than 30 days after the date of hire. In addition, supplemental EEO training is required every two years. All employees will receive a copy of this policy within 30 days of employment. A signed statement verifying attendance is required to be maintained in the employee's personnel file.



Additional training shall be provided in accordance with applicable law.

**Cross Reference:** Faculty Code of Conduct (7.11); Tenure (7.29); Discipline and Discharge (11.4); Student Discipline (10.5); *Sexual Misconduct* (2.13); 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, Director of Human Resources, and the General Counsel

**Forms:** None

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

## Effort Reporting and Certification for Sponsored Activities

**Original Implementation:** January 29, 2008

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

This policy establishes requirements *to facilitate compliance with* ~~for recording and reporting employee effort to comply with federal and state laws and regulations concerning employee effort for salary expenditures and cost-sharing requirements related to grants, contracts and other sponsored agreements (grants).~~ ~~[Office of Management and Budget Circular A-21 and Texas Uniform Grant Management Standards II (B)(11)(h)(1-5,7)]~~.

*Recipients of federal funds must maintain a system of internal controls that provide reasonable assurance that payroll charges are accurate, allowable, necessary, and properly allocated among grant and institutional activities. Recipients of grants must exercise due diligence in the review and certification of effort reports.*

~~Effort reporting is a process that uses after the fact activity records to certify that only allowable payroll expenses are charged to or contributed (cost-shared or matched) to grants, contracts, and other sponsored agreements, and that effort commitments to sponsored agreements are met as specified in the agreement.~~

1. *Effort is defined as the percent of time spent on a particular activity and is not based on a traditional 40-hour work week. The total effort associated with institutional base salary (IBS) is defined as 100% effort. This includes instruction, departmental administration, departmental research, grants, and other institutional activities.*

~~1. ——— Effort reports are required for faculty, and staff, who devote effort (paid or cost-shared) to one or more sponsored agreements. that are funded by state or federal sponsors.~~

~~2. ——— Effort is defined as the amount of time spent on a particular activity and is not based on a traditional 40-hour work week. The total effort associated with institutional base salary is defined as 100% effort. This includes instruction, departmental administration, departmental research, sponsored projects, and other activities.~~

~~3. ——— Effort expended for extra compensation as defined in *the* Salary Supplements, Stipends and Additional Compensation policy (12.16), or for work not compensated by the university, is not included in effort calculations. Refer to Compensation from Grants, Contracts and Other Sponsored Agreements (12.1).~~

4. *The federal government recognizes that decisions made in the certification of effort percentages to individual sponsored activities are based on reasonable estimates.*

~~Effort reports should reasonably reflect the activities for which employees are compensated by the institution. However, it~~ is recognized that, in an academic setting, teaching, research, service, and administration are often inextricably intermingled. Therefore, a precise assessment of factors that contribute to costs is not always feasible, nor is it expected. Reliance, therefore, is placed on estimates in which a degree of tolerance is appropriate.

Tolerance is defined by the university as +/- five percent (5%) of the committed effort. *Therefore, if the percentage on the effort report reasonably reflects one's effort within this variance, the effort percentage may be confirmed as a reasonable estimate.* Effort certification report adjustments may be required when: ~~a1) certified~~ effort does not match salary expenditures within the tolerance limit for the time period covered by the report; ~~b2) there are payroll cost transfers; or c3) revised personnel actions are generated.~~

5. \_\_\_\_\_

2. *Effort certification reports are required for faculty, staff, and students who devote effort (paid or cost-shared) to one or more grants. These records are generated by and retained in the Banner effort system for salaried individuals. For hourly paid individuals, certified time records are generated and retained in the TimeClock Plus system or recorded manually on time sheets retained by the department, and serve as alternate official effort certification records.*
3. *After-the-fact effort reporting is required for all sponsored projects grants regardless of the source of funds (Federal, state, or private).*
- 6.4. ~~Project directors (PDs) or principal investigators (PIs) are responsible for ensuring that effort certification reports are completed accurately and in a timely manner for each individual subject to this policy and paid and or cost-shared from a grant, contract, or other state/federal sponsored agreement grant for which they serve as PD/PI.~~

*Effort reports must be certified by a person having either firsthand knowledge of the work performed or a suitable means of verification that the work performed was related to the specific sponsored activities. Normally, this certification is performed by the employee, PD or PI. If one of these persons is unable to certify the effort report, a surrogate with firsthand knowledge or who has a suitable means of verification as described above may certify the report (e.g., the unit head, a co-investigator). The PD/PI will certify effort for graduate students.*

7. ~~To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, reports will be certified by the employee, PD/PI, or other responsible person with suitable means of verification that the work was performed.~~

~~8. Effort certification reports are generated electronically in the Banner system for individuals when any portion of a salary is paid or cost shared in a reporting period from state and/or federally sponsored funds. Electronically certified forms are maintained in the Banner system; manually signed forms are retained by the Office of Research and Sponsored Programs (ORSP) for the appropriate period of time.~~

5. Effort attributed to any state and/or federally sponsored agreement grant (grant, contract, or cooperative agreement) must represent work specific to the agreement. Intentional falsification, forgery, or fraudulent alteration of effort certification reports constitutes fraud. *Non-compliance with this policy and related procedures may result in penalties levied against the departments, divisions, schools and/or the university. Individuals with roles and responsibilities in the certification process are held responsible for any instances of non-compliance.* Criminal and/or employee discipline measures may be pursued.

*If effort reports are not certified in a timely manner, the Office of Research and Sponsored Programs will take actions to assist with compliance of this federal requirements. These actions may include, but are not limited to: a) withholding submission of proposals, project applications or other documents such as material transfer agreements; b) freezing active grant funds; or c) adjusting uncertified labor distributions and the effort they represent to non-sponsored Banner funds managed by the administrative unit.*

~~9.~~

~~10. Each individual with responsibilities related to effort certification must thoroughly understand the proper method of reviewing and certifying the effort reports to ensure the reports reasonably reflect effort expended toward grants and other activities during the report period. Thus, effort training is mandatory for all employees who certify payroll expenses. Training in the effort certification process is mandatory for all employees who certify payroll expenses charged to or contributed (cost shared or matched) to externally funded grants, contracts, or other sponsored agreements subject to effort reporting requirements, and for departmental and other employees involved in the effort reporting process. ORSP provides and documents training activities.~~

~~11.6.~~

Procedures for effort reporting and certification are outlined in the Grants and Contracts Procedures Manual published ~~on~~ by the Office of Research and Sponsored Programs. ~~RSP website.~~

**Cross Reference:** 2 C.F.R. § 200.430; ~~A-21 and~~ Texas Uniform Grant Management Standards, II-(B)(11)(h)(1-5,7); ORSP Grants and Contracts Procedure Manual; ~~Office of Management and Budget Circular A-21, J.10. (2 C.F.R. § 220, Appendix J.10.); Texas Uniform Grant Management Standards II (B) (11) (h) (1-5, 7);~~ Salary Supplements, Stipends and Additional

Compensation (12.16); Compensation from Grants, Contracts and Other Sponsored Agreements (12.1)

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

**Contact for Revision:** Director, Office of Research and Sponsored Programs; ~~Controller~~

**Forms:** Banner Effort Certification Reports; *TimeClock Plus records; time sheets*

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

## Energy Conservation

**Original Implementation:** December 4, 1987

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

The university supports, and is committed to, the statewide energy conservation effort of the Texas governor's office, the General Appropriations Act and Government Code Section 447.004.

The university has and will continue to maintain the most efficient operation of all utilities and equipment by the operation of: an automated energy management system, replacement of HVAC/Electrical equipment in a timely and cost efficient manner, and a review of building operation, usage, and schedules.

It is the intent of the university to serve its academic and auxiliary needs with cooling and heating requirements based on approved operational schedules. The automation system is programmed to meet needs and any significant requirements not included in normal operations must be approved by *the* director of *the* physical plant prior to changes being made.

The Physical Plant Department will coordinate all local utility power shortage problems with the local energy supplier. Institutional issues that arise from utility outages will be coordinated by the physical plant through the vice president for finance and administration.

Outside groups or individuals that use university facilities may be charged a utility usage fee to cover additional utility expenses. The amount of the fee will be determined by the Physical Plant Department and approved by the vice president for finance and administration.

**Cross Reference:** General Appropriations Act; Tex. Gov't Code § 447.004

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

**Contact for Revision:** Director of Physical Plant

**Forms:** None

**Board Committee Assignment:** Building and Grounds

## Ethics

**Original Implementation:** August 8, 1995

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

### General Policy Statement

It is the policy of Stephen F. Austin State University that all officers and employees maintain high ethical standards in the performance of their official duties. The following guidelines regarding state ethics laws for state employees are applicable to the Board of Regents, the administration, faculty and staff of the university. Other university policies that affect ethical standards include but are not limited to: Discrimination Complaints/~~Sexual Harassment~~ (11.52.11); *Sexual Misconduct* (2.13); Dual Employment (11.7); Nepotism (11.16); Purchasing Ethics and Confidentiality (17.22); Fraud (2.7); Discipline and Discharge (11.4); Purchases from Employees (17.21); and Financial Aid Code of Conduct (4.7). *Officers and employees of the university will receive regular training on the provisions of this policy.*

### Ethics Laws for State Officers and Employees

State officers and employees owe a responsibility to the people of Texas in the performance of their official duties. See Texas Government Code §572.001. High institutional standards and high personal standards are critical to fulfilling that responsibility. There are a variety of both civil and criminal statutes that set out the ethical responsibilities of state officers and employees. The Texas Ethics Commission is charged with interpreting, issuing advisory opinions, and enforcing certain ethics laws including Chapter 572 of the Government Code and Chapters 36 and 39 of the Penal Code. Those statutes contain provisions relating to conflicts of interest, bribery, gifts, official misconduct, and misuse of state property, among other things. Additionally, §556.004 of the Government Code contains a list of prohibited acts of agencies and individuals with regard to political activity. A variety of other Texas statutes contain specific ethics provisions applicable to state employees and officers. All employees and officers are required to abide by applicable state and federal laws and regulations regardless of whether they are specifically stated in this policy.

*Any employee determined to be in violation of this policy is subject to disciplinary action, up to and including termination.* Contact the general counsel for questions and advice.

#### 1. Conflicts of Interest, *Commitment*, Bribery and Gifts

While the law regarding conflicts of interest may be legally complex, §572.051 of the Government Code outlines standards for state officers and employees, which if followed, should prevent most conflicts of interest from occurring. ~~§572.051~~ It does not provide any penalties or sanctions at law for failure to comply with the standards it sets, though in cases of egregious noncompliance a person's behavior could constitute a crime under one of the Penal

Code provisions governing the conduct of state officers and employees. *However, failure to comply with the standards may result in disciplinary action, up to and including termination.*

The acceptance of gifts by state officers and employees is addressed in §572.051(1), which provides that a state officer or employee should not accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct.

A state officer or employee should never accept anything if it might make him do his job differently, or if he thinks the person giving it has the hope he will do his job differently. Section 572.051(5) provides, in effect, a "no tipping" rule for state officers and employees. It states that a state officer or employee should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

For most state employees, compliance with §572.051(1) and (5) eliminates worry about compliance with either the Penal Code or the lobby law with respect to the acceptance of gifts.

Section 572.051(2), (3), and (4) states that state officers and employees should not engage in economic activities even on their own time that might affect decisions at their state job, or that might lead them to disclose confidential information learned on the job. Simply put, state officers and employees should not engage in business or investments that might make them want to do their state job differently. *Additionally, university policy requires university approval prior to engaging in outside employment. If approved, performance of the employee's responsibilities to the university is paramount and outside work must assume a position secondary to university responsibilities. See Outside Employment (11.19).*

Section 572.051(2), (3) and (4) of the Government Code specifically reads as follows:

**572.051. STANDARDS OF CONDUCT; STATE AGENCY ETHICS POLICY.**

*(a) A state officer or employee should not:*

*(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;*

*(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;*



*(4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest.*

*Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.*

*Amended by: Acts 2007, 80th Leg. R.S., Ch. 629, Sec. 1, eff. September 1, 2007*

The Texas Penal Code also includes provisions regarding conflicts of interest, bribery and gifts. A state employee commits the offense of bribery if he *intentionally or knowingly* solicits, offers, or accepts a "benefit" in exchange for his decision, opinion, recommendation, vote, or other exercise of discretion as a state employee. Penal Code §36.02.

Most state employees are subject to a prohibition on the acceptance of "benefits." Penal Code §36.08. For example, an employee of a regulatory agency may not accept a benefit from a person the employee "knows to be subject to regulation, inspection, or investigation by the public servant or his agency." *Id.* §36.08(a). Also, an employee of a state agency who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions may not accept a benefit from a person the employee knows is "interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion." *Id.* §36.08(d). These prohibitions apply regardless of whether the donor is asking for something in return.

The statutory definition of "benefit" is "anything reasonably regarded as pecuniary gain or pecuniary advantage." Penal Code §36.01(3). In advisory opinions, the Ethics Commission has stated that the following gifts may be benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal. Ethics Advisory Opinions Nos. 97, 94, 90, 69, 60 (1992). Benefits such as food, lodging, transportation, football tickets, etc., may however be permissible if accepted as a "guest." Penal Code §36.10(b). To accept something as a guest, the donor must be present.

Other advisory opinions have concluded that certain items are not benefits. A cup of coffee is not a benefit. Ethics Advisory Opinion No.118 (1993). Small amounts of perishable food delivered to government offices are generally not benefits. Ethics Advisory Opinion No. 62 (1992). Trinkets of minimal value such as coffee mugs, key chains, and "gimme" caps are generally not benefits. Ethics Advisory Opinion No. 61 (1992). A plaque is not a benefit. Ethics Advisory Opinion No. 36 (1992). Of course, a state officer or employee may accept a gift from a person such as a friend, relative, or business associate with whom he has a relationship independent of that official status if the gift is given on account of that relationship rather than the officer's or employee's official status. Penal Code §36.10(a)(2).

Honoraria may also be considered as gifts or benefits under the Penal Code. A state officer or

employee may not solicit, agree to accept, or accept an honorarium in consideration for services he would not have been asked to provide but for his official position. Penal Code §36.07. Thus, for example, the officer or employee may not take a speaker's fee for speaking in his official capacity. Although questions about honoraria come up most frequently in regard to speeches, the prohibition applies to fees or gifts for any service that the officer or employee would not have been asked to provide but for his official position. It is permissible to accept food, transportation, and lodging in connection with a speech or other service performed in an official capacity.

*Except as otherwise permitted by law or policy, university employees are prohibited from having a direct or indirect financial or other interest, engaging in a business transaction or professional activity, or incurring any obligation that is in substantial conflict with the proper discharge of their duties. This includes, but is not limited to, engaging in non-employment related activities that interfere with the employee's duties and responsibilities to the university.*

## **4.2. Official Misconduct and Misuse of State Property**

A state employee would commit an offense if, with intent to obtain a benefit or harm another, he intentionally or knowingly violated a law relating to his office or employment. Penal Code §39.02(a)(1). This catchall prohibition applies to any violation of a law relating to the employee's state employment. This means, for example, that a violation of a rider to the Appropriations Act, done with intent to obtain a benefit or harm another, could be the basis of a criminal prosecution.

Also, an officer or employee would commit an offense if, with intent to obtain a benefit or harm another, he misapplied anything of value belonging to the government that has come into his custody or possession by virtue of his state employment. Penal Code §39.02(a)(2). This provision is the basis for criminal prosecutions regarding the misuse of state property for personal use or otherwise. *Additionally, university policy 17.14, Property Inventory and Management, and Government Code § 2203.004 specifies that university property may only be used for state/university purposes. This includes electronic resources. See Use of Electronic Information Resources (16.32).*

Under Government Code §552.352, misuse or improper distribution of confidential information is also considered a specific type of crime involving official misconduct.

In addition to criminal liability, employees may be responsible for the negligent loss, damage or destruction to university property under Property Liability (16.22).

### 2.3. Financial Disclosure Statements

Regents and the president must file financial disclosure statements with the Texas Ethics Commission by April 30 of each year, or as otherwise required under the Government Code Chapter 572.

### 3.4. Prohibited Acts of Agencies and Individuals Regarding Political Activity

The university, its officers and employees may not use ~~state money~~ any money under its control, equipment or official authority to influence an election as prohibited by §556.004 of the Texas Government Code. Sections 556.004-.009 of the Government Code specifically read as follows:

#### 556.004. PROHIBITED ACTS OF AGENCIES AND INDIVIDUALS.

- a. *A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.*
- b. *A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).*
- c. *A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.*
- d. *A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.*
- e. *For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.*

*Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.*

*Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999*

#### 556.005. EMPLOYMENT OF LOBBYIST.

- a. *A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003,*

*Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.*

- b. *A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter 81.*
- c. *A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed \$100,000 for each violation.*
- d. *A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.*

*Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.*

*Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 249, 4.11, eff. Sept. 1, 2003.*

#### **556.0055. RESTRICTIONS ON LOBBYING EXPENDITURES.**

- a. *A political subdivision or private entity that receives state funds may not use the funds to pay:*
  - 1. *lobbying expenses incurred by the recipient of the funds;*
  - 2. *a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;*
  - 3. *any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or*
  - 4. *a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.*
- b. *A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.*

*Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.*

#### **556.006. LEGISLATIVE LOBBYING.**

- a. *A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.*

- b. *This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.*

*Added by Acts 1997, 75th Leg., ch. 1035, Sec. 86, eff. June 19, 1997.*

*Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.*

#### **556.007. TERMINATION OF EMPLOYMENT**

*A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006 (b) or who violates Section 556.004 (c) or (d) is subject to immediate termination of employment.*

*Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.*

#### **556.008. COMPENSATION PROHIBITION.**

*A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or Section 556.005 or 556.006(a), or who is subject to termination under Section 556.007.*

*Added by Acts 1999, 76th Leg., ch. 1498, Sec.1, eff. Sept. 1, 1999.*

#### **556.009. NOTICE OF PROHIBITIONS.**

- a. *A state agency shall provide each officer and employee of the agency a copy of Sections 556.004, 556.005, 556.006, 556.007, and 556.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.*
- b. *A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection.*

*Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999."*

As required by these statutory provisions, all employees shall receive and sign for (or electronically acknowledge receipt) of a copy of this policy as administered by the university's Department of Human Resources.

### **5. Disclosure Statement for Employees Involved in Purchasing, Contracting, and Investments**

*Section 2261.252 of the Government Code requires each employee or official involved in procurement or contract management for the university to disclose any potential conflict of interest specified by state law or university policy that is known by the employee or official with respect to any contract with a vendor or bid for the purchase of goods or services from a vendor by the university.*

As required by §2262.004 of the Government Code, university personnel who make decisions or recommendations regarding the preparation of a solicitation, evaluation of a bid or proposal, who should be awarded the contract, or contract terms or conditions of a major contract award must disclose in writing to the president on a form prescribed by the state auditor direct or indirect pecuniary interests (10% interest or \$25,000 threshold) or family relationships (nepotism) which that employee may have in the major contract award. A major contract award involves a contract of at least \$1 million in value. Use the referenced disclosure form developed by the Office of the State Auditor.

Additionally, to the extent such provision is applicable to the transaction, ~~§Section~~ 2254.032 of the Texas Government Code requires officers and employees who have any financial interest in an offer to provide consulting services to the university to report that interest to the president no later than the tenth day after the date that the offer is submitted. University personnel must also report any individual related to them within the second degree by consanguinity or affinity (as determined by Section 573 of the Government Code) who has an interest in any consulting offer made to the university.

In addition to the specific reporting requirements and thresholds of §2262.004 of the Government Code, university personnel have broader reporting and ethics requirements outlined in Purchasing Ethics and Confidentiality (17.22). Officers and employees also have a legal disclosure requirement to declare any interest in property that is to be acquired by the university as outlined in Government Code Chapter 553.

Investment officers responsible for the investment of public funds under the Public Funds Investment Act, Government Code Chapter 2256, must disclose personal relationships and interests involving investment transactions.

Officers and employees are encouraged to contact the general counsel if they have questions or concerns about the applicability of this disclosure form and to disclose possible indirect or direct pecuniary interests which do not meet the minimum threshold limits outlined in these statutory provisions. Disclosure of all possible pecuniary interests in major or non-major contract awards or procurements is required by Purchasing Ethics and Confidentiality (17.22) to avoid other possible conflict of interest concerns. Potential transactions with relatives of employees should also be disclosed to the general counsel for advice and counsel to initiate measures that avoid any appearances of a conflict of interest.

## **6. Disclosure by Public Servant of Interest in Property**

Section 553.002 of the Government Code requires individuals who are elected, appointed, employed or designated as an officer of government and who have a legal or equitable interest

in property that is to be acquired with public funds to file an affidavit with the county clerk of the county the individual resides in and the county clerk of each county in which the property is located. The affidavit must be filed within 10 days before the date on which the property is to be acquired by purchase or condemnation. The contents of the affidavit are included in this section.

## 7. Conflicts of Interest for Officers (Regents)

In addition to the statutory restrictions outlined above or in referenced policies, officers of the university, namely regents, are held to relatively strict standards for conflicts of interest under law. Conflicts of interest may involve indirect or direct pecuniary interests as established in Texas common law. Specific statutory exceptions have been carved out to allow regents to recuse themselves from specific actions. Section 572.058 of the Government Code permits regents to disclose a personal or private interest in a measure, proposal, or decision pending before the board and not participate in board action involving that matter. Section 51.923 of the Education Code allows the university to contract with nonprofit corporations which may have one or more regents serving on their board or a regent serving as an officer or employee of the nonprofit. The statute also permits the university to contract with business entities in which a regent has an interest. If a regent has a “substantial interest” in the business entity and board approval is required, that regent must recuse his or herself from the decision on behalf of the university. A regent has a “substantial interest” if the regent or the regent’s spouse, child, parent, father or mother in-law, son or daughter in-law, stepparent, or stepchild: owns 10% or more of the voting stock or shares of the business entity or owns either 10% or more or \$15,000 or more of the fair market value of the business entity; funds received by the regent from the business entity exceed 10% of the regent’s gross income for the previous year; or the regent is an officer of the business entity or its governing board.

*However, Section 2261.252 prohibits the university from entering into a contract for the purchase of goods or services with a private vendor if a regent or family member within the second degree of affinity or consanguinity has a financial interest. A financial interest is defined as owning or controlling, directly or indirectly, an ownership interest of at least one percent, including the right the share in profits, proceeds or capital gains; or if the regent could reasonably foresee that a contract with the vendor could result in a financial benefit to the employee or official. This section does not include a provision permitting disclosure and recusal prior to a vote to proceed with a contract.*

Regents should contact the general counsel on possible conflict of interest matters and disclose to counsel potential direct or indirect pecuniary interests in matters pending before the Board of Regents. Potential transactions with relatives of regents should also be disclosed to the general counsel for advice and counsel to avoid any appearances of a conflict of interest.

## **7.8.Nepotism**

Officers and employees are reminded that hiring certain relatives as defined in Nepotism (11.16) and/or under state law is prohibited.

## **8.9.Discrimination and Sexual Harassment**

Discrimination and sexual harassment are prohibited by university policy ~~44.52.11~~ *and 2.13, respectively*, and also under state and federal law.

## **10. Equity Ownership and Management Participation relating to Research, Development, Licensing and Exploitation of Intellectual Property**

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.

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.

In accordance with §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.

## **11. Acting as an Agent**

*An officer or employee of the university is prohibited from acting as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the university.*



## Summary

In this age of high ethical standards and unrelenting public scrutiny, it is imperative that all state officers and employees be aware of applicable ethics laws. Texas governmental entities are run under an open government system, and all public officers and employees are subject to review. Anyone who has questions or concerns should contact the university's general counsel. A copy of this policy shall be annually filed with the Texas Higher Education Coordinating Board as required by the General Appropriations Act.

**Cross Reference:** Article III, § 24-23 of the General Appropriations Act as adopted by the ~~82nd~~ 84th Legislature; Tex. Gov't Code §§ 403.271(a)-.278, 552.352, 556.004-.009, 2203.004, 2254.032, 2261.252, 2262.004, Ch. 553, 572-573, 2256; Tex. Penal Code Ch. 36, § 39.02; Tex. Educ. Code §§ 51.912, .923 and other applicable state and federal laws; Discrimination Complaints/~~Sexual Harassment~~ (11.52.11); *Sexual Misconduct* (2.13); Dual Employment (11.7); Nepotism (11.16); *Use of Electronic Information Resources* (16.32); *Property Inventory and Management* (17.14); Purchasing Ethics and Confidentiality (17.22); Fraud (2.7); Discipline and Discharge (11.4); *Outside Employment* (11.19); Purchases from Employees (17.21); Financial Aid Code of Conduct (4.7); Property Liability (16.22); ~~the Faculty Handbook~~

**Responsible for Implementation:** President

**Contact for Revision:** General Counsel

**Forms:** Disclosure Statement for Purchasing Personnel

**Board Committee Assignment:** Finance and Audit

## External Bank Accounts

**Original Implementation:** July 13, 2006

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

No individual, department, program, or organization, including a duly recognized and registered student organization, is authorized to open any checking, savings, or investment account using the name of Stephen F. Austin State University (SFA) or its taxpayer identification number with any financial institution, including but not limited to banks, credit unions, savings and loans, or investment clubs, without the prior, written approval of the controller.

The owner of any external bank account approved under this policy must provide a copy of the current bank signature card to the controller. Additionally, the owner of any external bank account for a student organization shall adhere to the university's cash-handling procedures for student groups. University funds, including amounts received by student organizations through the student service fee allocation, may not be deposited in an external bank account.

Gifts made to the university must be deposited into the university's accounts maintained through the controller's office in accordance with Gift Reporting (3.16), regardless if the money was initially solicited by the external organization.

In accordance with Student Organization Formation and Recognition (10.9), employees of SFA should not be authorized to sign on any student organization's external bank account. *Student employees are exempted from this prohibition.*

External bank accounts approved by the controller for student organizations may be subject to audit.

**Cross Reference:** Gift Reporting (3.16); Student Organization Formation and Recognition (10.9)

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

**Contact for Revision:** Controller

**Forms:** None

**Board Committee Assignment:** Finance and Audit

## Faculty Code of Conduct

**Original Implementation:** April 28, 2005

**Last Revision:** ~~October 27, 2014~~ July 28, 2015

Tax-supported colleges and universities must function in accordance with the public trust, and actions by faculty within them must be consistent with the execution of that trust. The following offenses represent breaches of that trust and violations of the Stephen F. Austin State University Faculty Code of Conduct:

- A. Plagiarism;
- B. Forgery or unauthorized alteration or use of university documents, records or identification materials;
- C. Knowingly furnishing false information to the university, or failure to acquire and maintain appropriate licensure and certification required for supervision and practice;
- D. The use of violent or other forceful methods to obstruct the functions of the university, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities;
- E. Physical abuse of any person on university-owned or controlled property or at university-sponsored or supervised functions, or conduct that threatens or endangers the health or safety of any such person;
- F. Executing professional responsibilities related to teaching, research supervision, committee work, and similar faculty responsibilities that involve a student related to the faculty member within the second degree of affinity or third degree of consanguinity as defined in university policy 11.16, Nepotism;*
- ~~FG.~~ Theft of or negligent damage to the university or to the property of a member of the university community or a campus visitor;
- ~~GH.~~ Unauthorized entry to or use of university facilities or resources;
- ~~H.~~ Unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, or any substance the possession or distribution of which is regulated by federal or Texas law, except where the manufacture, distribution, dispensing, possession, or use are in accordance with the laws of each (See Illicit Drugs and Alcohol Abuse (13.11));
- ~~I.~~ Discrimination and/or sexual harassment ~~misconduct~~ as determined under university policy

(See Discrimination Complaints/~~Sexual Harassment~~ (2.11), *Sexual Misconduct* (2.13));

~~J~~K. Lewd, indecent, or obscene conduct or language on university-owned or controlled property or at a university-sponsored or supervised function;

~~K~~L. Violation of other promulgated university policies or rules;

~~L~~M. Conviction of a criminal or civil offense that reflects negatively upon the university.

## Procedures

1. Each faculty member is required to notify his or her immediate supervisor of any felonious criminal conviction no later than five days after such conviction. Additionally, each faculty member is required to notify his or her immediate supervisor of alleged violations of D, E, F, ~~H~~I, ~~I~~J or ~~L~~M no later than five days after any faculty member becomes aware of such alleged violation.
2. Faculty members are required to abide by the terms of this policy as a condition of employment.
3. Alleged violations of the standards established in this policy should immediately be brought to the attention of the academic unit head to whom the individual is responsible. The academic unit head will then immediately notify the dean of the college, if part of a college. The dean of the college, or academic unit head if not part of a college, will inform the provost and vice president for academic affairs of the alleged violation without delay. The provost and vice president for academic affairs will immediately notify the president and general counsel. The general counsel will determine whether the alleged violation should be investigated pursuant to the Faculty Code of Conduct or other applicable policy. If the investigation is to proceed under the Faculty Code of Conduct, the provost and vice president for academic affairs or his or her designee will immediately investigate the incident and promptly provide a written report to the president which includes the allegation, scope, findings and results of the investigation, and recommendation for action, if any. The president may accept, modify, or reject the report and/or recommendation. The faculty member will be notified in writing of the president's determination and any action to be taken.
4. Violations of the standards established in this policy can result in the assessment of a penalty ranging from an oral reprimand to termination. Tenured and tenure-track faculty members are also subject to standards and procedures in the Tenure policy (7.29).
5. Faculty members may appeal disciplinary action, other than dismissal or non-renewal, taken pursuant to this policy by following the appeal procedure outlined in Faculty Disagreements

(7.25). If the president determines that dismissal or non-renewal is appropriate, the procedures outlined in Termination and Non-Renewal of Contracts Procedural Guarantees in Tenure (7.29) will control.

**Cross Reference:** Tenure (7.29); Discrimination Complaints/~~Sexual Harassment~~ (2.11); *Sexual Misconduct* (2.13); Property Inventory and Management (17.14); Use of University Facilities (16.33); Illicit Drugs and Alcohol Abuse (13.11); Faculty Disagreements (7.25); Misconduct in Scholarly or Creative Activities (7.19); Misconduct in Federally Funded Research (8.7); *Ethics* (2.6)

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

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

**Forms:** None

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

## Faculty Compensation

**Original Implementation:** February 3, 2005

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

Stephen F. Austin State University (SFA) is responsible for securing a qualified and competent faculty and for utilizing public funds for faculty salaries and wages in an effective manner.

### 1. Faculty Employee

Faculty personnel are any university employees with academic rank or duties that include teaching, research, academic administration, or other scholarly activity and who are paid in full or in part from the line item "Faculty Salaries" or from other academic funding source. The provost and vice president for academic affairs, associate provost, and academic deans are considered staff for purposes of this policy.

### 2. Authority to Set Compensation

The Board of Regents has the authority to set compensation levels paid to faculty members through review and adoption of the annual operating budget. The itemized budget specifies the salary authorized for each position. The provost *and vice president for academic affairs* must give initial approval of all changes to budgeted faculty positions outside of the annual operating budget.

### 3. General Compensation

It is the policy of the university to distribute fairly and equitably funds available for salaries and wages. Initial faculty salaries are determined based on a combination of factors, including the funding available for the position, the academic discipline, faculty rank at the time of appointment [see Academic Appointments and Titles (7.2)], highest degree earned, the job description, professional experience, market value, and the needs of the department and college. Upon the recommendation of the chair and dean, the provost approves all faculty salaries prior to hiring.

### 4. Non-Discrimination

All position and salary range assignments ~~shall~~ will be made on the basis of the work to be performed without regard to race, color, religion, sex, age, disability, national origin, *genetic information, citizenship,* veteran status, or marital status and in accordance with the laws, policies, and regulations of the United States government, the state of Texas, and the Board of Regents of SFA.

## 5. Administration of Faculty Compensation

The provost *and vice president for academic affairs*, in conjunction with the academic deans, has responsibility for the administration of this policy. ~~Department chairs~~ *Unit heads and directors* ~~shall~~ *will* recommend compensation for their employees in accordance with university policies, procedures, and guidelines.

## 6. Faculty Compensation

- a. General Information: Faculty salaries are normally budgeted for a 9-month period. Faculty members are compensated on the basis of a fair and reasonable workload. See Faculty Workload (7.13). Under the Federal Wage and Labor Law, faculty employees are exempt from overtime regulations.
- b. Market Data: University administrators ~~shall~~ *will* use the College and University Professional Association for Human Resources (CUPAHR) as its primary ~~determinant~~ *rate* of the market value for faculty salaries. Other relevant market data ~~shall~~ *will* be considered when appropriate.
- c. Compensation for Summer Teaching: Summer teaching is not guaranteed. ~~Where needed or required, faculty members may be assigned summer teaching.~~ See Summer Teaching Appointments (7.2843). Normally, faculty members are compensated for summer teaching at a rate of 1/6 of their 9-month teaching salary for a 100% teaching assignment for each summer session. In certain budgetary circumstances, the rate of compensation may be adjusted. Compensation is prorated for assignments less than two teaching units. Compensation for summer teaching is provided through the SFA summer budget.
- d. Compensation for Adjunct Faculty: When considered necessary to hire adjunct faculty to teach courses, the compensation should be based on the following ranges:

Years of Experience Salary Range (per course)	
Zero to Six	\$2,500 - \$3,000
Seven to Ten	\$2,650 - \$3,200
Over Ten	\$2,800 - \$3,800

- e.
- f. Stipends may vary by college, discipline, need, and the educational level of the proposed adjunct faculty member. Any variation must be recommended by the chair and dean and approved by the provost *and vice president of academic affairs* prior to appointment.
- g.f. Additional Compensation: In instances where faculty members provide services

outside of their normal teaching duties, they may be eligible for additional compensation. See Salary Supplements, Stipends and Additional Compensation (12.16).

~~h.g.~~ Overload Compensation: In instances where faculty members are needed to teach an overload, they may be eligible for overload compensation. At a minimum, the overload compensation ~~shall~~ will be comparable to that of an adjunct faculty member. Upon the recommendation of the ~~chair~~ department head and dean and approval of the provost and vice president of academic affairs, overload compensation may vary based on the funding available, needs of the department, and qualifications of the faculty member.

~~i.~~ Associate Dean, Assistant Dean, or ~~Chair or Director~~ Department Head Compensation: When appointed as an associate dean, assistant dean, or department ~~chair or director~~ head, a faculty member may receive a combination of a stipend and reassignment time for performing administrative duties. See Academic Unit ~~Chair/Director~~ Head Appointments (4.2). and ~~Academic Unit Chair/Director Teaching Load~~ (4.3).

~~j.h.~~ Grants, Endowments, and Other Arrangements: Grants, endowments, awards and other arrangements may provide for an additional stipend or salary support for a faculty member within applicable regulatory parameters. See Compensation from Grants, Contracts and Other Sponsored Agreements (12.1).

## 7. Increases in Compensation

- a. General Increases: All salary increases for faculty members, unless otherwise mandated by the state's legislature, ~~shall~~ will be based on merit and/or equity. Quality teaching, research, scholarly/creative activity, administrative responsibilities, and service may be considered in the merit process. Equity ~~and~~ adjustments may be awarded based on the recommendations of the department ~~chair~~ head and dean, subject to the approval of the provost and vice president of academic affairs.
- b. Recommendations: Department ~~chairs~~ heads and ~~program directors~~ shall will recommend salary rates, equity adjustments, and merit increases in the annual department budget request based on the budget guidelines issued by the president. The recommendations ~~shall~~ will, in turn, be submitted to the appropriate academic dean and the provost and vice president of academic affairs for approval. Each faculty member is to provide an ~~annual Faculty Activity Report~~ annual performance report to the department ~~chair or director~~ head for use in consideration of a merit increase. See ~~Administrative Evaluation of Faculty Performance and Consideration for Merit Pay~~ Consideration for Faculty Merit Pay (7.6).



- c. Salary Increases for Promotion: Faculty members, through the promotion process [see Academic Promotion (7.4)], are awarded increases in the subsequent budget year based on budgeted resources and the promotion rank.

**Cross Reference:** Academic Appointment and Titles (7.2); Academic Promotion (7.4); Academic Unit ~~Chair/Director-Head~~ Appointments (4.2); ~~Academic Unit Chair/Director-Teaching Load (4.3)~~; Faculty Compensation (12.6); Faculty Workload (7.13); Salary Supplements, Stipends and Additional Compensation (12.16); Compensation from Grants, Contracts and Other Sponsored Agreements (12.1); ~~Administrative Evaluation of Faculty Performance and Consideration for Merit Pay~~ *Consideration for Faculty Merit Pay* (7.6); *Summer Teaching Appointments* (7.28).

**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

## File Maintenance for Faculty Personnel Files

**Original Implementation:** October 31, 2000

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

The Southern Association of Colleges and Schools requires the university to keep documentation on file of academic preparation for all full-time and part-time faculty members. Documentation includes official transcripts, and, if appropriate for demonstrating competency, official documentation of professional and work experience, technical and performance competency, records of publications, certifications, and other qualifications. To meet this requirement, the following guidelines have been established to address the contents of the file and the designated office responsible for maintaining the file.

### **Filed in the Office of the Provost and Vice President for Academic Affairs:**

Full-time academic rank faculty

- Recommendation for Appointment form
- Signed contract issued by the Office of the Provost and Vice President for Academic Affairs
- Curriculum vitae
- Official transcripts from all degree granting institutions attended
- Three letters of reference
- Faculty Certification of Credentials form for those faculty who do not hold the terminal degree or whose terminal degree is outside the discipline in which they are teaching

### **Filed in the Office of the College Dean:**

Adjunct faculty, designated 4.5 to 9 months faculty, non-tenure track faculty

- Signed contract issued by the dean's office
- Curriculum vitae
- Official transcripts from all degree granting institutions attended or verification that official transcripts are in the Office of the Provost and Vice President for Academic Affairs
- Three letters of reference
- Faculty Certification of Credentials form for those faculty who do not hold the terminal degree or whose terminal degree is outside the discipline in which they are teaching

Graduate teaching assistants (when instructor of record)

- Curriculum vitae
- Official transcripts from all degree granting institutions attended or verification that official transcripts are in the Office of the Dean of the Graduate School

- Three letters of reference
- Faculty Certification of Credentials form

**Note:** See Academic Appointments and Titles (7.2) for definition of titles.

**Cross Reference:** Academic Appointments and Titles (7.2); Faculty Handbook

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

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

**Forms:** Recommendation for Appointment form, Faculty Certification of Credentials form

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

## Financial Conflicts of Interest in Sponsored Activities

**Original Implementation:** January 30, 1996

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

### 1. Introduction

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

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

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

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

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

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

with similar financial conflict of interest regulations.

## 2. Definitions

*Compliance Officer– Coordinator (COC):* an individual in the Office of Research and Sponsored Programs (ORSP) designated to coordinate financial conflict of interest requirements for ~~research and sponsored programs~~ grants at the proposal and award stages.

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

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

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

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

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

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

*Investigator:* a project director (PD) or principal investigator (PI) and any other person, regardless of title or position, who is identified as: (a) senior/key personnel in the grant application, progress report, or any other report submitted to a funding agency; (b) a responsible party on applications for the use of human or animal subjects; and (c) responsible for the design, conduct, or reporting of ~~research grant activities funded by the Public Health Service or other agency with financial conflict of interest (FCOI) regulations, including research proposed for such funding.~~

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

*Public Health Service (PHS):* an entity of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be

delegated, which includes agencies such as the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), and the Health Resources and Services Administration (HRSA).

*Research*: a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development, ~~and includes any such activity for which research funding is available from a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, or research resources award.~~

*Responsible Official (RO)*: the director of the Office of Research and Sponsored Programs.

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

Information that must be disclosed by an investigator includes:

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

Information that is excluded from disclosure by an investigator includes:

5. Salary, royalties, or other remuneration paid by the university to the investigator if the investigator is currently employed or otherwise appointed by SFA, including intellectual property rights assigned to SFA and agreements to share in royalties related

to such rights;

6. Income from certain investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles; and
7. Income from seminars, lectures, or teaching engagements, or income from service on advisory committees or review panels sponsored by a ~~f~~Federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

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

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

### 3. Responsibilities Regarding FCOI

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

1. file and update a *PI/PD Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects* form with each grant application and a Disclosure of Substantial Interest form *as needed*. ~~annually as required by SFA policy 7.22, Purchasing Ethics and Confidentiality;~~
2. file and update a Disclosure of Substantial Interest form in other instances as outlined in this policy;
3. acknowledge in the disclosure form their understanding of this policy and applicable federal regulations;
4. provide additional information and documentation required to meet the terms of this policy when requested by university officials; and
5. complete FCOI training as required by this policy.

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

1. review *Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects* and Disclosure of Substantial Interest forms related to ~~sponsored activities~~ ~~grants~~;
2. determine if a FCOI exists with regard to ~~sponsored research~~ grant funding, appoint a committee as required to assist in the decision, and make recommendations regarding management of any such conflict of interest;
3. if indicated, develop a plan for management of the conflict in consultation with the investigator and in conjunction with the appointed committee, the ~~University's~~ general counsel and other university officials, as appropriate; and

4. determine the appropriate individual to monitor implementation of the plan, as needed.

3. **Compliance Officer- Coordinator (COC)** – It is the responsibility of the COC to:

1. verify that *Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects and as needed*, Disclosure of Substantial Interest forms are on file for investigators prior to submitting applications to a PHS agency or other federal sponsor with similar FCOI requirements any entity;
2. similarly, verify that *Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects and as needed*, Disclosure of Substantial Interest forms are on file for investigators after an award is made by a PHS agency or other federal sponsor with similar FCOI requirements, and prior to the expenditure of funds;
3. verify that Disclosure of Substantial Interest forms are on file for investigators who submit externally funded proposals that involve human or animal subjects;
- 4.3. provide disclosure and reporting requirements to any subrecipients related to an award from a Federal sponsor PHS agency or other federal sponsor with similar FCOI requirements; and
- 5.4. communicate with the investigator regarding the status of the project with regard to compliance with this policy, including applicable training requirements.

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

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

5. **Procurement and Property Services (PPS)** – It is the responsibility of PPS to forward copies of Disclosure of Substantial Interest forms and any updates to the IO, RO, and/or the CO that indicate a potential FCOI related to research and other sponsored activities.

4. **FCOI Reporting and Review Procedures**

1. **Timeline for Disclosures**

1. All investigators are required to disclose significant financial interests on the *Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects form and as needed*, a Disclosure of Substantial Interests form prior to the submission of every grant application: annually, but no later than November 30 of each year for the calendar year;



- ~~2. prior to the submission of a research proposal to a PHS agency or other federal agency with similar FCOI reporting requirements;~~
- ~~3.2. during the year as needed and no later than thirty (30) calendar days after a new, reportable significant financial interests is obtained such as an increase in value that meets the reporting threshold, as well as the acquisition of new interests that are reportable (for example, through purchase, marriage, or inheritance); and~~
- ~~4.3. for new investigators, within thirty (30) calendar days of joining an active research project funded by a PHS agency or other federal agency with similar FCOI requirements grant.~~

2. **Disclosure Period** - Each individual completing the Disclosure of Substantial Interest form must list any financial interests for the preceding twelve (12) months that appear to be related to the investigator's institutional responsibilities and that might reasonably appear to affect the *grant research or educational* activities funded, or proposed for funding.
- ~~3. **Proposal Clearance Process** - Potential financial conflicts of interest should also be disclosed in Proposal Clearance Forms (PCF) submitted to the Office of Research and Sponsored Programs (ORSP).~~
- 4.3. **Disclosure Review Process** - The IO shall conduct an initial review of all financial disclosures related to *research and sponsored activities grants* in consultation with the RO or other official designee of the University, as appropriate. If an initial determination is made that there may be a potential for conflict of interest covered by this policy, additional information will be requested from the investigator.

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

- 5.4. **Records Retention** - Records of investigator financial disclosures, the university's review and response to disclosures, and of actions taken to manage actual or potential conflicts of interest, as applicable to *research and sponsored activities grants* shall be retained by ORSP *according to each sponsor's retention requirements* ~~until three (3) years from the date the final expenditures report is submitted to the sponsoring agency,~~ or the resolution of any government action involving those records, or where applicable, from other dates specified in 45 CFR 74.53(b) and 92.42 for PHS supported research or other agency regulations.

- 6.5. **Enforcement** - The IO shall be responsible for determining and implementing

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

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

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

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

## 5. **FCOI Information Dissemination and Training**

1. **Information Dissemination** - The Office of Research and Sponsored Programs ~~shall~~ *will* inform each investigator applying for ~~research or other sponsored activities~~ *grants* of the university's policy on financial conflicts of interest, the investigator's responsibilities regarding disclosure of significant financial interests, and any applicable ~~Federal~~ regulations regarding FCOI. Such information will also be posted on the ORSP website.
2. **Mandatory Training** - Each investigator who is awarded a PHS research award or an award from a ~~Federal~~ agency with similar FCOI training requirements shall complete a training session on FCOI prior to engaging in the ~~research-grant activity~~ and subsequently every four (4) years. In addition, training is required for these individuals immediately when: (1) the university revises its financial conflict of interest policies or procedures in any manner that affects the requirements of investigators; (2) an investigator on a PHS supported award is new to the university;

or (3) if the university finds that an investigator is not in compliance with this policy or a prescribed FCOI management plan.

3. **Subrecipients** - If the university carries out research through a subrecipient (e.g., subcontractors or consortium members) that is supported by the PHS or by a ~~F~~federal agency with similar FCOI reporting and/or training requirements, the university (awardee institution) will take reasonable steps to ensure that any subrecipient investigator complies with the training requirement described in B. above by incorporating as part of a written agreement with the subrecipient terms that establish whether the financial conflicts of interest policy of the university or that of the subrecipient will apply to the subrecipient's investigators. The agreement referenced shall specify time period(s) for the subrecipient to report all identified financial conflicts of interest to the university. Such time period(s) shall be sufficient to enable the university to provide timely FCOI reports, as necessary, to the PHS or other ~~f~~Federal agencies as required by the agency.

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

### 1. **Management Plan**

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

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

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

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

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

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

## **2. Retrospective Review**

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

1. review the significant financial interest;
2. determine whether it is related to PHS-funded research;
3. determine whether a financial conflict of interest exists; and, if so implement, on at least an interim basis, a management plan that shall specify the actions that have been, and will be, taken to manage such financial conflict of interest going forward.

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

The retrospective review shall be documented, and shall include at a minimum the

following key elements:

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

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

### 3. **Public Disclosure**

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

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

The information provided by written response to any requestor shall include at a

minimum the following information:

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

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

#### 4. **Reporting to PHS Agencies**

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

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

Any FCOI report shall include sufficient information to enable the PHS agency to understand the nature and extent of the financial conflict, and to assess the

appropriateness of the university's management plan. Elements of the FCOI report shall include, but are not necessarily limited to, the following:

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

For any financial conflict of interest previously reported by the university with regard to an ongoing PHS-funded research project, the university shall provide to the PHS agency an annual FCOI report that addresses the status of the financial conflict of interest and any changes to the management plan for the duration of the project. The annual FCOI report shall specify whether the financial conflict is still being managed or explain why the financial conflict of interest no longer exists.

## 5. Remedies

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

# ~~1. Policies of Other Federal Agencies~~

~~This policy has been developed to address financial conflicts of interest in sponsored activities in general, with specific requirements to address regulations for Public Health Service supported research. Other federal agencies may publish regulations for identification, reporting, and management of conflicts of interest in research that they support. In these instances, the university will comply with the applicable regulations. State laws regarding employee conduct may also apply to situations involving potential financial conflicts of interest.~~

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

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

**Contact for Revision:** Director of Research and Sponsored Programs

**Forms:** Disclosure of Substantial -Interest form; *PI/PD Conflict of Interest (FCOI) Disclosure and Certification for Sponsored Projects form*~~Form; Proposal Clearance Form~~

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



## Fixed Amount Awards

**Original Implementation:** July 28, 2015

**Last Revision:** None

Fixed amount awards, also known as fixed-price agreements, are awards in which a price is agreed to in advance for a specific scope of work that is payable based on performance and deliverables rather than the actual costs incurred during the conduct of the work.

Fixed amount awards may include grants, cooperative agreements, contracts, research agreements, and subawards (grants) from federal and non-federal sources to the university, as well as fixed amount subawards from the university to a subrecipient.

### Fixed Amount Awards to the University

A fixed amount award to the university should reflect an accurate estimate of anticipated direct costs for the efficient and effective conduct of the project plus the university's full federally negotiated facilities and administrative (F&A, indirect) cost rate. The principal investigator (PI) or project director (PD) is responsible for ensuring that a fixed amount award is accurately estimated.

The Office of Research and Sponsored Programs (ORSP) requires an internal operating budget for fixed amount awards and awarded funds must be used during the term of the agreement in support of the specific statement of work. The PI/PD is responsible for charging all appropriate operating expenses to the award, including salary and associated benefits at a level commensurate with the effort committed to the project.

In the event that there is a negative balance at the conclusion of a fixed amount award project, the managing administrative unit is responsible for covering the shortage from an appropriate source of funds.

In the event that a residual balance remains after all allocable expenses have been recorded to the project fund, the following processes apply:

### Non-Federal Awards

1. The PI/PD will certify that the sponsor has accepted all required deliverables, the controller's office will confirm that the sponsor has made final payment, and the full federally-negotiated F&A rate will be charged against the award. Any residual balance should be no more than 20% of the original award.
2. If the residual balance is less than 20% of the original award, up to \$10,000 or 25% of the

residual balance, whichever is less, is transferred to a fixed-price residual (FPR) fund for the PI or PD, or into an FPR fund established for a university-recognized center. The remaining balance in excess of 25% or \$10,000 is transferred to a designated fund pool to be used in support of research and development.

If the residual balance exceeds 20% of the original award, the sponsor is contacted to determine the disposition of the balance. If the sponsor allows residual amounts to be retained by the university, the amounts are distributed as described above.

3. Fixed-price residual funds must be used for on-going research activities or to support the goals and objectives of the PI, PD, or center, in accordance with state and university regulations, policies, and procedures.

### Federal Awards

1. For fixed amount awards originating from federal sources, there should be “no increment above actual cost” [2 C.F.R. § 200.201(b)(1)].
2. The university must certify in writing to the federal agency or pass-through entity that the project was completed or the level of effort expended.
3. If both of the above requirements cannot be met, the amount of the award must be adjusted [2 C.F.R. § 200.201(b)(3)].

### **Fixed Amount Awards from the University**

The amount of a fixed amount award to a subrecipient from the university should reflect an accurate estimate of anticipated costs for the efficient and effective conduct of the project. ORSP may require a budget detail and justification from a potential subrecipient.

Fixed amount subawards from federal sources are allowable with prior written approval from the federal awarding agency in an amount up to \$150,000 [2 C.F.R. § 200.88, .332]. Such awards are subject to the terms and conditions detailed in 2 C.F.R. § 200.201(b).

**Cross Reference:** 2 C.F.R. §§ 200.45, .88, .201, .332; ORSP Grants and Contracts Procedures Manual

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

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

**Forms:** Fixed Amount Award Close-out Certification Form; Fixed Amount Award Close-out Form

**Board Committee Assignment:** Finance and Audit

## Fleet Management

**Original Implementation:** January 30, 2001

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

Stephen F. Austin State University (SFA) has adopted the Fleet Management Plan mandated by House Bill 3125 of the 76th Texas Legislature. The fleet of vehicles owned and operated by SFA shall follow guidelines set forth by government and private sector fleet "best practices" intended to increase state use and efficiency, reduce maintenance, and reduce operating costs.

SFA manager of transportation shall serve as fleet manager and reporting official and shall be responsible for observation and implementation of agency fleet management policies and procedures. Responsibilities of the fleet manager include, but are not limited to, vehicle purchasing, replacement, and disposal, vehicle maintenance and repair, and vehicle assignment and use.

~~The grounds and transportation automobile department~~*The Physical Plant Department transportation shop* shall serve as the SFA motor pool and shall have responsibility for maintenance, repairs, records, and alternative fuel location for all campus vehicles. The fleet manager shall assign and meet with campus area coordinators to administer departmental vehicles and comply with reporting requirements of the state's Office of Vehicles and Fleet Maintenance (OVFM).

The fleet manager shall develop vehicle-replacement criteria and shall notify a department when one of its vehicles meets the replacement criteria. Requests for vehicle replacements are the responsibility of each department and shall be considered during the annual budget process begun on a date following the date of notice.

Mandatory fueling requirements for SFA vehicles include use of state retail fuel contracts, ~~self-service~~*self-service* or central fueling facilities, use of regular unleaded gasoline, and use of alternative fuels (where appropriate).

The number of vehicles in the SFA fleet is capped at state approved levels. Replacements are subject to the departmental vehicle-replacement schedule. Exceptions will be considered for legislatively mandated program changes, federal program initiatives, or documented needs resulting from program growth or changes. The SFA president's approval is required for exceptions.

Fleet operations are subject to minimum use criteria, vehicle-operator training and driver certification requirements, vehicle-disposal procedures, preventive maintenance and warranty tracking, safety and accident reporting procedures, and standardized safety-inspection and registration renewals.

Operators of university-owned vehicles are required by the Texas Government Code and university policy to report daily use of the vehicles. ~~Reports are to be completed daily using a Texas Vehicle Use Report form. The monthly report must be completely filled out, signed and sent to the manager of transportation by the fifth calendar day of the following month. The manager of transportation will report mileage to the state as required. Departments failing to submit the required report(s) by the fifth calendar day of the month may be assessed a late penalty of \$100 by the vice president for finance and administration. Failure to produce timely reports, as defined by fleet management procedures, may result in financial penalties or loss of university vehicle privileges.~~

**Cross Reference:** State Office of Vehicle and Fleet Management Regulations; House Bill 3125, 76th Texas Legislature; Tex. Gov't Code § 2171.101 et seq.; Rental of University Vehicles (16.23)

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

**Contact for Revision:** Director Of Physical Plant

**Forms:** None

**Board Committee Assignment:** Building and Grounds

## Grants and Contracts Administration

**Original Implementation:** August 1, 2000

**Last Revision:** ~~July 29, 2014~~ July 28, 2015

The provost and vice president for academic affairs establishes and makes available procedures for the *programmatic* administration of grants, ~~and contracts and other sponsored agreements~~. *These procedures are outlined in the Grants and Contracts Procedures Manual published by the Office of Research and Sponsored Programs (ORSP). The controller establishes internal controls for the fiscal administration and reporting of grants, contracts and other sponsored agreements and is responsible for the negotiation of facilities and administrative (indirect) cost rate agreements with the federal cognizant agency.*

These *controls and* procedures are designed to ensure that ~~all research and sponsored programs activities~~ are conducted in accordance with ~~other~~ university policies and procedures, with laws and regulations, and with the provisions of the grants, ~~and contracts and sponsored agreements themselves~~. ~~These procedures are outlined in the Grants and Contracts Procedures Manual published by the Office of Research and Sponsored Programs (ORSP).~~

**Cross Reference:** ~~Financial Conflict of Interest in Sponsored Activities (8.2); Misconduct in Federally Funded Research (8.7); Human Research Subjects Protection (8.4); Salary Supplements, Stipends and Additional Compensation (12.16); Effort Reporting and Certification for Sponsored Activities (8.1); 2 C.F.R. Part 200; ORSP Grants and Contracts Procedures Manual.~~

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

**Contact for Revision:** ~~Provost and Vice President for Academic Affairs;~~ Director, Office of Research and Sponsored Programs

**Forms:** *None*

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

## Illicit Drugs and Alcohol Abuse

**Original Implementation:** September 1, 1986

**Last Revision:** ~~July 29, 2014~~ July 28, 2015

It is the declared policy of the United States government to create a drug-free America. As a part of that policy, the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707, was adopted. On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendment of 1989, 20 U.S.C. § 1011i, which amends provisions of the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965. University policies relating to the use of illegal drugs and alcoholic beverages have been established by the Board of Regents of Stephen F. Austin State University in compliance with state and federal law.

### Definitions

1. Controlled substance means a controlled substance in schedules I through V of the Schedules of controlled substances, 21 U.S.C. § 812. Examples include, but are not limited to: heroin, marijuana, mescaline, peyote and cocaine. This definition does not include medication prescribed by a physician.
2. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
3. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.
4. Federal agency means an agency as that term is defined in 5 U.S.C. § 551(1).

### Standards of Conduct

It is the university's policy that all members of the university community and guests are required to comply with federal, state and local laws regarding the possession, consumption and distribution of alcoholic beverages. ~~University policy prohibits a~~ All employees (full-time and part-time faculty, staff and students) ~~from~~ *are prohibited from* engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.

Alcoholic beverages will be permitted at authorized events on university controlled property only as allowed under the Alcohol Service policy (13.7). The unauthorized use of intoxicating beverages on university-controlled property or at university-sponsored activities, including, but not limited to, intercollegiate and intramural athletic events is prohibited. Alcoholic beverages are not permitted in university residence halls.

It is the policy of Stephen F. Austin State University that any unlawful manufacture, possession or delivery of any controlled substance or illegal drug is strictly prohibited. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be.

### Health Risks

#### ALCOHOL ABUSE

Alcohol is a primary and continuous depressant of the central nervous system. Impairment of judgment and of recently learned, complex and finely tuned skills begins to occur at blood alcohol concentrations as low as 0.025 percent. These impairments are followed by the loss of more primitive skills and functions, such as gross motor control and orientation at concentrations in excess of 0.05 percent. Alcohol in moderate doses impairs nearly every aspect of information processing, including the ability to abstract and conceptualize, the ability to use large numbers of situational cues presented simultaneously, and the cognitive ability to determine meaning from incoming information. Alcohol consumption can therefore promote action on impulse without full appreciation of, or concern about, the potential negative consequences of such action. Chronic long-term effects of heavy drinking over a period of years can result in brain damage; cancer of the mouth, esophagus or stomach; heart disease; liver damage resulting in cirrhosis, alcoholic hepatitis, and cancer of the liver; peptic ulcer disease; and possible damage of the adrenal and pituitary glands. Prolonged, excessive drinking can shorten life span by 10 to 12 years.

#### ILLICIT DRUGS

Illicit drugs include narcotics, such as heroin or morphine; depressants, such as barbiturates, Quaaludes, or valium; stimulants, such as cocaine or "crack"; hallucinogens, such as PCP, LSD or mescaline; cannabis, such as marijuana or hashish; inhalants, such as nitrous oxide, amyl nitrite (poppers) or various hydrocarbon solvents; and designer drugs, such as  $\alpha$ -methylfentanyl (China White), methamphetamine (Ecstasy) or meperidine (Demerol).

Narcotics. Narcotics initially produce a feeling of euphoria that is often followed by drowsiness, nausea and vomiting. Tolerance may develop rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as ~~AIDS~~ *human immunodeficiency virus (HIV)*, endocarditis (inflammation of the lining of the heart) and hepatitis.

Depressants. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but a somewhat larger dose can cause slurred speech, ataxia or unstable gait, and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.



**Stimulants.** Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils; elevated blood pressure, heart and respiratory rate; and increased body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose with long-term use eroding the nasal septum. The injection of cocaine with unsterile equipment can cause ~~AIDS~~ *human immunodeficiency virus (HIV)*, hepatitis and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Overdoses occur easily.

**Hallucinogens.** Phencyclidine (PCP) users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens, and senses are dulled. Speech is blocked and incoherent. Chronic PCP users report persistent memory problems and speech difficulties. Mood disorders, such as depression, anxiety and violent behavior, may also occur. In late stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart failure, lung problems and/or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

**Inhalants.** The chemicals in most inhalants are rapidly absorbed in the lungs and exert their central nervous system effects within seconds, producing an altered mental state for about five to fifteen minutes. Immediate effects of inhalants include nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination and loss of appetite. Solvents and aerosol sprays can decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite can cause rapid pulse, headaches, and involuntary passing of urine and feces. Inhalation of toluene as well as other hydrocarbons has been associated with kidney and liver damage, peripheral nerve problems, convulsions, encephalopathy (organic brain damage) and other central nervous system disorders. Sudden death associated with both glue sniffing and especially the inhalation of aerosols containing halogenated hydrocarbons (Freon) has been reported and is thought to be secondary to cardiac arrhythmias (abnormal electrical conduction patterns in the heart).

**Marijuana.** The short term effects of marijuana include distortion of time perception, increased heart rate, dilation of blood vessels and loss of short-term memory. Also decreased are visual perception and psychomotor skills, which have adverse effects on driving ability. The effects of long-term use include loss of motivation, chronic bronchitis, decreased vital lung capacity and an

increased risk of lung cancer. Tolerance and psychological dependence ~~do~~ develop with marijuana.

**Designer Drugs.** Designer drugs are synthetic chemical modifications of older drugs of abuse that are designed and manufactured in covert laboratories and sold at great profit for recreational use. These drugs can be several hundred to several thousand times stronger than the drugs they are designed to imitate. Designer drugs similar to opiates include fentanyl, demerol, and "china white." The narcotic analogs of designer drugs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pain.

### University Penalties

#### STUDENTS

Any student who is determined, through the regular disciplinary procedures of the university, to have violated the policy on the use of illicit drugs will be suspended from the university for no more than two years and no less than the remainder of the current semester. At the discretion of the vice president for university affairs *or his/her designee*, a student suspended under this policy may, under certain conditions, remain enrolled at the university on disciplinary probation. These conditions can include substance abuse evaluation, treatment and/or counseling. Any cost for services or treatment not offered as a student service on campus will be the responsibility of the student.

University sanctions imposed for alcohol possession or consumption can include progressive levels of probation leading to suspension for multiple offenses, attendance at an alcohol education class offered by the university, community service, substance abuse evaluation, treatment and/or counseling. Any cost for services or treatment not offered as a student service on campus will be the responsibility of the student.

#### EMPLOYEES

~~The university prohibits a~~ All employees (full-time and part-time faculty, staff and students) *are prohibited* from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages. Observance of the policy regarding alcoholic beverages and illegal drugs is a condition of employment for all university employees. An employee violating this policy shall be subject to employment discipline up to and including termination, or shall be required to undergo satisfactory

participation in a drug abuse assistance or rehabilitation program, such as the Employee Assistance Program of the university.

Any employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract who is convicted of violating a criminal drug statute shall notify his/her immediate supervisor of the conviction no later than five days after the conviction. The immediate supervisor shall promptly report the conviction to the appropriate vice president and the director of research ~~services and sponsored programs~~. On behalf of the university, the director of research ~~services and sponsored programs~~ shall notify the federal agency grantor or contractor of the conviction within ten days of the university's receipt of notice from the employee or of receipt of other actual notice.

### Good Faith Effort

Stephen F. Austin State University shall make a good faith effort to maintain a drug-free workplace by implementing and enforcing this policy. The university shall also comply with United States Department of Transportation regulations regarding drug testing of drivers with a commercial driver's license.

### **Federal Law**

Offense	Minimum Punishment	Maximum Punishment
Manufacture, distribution or dispensing drugs (includes marijuana)	A term of imprisonment not more than 20 years, and a minimum fine of \$1,000,000	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$4,000,000 (for an individual) or \$20,000,000 (if other than an individual)
Possession of drugs (including marijuana)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years or not less than 5 years, a fine of not less than \$5,000 plus costs of investigation and prosecution
Operation of a common carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

**Texas Law**

Offense	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substances (drugs)	Confinement in the Texas Department of Criminal Justice State Jail facility for a term of not more than two years or less 180 days, or confinement in a community correctional facility for not more than 1 year, and a fine not to exceed \$10,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs)	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Delivery of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000
Possession of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 2 years or less than 30 days, or confinement in TDCJ for a term of not more than 10 years or less than 2 years and a fine of not more than \$10,000
Driving while intoxicated (includes intoxication from alcohol, drugs, or both)	Confinement in jail for a term of not more than two years or less than 72 hours, and a fine of not more than \$2,000, possible loss of driver's license and license surcharge up to \$2,000 per year for three years.	Confinement in jail for a term of not more than two years or less than 30 days, or confinement in TDCJ for a term of not more than ten years or less than two years and a fine of not more than \$10,000
Public intoxication		A fine not to exceed \$500
Purchase or consumption or possession of alcohol by a minor	Fine of not more than \$500	For a subsequent offense a fine of not less than \$250 nor more than \$2000
Sale of alcohol or furnishing alcohol to a minor	Fine of up to \$4,000 and/or up to 1 year in jail	Both

Purchase of alcohol or furnishing alcohol to a minor at a gathering involving abuse of alcohol, including binge drinking or coercion	In addition to any other penalty, community service for not less than 20 hours, attendance at an alcohol awareness program, and suspension of driver's license for 180 days.	In addition to any other penalty, community service for not more than 40 hours, attendance at an alcohol awareness or driving awareness program, and suspension of driver's license for 180 days.
Driving under the influence of alcohol by a minor	Fine of not more than \$500 and community service related to education about or prevention of misuse of alcohol.	A fine of not less than \$500 or more than \$2,000, confinement in jail not to exceed 180 days and/or both; community service related to education about or prevention of misuse of alcohol.

### Limited Immunity When Requesting Medical Assistance

A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor (1) requests emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance; and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person, the minor remained on the scene until medical assistance arrives and cooperated with medical assistance and law enforcement personnel.

This immunity shall also apply to the imposition of any university sanction.

### Counseling, Treatment and Rehabilitation

#### STUDENTS

Stephen F. Austin State University, through the counseling services office, provides alcohol/drug abuse prevention service which is available to all students. Services include assistance in abstaining from the use of chemical substances, early intervention when chemical abuse is detected, and referral to a campus support system and/or a community referral for inpatient/outpatient services not available on campus. Medical counseling and printed information on chemical dependency are available through University Health Services, the campus student health facility. Students may seek individual counseling or request printed information at either campus location.

Prevention/Education. The objectives of this element of the assistance program are to: increase awareness of the students, faculty, and staff concerning the psychological and health risks associated with chemical use; provide information to students regarding a variety of wellness issues which promote successful college adjustment; and, orient students, faculty and staff to the services available through the assistance program. Presentations are available to student groups on a variety of topics including alcohol and substance abuse, adult children of alcoholics, assertiveness skills, stress and time management, self-esteem and related issues. A group representative should contact the counseling services office to schedule a presentation. The assistance program also

offers an Alcohol Awareness Workshop. The workshop provides basic information, tools for self-assessment, information on university and state regulations, and an orientation to the assistance program. Students may request to attend the workshop or be referred by the ~~judicial officer~~ *student conduct authority*.

Referral/Assessment. Any SFA student requiring information about, or assistance with, a chemical abuse problem may be referred to the assistance program. A student may initiate a self-referral by contacting the counseling office; university faculty and staff may initiate a student referral.

Participation by a student is voluntary, except when mandated by the ~~judicial officer~~ *student conduct authority*. A counselor conducts an assessment interview on the student's initial visit and provides the student with details regarding confidentiality and record keeping requirements. The counselor informs the student of alternatives and makes recommendations based on the student's needs.

Campus Support System. Counseling services serves as a link between the individual student and support groups which are available for chemical dependency, adult children of alcoholics and victims of sexual abuse. Support groups function under guidelines established by counseling services.

Community Referral. Services for chemical dependency are available in the Nacogdoches community and include: private practitioners offering individual counseling or intellectual/psychological assessment; self-help groups such as Alcoholics Anonymous and Narcotics Anonymous; and inpatient/outpatient treatment.

#### EMPLOYEES

University employees with supervisory responsibilities should be cognizant of employee behavior related to unacceptable job performance which may result from drug or alcohol abuse. Any decision to initiate employee counseling or a referral to ~~personnel services~~ *human resources* should be based on the employee's unacceptable job performance (*which may include violations of this policy*). Employee counseling, referral and related record keeping should be conducted with the degree of care and confidentiality appropriate to such personnel matters. Alcohol and drug abuse seminars are among the services provided cost-free to university employees. Other services for employees with a chemical dependency are available in the community, including private practitioners offering individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous, and inpatient/outpatient treatment at various health care facilities.

#### Review and Assessment

It is the intent of Stephen F. Austin State University to continue to strive for 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. To this end, SFA will provide ~~annually-written notice~~ *to each student and employee a copy of this drug and alcohol abuse prevention program policy*. *Students will receive written notice according to the following schedule:*

- *On the 12<sup>th</sup> class day of each long semester*
- *On the 8<sup>th</sup> class day following mid-term in each long semester*
- *On the 2<sup>nd</sup> class day of Maymester*
- *On the 4<sup>th</sup> class day of Summer I and II semesters*

*Employees will receive written notice no later than October 31<sup>st</sup> of each year, and all new employees will be notified during new employee orientation.*

In addition, the university will conduct a biennial review of ~~this~~ *the* program implemented to provide a learning and working environment free of drug and alcohol use. The purposes of the biennial review will be to: 1) determine the effectiveness of the program and implement needed changes; and 2) ensure that the sanctions included in the program are consistently enforced. The university's ~~general counsel~~ *dean of student affairs* will be responsible for initiating the biennial review. *The results of this review will be released in July of even numbered years.*

**Cross Reference:** Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707; Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 1011i, 34 C.F.R. §§ 86.1-.411; 21 U.S.C. §§ 812, 841-865; 5 U.S.C. § 551(1); General Appropriations Act; Texas Gov't Code § 2113.012; OMB Circular A-21; Tex. Transp. Code § 708.102; Tex. Alco. Bev. Code §§ 106.01-.15; Tex. Penal Code §§ 12.01-.49, 49.01-.12; ~~Faculty Handbook; Non-Academic Employee Handbook~~; State of Texas Travel Allowance Guide; *Faculty Code of Conduct (7.11); Student Code of Conduct (10.4)*; Drug and Alcohol Testing (11.6); Discipline and Discharge (11.4); Alcohol Service (13.7)

**Responsible for Implementation:** President

**Contact for Revision:** General Counsel

**Forms:** None

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

## ***Facilities and Administrative (Indirect) Cost Recovery, Distribution and Use, ~~and Fixed-Price Agreements~~***

**Original Implementation:** October 26, 1999

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

*Facilities and administrative (F&A) costs, also known as indirect costs (IDC) are expenses that cannot be directly charged or easily allocated to a specific externally sponsored grant, contract, or other sponsored agreement (grants). Examples of F&A costs include facilities expenses such as utilities, custodial services, and physical plant; and administrative expenses such as salaries and operating costs for departments such as human resources, the controller, payroll, accounts payable, legal counsel, procurement/property services, travel, technology services, library, audit services, and sponsored projects. They may also include departmental and college administrative costs such as clerical support, telephone, and copying. incurred for a common or joint purpose that benefit more than one university unit/activity and that are not readily assignable to a specific unit/activity. They also are known as Facilities and Administrative (F&A) or overhead costs. In most instances, grantors and funding entities agree to reimburse the university for the overhead expenses of conducting research, education, and service projects. This policy establishes guidelines for the recovery, distribution, and use of such reimbursements from externally funded grants, contracts, and cooperative agreements.*

*F&A cost rates are negotiated by the university with a federal cognizant agency, which for SFA is the Department of Health and Human Services. In accordance with 2 C.F.R. § 200.414(c), federal agencies must accept these negotiated rates unless a different rate is required by regulation, statute, or program.*

### ***Indirect F&A Cost Recovery***

The principal investigator (PI) or project director (PD) must include *F&A indirect cost rates* in a proposed budget for all grants ~~and contracts, and other sponsored agreements at the maximum rate allowed by the sponsor. The PI or PD shall will~~ use the university's ~~official~~ full, federally negotiated ~~indirect cost~~ F&A rate for all grants, contracts, and other sponsored agreements unless a sponsor has a formal, written policy that specifically limits or disallows payment of F&A costs ~~specifically limited by a sponsor for all awardees.~~

In extraordinary circumstances, a PI ~~or~~ PD may request a reduction ~~or waiver of full indirect F&A costs. IDC. Such waiver/reduction requests must be recommended by the director of the Office of Research and Sponsored Programs (ORSP) and approved by the provost and vice president for academic affairs and approved by the president before a budget with the a reduced IDC-F&A rate is submitted to a sponsor for consideration. This applies to all forms of~~



~~grants, contracts, and all other forms of sponsored agreements~~ grants, contracts, and other sponsored agreements (grants). Failure to comply may require a budget revision and/or renegotiation of a ~~contract-grant~~ and may jeopardize or delay receipt of an award. A PI/PD is not authorized to ~~Only the director of ORSP or the director's designee may negotiate alternative an F&A rate reduction indirect cost rates~~ with a sponsors.

### **~~Indirect Cost~~Recovered F&A Distribution and Use**

*Recovered F&A is subject to* ~~All recovered indirect costs shall be expended to support and encourage further research and sponsored projects at SFA according to the provisions of the Texas Education Code, Section 145.001:~~

*“The retained funds are subject to the following requirements:*

- (1) The funds shall be expended under guidelines approved by the institution's governing board for projects encouraging further research at the unit, agency, or department level at which the research was conducted, including:*
  - (A) conducting early pre-grant feasibility studies;*
  - (B) preparing competitive proposals for sponsored programs;*
  - (C) providing carryover funding for research teams to provide continuity between externally funded projects;*
  - (D) supporting new researchers pending external funding;*
  - (E) engaging in research programs of critical interest to the general welfare of the citizens of this state;*
  - (F) purchasing capital equipment directly related to expanding the research capability of the institution; and*
  - (G) research or project administrative costs; and*
- (2) the funds remaining after the application of Subdivision (1) shall be used by a general academic teaching institution or a medical or dental unit to support research as approved by a general academic teaching institution or a medical or dental unit.”*

#### **~~145.1. Authorized activities include:~~**

- ~~1. conducting pre-grant feasibility studies;~~
- ~~2. preparing competitive proposals for sponsored programs;~~
- ~~3. providing carryover funding for research to provide continuity between externally funded projects;~~
- ~~4. supporting new researchers pending external funding;~~
- ~~5. engaging in research programs of critical interest to the general welfare of the citizens of the state;~~
- ~~6. purchasing capital equipment directly related to expanding the research capability of the institution; and~~

~~7. providing research or project administrative costs not covered by the funding entity. The university shall report the actual amounts of money retained and expended under this policy and the estimated amounts for the next biennium in its report to the Legislative Budget Board as part of the biennial budget reporting process.~~

The academic units that generated the recovered ~~indirect~~ *F&A costs from restricted research* ~~shall will~~ receive fifty percent of the total ~~IDC~~ *F&A recovered revenue from* in a fiscal year, based on a formula recommended by the University Research Council and approved by the provost and vice president for academic affairs. If an ~~IDC~~ *F&A rate* reduction was granted for a project, the amount recovered from that project will be excluded from the distribution formula. The distributions ~~shall be calculated~~ *are made by ORSP and approved by the Controller's Office* after the close of each fiscal year, based on ~~indirect~~ *F&A costs recovered the previous fiscal year. Reports summarizing the use of these funds must be submitted to the controller's office annually.* The administrative cost allowance generated by financial aid programs is not considered in the distribution formula.

*The university will report the actual amounts of money retained and expended under this policy and the estimated amounts for the next biennium in its report to the Legislative Budget Board as part of the biennial budget reporting process.*

### **Fixed-Price Agreements**

~~Fixed-price agreements are awards where the university agrees to perform work or deliver a product within a specified period at a price agreed to in advance that is payable in full regardless of actual costs incurred. Therefore, there may be a residual balance. In determining the price of a contract, the PI or PD must consider actual costs, the university's indirect cost rate, and anticipate potential cost overruns. Internal operating budgets for fixed-price awards are required, and award funds must be used during the term of the award in support of the statement of work. The PI or PD is responsible for charging all appropriate operating expenses to the award account, including salary at a level commensurate with the effort committed to the project.~~

~~If an IDC waiver or reduction has been granted, after the project end date and all expenses allocable to the project have been recorded, the full federally negotiated indirect cost rate will be charged against any residual balance. A residual balance should be no more than 30% of the original balance after all expenditures and indirect costs have posted. If the percentage exceeds 30%, the remaining balance may be returned to the sponsor. Once it is established that the PI or PD has submitted all required deliverables and reports and they have been accepted by the sponsor up to \$10,000 or 25% of any remaining balance, whichever is less, will be transferred to a fixed-price residual (FPR) fund for the PI or PD, or into an FPR fund established for a university recognized center. Fixed-price residual funds must be used for on-going research activities or to support the goals and objectives of the PI, PD, or center, in accordance with state~~

~~and university regulations, policies, and procedures. Any remaining balance in excess of 25% or \$10,000 will be transferred to a designated fund pool to be used in support of research and development.~~

**Cross Reference:** 2 *C.F.R.* §§ 200.56,.57,.306,.414; Tex. Educ. Code § 145.001; ORSP Grants and Contracts Procedures Manual

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

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

**Forms:** Request for ~~Indirect F&A Cost Rate Reduction or Waiver~~

**Board Committee Assignment:** Finance and Audit

## Institutional Animal Care and Use Committee (IACUC)

**Original Implementation:** April 17, 2012

**Last Revision:** ~~None~~ July 28, 2015

The Stephen F. Austin State University Institutional Animal Care and Use Committee (IACUC) is responsible for the review of research and teaching activities that involve vertebrate animals.

This review process ensures that all university activities comply with government regulations set forth by the United States Department of Health and Human Services, Office of Laboratory Animal Welfare (OLAW) and by the United States Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS) under the Animal Welfare Act (AWA).

The IACUC ~~shall~~*will* consist of a minimum of five (5) members, including: at least one faculty member representing an academic department utilizing vertebrate animals for research, testing, or training; one member from a department that does not utilize animals in research; one ~~D~~doctor of ~~V~~veterinary ~~M~~medicine; and one member of the community not associated with the university. The committee will meet at least twice per year and on an as-needed basis to review faculty research proposals that involve vertebrate animals and complete any additional tasks required by law.

The IACUC will establish and publish the processes that must be followed when vertebrate animals are to be used in research. The *provost and* vice president for academic affairs ~~shall~~*will* serve as the ~~I~~institutional ~~O~~official (IO). The IACUC reports to the IO, who possesses administrative and operational authority to ensure compliance with relevant policies from OLAW and the AWA.

No activities involving vertebrate animals can be carried out without approval from the IACUC. This includes activities that may be considered exempt activities and/or exempt animals.

This policy applies to all activities, teaching and research, that involve vertebrate animals that are: sponsored by the university; conducted by university faculty, staff, visitors, or students; and conducted using property and/or facilities owned by the university.

Failure to comply with applicable federal policies related to animal care and use may result in civil and/or criminal penalties, and may also result in loss of federal funding to the university.

**Cross References:** 9 C.F.R. § 2.31; Animal Welfare Act, 7 U.S.C. 2131 et. seq.; Office of Laboratory Animal Welfare, *Guide for the Care and Use of Laboratory Animals*, 8th edition; Office of Laboratory Animal Welfare, *Institutional Animal Care and Use Committee Guidebook*, 2nd edition; *ORSP Grants and Contracts Procedures Manual* -

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

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

**Forms:** Animals in Research Protocol; *IACUC Application – short form*

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

## Institutional Reserves Fund

**Original Implementation:** July 13, 2006

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

### Definition and Purpose

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

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

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

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

### Institutional Reserves Fund Budgeting

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

- funding expenditures that are fixed term in nature (usually three years or less)
- funding expenditures that should be paid from sources other than tuition or state appropriations
- funding a general contingency for unplanned or unexpected financial needs that may arise during the fiscal year
- strategically allocating reserves when the balance is significantly above the target

**Institutional Reserves Fund Size**

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

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

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

**Cross Reference:** None

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

**Contact for Revision:** Vice President for Finance and Administration

**Forms:** None

**Board Committee Assignment:** Finance and Audit

## Kennedy Auditorium

**Original Implementation:** September 1, 1975

**Last Revision:** ~~April 23, 2013~~ July 28, 2015

~~Reservations for Kennedy Auditorium shall be made with the dean of the College of Sciences and Mathematics. A facility reservation agreement form must be completed and approved by the dean.~~

~~Verification shall be required that space is not available in the Baker Pattillo Student Center prior to a student organization being given permission to use Kennedy Auditorium. No fee shall be charged for use of the auditorium. Groups/organizations may charge a fee or take donations for their event if lawful to do so.~~

~~The university shall not be responsible for items left in the auditorium.~~

~~The person making the reservation shall be responsible for obtaining any needed equipment, e.g., a podium, projector, public address system, etc.~~

~~The person reserving the auditorium shall be responsible for keeping the facility clean and for repairing any damage.~~

~~No materials shall be affixed in any way to the auditorium's walls, doors (interior or exterior), chalkboards or screens without prior written approval of the dean.~~

~~Prior to the event, a representative of the group/organization using the auditorium shall make a walk-through of the venue with a representative from the dean's office.~~

~~Violation of the above guidelines shall result in denial of future use.~~

### *Auditorium Operating Policy*

*Scheduling and use of Kennedy Auditorium is pursuant to Use of University Facilities (16.33). The dean of the College of Sciences and Mathematics is the administrator of the facility and its operating policies. Nothing contained in this policy will be construed to prohibit or hinder the operation of Kennedy Auditorium in pursuing the university's mission. All activities associated with that mission will have priority in the use of this facility.*

### *Priority of Users*

*Because Kennedy Auditorium is an academic and a special events venue, its use will be restricted according to the following prioritized categories:*



*Category I – Events sponsored by the College of Sciences and Mathematics and other activities that are a necessary adjunct to academic programs in the College of Sciences and Mathematics.*

*Category II – Events sponsored by university administration, academic units or student organizations.*

*Category III – Events sponsored by non-university groups, subject to the regulations described herein.*

### *Reservation Procedures*

*Reservations for all functions in Kennedy Auditorium are made through the office of the dean of the College of Sciences and Mathematics. A facility reservation agreement form must be completed and approved by the dean. Verification will be required that space is not available in the Baker Pattillo Student Center prior to a student organization being given permission to use Kennedy Auditorium. The dean will act as arbitrator in circumstances where scheduling conflicts cannot be resolved. No fee will be charge for the use of the auditorium. Groups/organizations may charge a fee or take a donation for their event if lawful to do so.*

### *General Operating Regulations*

- 1. No signs, messages or other materials may be posted, displayed, distributed or announced in, on, or adjacent to Kennedy Auditorium by the user or sponsor without prior written approval by the dean of the College of Sciences and Mathematics. Such materials may not be fastened to any part of the facility except in spaces provided for that purpose and may not be permitted to interfere with crowd movement and safety.*
- 2. Safety regulations, as determined by the Kennedy Auditorium facilities director and the university safety officer, will govern all areas of Kennedy Auditorium*
- 3. A walk-through of the auditorium with the facilities director must take place prior to and at the conclusion of the event. The sponsor of the organization must be present for the walk-through.*
- 4. The user organization is responsible for the conduct of its representatives, members and guests of the event while in Kennedy Auditorium. Organizations with a history of conduct violations during previous use of Kennedy Auditorium may be denied subsequent use.*
- 5. In accordance with Smoking, Vaping and Use of Tobacco Products (13.21), Kennedy Auditorium is a non-smoking facility and smoking is prohibited within 20 feet of any entrance/exit. In addition, the use of electronic cigarettes is prohibited in the auditorium*
- 6. The user must specify hours of occupancy and may not have any activities in the facility other than at those times.*
- 7. All university equipment will be operated by trained personnel employed by the university and/or approved by the Kennedy Auditorium facilities manager.*
- 8. Kennedy Auditorium will not provide any multimedia equipment. If the user requires this for the event, they will need to contact Baker Pattillo Student Center Reservations, make the necessary arrangements and be responsible for any expense.*

9. *The user must obtain approval from the Kennedy Auditorium facilities manager before placing any equipment on the stage. All decorations will be installed without defacing the building and will be subject to the supervision and approval of the Kennedy Auditorium facilities manager.*
10. *The user organization will not allow beverages, food, gum or refreshments of any kind to be sold, brought into, or served in Kennedy Auditorium. No refreshments will be taken onto the stage, into the backstage areas, or into the auditorium at any time. Exceptions must be approved by the Kennedy Auditorium facilities manager.*
11. *All users and sponsors will be responsible for payment for damages to the facility, its fixtures and equipment, whether caused by the user, sponsor or its patrons.*
12. *The user organization will leave the facility, including the stage area, backroom and access areas, clean and clear after the event.*
13. *A cancellation notice of 48 hours is required. Failure to do so may result in denial of any future use of the facility.*
14. *The university will not be responsible for items left in the auditorium*

**Cross Reference:** Use of University Facilities (16.33); *Smoking, Vaping and Use of Tobacco Products* (13.21)

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

**Contact for Revision:** Dean of the College of Sciences and Mathematics

**Forms:** Facility Reservation Agreement; Walk-Through Checklist

**Board Committee Assignment:** Building and Grounds Committee

## Lease, Rental or Use of Off-Campus Facilities

**Original Implementation:** July 15, 2003

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

~~The administration of~~ Stephen F. Austin State University recognizes the significance of diligence in its efforts to ensure the safety of employees and students when utilizing off-campus facilities for university-sponsored events. This policy governs the use of private, off-campus facilities for short-term university-sponsored events such as off-campus leadership seminars, conferences or retreats involving students, faculty or staff, and other similar events. The policy additionally governs the use of private, off-campus facilities for long-term leased facilities utilized by campus departments and offices.

Private facilities providers are required to ~~contractually~~ address fire safety requirements, meet the prevailing local fire code, and have been inspected for fire safety. In the absence of a local fire code, the Life Safety Code (NFPA 101, latest edition) shall be applied as the minimum standard for fire safety. Off-campus facilities utilized for long-term leases must additionally meet ADA accessibility requirements and be inspected by Physical Plant prior to leasing the facilities. Contracts with private facilities providers should be secured for each university-sponsored event and long-term facilities lease, and each private facilities provider will be required to sign an Off-Campus Facilities Contract Addendum to attach to the contract. The Office of the General Counsel shall review each contract for approval prior to forwarding it to the president for signature. Copies of long-term leases shall be provided to and maintained by the Physical Plant *Department*. The originating department/office shall notify Procurement and Property Services of the address of the leased facilities and any property that will be transferred to the leased facilities. A copy of each facility contract and addendum ~~shall~~ *will* be maintained by the originating department/office for a period of two years after the termination of the contract.

Pyrotechnics are not allowed on university-leased premises; unless specifically approved in writing by the president.

### Procedures for Off-Campus Facilities Use (*Short-term* University Sponsored Event):

1. Department/office sponsoring the off-campus event ~~shall~~ *will* secure a contract with the private facility provider for the event. An Off-Campus Facilities Contract Addendum ~~shall~~ *will* be signed by the private facility provider and attached to the contract.
2. The private facility provider contract, together with the required Off-Campus Facilities Contract Addendum ~~shall~~ *will* be forwarded to the Office of the General Counsel for approval. Upon signature by the president, the original contract and attached addendum will be returned to the originating department/office for retention.

3. ~~An original,~~ The fully signed contract and addendum ~~shall~~ will be maintained by the department/office sponsoring the off-campus event for a period of two years after the date of the event.

Procedures for Off-Campus Facilities Use (Long-term Lease):

1. Department/office leasing the off-campus facility ~~shall~~ will secure a contract/lease agreement with the private facility provider. An Off-Campus Facilities Contract Addendum ~~will~~ shall be signed by the private facility provider and attached to the contract/lease agreement.
2. Before processing a contract/lease agreement, the department/office leasing the off-campus facility ~~will~~ shall contact the director of Physical Plant and request an inspection of the facility. Results of the inspection ~~will~~ shall be provided to the Office of the General Counsel.
3. The private facility provider contract, together with the required Off-Campus Facilities Contract Addendum, ~~will~~ shall be forwarded to the Office of the General Counsel for approval. Upon signature by the president, the ~~original~~ contract and attached addendum will be returned to the originating department/office for retention.
4. ~~An original, fully signed~~ The contract and addendum ~~will~~ shall be maintained by the department/office leasing the off-campus facility ~~for a period of two years after the termination date of the lease~~ in accordance with the university's records retention schedule.
5. Department/office ~~will~~ shall notify Environmental Health, Safety and Risk Management of the location of the leased facility for notification of university insurance carriers, as applicable. Procurement and Property Services must also be notified of any property that will be transferred to the leased facility and any applicable procedures followed.
6. Items containing potentially sensitive, private or confidential information are not to be stored in any leased premises unless specifically authorized in writing by the president. These items include but are not limited to computers, electronic or digital storage devices, and paper documents. Certain off-campus facilities may lack the security necessary to protect such sensitive information.

**Cross Reference:** None

**Responsible for Implementation:** President

**Contact for Revision:** General Counsel

**Forms:** Off-Campus Facilities Contract Addendum

**Board Committee Assignment:** Building and Grounds

## Memberships

**Original Implementation:** September 1, 1982

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

All memberships are held in the name of the university. Memberships that clearly relate to the university as a whole may be paid from the university's institutional membership account, subject to available funding and president's approval. Memberships relating to specific departments or functions are funded from departmental or college accounts.

Memberships that will be paid with appropriated funds must be submitted on a purchase requisition and approved at the president or vice president level. This approval may not be delegated.

Memberships in a chamber of commerce may not be purchased with appropriated funds.

**Cross Reference:** Tex. Gov't Code § 2113.104; State Comptroller eXpendit, Restricted Expenditures

**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

## Misconduct in Federally Funded Research

**Original Implementation:** April 27, 1994

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

### I. Introduction

#### A. Policy Statement

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

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

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

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

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

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

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

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

## B. Scope

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

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

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

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

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

## II. Definitions

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

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

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

### III. Rights and Responsibilities



## A. Research Integrity Officer (RIO)

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

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

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

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

## B. Complainant

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

## C. Respondent

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

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

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

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

#### D. Deciding Official

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

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

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

### IV. General Policies and Principles

#### A. Responsibilities to Report Misconduct

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

~~shall~~will refer the individual or allegation to other university offices or officials with responsibility for resolving the problem.

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

#### B. Cooperation with Misconduct Proceedings

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

#### C. Confidentiality

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

#### D. Protecting Complainants, Witnesses and Committee Members

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

#### E. Protecting the Respondent

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

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

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

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

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

Such potential threats where interim action should be taken include:

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

## V. Stage 1 – Conducting the Assessment and Inquiry

### A. Assessment of Allegations

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

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

## B. Initiation and Purpose of the Inquiry

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

## C. Notice to Respondent; Sequestration of Research Records

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

## D. Appointment of the Inquiry Committee

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

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

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

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

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

#### E. Inquiry Process

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

#### F. Time for Completion

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

### VI. The Inquiry Report

#### A. Elements of the Inquiry Report

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

The university's general counsel ~~shall~~*will* review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry

committee. The inquiry report ~~shall~~*will* include: (1) the names and titles of the committee members and experts who conducted the inquiry; (2) a summary of the inquiry process used; (3) a list of the research records reviewed; (4) summaries of any interviews; and (5) any other actions that should be taken if an investigation is not recommended.

#### B. Notification and Opportunity to Comment

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

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

#### C. Institutional Decision and Notification

##### 1. Decision by Deciding Official

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

##### 2. Notification to the ORI

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

##### 3. Documentation of Decision Not to Investigate

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

### VII. Stage 2 – Conducting the Investigation



## A. Initiation and Purpose

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

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

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

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

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

## C. Appointment of the Investigation Committee

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

allegation, interview the respondent and complainant and conduct the investigation. Individuals appointed to the investigation committee may also have served on the inquiry committee.

#### D. Charge to the Committee and the First Meeting

##### 1. Charge to the Committee

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

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

##### 2. First Meeting

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

#### E. Investigation Process

The investigation committee and the RIO must:

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

#### F. Time for Completion

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

### VIII. The Investigation Report

#### A. Elements of the Investigation Report

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

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

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

## B. Comments on the Draft Report and Access to Evidence

### 1. Respondent

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

### 2. Complainant

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

## C. Decision by Deciding Official

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

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

reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of other sponsoring federal agencies.

#### D. Appeals

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

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

#### E. Notice to the ORI of Institutional Findings and Actions

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

#### F. Maintaining Records for Review by the ORI

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

review of an allegation of research misconduct or of the institution's handling of such an allegation.

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

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

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

#### X. Institutional Administrative Actions

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

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

#### XI. Other Considerations

##### A. Termination or Resignation Prior to Completing Inquiry or Investigation

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

If the respondent, without admitting to research misconduct, elects to resign after the institution receives an allegation of research misconduct, the assessment of the allegation ~~shall~~*will* proceed, as well as the inquiry and investigation as appropriate, based on the

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

#### B. Restoration of the Respondent's Reputation

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

#### C. Protection of the Complainant, Witnesses and Committee Members

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

#### D. Allegations Not Made in Good Faith

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

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

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

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

**Forms:** None

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



## Naming Guidelines

**Original Implementation:** January 23, 1971

**Last Revision:** ~~January 29, 2013~~ July 28, 2015

Buildings and other facilities (including rooms, laboratories and clinics) of Stephen F. Austin State University may be named by the Board of Regents for deceased persons who have made outstanding contributions to the university or its prestige. In extraordinary circumstances, particularly when a significant donation has been made to the university, the Board of Regents may name a building, or other facility, for a living person.

Listed below are minimum dollar amounts associated with fundraising necessary for naming consideration:

One of the six colleges within the university	\$5,000,000
A department or school within a college	\$2,000,000
An institute or center within a college	\$1,000,000
Any existing, unnamed building	\$1,000,000
An endowed academic chair in any discipline	\$1,000,000
An endowed distinguished professorship	\$250,000
An endowed professorship	\$125,000
An endowed full-tuition and fees scholarship	\$250,000
Minimum for any named endowed fund	\$20,000

The Board of Regents retains the latitude to create alternate naming opportunities within the discretion of the board.

Proposed names may be submitted from any source to the Office of Development for their recommendation to the president who, if he concurs shall submit such names, together with background reasons, to the Board of Regents for consideration; provided, however, that the Board of Regents may act without receiving a nomination from the Office of Development, when circumstances justify such action, and particularly when a substantial donation has been made toward the construction of the building or facility to be named. Any such nominations shall be reviewed by the building and grounds committee of the board. Such review shall take place before contact with any prospective nominee. A name will not be moved from one building to another and when a building is razed, the name will no longer be used.

A plaque shall be placed on each new building. The plaque shall show the names of those occupying the following positions on the date of the contract award ~~the project is approved by the Board of Regents~~: the officers of the Board of Regents, the remaining members of the Board of Regents in alphabetical order, the student regent, the president of the university, the vice president for finance and administration, the vice president(s) for the area involved, the director of physical

plant, the architect and the contractor, together with the year the contract is awarded *project was approved.*

**Cross Reference:** Board of Regents Rules and Regulations

**Responsible for Implementation:** President

**Contact for Revision:** President

**Forms:** None

**Board Committee Assignment:** Building and Grounds

## Nepotism

**Original Implementation:** Unpublished

**Last Revision:** ~~January 27, 2015~~ July 28, 2015

For this policy, the term “relative” shall mean those individuals within the second degree of affinity (marriage) or third degree of consanguinity (blood), defined as follows:

~~Relatives of a person within the second degree of affinity include the spouse of the person and the parents, children, brothers, sisters, grandchildren, nephews, nieces, uncles, aunts, and first cousins of the employee's spouse.~~

~~Relatives of a person within the third degree of consanguinity include the parents, children, brothers and sisters, grandparents, uncles and aunts, nephews and nieces, grandchildren, great grandchildren, and great grandparents in Appendix A.~~

An adopted child is treated as the natural child of the adoptive parents.

These rules concerning nepotism apply to all employees of the university including students, whether employed full or part-time. Employees are required to annually disclose, in a manner determined by the university, the existence of any relationship that may be or cause a violation of this policy.

A university employee may not hire, appoint, or confirm the appointment of a relative for a university position of employment or take any action with regard to the relative’s promotion, salary or supervision. If an appointment, reappointment, reclassification, promotion or other action places a person under the supervision of a relative, all subsequent actions with regard to the terms and conditions of employment, including the annual performance evaluation, is the responsibility of the next highest administrative supervisor. This shall further apply in situations where two employees marry and one spouse is the administrative supervisor of the other.

No relative of a member of the Board of Regents may be employed for any position with the university. However, an exception to this rule will be made in cases where the relative has been continuously employed in the position for a period of thirty (30) days prior to the appointment of the related regent. When a relative is allowed to continue in a position because of the operation of this exception, the regent who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of the relative, if such action applies only to the relative and is not taken with respect to a bona fide class or category of employees.

An individual who violates this policy may be subject to criminal penalties and/or dismissal from employment.

**Cross Reference:** Tex. Gov't Code Ch. 573; Non-Academic Employee Handbook

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

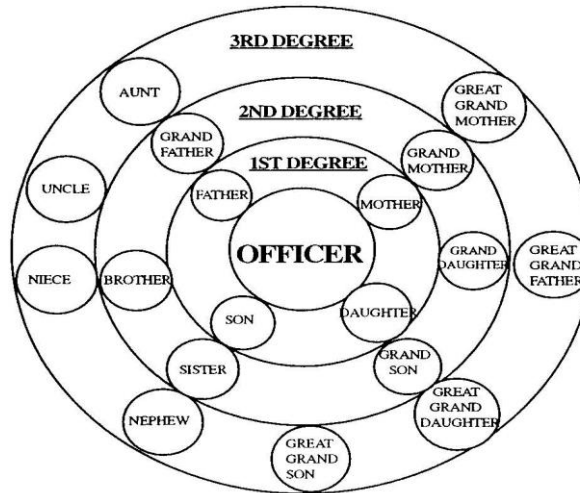
**Contact for Revision:** Director of Human Resources and General Counsel

**Forms:** None

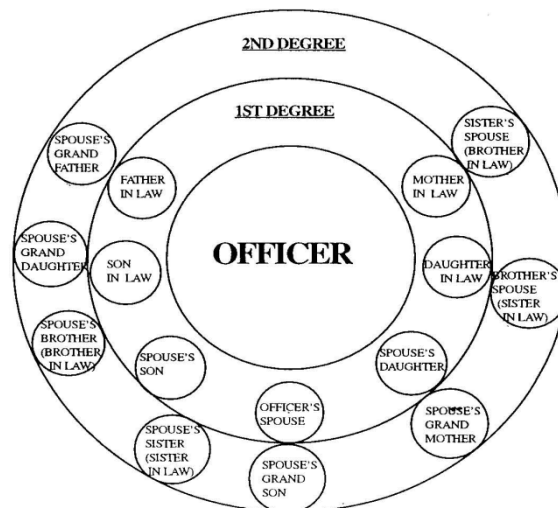
**Board Committee Assignment:** Academic and Student Affairs

## Appendix A

### Consanguinity Kinship Chart (Relationship by Blood)



### Affinity Kinship Chart (Relationship by Marriage)



## Payment Card Acceptance and Security

**Original Implementation:** July 21, 2009

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

### Purpose

The purpose of this policy is to apply best security practices to ensure the protection of payment card information by complying with Payment Card Industry (PCI) Data Security Standards (DSS). This policy is supplemental to any other information security policies currently in effect at Stephen F. Austin State University (university).

### Resources Covered

All computers, electronic devices, or other resources at the university used in the processing, transmitting and storing of cardholder information are governed by this policy and subject to PCI-DSS requirements. This includes servers which store payment card information; workstations which are used to enter payment card information into a central system; cash registers, point-of-sale terminals connected to a phone line or the university network; and any other devices through which the payment card information is transmitted. Also covered are Web site storefronts that redirect customers to another Web site to enter payment information. In addition, all paper forms or receipts containing cardholder data are also covered under this policy.

### Covered Groups

This policy applies to all university departments, faculty, staff, students, temporaries, vendors, associated entities, or any others who process, transmit, store or handle cardholder information in physical or electronic format on behalf of the university. This policy also applies to any affiliated organizations with cardholder information that is processed, transmitted or stored on systems connected to the university network or through assets or equipment owned by the university.

### Definitions

**Affiliated Organizations:** An entity that uses systems connected to the university network or assets or equipment owned by the university to process, transmit or store cardholder information.

**Cardholder:** The customer to whom a credit card or debit card has been issued or the individual authorized to use the card.

**Payment card:** General term which includes both debit cards and credit cards.

**Payment card information:** Any personally identifiable information associated with a cardholder (e.g., cardholder name, account number, expiration date, address, social security number, personal identification number and card validation code).

**Payment Card Industry (PCI) Data Security Standards (DSS)** are the result of collaboration between the five major credit card brands to develop a single approach to safeguarding cardholder data. The standards apply to all entities that store, process, and/or transmit cardholder data and covers technical and operational system components included in or connected to cardholder data.

**Payment Processor:** Any individual, department, school, or other functional area accepting payment cards in exchange for goods or services on behalf of the university or an affiliated organization.

### Responsibilities

1. The vice president for finance and administration is responsible for oversight of the PCI compliance program (program). The vice president for finance and administration will designate specific responsibility for the development, implementation and administration of the program.
2. The designated program representative(s) will review and approve all requests to accept payment cards, perform all necessary actions to ensure PCI compliance and respond to any suspected payment card information threat.
3. Payment card processors will establish and maintain documented procedures for complying with this policy and PCI-DSS.

### Requirements

4. PCI DSS compliance is mandatory for any department or affiliated organization that accepts, captures, stores, transmits and/or processes payment card information.
5. Only authorized and properly trained employees, vendors, and temporary employees may accept and/or access payment card information.
6. *All employees with access to payment card information are required to take payment card training annually.*
- 6.7. Each person who has access to payment card information is responsible for protecting the information in accordance with PCI DSS and university policy.
- 7.8. Only PCI DSS compliant equipment, systems and methods may be used to process, transmit and/or store payment card information.

- ~~8.9.~~ All systems used to process, store or transmit payment card data must be registered with the designated program representative.
- 9.10. Payment cards cannot be processed, stored and/or transmitted using the university's network unless Information Technology Services (ITS) has verified existence of all technical controls required by the PCI DSS and other applicable university policies.
- ~~10.11.~~ Payment card processors must obtain advance approval from the program representative(s) designated by the vice president for finance and administration before accepting payment cards for payment of goods or services, or before entering into any contracts or purchases of software and/or equipment related to payment card processing. Once approved, copies of contracts must be forwarded to the designated program representative(s).
- ~~11.~~ Payment processors are required to use the university's preferred service provider. Exceptions may be granted only after a request from the payment processor has been reviewed and approved by the designated program representative(s). When an exception has been granted, the payment processor remains responsible for ensuring the service provider is PCI compliant and provides ongoing certification of – compliance.
- ~~12.13.~~ Contracts with third parties with access to payment card information must include language that requires adherence to the PCI DSS.
- ~~13.~~ Suspected *exposure* or theft of payment card information must be reported immediately to *one of the following university employees: the vice president for finance and administration or the director of financial services, the controller, the director of audit services, or the chief of police.* ~~esignated program representative(s)~~
14. ~~representative(s)~~ Additionally, Any suspected breach in the network should be immediately reported to the director of information technology.
- ~~14.15.~~ Unencrypted wireless, email, fax and campus mail are not recognized as secure methods for transmitting or accepting cardholder data. Cardholder data must not be transmitted in an ~~in~~secure manner.
- ~~15.16.~~ Printed receipts or other physical materials containing cardholder information must be stored in a secure environment until they are processed.
- ~~16.17.~~ Payment card information must be destroyed in a secure manner as soon as it is no longer needed.

### Enforcement:

Periodic reviews may be performed to validate compliance with this policy. If the requirements of this policy are not followed, suspension of payment card options ~~will~~ may result. Substantial fines may also be imposed by credit card companies if a security breach and subsequent compromise of payment card data occurs.



*Employees in violation of PCI DSS and this policy may be subject to a range of sanctions including loss of computer network access, disciplinary action or legal sanctions.*

**Cross Reference:** PCI Security Standards; ~~Policy 3.26,~~ Receipts and Deposits (3.26)

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

**Contact for Revisions:** Vice President for Finance and Administration

**Forms:** Application for Exception from Use of University Preferred Electronic Payment Service, Statement of Intent to Comply with the University Policy for Payment Card Acceptance and Security, Payment Card Processor Registration Form, Confidentiality Statement

**Board Committee Assignment:** Finance and Audit

## Payments to Human Research Subjects

**Original Implementation:** July 21, 2009

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

During the conduct of research studies with human subjects, it is recognized that participants may incur personal costs for which they are entitled to reimbursement. It is also desirable in some instances to provide a reward or recognition to participants for the time and effort they have devoted to participate in a research project.

At the time of application to the Stephen F. Austin State University (SFA) Institutional Review Board (IRB) for approval of the conduct of research studies with human subjects, the principal investigator ~~should~~*must* present a rationale to establish the appropriate level of compensation for participants in the study.

Any reimbursement or incentive to participants in a research study must not involve coercion or constitute undue inducement or influence an individual's decision to participate in the study.

Subject to university policy, cash, gift cards and gifts such as t-shirts or coffee mugs may be used for compensation and/or personal expenses such as travel and child care costs may be reimbursed. Gifts ~~should~~*must* be provided to participants at the completion of the relevant activity.

Payments by check should be avoided as they require disclosure of personal information to the business office.

Use of Grant Funds – Reimbursements or incentives for participation in a research study must be detailed in the grant application and in the application to the IRB by method and amount. The payments must be approved by the funding agency and the IRB.

Informed Consent - It is critical that participants are informed during the consent process that if, either in one or multiple studies in a given calendar year, the total payments and/or gift values exceed \$100, their social security number and contact information ~~shall~~*will* be provided to the SFA business office in order to comply with Internal Revenue Service regulations. Further, study participants ~~should~~*must* be informed that if they receive payments that total more than \$599, they ~~shall~~*will* receive a tax form from SFA at the end of the calendar year.

Finally, participants ~~should~~*must* be told that they can elect not to receive payments to avoid disclosure of this information to the SFA business office.

Documentation – Principal investigators are required to maintain a tracking list or spreadsheet with individual code numbers and payments. If compensation is by gift or gift card, the principal investigator must record the individual's name, social security number, address, and signature at

the time of payment. Unless the study guarantees participant anonymity, the principal investigator must also keep a master list linking code numbers and individual participant names, which must be kept in a password-protected computer file and/or locked filing cabinet. The tracking spreadsheet or other documentation with study and individual code numbers must be retained by the principal investigator for a minimum of seven years after completion of the study or the requirements of the specific grant award, whichever is longer.

**Cross Reference:** Ethical Principles and Guidelines for the Protection of Human Subjects in Research: The Belmont Report; 45 C.F.R. § 46; Gifts, Prizes and Awards (3.18).

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

**Contact for Revision:** Director of the Office of Research and Sponsored Programs

**Forms:** SFA business office and Institutional Review Board forms

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

## Physical Plant Charges

**Original Implementation:** December 7, 1987

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

Funding for repairs to campus buildings comes from several sources and the type and use of the building determines the source of funding. Funding is as provided below:

Educational and general buildings (i.e., academic and non-auxiliary support offices, classrooms, library, etc.): Maintenance of these buildings and building equipment is the responsibility of the Physical Plant department and is paid from funds budgeted for that purpose.

The Physical Plant department may, ~~however, charge educational and general accounts for the~~ following material and services.

1. Materials taken from stock not used in maintenance projects.
2. Repair of equipment including appliances.
3. ~~Event s~~Set-up, ~~equipment rental~~, and moving ~~charges~~services.
4. Paint requests when redecorating or outside the normal maintenance schedule.
5. Materials and labor for millwork.
6. Vehicle rentals, repairs, and fuel.
7. ~~Minor alterations that change the structure of the facility~~*Requested modifications to facilities.*
8. Replacement of lost keys or lock changes due to lost keys.
9. Call back expenses that are not caused by normal maintenance requirements.
10. *Requested items such as name plates, plaques and departmental directories.*

All maintenance and requested services for non-education and general buildings will be charged to the appropriate campus customer account.

Normal business hours of the Physical Plant department are Monday through Friday 7 a.m. to 4 p.m. Please note that all work performed outside of these normal business hours may be subject to an overtime charge.

**Cross Reference:** None

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

**Contact for Revision:** Director of Physical Plant

**Forms:** None

**Board Committee Assignment:** Finance and Audit

## Procurement Training

**Original Implementation:** July 16, 2013

**Last Revision:** ~~None~~ July 28, 2015

Various sections of *the* state government code, education code, and human resources code, in addition to numerous sections of administrative rules, apply to purchases made by Stephen F. Austin State University. University policies and procedures apply additional requirements to purchases.

Because the university adheres to a policy of centralized purchasing, the procurement office is charged with ensuring that applicable laws, rules, policies and procedures are followed for each purchase. Employees are required to be aware of their limited delegated purchasing authority and that various laws, rules, policies and procedures may affect the processing of their requisition to a purchase order.

Therefore, mandatory training is required *for the following employees:*

1. ~~for all individuals~~ employees having access in the university's financial system to enter requisitions
2. *employees having access in the university's financial system to approve requisition*
3. *officers and employees authorized to execute contracts, or exercise discretion in awarding contracts,* ~~with the exception of employees who enter only travel requisitions.~~

Training is required every two years. All training is documented in the university's myTraining system.

Failure to complete training within 60 days of notification will result in all ordering for the department, including p-cards, being shut down until the individual completes training.

The procurement director may allow exceptions to the training timeframes for employees on FMLA leave, out of the country, or as otherwise deemed appropriate.

**Cross Reference:** Delegated Purchasing Authority (17.5); *Tex. Educ. Code § 51.9337*

**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

## **~~Prohibition of Campus Violence~~ POLICY TO BE DELETED**

**Original Implementation:** July 21, 2009

**Last Revision:** July 17, 2012

~~Stephen F. Austin State University recognizes that threatening and violent behavior is contrary to its mission as an educational institution. Such behavior while on university premises, at university sponsored activities, in electronic communities/instructional sites or off-campus conduct that adversely affects the university and/or the pursuit of its objectives will not be tolerated. The university encourages all members of the university community to promptly report any emergency or crime to the SFA University Police (UPD).~~

### **~~General Policy Guidelines~~**

#### **~~A. Scope~~**

~~This policy applies to conduct that occurs on university premises, at university sponsored activities, in electronic communities/instructional sites and to off-campus conduct that adversely affects the university and/or the pursuit of its objectives.~~

#### **~~B. Definitions~~**

~~**Violent behavior** includes any behavior, whether intentional or reckless, which results in bodily injury to one's self, another person and/or damage to property.~~

~~**Threatening behavior** includes any behavior, whether intentional or reckless, that by its nature would be interpreted by a reasonable person as intent to harm one's self, another person or damage property belonging to another. Threats may be oral, written, or communicated through conventional mail, electronic, fax, or telephonic means and may be direct or implied.~~

~~**Campus violence** encompasses threatening and violent behavior. Campus violence can include, but is not limited to, the following:~~

- ~~▪ Physically assaulting a person, including slapping, hitting, punching, pushing, poking or kicking; or threats to inflict physical harm;~~
- ~~▪ Arson, sabotage, equipment vandalism, damaging or destroying property, throwing or hitting objects;~~
- ~~▪ Displaying a weapon or an object that appears to be a weapon in a threatening manner; carrying a firearm of any kind onto university owned or controlled property (except those permitted by state law or university policy); or using a weapon to harm someone;~~
- ~~▪ Using greater physical size/strength to intimidate another; intimidating or threatening gestures, bullying or hazing;~~



- ~~Intimidating, threatening, hostile or abusive language directed toward another person that communicates the intention to engage in violence against that person and leads a reasonable person to expect that violent behavior may occur;~~
- ~~Stalking another person.~~

### **~~C. Campus Violence Prohibited~~**

~~Any student who engages in campus violence while on university premises, at university sponsored activities, in electronic communities/instructional sites or off-campus conduct that adversely affects the university and/or the pursuit of its objectives may be removed and/or barred from the premises pending the outcome of an investigation and any disciplinary action deemed necessary as determined through the regular student disciplinary process (see university policy 10.4, Student Code of Conduct).~~

## **~~H. Procedures~~**

### **~~A. Reporting Immediate Emergencies or Crimes~~**

~~Any person who experiences, is aware of, or witnesses campus violence, or who has reason to suspect that campus violence is occurring that may be of a criminal nature or poses clear and present danger should immediately contact the University Police Department.~~

### **~~B. Protective or Restraining Orders~~**

~~Any student who takes out a protective or restraining order against another person, or receives a protective or restraining order which lists university owned or leased premises as a protected area, shall provide UPD with a copy of such order; and, when possible, a photograph of the person against whom the order has been issued.~~

### **~~C. Sanctions~~**

~~Students who violate this policy may be subject to disciplinary action up to and including suspension or expulsion, may be removed from campus pending investigation and completion of the student disciplinary process according to the university's interim suspension policy, and/or arrested and be subject to legal action.~~

### **~~D. Filing of False Reports~~**

~~Any person who knowingly and intentionally files a false report shall be subject to disciplinary action that may include dismissal, expulsion, and/or legal action.~~

**E. ~~Retaliation Prohibited~~**

~~A student who retaliates in any way against an individual who has brought a complaint in good faith pursuant to this policy or participated in good faith in an investigation of such a complaint is subject to disciplinary action including suspension or expulsion.~~

**~~Cross Reference:~~** Student Code of Conduct (10.4)

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

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

**~~Forms:~~** None

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

## Purchase Requisition

**Original Implementation:** Unpublished

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

Specific requests by a department to purchase goods or services begins with the completion of an electronic "Purchase Requisition" that must be approved by the account manager or his/her designee.

Requisition approvals are built and maintained in the university's financial system by the procurement office. In addition to departmental approvals, other conditional approvals are in place ~~for the following types of requisitions:~~ *based on the commodity or funding source.*

~~Computer Replacement Funds~~ — must be approved by the procurement office

~~Insurance~~ — must be approved by the Office of Environmental Health, Safety and Risk Management

~~Memberships~~ — must be approved by the president or a vice president or his/her designee if being paid with appropriated funds

~~Printing, Advertising, Web Design~~ — must be approved by the Office of Public Affairs

~~Research and Sponsored Programs Funds~~ — must be approved by the Office of Research and Sponsored Programs

~~Requisitions \$100,000 or greater~~ — must be approved by the director of procurement

~~Travel Requisitions~~ — must be approved by the dean or his/her designee, if applicable and the division vice president or president

Electronic requisitions are submitted following the guidelines outlined in the Procurement Requisitions, Approvals and Receiving Manual. Purchase orders may be created without a requisition, at the discretion of the purchaser. When a purchase order is created without a requisition, the department will be notified by email that the purchase has been charged to their account.

It is the responsibility of the end user to provide technical support in the preparation of specifications and in the evaluation of solicitations. If review of solicitation responses prior to award is specifically desired, include a comment to this affect in document text on the "Purchase Requisition".

Requisition processing within the procurement department differs depending upon source of funds, dollar value, the type of good or service being acquired, and department need. See Best Value Procurement (17.1).

Purchases from agency accounts may not be submitted on a purchase requisition. See Purchase Voucher (17.20).

**Cross Reference:** Best Value Procurement (17.1); Purchase Voucher (17.20)

**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

## Purchase Voucher

**Original Implementation:** September, 1990

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

Except as specified herein, purchases for goods or services are to be processed in accordance with Delegated Purchasing Authority (17.5). Payments that do not involve a ~~procurement-process~~ *purchase requisition* may be initiated on a purchase voucher and include, but are not limited to, the following:

1. Overnight mail services (no voucher required if using the procurement office preferred vendor contract)
2. Licensing fees (except software licensing fees)
3. Notary bonds
4. Refunds
5. Postage (*with president's approval in accordance with Mail Services (16.16)*)
6. Prepayment of registration fees for business conferences, workshops and seminars (these may also be paid with the *T-card or Pp-card*)
7. Settlement agreements
8. ~~All purchases from agency accounts~~

The purchase voucher form is available on the SFA business forms website.

Payments that are inappropriately initiated on a purchase voucher will be returned to the originating department for proper processing through the procurement office.

**Cross Reference:** Delegated Purchasing Authority (17.5), *Purchase Requisition (17.19)*, *Mail Services (16.16)*

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

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

**Forms:** *Purchase Voucher*

**Board Committee Assignment:** Finance and Audit

## Purchases from *Officers or Employees*

**Original Implementation:** Unpublished

**Last Revision:** ~~January 27, 2015~~ July 28, 2015

Purchases, including but not limited to p-card, purchase order and purchase voucher from an SFA officer or employee are prohibited except as provided herein. In addition, purchases from any person or entity with whom the SFA officer or employee has a family, financial or personal relationship must be disclosed and managed. Reference Purchasing Ethics and Confidentiality (17.22).

*The university may not enter into a contract for the purchase of goods or services with any business entity if the following officers or employees, or their family members, have a financial interest:-*

- 1) *a member of the SFA Board of Regents*
- 2) *the president*
- 3) *general counsel*
- 4) *director of procurement and property services*
- 5) *a family member related to any of the related to any of the above within the second degree of affinity or consanguinity (See Nepotism, 11.6)*

*Financial interest is defined as the officer, employee, or family member identified above:*

- *Owning or controlling, directly or indirectly, an ownership interest of at least one percent in a contractor or business entity, including the right to share in profits, proceeds, or capital gains; or*
- *Reasonably foreseeing that a contract with the contractor or business entity could result in a financial benefit to the officer or employee.*

*Financial interest does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than one percent in a corporation.*

*Such relationships must be disclosed annually in accordance with Purchasing Ethics and Confidentiality (17.22).*

*Except as otherwise prohibited herein, ~~The~~ purchase of commodities from any SFA officer or employee is ~~prohibited unless~~ allowed only if the price is equal to or less than that which can be obtained from any other known and ethical source, regardless of the dollar amount. Solicitation documentation showing pricing from a minimum of two other sources is required for any purchase including, but not limited to, procurement card, purchase order, or purchase voucher. A proprietary purchase from an officer or employee may be acceptable, but only with approval from the director of procurement.*

*Except as otherwise prohibited herein, Service contracts or agreements between employees and the university are normally not allowed and must be approved in advance by the director of procurement and the general counsel. The standard procedure is to submit an additional compensation form to human resources. Reference Salary Supplements, Stipends, and Additional Compensation policy (12.16).*

**Cross Reference:** Salary Supplements, Stipends and Additional Compensation (12.16); Purchasing Ethics and Confidentiality (17.22); *Nepotism (11.6); Tex. Gov't Code § 2261.252*

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

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

**Forms:** Sole Source/Product Justification

**Board Committee Assignment:** Finance and Audit

## Purchasing Ethics and Confidentiality

**Original Implementation:** Unpublished

**Last Revision:** ~~January 27, 2015~~ July 28, 2015

*Employees and officers of Stephen F. Austin State University are expected to maintain high personal standards in the conduct of daily business on behalf of the university, in addition to complying with all federal, state, and local laws as well as university policies. Credibility and public confidence are vital throughout the purchasing and contracting process. If any involved party displays a lack of honesty, integrity or openness, the entire program is injured. Even a perception of impropriety can destroy public confidence and therefore be as harmful as the conduct itself.*

For the purpose of protecting both the integrity and objectivity of its employees *and officers* in the performance of their university obligations it is the policy of the university that conflicts of interest should be avoided where possible or otherwise disclosed and managed.

*Each employee and officer understands that their primary responsibility is to accomplish the duties and responsibilities assigned to their position and will be required to annually disclose conflicts of interest, conflicts of commitment and outside activities that could give rise to concerns regarding contracting practices including, but not limited to, p-cards, purchase requisitions, purchase orders, bi-lateral contracts, or purchase vouchers. Contracts are strictly prohibited if certain officers or employees, or their family members, have a financial interest. See Purchases from Officers or Employees (17.21).*

~~Therefore, any~~ SFA employees *and officers* involved in any form of procurement or the procurement process may not:

- participate or work on a contract by taking action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation or similar action knowing that any person or entity with whom the employee has a family, financial, or personal relationship has an actual or potential financial interest in the contract, including prospective employment;
- participate or work on a contract as noted above knowing that the employee has an actual or potential financial interest in the contract, including prospective employment;
- solicit or accept gifts or gratuities which might tend to influence purchasing decisions;
- be employed by, or agree to work for, a vendor or potential vendor;
- knowingly disclose confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of another person.



Employees will be required to annually file a disclosure of substantial interest form identifying any possible conflict of interest situations that may arise in regard to any type of procurement process, including but not limited to, p-card, purchase requisition, purchase order or purchase voucher. ~~The~~ Each employee and officer must complete a disclosure of substantial interest form ~~must be completed~~ once each year for the fiscal year and shall *update the disclosure* ~~be completed~~ during the year as needed to identify applicable changes. The information provided in the annual disclosure ~~will be retained in procurement services,~~ will be considered confidential information and will be released only to those individuals involved in ~~purchasing~~ applicable decisions and only as needed or required by law; i.e., procurement, accounts payable, department heads, vice presidents, president, general counsel, etc. *The disclosure shall, at a minimum, identify known conflicts of interest identifying family, financial and personal relationships, conflicts of commitments and outside activities.*

#### Definitions:

##### Family Relationship –

- ~~▪ employee's spouse/partner~~
- ~~▪ employee's children, grandchildren, parents, grandparents, brothers and sisters (including half brothers and sisters)~~
- ~~▪ the spouses of any of the persons listed in the above bullet~~
- ~~the spouse's/partner's parents, brothers, sisters and children~~ Anyone within the second degree of affinity or third degree of consanguinity as specified in policy 11.16, Nepotism.
- any firm in which any of the above persons is a partner or sole proprietor, or any corporation in which any of those persons holds 5% or more stock either directly or indirectly, or any other individual living in the same household.

##### Financial Relationship –

indicates a partnership or other commercial relationship involving a joint venture between the employee and another person or entity. Examples are: research grants, consultancies, honoraria and travel, self-managed equity interest in a company, employment of an immediate family member in a company and/or other benefits or substantial gifts from a company.

##### Personal Relationship –

indicates a relationship with a person or entity sufficiently close such that a reasonable person would believe that it would be difficult for the SFA employee to deal with the person as he or she would deal with a stranger.

*Commitments and Outside Activities –*

*Indicates any board on which the employee or officer serves in any organization other than SFA, including, but not limited to, for-profit business entities, 501c3 organizations, etc.*

~~Specific rules apply to purchases from an SFA employee. See Purchases From Employees (17.21).~~

If not related to a particular transaction, university employees may accept from vendors and others: (1) unsolicited advertising or promotional material such as pens, pencils, scratch pads, and calendars; (2) occasional business lunches or food and refreshments of insignificant value; and (3) other items of nominal or minor value (i.e., a box of candy, fruitcake, etc.) that are merely tokens of appreciation. Refer to Ethics (2.6) for the statutory definition of a "benefit." Refer to Gifts, Prizes and Awards (3.18) regarding the giving of gifts, prizes and awards.

*Specific rules apply to purchases from an SFA officers or employees. See Purchases From Officers or Employees (17.21).*

Written disclosure specific to the procurement must be signed by all parties involved in the procurement process for major contract awards of \$1 million or more in value. All such written disclosures will be retained in procurement services. Reference Ethics (2.6) for specific information regarding the disclosure.

Specific disclosure is required by SFA employees for consultant contracts in which there is a financial interest in the private consultant by an officer or employee, or by anyone related to the officer or employee within the second degree of affinity or third degree of consanguinity. (*See Nepotism 11.6*) ~~Relatives of an employee within the second degree of affinity include the spouse of the employee and the parents, children, brothers, sisters, grandchildren, nephews, nieces, uncles, aunts and first cousins of the employee's spouse. The relatives of an employee within the third degree of consanguinity include the employee's parents, children, brothers and sisters, grandparents, uncles and aunts, nieces and nephews, grandchildren, great grandchildren, and great grandparents.~~ Reference Professional and Consultant Services (17.12) or Ethics (2.6) for specific information regarding the disclosure.

*For any contract that requires approval by the Board of Regents before the contract may be signed and has a value of at least \$1 million, the vendor must submit a disclosure of interested parties on a form prescribed by the Texas Ethics Commission. The procurement office shall submit a copy of the disclosure to the Texas Ethics Commission. This requirement does not apply to a sponsored research contract or an interagency contract.*

When an actual violation of any of these standards is discovered, the person involved shall

promptly file a written statement concerning the matter with the director of procurement and property services. If an actual violation occurs or is not disclosed and remedied, the employee involved may be reprimanded, suspended, or dismissed. The vendor or potential vendor may be barred from receiving future contracts and/or have an existing contract canceled. *Any employee or officer who knowingly violates laws, rules or policies relating to contracting processes is subject to disciplinary action up to and including termination. Other penalties may apply depending on the severity of the action. See Ethics (2.6).*

Purchasing professionals have the right under law to have any ethics question reviewed and decided by the Texas Ethics Commission. To learn whether a specific action violates the ethics rules, contact the Texas Ethics Commission, 201 East 14th St., 10th Floor, Austin, Texas 78701 or call them at 512-463-5800.

**Cross Reference:** Ethics (2.6), Professional and Consultant Services (17.12); Purchases From Employees (17.21); Gifts, Prizes and Awards (3.18); *Nepotism (11.16)*; *Tex. Educ. Code § 51.9337*; *Tex. Gov't Code §§ 573.021-.025*; *2252.908*; *2254.032*, *2261.252*; *2262.004*; ~~Tex. Gov't Code § 2254.032~~; *2 CFR §§ 200.317-.326*

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

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

**Forms:** ~~Disclosure of Substantial Interest~~ *Conflict of Interest, Outside Commitment and Activities*

**Board Committee Assignment:** Finance and Audit

## Radioactive or Radiation-Producing Materials or Equipment

**Original Implementation:** September 1, 1974

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

The purchase, receipt, and storage of radioactive or radiation-producing materials or equipment is supervised by the university's radiation safety officer or the authorized designee. Authorized users of radioactive materials and radiation-producing equipment must be designated on the radioactive materials license and registrations.

### ~~I. Purchase of Radioactive Material or Radiation-Producing Equipment~~

#### ~~A. Radioactive Materials~~

No person may order radioactive materials unless authorized as a designated user on the special or general license issued to Stephen F. Austin State University (SFA). Prior to ordering radioactive material, it shall be the responsibility of the licensee or authorized user to ensure that appropriate storage facilities will be available and that radioactive waste disposal procedures will be implemented. A requisition using the commodity code for radiation shall be completed prior to any purchase of radioactive material. The radiation safety officer shall be notified of the requisition's submission and must either approve or deny the purchase, prescribe the location of delivery and receipt of the material, and notify the authorized user of its arrival within twenty-four (24) hours of receipt.

#### ~~B. Radiation-Producing Equipment~~

University personnel shall not order radiation-generating equipment unless authorized as a designated user on the special or general license issued to SFA. Prior to ordering radiation-generating equipment, the licensee or authorized user shall ensure that adequate facilities are available and approval from the radiation safety officer has been received in order to ensure compliance with the Texas Regulations for Control of Radiation (25 TAC § 289). Purchase requisitions for any equipment that produces ionizing radiation shall be identified using the commodity code for radiation. At least four weeks prior to delivery, the authorized user must provide the make and model number of the equipment as well as the building and room number of intended location for the equipment. This equipment includes, but is not limited to, lasers, and microwave and x-ray generators of all types (e.g., diffraction, fluorescence, medical, industrial, atomic absorption, etc.). The radiation safety officer shall either approve or deny the purchase. The radiation safety officer shall be notified of the receipt of the equipment and expected date of activation.

### ~~H. Receiving, Transporting, and Storing Radioactive Materials~~

#### A. ~~Receiving and Transporting Radioactive Materials~~

1. ~~Only persons authorized by the radiation safety officer may receive radioactive materials.~~
2. ~~Radioactive material shall be received under the following guidelines:~~
  - a. ~~No package shall be delivered to Central Receiving by the carrier. All radioactive material other than equipment shall be delivered to a location determined by the radiation safety officer.~~
  - b. ~~Prior approval of the radiation safety officer is required if the package is to be delivered outside normal working hours.~~
3. ~~Upon receipt of radioactive material, each authorized user shall survey the external surfaces of the package for radioactive contamination caused by leakage. The monitoring shall be performed as soon as practical after receipt of the material, but no later than three (3) hours after the package is received during the licensee's normal working hours, or within twenty four (24) hours if received after normal working hours. The radiation safety officer shall be notified within twenty four (24) hours of receipt of radioactive material through a "Non-Commercial Radioactive Materials Shipment and Receipt form.~~
4. ~~If contamination is found on the external surface of the package, the radiation safety officer and the University Police Department shall be notified immediately. The University Police Department shall be responsible for contacting the appropriate authorities.~~
5. ~~Only persons authorized by the radiation safety officer may transport radioactive materials by vehicle.~~

#### B. ~~Storing Radioactive Materials~~

1. ~~Sources of ionizing radiation shall be secured against unauthorized removal from an authorized place of storage during receipt, delivery, and use on campus.~~
2. ~~Each designated user shall be responsible for compliance with the university radiation safety policies and with the Texas Regulations for Control of Radiation (25 TAC § 289).~~

### **PURPOSE**

*The purpose of this policy is to ensure that all university activities, operations, and procedures involving the use of radioactive materials or radiation producing equipment are performed in such a way as to protect the users, faculty, staff, students, and the general public from*

*exposure. This equipment includes, but is not limited to: diffraction x-ray, fluorescence, bone densitometers, industrial x-ray, atomic absorption, and lasers.*

### **POLICY STATEMENTS**

- I. The radiation safety program at Stephen F. Austin State University is regulated by the Texas Department of State Health Services and requires all university employees and students who receive, possess, use, transfer, or acquire any radioactive material or radiation producing equipment to comply with the regulations detailed in the Texas Administrative Code § 289 and the Texas Health & Safety Code Ch. 401 (Texas Radiation Control Act).*
- II. SFA employees and students must also comply with the procedures described in the SFA radiation safety manual, which contains the general procedures adopted by the university for the safe use of radioactive materials and radiation producing equipment in teaching and research, and can be found on the Department of Environmental Health, Safety, and Risk Management (EHSRM) website at <http://www.sfasu.edu/safety>.*
- III. Authorization for the use of any licensed or registered radiation source or equipment is conditional upon complete compliance with federal and state regulations, license conditions, training requirements, and with the policies and procedures promulgated by the EHSRM department. Authorized radiation users and their locations must be designated on the radiation license and registrations issued by the Texas Department of State Health Services.*

### **RESPONSIBILITIES**

- 1. The Department of Environmental Health, Safety, and Risk Management is responsible for the radiation safety program at SFA, and the radiation safety officer (RSO) is responsible for the daily implementation of the radiation safety program in accordance with license/registration conditions and regulatory requirements. Duties of the RSO include:*
  - a) Oversee the purchase, receipt, storage, use, and disposal of radioactive or radiation-producing materials or equipment.*
  - b) Ensure the most current legal requirements are identified and evaluated for compliance.*
  - c) Establish, coordinate, and adhere to the radiation safety procedures outlined in the university's radiation safety manual, to comply with regulatory requirements.*
  - d) Inspect university laboratories and work areas where radioactive materials or radiation producing equipment are used for regulatory compliance and worker protection, or in response to a notice of a possible violation. In carrying out this duty, the RSO or designated representative shall have the authority to enter any university building, structure, room, office, or laboratory without prior notice to department supervisors and staff.*
  - e) Serve as the official university contact for federal and state regulatory agencies regarding radiation safety compliance and communicate compliance requirements to university officials. These include, but are not limited to: United States Nuclear Regulatory Commission (NRC) and Texas Department of State Health Services (TDSHS).*
- 2. University employees and students must comply with the following guidelines and responsibilities:*

- a) *Comply with all license and registration requirements, regulations, programs, and procedures specified by the RSO and the EHSRM department.*
- b) *Attend all required radiation safety training courses and use all required protective equipment, engineering controls, and safety precautions described in the radiation safety manual.*
- c) *Handle all radioactive sources, radiation producing equipment, and radioactive waste in accordance with the radiation safety manual and applicable state regulations. Each department is responsible for the payment of fees associated with state licenses, registrations, and the disposal of radioactive waste and/or equipment containing radiation sources.*
- d) *The authorized user is responsible for all containment and clean-up actions in responding to spills and emergencies.*
- e) *The RSO must be notified for all incidents involving radioactive materials and radiation producing equipment. Report non-compliance issues or concerns to the RSO or to the director of EHSRM.*

**Cross Reference:** Tex. Health & Safety Code Ch. 401; 25 Tex. Admin. Code § 289; Purchase Requisition (17.19); *Radiation Safety Manual*

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

**Contact For Revision:** Radiation Safety Officer, *Department of Environmental Health, Safety, and Risk Management*

**Forms:** ~~Application to Use Radioactive Material for Teaching or Research; Statement of Training and Agreement with Policies and Procedures; Non-Commercial Radioactive Material Shipment and Receipt; Radioactive Material Receipt and Disposal; Radioactive Waste for Pick-Up by the Radiation Safety Officer; Quarterly Inventory; Leak-Test and Inventory Record; Legal Storage Placed Building Maps.~~ All forms may be obtained from the radiation safety officer.

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

## Rental of University Vehicles

**Original Implementation:** June 1, 1984

**Last Revision:** ~~April 14, 2015~~ July 28, 2015

This policy governs university vehicle rental. Vehicles that may be rented by university departments are maintained by the Physical Plant Department. The rental and use of university motor vehicles may only be used for official university business.

### A. Reservations

1. Vehicles will be rented exclusively to university employees, departments, or organizations that have budgeted university funds.
2. All vehicles, except road buses, are rented on a first-come, first-served basis.
3. Those who rent university vehicles must act on behalf of their university department or organization and have a driver certificate issued by the University Police Department. Those who rent university vehicles are responsible for compliance with minimum occupancy requirements and other university policy and procedural requirements.
4. Cancellations should be made as far in advance as possible.

### B. Passengers

1. Passengers in university vehicles will normally be university employees or students traveling on university business.
2. Passengers who are not university employees or students may be authorized to ride in university vehicles when their presence is consistent with university business or functions.
3. University employees and students may have authorized guest(s), spouses or children accompany them while the university employee or student is traveling on university business provided:
  - a. The guest does not interfere with the university business of the trip or cause any additional expense to the university.
  - b. The department sponsoring the trip that the guest(s) are attending must be advised in advance of the trip that non-university passengers will be traveling in university vehicles.
  - c. If the guest is a minor child, the parent is responsible for the child's actions and is responsible for ensuring the child follows all safety policies and regulations including seat belts and child restraints.
  - d. Non-employee passengers will not be covered by university insurance for medical treatment, unless there is legal liability, which is covered by the general liability policy for university motor vehicles. Personal claims against the driver of another vehicle (non-university) for liability in any accident will be the responsibility of the non-employee passenger. Passengers should carry personal medical insurance coverage in case of accident or emergency. The university does not assume liability for any passenger, unless otherwise imposed under law. University employees may be covered by Workers' Compensation for injuries received on-the-job; otherwise, personal medical insurance or applicable legal liability would apply. See the safety website for additional information.

### C. Use of University Road Buses

University owned road buses provide transportation for university departments and groups. The guidelines in this section have been established to provide a fair and equitable manner for the scheduling of the buses and to generate sufficient revenue to pay for their operation and maintenance.



1. Authorized Trips. Only university groups and departments whose trips have received prior approval from the department head and/or dean may reserve the bus. A professional driver will be provided by the Physical Plant Department. The use of the bus is limited to those destinations that may be reached by hard surfaced roads.
2. Reservations. Application for the use of a university road bus shall be made to the director of physical plant or his designee. No reservation may be reassigned in whole or in part. The user may not delegate any control or responsibility to any other party without prior written approval of the director of physical plant. Furthermore, reservations for one trip may not be used for a different trip without the prior written approval of the director of physical plant.
3. Itinerary. A completed itinerary must be submitted to the transportation dispatcher at least 48 hours before departure. Examples of an appropriate itinerary and a template are available on the physical plant website.
4. Priorities for Use
  - a. Use of university buses for athletic purposes will be given the first priority.
  - b. Those departments having activities scheduled at least a year in advance that require maximum utilization of the buses shall receive second priority.
  - c. In other cases, the following shall be considered:
    - i. Advance Scheduling: Where feasible, the use of the buses will be approved on a first-come, first-served basis
    - ii. Distance: The distance to be traveled will be considered in determining priority.
    - iii. Number of Passengers: The number of passengers will be considered in determining priority.
    - iv. Purpose of Trip: In cases of simultaneous requests when the number of passengers and distance are approximately the same, the trip providing the most benefit to Stephen F. Austin State University shall receive priority.

#### **D. Use of University Shuttle Buses**

University owned shuttle buses provide regular daily service on campus. Shuttle buses may be reserved for university business by university groups after hours and on weekends on a limited first-come, first-served basis. Every effort will be made to provide fair and equitable scheduling of the shuttle buses and to generate sufficient revenue to pay for their operation and maintenance.

#### **E. Breakdowns and Accidents**

1. All accidents involving a university vehicle must be reported immediately to the appropriate law enforcement agency and the Physical Plant Transportation Department. Instructions for proper reporting and handling of accidents and breakdowns will be provided at the time of vehicle pick up and may be found on the Transportation Department's website.
2. In all cases in which a vehicle cannot be returned to the campus, the Physical Plant Transportation Department should be contacted during business hours or the University Police Department if during non-business hours.
3. The manager of transportation must arrange all major repairs.
4. Drivers involved in an accident will be required to submit to a drug and alcohol screening in accordance with Stephen F. Austin State University policy 11.6, Drug and Alcohol Testing.
5. Departments using fleet vehicles will be charged for damages as the result of accidents or from abusive use.
6. The Environmental Health, Safety and Risk Management Department will contact the insurance adjuster, provide appropriate information, and act as general liaison in the event of an accident.

7. The university's insurance covers a driver's liability if he/she is:
  - a. An approved university driver.
  - b. Operating the vehicle in an official capacity.

#### **F. Charges**

1. Rates are established to generate revenue to pay for the operation and maintenance of the rental vehicles. In addition, all expenses, including meals and lodging for the professional driver(s) provided are the responsibility of the renting department. Refer to the physical plant website for current rates.
2. Fuel is furnished as part of the rental price of the vehicle if purchased on fuel cards provided at the time of the rental. Fuel purchases not using the provided fuel cards will be at the expense of the renting department. Any other purchases on the university fuel card are prohibited.

#### **G. Special Provisions**

1. All drivers of buses must have a Class B-CDL license with a 'passengers' endorsement and submit to Department of Transportation physicals and drug baseline and random testing.
2. All drivers must have a valid driver certificate issued by the University Police Department.
3. Buses must carry at least 1/3 of their capacity.
4. No alcoholic beverages will be allowed in state vehicles.
5. In accordance with university policy 13.21, Smoking, Vaping, and Use of Tobacco Products, smoking, vaping, and the use of tobacco products are prohibited in vehicles owned or leased by the university.
6. Texting while operating a vehicle owned or leased by the university is prohibited. *Use of electronic devices while driving a vehicle owned or leased by the university is subject to the Physical Plant Department Procedures for Rental of University Vehicles (section K). The procedures may be accessed from the Physical Plant Department auto rental website at [http://www.sfasu.edu/physical\\_plant/104.asp](http://www.sfasu.edu/physical_plant/104.asp).*
7. Individuals may lose privilege of using university vehicles if the vehicle(s) has been damaged during use or has been used in an unsafe or unauthorized manner.

#### **H. 15 and 12 Passenger Vans**

1. *All drivers of 15 and 12 passenger-type vans must be certified drivers with a van endorsement and be a minimum of 21 years of age. Exceptions to age limits for drivers may only be authorized by the Environmental Health, Safety and Risk Management Department. Drivers in a 15 and 12 passenger-type van shall not drive over a maximum of 65 miles per hour speed limit and all passengers must wear a seat belt as recommended by the State Office of Risk Management.* ~~All drivers of 15 and 12 passenger-type vans must be certified drivers with a van endorsement and be a minimum of 21 years of age. Exceptions to age limits for drivers may only be authorized by the Environmental Health, Safety and Risk Management Department. Drivers in a 15 and 12 passenger-type van shall not drive over a maximum of 65 miles per hour as recommended by the State Office of Risk Management. These vehicles are limited to nine passengers including the driver with a maximum of 50 lbs. of cargo or equipment or eight passengers including the driver with a maximum of 250 lbs. of cargo/luggage. All passengers must wear seat belts.~~
2. *15 and 12 passenger-type vans with a short wheel base (140") and higher center of gravity (Ford, Chevy, Dodge) are limited to nine passengers including the driver with a maximum of 50 lbs. of cargo or equipment or eight passengers including the driver with a maximum of 250 lbs. cargo/luggage. 12 passenger-type vans with a longer wheel base (170") and a lower center of gravity (Freightliner Sprinters, etc.) may carry passengers and cargo loads in accordance with*

*the manufacturer's specifications. All cargo is prohibited on the roof. No trailer hitches may be installed on the vehicle nor towing of any kind be authorized.*

3. *All passenger-type vans rented from a non-university fleet (Hertz, Enterprise, etc.) must follow the limitations specified in this policy. Cargo and/or luggage inside the van must be stacked no higher than the top of the van seats and should be placed forward of the rear axle. Cargo is defined as, but not limited to, boxes, bags, packs, equipment, etc.*
4. *Cargo and/or luggage inside the van must be stacked no higher than the top of the van seats and should be placed forward of the rear axle. All cargo is prohibited on the roof. Cargo is defined as, but not limited to, boxes, bags, packs, equipment, etc. Passenger vans rented from non-university fleet (Hertz, Enterprise, etc.) must be limited to nine passengers including the driver and follow the limitations specified in this policy.*
5. *No trailer hitches may be installed on the vehicle. No towing of any kind is authorized.*

**Cross Reference:** Drug and Alcohol Testing (11.6); Smoking, Vaping, and Use of Tobacco Products (13.21); *Physical Plant Department Procedures for Rental of University Vehicles.*

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

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

**Forms:** None

**Board Committee Assignment:** Building and Grounds

## Research Development Program

**Original Implementation:** January 19, 2006

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

*The Research Development Funds (RDF) ~~is~~ are intended to promote increased research capacity at eligible general academic teaching institutions (Texas Education Code §62.091, ~~Chapter 62~~).*

The Research Development Program (RDP) at Stephen F. Austin State University (SFA) uses these funds to directly support the university's research agenda and ~~have the potential to~~ increase competitiveness in acquiring external funds for research and development.

*Use of RDP funds ~~Funding~~ is limited to research and development activities as defined by the ~~on the basis of the following guidelines~~ (Texas Higher Education Coordinating Board (~~–Texas Administrative Code, Part I, Chapter 13–Financial Planning~~, Subchapter G, Rule §13.122).:–  
Research Development Fund):*

- Research means “a systematic study directed toward fuller scientific knowledge or understanding of the subject studied.”
- Development means “the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.”
- Curriculum development activities are also eligible for funding when “the primary purpose of the project is developing and testing an instructional or educational model through appropriate research methodologies (i.e., data collection, evaluation, dissemination, and publication).”

~~Research development requests must address the purpose of the Research Development Fund, i.e., to increase the research capacity of the university; therefore, requests that would benefit or address only the research interests of a single individual will not be considered.~~

Research Development *Program* ~~F~~unds may not be used to supplant funds for research activities or *to purchase or maintain* equipment supported by other sources. ~~However, Research Development Funds may be used for matching or cost sharing. Researchers who have access to research funds from other sources are encouraged to exhaust all alternative funding pathways before requesting Research Development Funds.~~

In the expenditure of Research Development *Program* ~~F~~unds, recipients are subject to all *university policies and procedures, and* local, state, and federal regulations.

Before initiating research that involves human subjects, ~~laboratory-vertebrate~~ animals, or hazardous materials, researchers must obtain *written* approval from the chair of the appropriate university board or committee.

Recipients of Research Development *Program* Funds must meet deadlines for deliverables, including ~~periodic-annual~~ reports, as outlined by the Office of Research and Sponsored Programs (*ORSP*).

Publications resulting from ~~Research Development~~ *the RDP-Funds* shall ~~will~~ acknowledge the source of funds as the Stephen F. Austin State University Research Development Program. Copies of ~~the~~ publications shall ~~will~~ be ~~filed with~~ *submitted to* the ~~Office of Research and Sponsored Programs-ORSP~~ and with the ~~East Texas Research Center~~ *Center for Digital Scholarship* in the Steen Library.

*Deans submit requests for Research Development Program funds on behalf of their faculty and research staff to* ~~The director of the Office of Research and Sponsored Programs~~ *ORSP evaluates requests for Research Development Program funds and* ~~who~~ makes awards based on criteria established by the director and the provost and vice president for academic affairs. For awards of \$50,000 or greater, the director makes recommendations for funding to the provost and vice president for academic affairs.

~~For information on procedures to request Research Development Program funds, contact the Office of Research and Sponsored Programs.~~

**Cross Reference:** Human Research Subjects Protection (8.4); *Institutional Animal Care and Use Committee (IACUC)* (8.6); *Recombinant DNA and/or Infectious Biohazards in Teaching and Research* (8.9) ~~Academic Appointments and Titles~~ (7.2); Tex. Educ. Code §§ 62.091-.098; 19 Tex. Admin. Code §§ 13.120-.127

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

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

**Forms:** None

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

## Satisfactory Academic Progress for Financial Aid Recipients

**Original Implementation:** September, 1985

**Last Revision:** ~~July 19, 2011~~ July 28, 2015

Federal regulations mandate minimum standards of "satisfactory progress" for students receiving financial assistance. *Satisfactory academic progress (SAP) is the term used to denote a student's successful completion of coursework toward a certificate or degree.* These ~~requirements~~ standards apply to the student's entire academic history, whether financial aid was received or not, and to all types of aid: grants, loans, and work-study. The standards for determining progress *for continued financial aid* at the university are composed of three separate measurements: grade point average (GPA), pace of completion, and maximum hours allowed for a degree level. All students must be enrolled in a degree or certificate program. ~~Newly enrolled undergraduate students must be admitted "in good standing."~~

*Satisfactory academic progress will be evaluated after each fall, spring and summer terms. Although summer terms include Maymester, Summer I and Summer II, the summer SAP evaluation will only occur at the end of Summer II. Students who fall behind in their coursework or fail to achieve minimum standards for grade point average and completion of classes may lose their eligibility for all types of federal, state and university aid. Students will be notified of their financial aid eligibility via university email. Students can find their SAP status within the financial aid menu on the university student portal.*

Students who are admitted to Stephen F. Austin State University (SFA) as non-degree, provisional ~~(except graduate students who will be given one semester to remove provisional status)~~, transient, career interest or self-improvement, ~~course audit courses, and/or~~ concurrent enrollment shall NOT be eligible to receive financial aid. When the student is admitted to a degree program or special student status has changed, a student may then be considered for financial assistance. *The US Department of Education does not recognize academic fresh start and requires an institution to count courses applicable to a student's major (regardless of whether or not financial aid was received) in evaluating a student's SAP.*

*Financial aid probation/suspension is different from academic probation/suspension. Students on academic suspension who are allowed by their academic ~~department~~ dean to attend may receive financial aid only if they meet the financial aid satisfactory academic requirements.*

*SAP standards apply to all federal, state, and institutional financial assistance programs with exceptions as defined by applicable law.*

### GRADE POINT AVERAGE (GPA)

*For financial aid purposes, an undergraduate student must maintain a cumulative GPA of 2.0, and graduate or doctoral students must maintain a cumulative GPA of 3.0. Grade point averages are verified at the end of each semester. ~~The grade point average is the qualitative measurement used for academic work at the university. For financial aid purposes, a student must maintain a cumulative GPA of 1.6 or better as a freshman, 1.8 or better as a sophomore, 2.0 or better as a junior or senior, and 3.0 or better as a graduate student. Grade point averages shall be checked at the end of each semester.~~*

## **PACE OF COMPLETION**

*For financial aid purposes, students must complete 67% of the cumulative hours attempted at SFA, including accepted transferred hours. ~~Pace of completion is the quantitative measurement of the number of hours completed each semester at SFA.~~ Pace of completion is measured at the end of each semester.*

~~In order to continue to receive financial assistance, students must complete 67% of the cumulative hours attempted at SFA and in any accepted transferred hours to SFA.~~

*Grades of A, B, C, D, RA, RB, RC, RP or P denote satisfactorily completed credit hours. Repeated and remedial courses are counted in the calculation of pace of completion. Grades of F, W, WH, WF, WP, RD, RF, RWH, RWP, RWF, RW, or QF are not satisfactory.*

~~Credit hours shall be considered satisfactorily completed if one of the following grades is earned: A, B, C, D, or P. Grades of F, W, WH, WF, WP, or QF are not satisfactory. Repeated courses will be counted in pace of completion. Financial aid may be awarded to students enrolled for remedial courses. These courses are considered attempted hours and are also counted as earned hours for determining satisfactory progress for financial aid purposes.~~

~~If graduate students receive a WH (incomplete) for thesis/dissertation research or thesis/dissertation writing, the hours shall not be counted as hours attempted due to the length of time needed to complete this degree requirement. Time limits on the research and writing of a thesis/dissertation are determined by the academic department.~~

## **MAXIMUM HOURS ALLOWED FOR DEGREE OR CERTIFICATE**

*For financial aid purposes, the maximum number of hours allowed is one-and-a-half times the minimum program length for all degree programs and allowable certificate programs. ~~The maximum allowable hours at each level of study apply to all students regardless of the number of changes in major or concentration. A student's entire academic record at SFA (including prerequisite courses) is used in calculating maximum hours allowed. toward the maximum requirement. Course work transferred to SFA shall count toward the maximum number of allowable credit hours. Maximum hours allowed are verified shall be checked after at the end of each semester to determine if the maximum hours allowed have been met. If the and students~~*

~~has exceeded the allowable number of hours, they will be denied further financial aid for that degree level and will not be eligible for a warning period.~~

~~For all degree programs and allowable certificate programs, the maximum number of hours allowed will be set at one and a half times the minimum program length.~~

## **WARNINGS AND APPEALS**

~~Students will be given a warning semester when the required GPA or pace of completion is not met. At the end of the warning semester, students not in compliance are not eligible for financial aid. Students who have reached the maximum hours allowed are not eligible for a warning semester. Students not in compliance with this policy's required GPA, or whose pace of completion falls below the necessary standard, will be given a warning semester. At the end of the warning semester, a student not in compliance is not eligible for financial aid unless an appeal has been approved by the financial aid appeals committee.~~

## **APPEALS**

~~Students who are not making satisfactory academic progress and have had a warning semester may file an written appeal to with the financial aid office within thirty (30) days after notification of denial of financial aid the first class day of the semester. Written Appeals should state why the student failed to meet satisfactory academic progress and what has changed that would allow the student to re-achieve/fulfill the requirements at the end of the next evaluation period semester.~~

~~Appeals will only be accepted in the case of extenuating circumstances, such as death in the family, illness or injury to the student or immediate family member, or mitigating circumstances beyond the student's control. Appeals based solely on financial and/or emotional needs without sufficient explanation or documentation will not be accepted. Appeals must include documentation to support extenuating circumstances. All decisions on appeals are final. Students will be notified of the disposition of their appeal in writing. A student who filed a financial aid appeal must be prepared to pay registration costs regardless of any pending appeal status. Appeals should include documentation that supports the circumstances concerning the failure to maintain the expected level of satisfactory progress.~~

~~If an appeal is granted, the student should meet satisfactory academic progress requirements by the end of the next evaluation period. Students are allowed a maximum of two appeals. All decisions on appeals are final. Students shall be notified of the disposition of their appeal in writing and/or email.~~

~~If an appeal is granted, the student is placed on financial aid probation. A student who is placed on financial aid probation may receive financial aid for one subsequent semester. If an appeal is denied or is not submitted the student must meet the minimum SAP standards at the end of the next evaluation period in order to regain financial aid eligibility.~~



## **ACADEMIC PLAN**

*Students may be given an academic plan if they cannot meet the minimum SAP requirements at the end of the next evaluation period. The plan will specify the number of hours that must be completed and/or the grade point average that will be necessary to bring the record back into compliance. Failure to meet the standards established in the academic plan will result in the loss of future financial aid eligibility.*

## **DEFINITIONS**

### **Audited Courses**

*Students may audit regular academic courses; however, these courses are not eligible for financial aid. Audited courses will not impact a student's SAP eligibility.*

### **Change of Major**

*Students are allowed to make changes in their course of study and major for purposes of this policy; however, all changes will count in a student's SAP calculation. Change of major can result in a possible overage of attempted credit hours which would impact the maximum time frame component.*

### **Conflicting Information**

*All conflicting information is reviewed for SAP monitoring. For example, late posted grades or grade changes will not automatically change current status. Students may request that the SAP status be recalculated after they have confirmed with the registrar that the grade change has been posted to their academic record.*

### **Evaluation**

*Loss of Title IV eligibility occurs immediately if SAP is not met. If the student's appeal is successful, the student is placed on financial aid probation and Title IV funds are disbursed for the next payment period only. The student must meet SAP at the end of each fall, spring or summer term or comply with the requirements of the academic plan designed to ensure the student will make SAP by a specified point in time.*

### **Incompletes**

*Incompletes (grade of WH) do not affect a student's cumulative GPA for SAP, but count as credit*

*hours attempted toward both pace and maximum time frame. Students with a grade of incomplete are encouraged to contact the financial aid office for further evaluation.*

### ***Pass/Fail Courses***

*In some classes students receive a grade of either pass or fail. A passing grade will be included in the student's pace of completion and maximum time frame calculations. A grade of F will be included in the student's GPA, pace of completion and maximum time frame calculations.*

### ***Financial Aid Probation***

*If an appeal is granted, the student is placed on financial aid probation. A student who is placed on financial aid probation may receive financial aid for one semester. At the conclusion of the financial aid probation period, the student must meet the SAP standards or will no longer be eligible for financial aid.*

### ***Developmental Courses***

*Students are eligible to receive financial aid for developmental courses. These courses are counted in the calculation of both attempted and earned hours for determining satisfactory progress.*

### ***Repeated Coursework***

*Students are allowed to repeat a course and, if passed, have it count toward enrollment for financial aid eligibility once. Each course attempt will count toward a student's pace of completion and all prior attempts with lower grades will count as unsuccessful credit hours attempted.*

### ***Transfer Credits***

*Transfer credit grades will not count toward a student's cumulative GPA; however, these will count as both attempted and earned hours toward both pace of completion and maximum time frame for SAP.*

### ***Withdrawals***

*Withdrawals do not affect a student's cumulative GPA for SAP, but count as credit hours attempted toward both pace of completion and maximum time frame. A withdrawal (grade of W) is different from a course which is dropped (no grade and no record of attempt). Students who withdraw prior to the first class date will not be penalized for SAP purposes. Should a student*

*withdraw after the first class date, those hours will count towards a student's pace of completion and time frame calculation.*

### ***Financial Aid Warning***

*Students will be given a warning semester when the required GPA or pace of completion is not met. At the end of the warning semester, students not in compliance are not eligible for financial aid. Students who have reached the maximum hours allowed are not eligible for a warning semester.*

**Cross Reference:** 20 U.S.C. 1091(a)(2), (c); 34 CFR 668.16(e), 668.32(f), 668.34; Military Service Activation (6.14)

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

**Contact for Revision:** Director of Financial Aid; Provost and Vice President for Academic Affairs

**Forms:** None

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

## Service Awards

**Original Implementation:** October 4, 1984

**Last Revision:** ~~July 17, 2012~~ July 28, 2015

Human Resources (for non-academic employees) and the Faculty Service Award Committee appointed by the provost/vice president for academic affairs (for faculty) coordinate annual service award programs to recognize employees for years of service to Stephen F. Austin State University. Service pins and certificates of appreciation are awarded to employees with ten, twenty, thirty, forty, or fifty years of service. Award recipients are identified on the basis of years of service as recorded in the individual's personnel records in human resources.

Department heads are notified of those employees who are eligible to receive awards. Questions concerning an individual's eligibility should be directed to human resources for staff and to the provost/vice president for academic affairs for faculty. Arrangements for staff recognition are carried out by human resources. Arrangements for the faculty recognition ceremony are carried out by the Faculty Service Award Committee in conjunction with the office of the provost/vice president for academic affairs.

In conjunction with the staff service award program each year, two exempt and two non-exempt staff employees are selected from nominated staff employees to receive the President's Award in recognition for outstanding service to the university. This award includes a \$500 cash award and a plaque that is presented at the annual staff award ceremony.

**Cross Reference:** None

**Responsible for Implementation:** President

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

**Forms:** None

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

## **Sexual Misconduct**

**Original Implementation:** July 27, 2015

**Last Revision:** None

### **1. General Policy Statement**

Stephen F. Austin State University (university) is committed to maintaining a learning and working environment that is free from 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. 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.<sup>1</sup> Responsible employees can find contact information for the Title IX coordinator and deputy coordinators at the following website: [www.sfasu.edu/titleIX](http://www.sfasu.edu/titleIX).

### 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.

<sup>1</sup> 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. 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  
1301 Young Street, Suite 1169  
Dallas, TX 75202  
Phone: (800) 537-7697  
FAX: (214) 767-0432

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., 6<sup>th</sup> Floor  
Houston, TX 77002  
Phone: (800) 669-4000  
FAX: (713) 651-4987

Texas Workforce Commission  
Civil Rights Division  
101 E 15<sup>th</sup> St., Rm 144-T  
Austin, TX 78778  
Phone: (888) 452-4778

### 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. The university and community resources that provide such confidential services are [www.sfasu.edu/titleIX](http://www.sfasu.edu/titleIX).

### 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.

Detailed information about the Title IX coordinator and deputy coordinators can be found at [www.sfasu.edu/titleIX](http://www.sfasu.edu/titleIX).

The SFA Title IX coordinator is the Vice President for University Affairs  
Austin Building, Suite 314 | [swestbrook@sfasu.edu](mailto:swestbrook@sfasu.edu) | (936) 468-2701

Deputy Title IX coordinator for Students is the Dean of Student Affairs  
Suite 3.302 Baker Pattillo Student Center | [peckae@sfasu.edu](mailto:peckae@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@sfasu.edu](mailto:gherrington@sfasu.edu) | (936) 468-2304

Deputy Title IX coordinator for Athletics is the Senior Woman Administrator, SFA Athletics  
SFA Athletic Fieldhouse | [lmccary@sfasu.edu](mailto:lmccary@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@sfasu.edu](mailto:lhagan@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](mailto:counseling@sfasu.edu)

SFA Student Health Clinic  
(936) 468-4008 [healthservices@sfasu.edu](mailto:healthservices@sfasu.edu)

SFA University Police  
(936) 468-2608 [updemail@sfasu.edu](mailto:updemail@sfasu.edu)

Family Crisis Center of East Texas  
(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 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 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 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. 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 wish to remain anonymous limits the university's ability to establish facts and eliminate the potential harassment, the university will attempt to find the right balance between the individual's desire for privacy and confidentiality and its responsibility to provide an environment free of sexual harassment.

### 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

- 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.
- 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<sup>2</sup> 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 whether a policy violation occurred (based on a “preponderance of the evidence” standard).
- G. After the written report is completed, the complainant and respondent will be allowed to inspect the report or, at the university’s discretion, provided

<sup>2</sup> Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971, to the extent applicable.

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. Within five (5) business days after the deadline for receipt of comments from the complainant and respondent, the Title IX coordinator or his or her designee will: (1) request further investigation into the complaint; (2) 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.

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 Standard of Proof

All investigations under this policy will use the preponderance of the evidence standard to determine violations of this policy.

#### 6.7 Timelines

Barring any unforeseen and reasonable delays, the university will endeavor to resolve complaints under this policy no later than 60 calendar days after the initial report was received by the responsible employee. If the investigation and resolution exceeds 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 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 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.

#### **7.4 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.

### **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](http://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<sup>3</sup>

**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

<sup>3</sup> The definitions provided in the main body of the text are the definitions adopted by the University. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

sexual activity 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.<sup>4</sup>

**Dating Violence**<sup>5</sup> – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

<sup>4</sup> 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.

<sup>5</sup> 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
    - (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.

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**<sup>6</sup> – 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).

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

<sup>6</sup> Family Violence is defined by the Texas Family Code Section 71.004 as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections [261.001](#)(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) dating 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.

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**<sup>7</sup> – 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 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

<sup>7</sup> Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person's 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.

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**<sup>8</sup> – 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--

<sup>8</sup> Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  - i. bodily injury or death for the other person;

- 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

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

- 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.



## Social Media

**Original Implementation:** July 28, 2015

**Last Revision:** None

Social media include the various Internet-based applications and activities that integrate technology, social interaction, and content creation. Examples include but are not limited to blogs, Facebook, Flickr, Google +, Instagram, LinkedIn, Twitter, wikis and YouTube. These platforms are an important communication tool for the university and can provide vital information and engagement opportunities to prospective and current students, alumni and other stakeholders.

All employees acting within the scope of their employment are expected to adhere to the same standards of conduct online as they would in the workplace. Social media usage is governed by the same policies that govern other electronic communications, as well as applicable state and federal laws, and NCAA rules and regulations. Any content and/or online activity created by a poster or site moderator that violates these laws and regulations is strictly prohibited and will be removed in accordance with this policy.

All official Stephen F. Austin State University accounts on social media platforms must publish and consistently enforce the Terms of Use and Deletion policy shown below. For example, Facebook accounts should include this information in the “general information” section of the “Page Info” area; YouTube accounts should post the policy in the “about” section.

### Terms of Use and Deletion Policy

*Stephen F. Austin State University-managed online communities are intended to inform users of SFA-related news and events, and to foster discussion and a sense of community among users. We encourage you to share your opinions and comment freely about the topics we post, but ask that you provide comments that are respectful and professional. If we become aware of posts that are in violation of the terms of service of the social media site, or that are off-topic, represent advertisements or spam, promote or endorse political campaigns or candidates, violate the law, constitute or encourage illegal activity, violate an intellectual property right, infringe upon someone’s rights, or contain obscenities or threats, we reserve the right to remove them. Our social pages exist to serve those affiliated with Stephen F. Austin State University.*

All social media accounts affiliated with the university must adhere to guidelines available in the Identity Standards manual, developed by University Marketing Communications (UMC) and available on the UMC website. The Identity Standards manual is approved by, and may be modified by, the university president.

**Records Retention**

Communications (messages, posts, photographs, videos and other formats) submitted or received using social media tools are considered public records and are subject to the Texas State Records Retention Schedule requirements. Social media communications are included as the record series titled “Social Networking Communications” in the SFA Records Retention Schedule.

**Suspension of Records Disposition (Legal Holds):** A state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of a retention period for the record set by the Texas State Library and Archives Commission, or in the approved records retention schedule of the agency, until the completion of the action and the resolution of all issues that arise from the action, or until the expiration of the retention period, whichever is later (Texas Government Code Section 441.187).

Social media content that is not a duplicate record, transitory, or retained elsewhere must be captured by the administrator and maintained for the full retention period of the appropriate record series. The program area will be responsible for selecting the method of record archiving and purging, subject to the approval of the appropriate records management coordinator.

**Cross Reference:** Tex. Gov’t Code § 441.187; Identity Standards Manual; Records Retention Schedule

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

**Contact For Revision:** Executive Director of Marketing Communications

**Forms:** None

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

## Student Code of Conduct

**Original Implementation:** January, 1998

**Last Revision:** ~~July 29, 2014~~ July 28, 2015

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 “~~accused student~~ 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 an ~~accused student~~ 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 ~~ana accused student~~ 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.*
- ~~10.~~12. The term “advisor” means an individual accompanying ~~ana accused student~~ 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.
- ~~11.~~ ~~The term “re-hearing” means the opportunity to have a hearing by a formal student conduct hearing board after an informal determination has been made.~~
- ~~12.~~13. The term “appeal” means the review by the designated appellate authority of the full record of a disciplinary hearing and the sanction imposed by a student conduct administrator or student conduct hearing board *to determine the adequacy of the procedures used and the fairness of the sanctioning. The appeal may or may not include a meeting with the respondent and/or complainant.*
- ~~13.~~14. The term “appellate authority” means any person or persons authorized by the vice president for university affairs or designee to consider an appeal regarding a student conduct authority’s determination as to whether a student has violated the Student Code of Conduct or regarding the sanctions imposed by the student conduct administrator.
- 14.15. The term “faculty member” means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
- ~~15.~~16. The term “university official” includes any person employed by the university while in the act of performing assigned responsibilities.
- ~~16.~~17. The term “member of the university community” includes any person who is a student, faculty member, university official or other person employed by the university. A person’s status in a particular situation shall be determined by *the* student conduct administrator.
- ~~17.~~18. The term “university premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).
- ~~18.~~19. The term “organization” means any number of students who have met as a group, whether as a registered student organization or not.
- ~~19.~~20. The term “policy” means the written regulations of the university as found in, but not limited to, the Student Code of Conduct, the student handbook, residence life handbook and/or community guidelines, the university web page and online policy manual, computer use policies, graduate and undergraduate general bulletins and the schedule of classes.
- ~~20.~~21. The term “complicity” means being present during the planning or commission

of any violation of the Student Code of Conduct in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of the Student Code of Conduct are expected to remove themselves from association or participation and are encouraged to report the violation.

- 21.22. The term “interim suspension” refers to the suspension of a student after notice but prior to a student conduct hearing.
- 22.23. The term “shall” is used in the imperative sense.
- 23.24. The term “may” is used in the permissive sense.

## ARTICLE II: PROSCRIBED CONDUCT

### A. Jurisdiction of the Student Code of Conduct

This Student Code of Conduct shall apply to conduct that occurs on university premises, at university sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the university and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The vice president for university affairs or designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion. Student conduct which may be the result of psychological issues may be reviewed under policy 10.13 (Students Displaying Serious Psychological Problems). *Student conduct which may 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 (~~Academic Integrity~~ *Student Academic Dishonesty*), or other forms of academic dishonesty or breach of integrity such as but not limited to the distribution or selling of lecture notes, handouts, readers or other instructor-provided materials without permission.
  - b. Furnishing false information to any university official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
  - d. Fraud as defined in university policy 2.7 (Fraud).
2. Disorderly conduct, disruption or obstruction of teaching, research, administration, living environments, disciplinary proceedings, other university activities, including public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises. These acts include, but are not limited to:
  - a. Making or causing any false report, warning, or threat of fire, explosion, or other emergency.
  - b. Interfering with police, fire or emergency service.

- c. Failure to evacuate a building or area when directed.
  - d. Willfully disregarding any emergency or fire alarm signal.
  - e. Disorderly conduct or disruptions in classrooms, other instructional areas and university events.
  - 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.
- ~~3.4. Sexual harassment/~~4. Discrimination, as defined in university policy 2.11 (Discrimination Complaints/~~Sexual Harassment~~), sexual assault, sexual abuse, and other sexual misconduct defined in university policies 13.3 (*Annual Disclosure of Crime Statistics*) or 2.13 (*Sexual Misconduct*).
- 4.5. 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*).
- ~~5.6.~~ Hazing, as defined in university policy 10.3 (Hazing).
- ~~6.7.~~ 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.
- ~~7.8.~~ 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-~~or~~, -tutoring, *testing or student accommodation* services.
- ~~8.9.~~ Violation of any university policy, rule, or regulation published in hard copy or available electronically on the university website.
- 9.10. 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.
- ~~10.11.~~ 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.
- ~~11.12.~~ 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.

- ~~12~~.13. Illegal or unauthorized possession of firearms, ammunition, explosives, fireworks, other weapons, or dangerous chemicals, 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.
- ~~13~~.14. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
- ~~14~~.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.
  - ~~a~~.~~b~~. Unauthorized transfer, copying or download of a file or software.
  - ~~b~~.~~c~~. Use of another individual's identification and/or password.
  - ~~c~~.~~d~~. Use of computing facilities and resources to interfere with the work of another student, faculty member or university official.
  - ~~d~~.~~e~~. Use of computing facilities and resources to send obscene or abusive messages.
  - ~~e~~.~~f~~. Use of computing facilities and resources to interfere with normal operation of the university computing system.
  - ~~f~~.~~g~~. Use of computing facilities and resources in violation of copyright laws.
  - ~~g~~.~~h~~. Violation of any departmental or lab policy.
  - ~~h~~.~~i~~. Use of any device that interferes with the normal operations of the university computing system.
- ~~15~~.16. Interfering with the freedom of expression of others on university property or at university-sponsored events.
- ~~16~~.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.

- 17.18. Violating any rule, regulation, or law for which the university could be penalized including but not limited to fire, safety or environmental codes.
- 18.19. 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 ~~charged-student~~ *respondent* will be contacted through a university-recognized medium or personal delivery. The student will be provided with a notice to appear for an ~~informal hearing~~ *administrative disposition* with the student conduct authority. Details of ~~informal hearing~~ *administrative disposition* procedures are provided below. Once a decision has been made, either the ~~charged-student~~ *respondent*, complainant or both shall have the right to request a ~~re-hearing~~ *hearing under the hearing procedures after the conclusion of an administrative disposition.* ~~under the formal-hearing procedures.~~ Details of ~~formal~~ *hearing* procedures are provided below. A student may appeal the finding of the ~~formal~~ *hearing* to the dean of student affairs or his/her designee. If a student desires, they may waive their right to a ~~formal~~ *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.

## **~~C.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.*

## **~~D.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 ~~charged-student~~ *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.

#### **E.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.

#### **F.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 ~~accused student~~ *respondent* and provide the student access to the written complaint. The ~~accused student~~ *respondent* may choose to respond verbally in the interview or in writing within a specified time. If the ~~accused student~~ *respondent* accepts responsibility for the complaint allegations, the case can be resolved at that time through an ~~informal student conduct hearing~~ *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 formal re-hearing of the case~~ *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).

### **G.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.

### **H.I. Informal Hearing (~~Informal Administrative Disposition~~)**

~~Informal hearings~~ *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 ~~formal~~ hearing more advisable, he/she may refer the case to the student conduct hearing board for a ~~formal~~ hearing. Otherwise, a student must request a ~~formal re-hearing~~ *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.

### **I.J. Formal Hearing**

A multi-member board composed of at least three individuals (typically two faculty/staff and one student) will conduct ~~formal~~ 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 ~~charged student~~ *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.

### **J.K. Notice of Hearing**

The ~~formal student conduct~~ hearing board chair will provide notice of the hearing, transmitted either through a university-recognized medium or personal delivery to the ~~charged student~~ *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 ~~formal student conduct~~ hearing board. The ~~charged student~~ *respondent* will be informed that an advisor may accompany the ~~charged student~~ *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 ~~charged student~~ *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 ~~charged student~~ *respondent* to show or for

a continuance, the chair will notify the student conduct administrator and the ~~charged-student~~*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.

#### **~~K.L.~~ Role of the Chair in Formal Hearings**

The chair manages the hearing according to the procedures outlined in this document and ensures it is conducted in a manner consistent with the ascertainment of the truth and the orderly process of justice. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the chair.

Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee at their request, in which event the ruling of the committee by majority vote shall be final. The chair may also seek guidance from the general counsel prior to or during the hearing on procedural issues.

#### **~~L.M.~~ Role of the Student Conduct Administrator**

In serving both the ~~formal-student~~ conduct hearing board and the ~~charged-student~~*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 ~~charged-student~~*respondent* for consideration by the ~~formal~~ student conduct hearing board for sanctioning if the student is found responsible for a violation of the student code of conduct.

#### **~~M.N.~~ Order of Proceedings**

The ~~formal-student~~ conduct hearing board chair will preside at the hearing, determine the presence or absence of the ~~charged-student~~*respondent*, verify the receipt of notices of charges by the ~~charged-student~~*respondent*, call for or report any continuances (rescheduling) requested or granted, determine the presence of any advisor of the ~~charged-student~~*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 ~~formal-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 ~~formal-student~~ conduct hearing board and serves to provide the board and the ~~charged-student~~*respondent* with assistance in obtaining the information necessary for as full a hearing of the facts as possible.

The ~~charged student~~ *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 ~~charged student~~ *respondent's* advisor may advise the ~~charged student~~ *respondent*, but may not participate in the hearing, for example by questioning witnesses or addressing the board.

The ~~formal student~~ conduct hearing board and the ~~charged student~~ *respondent* may call and cross-examine witnesses and present evidence. The ~~charged student~~ *respondent* may address the board and inspect and copy the board's findings and determinations. The ~~charged student~~ *respondent* can, but cannot be required to, testify. Any person testifying, including the ~~charged student~~ *respondent*, shall be subject to cross-examination, *subject to other provisions specified in this policy.*

The ~~charged student~~ *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 ~~charged student~~ *respondent* during normal university business hours but not released to the ~~charged student~~ *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 ~~charged student~~ *respondent* may both ask questions.

The board chair may direct the ~~charged student~~ *respondent* to direct questions to the chair to be asked on the ~~charged student~~ *respondent's* behalf at the chair's discretion. When this process is completed, the ~~charged student~~ *respondent* may call any witnesses or present any additional evidence or information.

After all witnesses and evidence has been presented, the ~~charged student~~ *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 ~~charged student~~ *respondent*, and any advisor are excused, the recording stopped, and the ~~formal 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 ~~charged student~~ *respondent*. The ~~charged student~~ *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.

#### **N.O. Hearing Procedures with a Complainant**

When a ~~formal~~ hearing is held with a student complainant, the process will follow the general pattern of the regular ~~formal~~ 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 ~~charged student~~ *respondent* if the ~~charged student~~ *respondent* chooses (five minutes)
- d. Presentation of witnesses and evidence by complainant
- e. Presentation of witnesses and evidence by ~~charged student~~ *respondent*
- f. Closing statement by the complainant (five minutes)
- g. Closing statement by the ~~charged student~~ *respondent* if the ~~charged student~~ *respondent* chooses (five minutes)

The burden of proof is by a preponderance of the evidence. Cross-examination of the witnesses is allowed by both parties. In cases of alleged ~~sexual harassment/assault/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 ~~charged student~~ *respondent*, and any advisors are excused, the recording stopped, and the ~~formal~~ 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 ~~charged student~~ *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 charged student~~ and the complainant will receive the notice of the hearing.
- b. Both the ~~respondent charged student~~ and the complainant will have the ~~opportunity to exclude/strike one member of the Student Conduct Committee from participation in the hearing~~ *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 charged student~~ and the complainant have the right to

have an advisor present.

- d. Both the *respondent charged student* and the complainant may ask for a continuance.
- e. Both the *respondent charged student* 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 charged student* and the complainant will have the right to testify or refuse to testify.
- g. Both the *respondent charged student* 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 charged student*.
- h. Both the *respondent charged student* and the complainant will have the ability to submit a written response to the charges.

### **~~O.P.~~ Appeal Procedures**

Students have one level of appeal for every student conduct case. ~~This does not include the re-hearing of an informal hearing by the student conduct hearing board.~~ The final appellate authority shall be the *vice president for university affairs dean of student 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 charged student* 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 charged student'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 charged student* 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 charged student* may accept the finding of responsibility and appeal the sanction to the *vice president for university affairs or his or her designee dean of student affairs*. 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 charged student'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 charged student* wishes to have considered and a request(s) to continue to reside on campus and/or attend classes during the appeal process.

### **~~P.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.

~~Formal~~ Hearings are audio and/or video recorded. All hearings are closed to the public.

#### **Q.R. Rights of Students in Disciplinary Proceedings**

The rights outlined below will be accorded to any student in an *administrative disposition or formal or informal* hearing for an alleged violation of the student code of conduct. Both ~~accused~~ *student respondents* and ~~students making a complainant against another student~~ 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 ~~charged student~~ *student 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.

#### **R.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 ~~sexual harassment~~, 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* ~~If a person is identified as a victim of a sexual harassment/discrimination, nonforcible sex offense or other violent criminal offense, that person is~~ 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 ~~accused student~~ *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 ~~charged student~~ *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 - victim of sexual harassment/discrimination, nonforcible sex offense or other violent criminal offense* 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 ~~accused student~~ *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.;

## **S.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 ~~charged student~~ *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 ~~judicial officer~~ *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, ~~either formal or informal~~, 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 ~~charged student~~ *respondent's* conduct is unreliable or that the ~~charged student~~ *respondent* has been misidentified, charges may be dismissed. If the student conduct authority finds that allowing the ~~charged student~~ *respondent* to remain on campus poses no threat or disruption, the student may be allowed to remain on campus pending the completion of the hearing process.

#### **T.U. Status during Appeal**

In cases of suspension or expulsion where an appeal is filed within the required time, a ~~charged student~~ *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.

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.

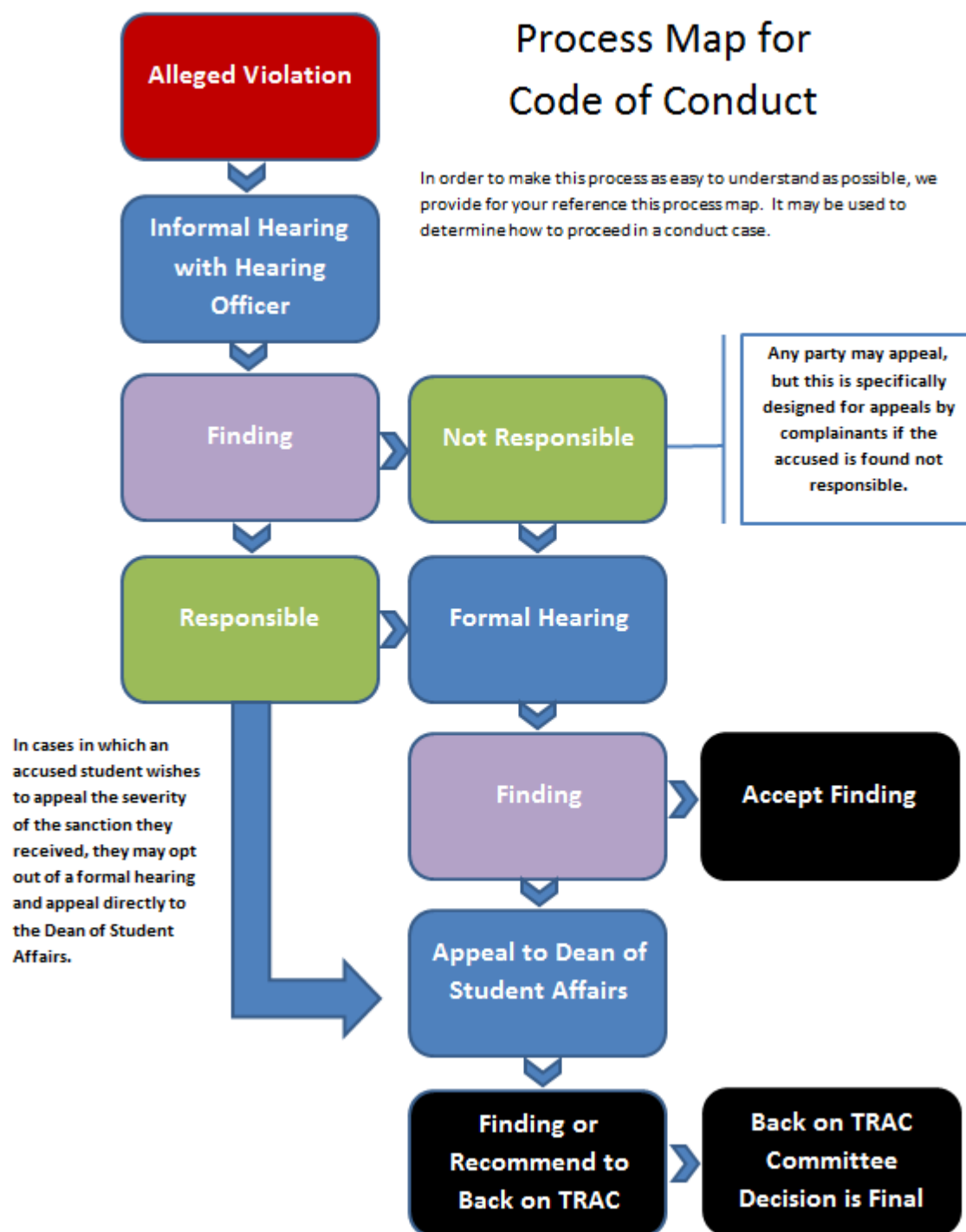
The Student Code of Conduct shall be reviewed annually under the direction of the vice president for university affairs or designee.

**Cross Reference:** *Discrimination Complaints (2.11); Sexual Misconduct (2.13); Academic Integrity Student Academic Dishonesty (4.1); 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)*

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

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

**Forms:** None

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

## Travel

**Original Implementation:** October 31, 2000

**Last Revision:** ~~July 16, 2013~~ July 28, 2015

### Applicability

The Stephen F. Austin State University Travel Guidelines are located on the university's travel website. Unless otherwise stated, they apply to employees and prospective employees traveling in a university capacity except the president and ~~persons traveling for, or on behalf of, intercollegiate athletics~~ *the Board of Regents. All* ~~When this policy or guidelines~~ *ies, rules, and regulations contradict National Collegiate Athletic Association (NCAA) rules and regulations* related to travel on behalf of, or in connection with, intercollegiate athletics ~~are located in the current issue of the Intercollegiate Athletics Policy Manual~~, *those rules will apply*. Travel by the Board of Regents and president will be made in accordance with applicable law.

The reimbursement limits stated in the SFA Travel Guidelines may be exceeded only if funds are available in, and the additional costs are charged to, a discretionary account controlled by the budget manager authorizing the additional expenditure. For this policy, discretionary funds shall be defined by the controller's office. A list of funds that can be used for discretionary purposes will be published on the controller's office website.

Employees traveling under contracts and grants (federal, state, local, or private) shall be reimbursed for travel expenses and allowances on the same basis as other university employees, except in those instances where the terms of the contract or grant specify travel guidelines and reimbursement rates which differ from university reimbursement rates.

### General Travel Regulations

Generally, the Texas Comptroller of Public Accounts (TCPA) is the authoritative source regarding travel. TCPA travel rules, Textravel, are located on the university's travel website. In case of conflict between SFA Travel Guidelines and Textravel, SFA Travel Guidelines take precedence except where state of Texas law prevails. The university president, at his/her discretion, may establish lower travel reimbursement rates than those in Textravel. Travelers will be notified in advance of the effective date of any rate change. The university shall make every effort to ensure that travel expenses paid and/or reimbursed are reasonable and the most cost-effective considering all relevant circumstances.

A state employee is responsible for ensuring that his or her travel complies with applicable state law and SFA Travel Guidelines. Failure to comply may result in reimbursement delays and/or rejection of the employee's claim for travel reimbursement. Fraudulent travel claims will be grounds for disciplinary action.

**Cross Reference:** Tex. Gov't Code § 660.203; Tex. Educ. Code § 101.19; Intercollegiate Athletics Policy Manual; Textravel (Texas Comptroller of Public Accounts travel rules); SFA Travel Guidelines

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

**Contact for Revision:** Controller

**Forms:** None

**Board Committee Assignment:** Finance and Audit

## Wireless Networking

**Original Implementation:** February 3, 2005

**Last Revision:** ~~April 17, 2012~~ July 28, 2015

### Purpose

Stephen F. Austin State University's (SFA's) wireless local area network (LAN) enables wireless computing and provides reliable and secure network services in many locations on campus. It is a complementary system to the campus wired network.

### Scope

This policy applies to all uses of wireless LAN technologies at all physical locations of SFA, both inside buildings and in outdoor areas. It does not apply to cellular wireless technology.

All SFA wireless LAN policies ~~will~~*shall* comply with university, federal, state, and local laws and regulations.

### Responsibilities

Information Technology Services is responsible for implementing wireless LAN technology in compliance with campus network standards and also for resolving frequency interference issues. These responsibilities include, but are not limited to:

- being the primary provider of design, specification, installation, operation, maintenance, and management services for all wireless access points;
- managing all SFA-owned wireless equipment;
- servicing wireless access points, i.e., the service demarcation points, and the wired network to which they are attached; and
- identifying and authenticating all users connecting to the wireless LAN.

~~Departments and individual students are responsible for all costs associated with the purchase of wireless network devices. Individuals may not install or operate wireless access points on university-owned property, including residence halls and apartments.~~

### Access

All SFA faculty, staff, and students are required to have a valid user identification and password to use the wireless LAN. Any employee at the university can sponsor a guest on the wireless network using the self-service application *provided by Information Technology Services in mySFA*.

## Security

All wireless access points and wireless client adapters ~~will~~*shall* use a Service Set Identification provided by Information Technology Services to access any wireless LAN provided by SFA. SFA ~~will~~*shall* encrypt all data.

## Standards

~~SFA has adopted the Institute of Electrical and Electronics Engineers, Inc., standards for wireless networking for the wireless LAN. Only the Internet Protocol standard shall be supported on the wireless LAN.~~

## Sanctions for Policy Violations

Applicable university discipline and/or discharge policies will be followed in imposing sanctions related to a violation of this policy, including limiting a user's access. In the event of an imposed restriction or termination of access to some or all university computers and systems, a user enrolled in courses or involved in computer-related work activities may be required to use alternative facilities. If such facilities are unavailable, the user bears the responsibility for failure to complete requirements for course work and/or job responsibilities.

**Cross Reference:** Computer ~~&-and~~ Network Security (14.2); Use of Electronic Information Resources (16.32); Computing Software Copyright (9.1); Digital Millennium Copyright (9.3); Texas Information Resources Management Act~~;~~, Tex. Gov't Code §-*Ch.* 2054; 1 Tex. Admin. Code §§ 202.70-~~.78~~76; Tex. Penal Code Ch. 33.

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

**Contact for Revision:** ~~Director of Information Technology Services~~*Chief Information Officer*

**Forms:** None

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



RULES AND REGULATIONS  
BOARD OF REGENTS  
STEPHEN F. AUSTIN STATE UNIVERSITY  
(Amended ~~October 18, 2011~~ *July 28, 2015*)

**1. Composition of Board**

The Board of Regents, Stephen F. Austin State University, is composed of nine members who are appointed by the governor of Texas, with the advice and consent of the senate. Three members of the board are appointed biennially to serve for terms of six years.

The board is charged with the responsibility of performing those duties which are delegated to it by the legislature. The board has no authority except as delegated to it by law.

Knowledge of the limitations of its authority is imputed to all persons, firms and corporations dealing with the board.

**2. Non-Voting Student Regent**

Annually on June 1, a student regent shall be appointed by the governor to serve a one-year term expiring on the following May 31. The student regent must be enrolled as an undergraduate or graduate student at Stephen F. Austin State University at the time of appointment and throughout the student regent's term. The student regent must remain in good academic standing and maintain at least a 2.5 GPA.

The student regent is not a member of the Board of Regents of Stephen F. Austin State University. The student regent has the same powers and duties as the members of the Board of Regents, including the right to attend and participate in meetings of the Board of Regents, except that the student regent may not vote on any matter before the board or make or second any motion before the board. The student regent is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

**3. Office of the Board of Regents**

The Office of the Board of Regents is located in the Austin Building, Room 308. The mailing address is PO Box 13026 – SFA Station, Nacogdoches, TX 75962-3026. The office is staffed by the coordinator of board affairs.

#### 4. Setting of Meetings

The Board of Regents shall convene annually in Nacogdoches, Texas, in the month of April, which meeting shall be known as the annual meeting.

All meetings of the board shall conform to the terms of the Texas Open Meetings Act, *Chapter 551 of the Texas Government Code*. Regular meetings of the board shall be held quarterly at such time and place as a majority of the board shall determine. The board shall set regular quarterly meeting dates one year in advance, usually in January, April, July and October, which may be changed by consensus of the board due to unanticipated needs. Special meetings of the board may be called by the chair, or by a majority of the members of the board. Telephone conference meetings may be called when circumstances dictate that immediate action is required and it is difficult or impossible to convene a quorum in a single location. Telephone conference meetings shall be restricted to special meetings of the board.

All meetings of the Board of Regents shall be open to the public *and broadcast over the internet as required by state law. Such broadcasts shall be recorded and archived in accordance with state law.* Executive sessions of the board may be held with the consent of a majority of those members present and as authorized by law.

A majority of the members of the board or committee membership shall constitute a quorum. Ex-officio members shall be counted for purposes of determining a quorum. Proxies shall not be recognized. No formal action shall be taken by the board or committee of the board in the absence of a quorum.

#### 5. Designation of Officers

The officers of the board shall include a chair, a vice chair, a secretary, and such other officers as may from time to time be elected or appointed.

#### 6. Election of Chair and Authorization of Duties

At the January meeting of the board, and as the last order of business, there shall be elected from the membership of the board a chair, who shall take office at the start of business during the official, formal meeting of the full board in April and shall serve through the beginning of business at the formal meeting of the full board in April of the following year. In the event the chair's term of office as regent expires prior to the conclusion of his/her service as chair, the chair-elect shall immediately take office upon such expiration and serve for the remainder of the previous chair's term and his/her elected term; however if the chair is reappointed to a new term as regent, he/she shall complete the elected term of office. *If a chair-elect has not been named, the*

*vice-chair shall serve as chair of the board until the beginning of business at the formal meeting of the full board at the next April meeting.*

No member shall serve more than two consecutive elected terms as chair unless the members shall re-elect such member for each term after the two consecutive terms by a vote of at least six (6) members.

In the event of a chair's death or resignation, the vice chair shall serve as chair of the board until the ~~next annual meeting~~ *beginning of business at the formal meeting of the full board at the next April meeting.*

The chair of the board shall preside at all meetings of the board which he/she attends.

He/she will be responsible for the agendas of the meetings of the board. He/she shall have the authority to call special meetings of the board, as herein provided. He/she shall be an ex officio member of all committees of the board and shall be in addition to the membership prescribed in Section 9 of these Rules. He/she shall deliver to each new board member immediately upon such person's appointment by the governor a copy of the regents' *Rules and Regulations* and a copy of the organization of principal administrative offices of the university.

Parliamentary procedure in board meetings will generally conform to *Roberts' Rules of Order, Newly Revised*, when not in conflict with board rules.

The chair shall, in the name of the board, formally execute all contracts and documents authorized by resolutions of the board unless otherwise authorized to be signed by the president, and perform such other duties as are generally imposed on a chair of the board.

## **7. Election of Vice Chair and Authorization of Duties**

A vice chair shall be elected from the membership of the board immediately following the election of a chair at the January meeting and shall take office at the start of business during the official, formal meeting of the full board in April and shall serve through the beginning of business at the formal meeting of the full board in April of the following year. In the event the vice chair's term of office as regent expires prior to the conclusion of his/her service as vice chair, the vice chair-elect shall immediately take office upon such expiration and serve for the remainder of the previous vice chair's term and his/her elected term; however if the vice chair is reappointed to a new term as regent, he/she shall complete the elected term of office. *If a vice chair-elect has not been named, the secretary shall serve as vice chair, as well as secretary, until the beginning of business at the formal meeting of the full board at the next April meeting.*

No member shall serve more than two consecutive elected terms as vice chair unless the members shall re-elect such member for each term after the two consecutive terms by a vote of at least six (6) members.

The vice chair shall preside over meetings of the board in the absence of the chair, and shall succeed to the rights and powers of the chair in the event he/she is absent from the state or is unable to act because of disqualification, or because of physical disability as determined by the board. The vice chair shall perform such other duties as may be delegated to him/her by the board.

In the event of the death, resignation, or assumption of chair duties by the vice chair, the secretary shall serve as vice chair, as well as secretary, until the beginning of business at the formal meeting of the full board at the next April meeting.

## **8. Election of Secretary and Authorization of Duties**

The board shall select a secretary from the membership of the board, immediately following election of a vice chair at the January meeting, who shall take office at the start of business during the official, formal meeting of the full board in April and who shall serve through the beginning of business at the formal meeting of the full board in April of the following year. In the event the secretary's term of office as regent expires prior to the conclusion of his/her service as secretary, the secretary-elect shall immediately take office upon such expiration and serve for the remainder of the previous secretary's term and his/her elected term; however if the secretary is reappointed to a new term as regent, he/she shall complete the elected term of office. *If a secretary-elect has not been named, the vice chair shall serve as vice chair, as well as secretary, until the beginning of business at the formal meeting of the full board at the next April meeting.* The secretary shall ensure that preparation for all meetings of the board, including such notices as required by law are made. The secretary or other officers shall attend all open meetings of the board and ensure that accurate records of all open meetings are kept. He/she shall ensure that all parties affected by the actions of the board are notified. He/she shall provide oversight to the coordinator of board affairs who shall be responsible for all records of the board and all documentary files thereof. He/she shall ensure that the coordinator of board affairs keep the official copy of the regents' *Rules and Regulations*. Said copy shall contain all current rules and regulations as set by the Board of Regents. Any changes or additions thereto shall be entered in the official copy and such changes and additions shall be furnished to members of the board and officers of the university as designated by the president. The coordinator of board affairs shall assist the secretary in performing the duties of his/her office.

## **9. Committees of the Board**

The chair of the board shall appoint at the annual meeting of the Board of Regents or soon thereafter all committee members and shall designate a chair of each committee except as otherwise provided herein. The chair of the board may further remove, replace, or appoint members in the event of a vacancy.

- 9.1 The Executive Committee shall consist of the chair of the board, the vice chair of the board, and one other member appointed by the chair. The chair of the board shall serve as chair of this committee. This committee shall serve as an advisory committee and review and make recommendations to the full board on any matter related to the governance, control and direction of the policies of the university.
- 9.2 The Academic and Student Affairs Committee shall consist of three members. This committee shall consider:
- (1) the curricula of the various colleges and departments of the University with any other matters dealing with academic programs and the progress thereof;
  - (2) the research programs within the university and their relationship to all graduate education;
  - (3) student affairs within the university;
  - (4) personnel matters within the university.

The committee shall summarize facts and present alternatives as necessary.

- 9.3 The Building and Grounds Committee shall consist of three members. This committee shall consider:
- (1) use and occupancy of university property;
  - (2) planning of, locating of, receiving bids for, awarding contracts for, construction of, and maintenance of buildings, utilities, and other physical facilities of the campus.

The committee shall summarize facts and present alternatives as necessary.

- 9.4 The Finance and Audit Committee shall consist of three members. This committee shall consider:
- (1) the budgeting and appropriations request processes;
  - (2) all requests for appropriations and budgets covering expenditures of educational and general funds and auxiliary programs, including, but not limited to, student housing and the athletic department;

- (3) handling of university funds, depositories, etc., whether from appropriated or contributed funds.
- (4) the auditing function of the university including, but not limited to, annual audit plan, internal and external audit reports, risk assessment, and audit/compliance issues.

The committee shall summarize facts and present alternatives as necessary.

- 9.5 The Nominating Committee shall consist of three members. This committee shall be appointed annually prior to the January meeting by the chair for the purpose of nominating board officers for election at the January meeting.
- 9.6 The chair of the board may at any time appoint special committees, name the members thereof and designate the chairs. At a meeting of the Board of Regents, not less than six members thereof may appoint special committees, name the members thereof and designate the chairmen. Any special committee so created by the chair or by the Board of Regents shall be temporary and shall be charged in writing as to its particular duties and functions and the period in which it is to serve. Action by the chair of the board and/or six such members will be required to extend this period.

## **10. Prohibiting Contracting with Board Members**

The Board of Regents shall approve no contract or agreement of any character in which a member of the board, directly or indirectly, has a pecuniary interest, without prior advice of the general counsel. Regents must self-disclose potential direct or indirect pecuniary interests in matters pending before the Board of Regents. Potential transactions with relatives of regents should also be disclosed to the general counsel for advice and counsel to avoid any appearances of a conflict of interest.

## **11. Election of University President**

Annually when the budget is passed, the Board of Regents shall conduct a performance review of the president and elect the president of the university by affirmative vote of a majority of its members. The president of the university shall hold office without fixed term and at the pleasure of the board. The president shall not have tenure as president, but may hold tenure as a member of the faculty of the university when such tenure has been approved by the board. The president's salary shall be designated in the appointing order.

In case a change in the presidency is made, the board will accept for

consideration suggested nominations from a screening committee representing the board, the faculty, the staff, the Alumni Association, the community, and the student body, which committee shall be selected by a majority vote of the Board of Regents.

## **12. Authority, Duties, and Responsibilities of the University President**

The president shall be responsible for developing and maintaining excellence and efficiency within the university.

The president shall be answerable to the Board of Regents and shall have discretionary powers broad enough to effectively administer the university within the policies and guidelines as set forth by the Board of Regents. The president shall have such powers as may be from time to time delegated by the board.

The president shall be prepared to make recommendations to the board on university matters which require board approval.

The president shall be responsible for implementing all board action items affecting the university.

The president shall interpret the board's policies to the faculty and staff and interpret the university's programs and needs to the board. The president shall at all times also represent and interpret the university's programs, needs and interests to the public.

The president shall recommend appropriate operating budgets and supervise expenditures under approved budgets.

The president shall nominate to the board the appointment and reappointment of all members of the faculty, administrative officers and professional staff and recommend such individuals for promotion, retention, or dismissal.

The president shall develop and maintain efficient personnel programs for all employees, including faculty and administrative officers.

The president shall ensure efficient management of business affairs and physical property and shall recommend additions and alterations to the physical plant.

The president shall assume active leadership in developing private fund support for the university.

Without prior notice or hearing, the president of the university may suspend without pay and immediately remove from the university or assign to other

duties with pay any employee, and suspend and immediately remove from the university any student who: (1) poses a continuing danger to persons or property; (2) disrupts the orderly operation of the university; (3) endangers the education of students; or (4) has been convicted by a trial court of any felony or a crime of moral turpitude. The president shall, as soon as possible, notify the general counsel of such action. In such cases the president will set a hearing before the appropriate administrator or committee on the employee's or student's case as soon thereafter as is practicable unless otherwise waived by the employee or student.

The president shall have the ultimate responsibility for the proper administration of all university contracts, agreements, or purchases which are delegated to the president under the board's policy.

The president is authorized to accept grants and contracts and enter into agreements involving the furnishing of educational services with the various agencies of the federal and state governments, foundations, and private corporations and is authorized to advance funds as necessary to finance federal grants and contracts which are on a reimbursement basis provided the university will be reimbursed by the agencies for any cost resulting from such grants or contracts.

### **13. Election and Duties of General Counsel**

Annually when the budget is passed, the Board of Regents shall conduct a performance review and elect the general counsel by affirmative vote of a majority of its members. The general counsel shall hold office without fixed term and at the pleasure of the board. The general counsel's salary shall be designated in the appointing order.

The general counsel shall be responsible for all legal advice on all matters related to the university. He/she shall be responsible for all legal matters with local, state, and federal agencies and officials.

The general counsel shall work in cooperation with the attorney general of the state of Texas, legal counsel engaged in private practice and other legal counsel for agencies of the state of Texas concerning matters that may affect the university. He/she shall monitor all lawsuits brought against or for the university and assist the attorney general's office in the preparation, trial, and appeal of lawsuits involving the university.

The general counsel shall review all contractual obligations entered into by the university. He/she shall make legislative interpretations and be responsible for the compilation of all legislative statutes affecting the university. He/she shall be responsible for the determination of student residency classification on appeal. He/she shall perform such other duties



which are generally incumbent upon a general counsel of like boards or which shall be delegated to him/her by the board or the president of the university.

#### **14. Election and Duties of the Director of Audit Services**

Annually when the budget is passed, the Board of Regents shall conduct a performance review and elect the director of Audit Services by affirmative vote of a majority of its members. The director of Audit Services shall hold office without fixed term and at the pleasure of the board. The director's salary shall be designated in the appointing order.

The director of Audit Services shall assist the board in carrying out its oversight responsibilities as they relate to the university's a) financial and other reporting practices, b) internal control, and c) compliance with laws, regulations, and ethics.

The director of Audit Services shall report on a day-to-day and functional basis to the president of the university. The director of Audit Services shall periodically communicate directly with the Finance and Audit Committee chair. It is important that the university auditor be independent of the chief financial and/or accounting officers to ensure independent review of the internal control structure and the financial reporting process.

The director of Audit Services shall work in cooperation with the state auditor's office, independent auditors engaged in private practice, and other auditors for entities of the state of Texas concerning matters that may affect the university.

The director of Audit Services shall annually submit information on the annual audit plan, work schedule, and staffing plan to the president for his review and to the Board of Regents for their approval. The director shall submit an annual report as required by Texas Government Code Chapter 2102. The annual report shall be submitted to the president and the board for review prior to public dissemination.

#### **15. Election and Duties of the Coordinator of Board Affairs**

Annually when the budget is passed, the Board of Regents shall conduct a performance review and elect the coordinator of board affairs by affirmative vote of a majority of its members. The coordinator of board affairs shall hold office without fixed term and at the pleasure of the board. The salary for this position shall be designated in the appointing order.

The coordinator of board affairs shall manage the Office of the Board of Regents to assist in the administration of the responsibilities of the board and

facilitate the role of each regent in the discharge of his or her responsibilities.

The coordinator of board affairs shall use discretion and independent judgment in establishing reporting mechanisms for the board, shall work directly with the regents, president, and general counsel on a routine basis, shall track information needs of the board and shall work as the campus liaison for the board's honored guests, including legislators, commencements speakers, and other dignitaries.

Other responsibilities for the coordinator of board affairs shall include taking, preparing and distributing meeting minutes; preparing and distributing meeting agendas; coordinating the review and publication of board policies, filing open meeting notices; notifying board members of all meeting dates; administering all communications and correspondence for the board; planning meetings, workshops, events and retreats for the board; making travel arrangements for board members; maintaining a calendar for the board; keeping board members apprised of upcoming events; ensuring appropriate board representation at functions; maintaining current board address list; and developing and maintaining the Board of Regents' Web page.

## **16. Employees Reporting to the Board of Regents**

From time to time, the Board of Regents may employ other individuals who report directly to the Board of Regents. Such employees shall hold office without fixed term and at the pleasure of the board. The salary of such employees shall be designated in the appointing order. Performance reviews may be conducted by the board within its discretion.

## **17. Report or Agenda for Meetings**

At all regular or special meetings of the board, the president of the university shall submit a president's report in writing. Such reports shall follow a uniform format approved by the board, with the proposed form of recommended board orders set out in the first section of the report, followed by sections on faculty and staff, budgetary items, contracts, curriculum, miscellaneous items and explanation. The latter section of the report shall set forth in reasonable detail an explanation of each proposed board order or recommendation. All board orders proposed in a president's report shall be drafted with clarity and brevity to reflect, without the need to refer to extraneous sources, the precise action ordered by the board in each instance. The drafting of multifarious orders for board consideration shall be avoided.

A copy of the president's report shall be submitted to all members of the board and the secretary at least ten days in advance of a meeting of the board.

## **18. Order of Business**

All regular and special meetings of the Board of Regents shall be as follows unless the chair otherwise directs:

- A. Approval of the minutes of the preceding meeting
- B. Reports of standing committees
- C. Reports of special committees
- D. Other business
- E. Adjournment

## **19. Appearance Before the Board**

- 19.1 Special appearances as requested by the board or president: The chair of the Board of Regents or the president (as approved by the board chair) may invite individuals to appear before the board or one of its committees (as approved by the committee chair) for specific purposes. The chair of the Faculty Senate and the president of the Student Government Association shall have the opportunity to provide a report at each quarterly board meeting.
- 19.2 Requests to address the board: Requests to appear before the board to make comments on a specific agenda item must be received by the coordinator of board affairs in writing no later than twenty-four (24) hours before the board meeting at which the individual wishes to speak. The request should set out clearly the nature of the subject matter to be presented relating to a specific board agenda item. In making a request to appear before the board, individuals must give their names and any relevant title or affiliation. Comments on topics not posted on the agenda are not allowed but may be submitted to the coordinator of board affairs in writing, at any time, for distribution to the regents.
- 19.3 Time allocation: The board will allow up to twenty (20) minutes for public comment per agenda item. An individual speaker will be permitted three (3) to five (5) minutes for a presentation. The board will allow a total of up to ninety (90) minutes for public comments per regular quarterly meeting. Copies of speakers' comments, and/or other written materials for distribution to the Board of Regents will be accepted. Public comments will take place during the scheduled public comment period at the beginning of each regular quarterly meeting.
- 19.4 Other meetings: While a specific period for public testimony will be limited to the regular quarterly meetings, written comments are welcome for any scheduled meeting of the Board of Regents. One copy of comments may be forwarded to the Office of the Board of Regents for

distribution to the regents.

- 19.5 **Scheduling of speakers:** When the number of requests to address the board at a given session and for a specific agenda item exceeds the time available, requests will be approved based on the order the written request was received by the coordinator of board affairs. If, by virtue of time or other constraint a speaker is not able to present his/her comments orally, said comments will be accepted in writing and distributed to the Board of Regents at the meeting.
- 19.6 **Special Requests:** Special requests to appear before the board for comments at times other than the regular quarterly meetings can be submitted to the coordinator of board affairs for consideration by the chair of the Board of Regents.

## **20. Annual Budget for University Operations**

The president shall prepare and submit annually to the board at its April or July meeting, as specified each year by the board, a proposed budget for the operation of the institution for the next fiscal period. Copies of all proposed operating budgets shall be submitted in writing to all members of the board at least one week in advance of such meeting of the board.

## **21. Monthly Financial Report of University Operations**

The president of the university shall submit a monthly operating statement to the members of the board showing balance sheet by fund groups; statement of income; statement of expenditures, unexpended balances, encumbrances, and unencumbered balances.

All institutional books, records, ledgers and accounts shall be kept and maintained in conformity with recommendations of the state auditor and the state comptroller of public accounts, subject to approval by the board.

Blanket fidelity bonds, approved by the board, shall be required to cover all employees of institutions under the jurisdiction of the board.

## **22. Student Admission, Degree Requirements, Tuition and Fees**

Student admission standards, entrance requirements, and degree qualifications shall be determined and prescribed by the institution, subject to the approval of the board. No otherwise qualified applicant for student enrollment shall be denied admission solely on the basis of religious or racial tests. Enrollment preference shall be given to residents of the state of Texas.

Tuition, student fees, and room and board rates shall be established by the institution, subject to legislative direction and approval by the board.

Each member of the board shall receive copies of major publications of the university.

### **23. Employment of Bond Legal Counsel**

The board shall employ bond counsel as appropriate to advise and represent it in any matters.

### **24. Reimbursement of Expenses**

Reimbursement of expenses shall be allowed members of the board for attending regular and special meetings of the board; for visiting the university at the request of the board or the chair of the board; for attending formal committee meetings, and for such other special and limited purposes as the board may expressly authorize in accordance with state regulations. Verified expense accounts shall be submitted to the Office of the Board of Regents for payment and the same shall be subject to review and control by the board.

### **25. Use of Campus Facilities for Political Purposes**

While the use of the facilities of the university for partisan political assemblies and meetings is not normally encouraged, the faculty and administration, as members of a learned and honorable profession, may properly exercise their acknowledged individual rights and obligations of citizenship free of university discipline or censorship.

Individual political candidates and their election organizations are not permitted to reserve a university facility for campaign activities. However, if a candidate is invited by a university group, then he or she may appear in the facility, provided that the group extending the invitation is responsible for reserving the facility and meeting the costs related to the event.

No member of the Board of Regents shall undertake to influence the political opinions of personnel subject to the board's jurisdiction, but such personnel are requested to exercise their individual rights of citizenship or academic freedom in a responsible manner reasonably calculated not to identify or associate with the university.

A university employee may not use his or her official authority or influence to coerce the political action of a person or body.

## **26. Authority for Official Statements**

The Board of Regents hereby reserves the authority and responsibility for determining matters of policy and official statements concerning any political or other subjects of an obviously controversial nature which represents an official policy, statement, or position of the Board of Regents, or of the university. Statements, policies, and positions by the Board of Regents on such matters shall be made by the board through the chair of the board or the president of the university. No regent, officer, faculty or staff member shall have the authority to speak for or issue any public statements on policy for and on behalf of the Board of Regents, or of the university, on such matters without prior approval of the board.

## **27. Naming of Buildings and Other Facilities**

Buildings and other facilities (including laboratories and clinics) of Stephen F. Austin State University may be named by the Board of Regents for deceased persons who have made outstanding contributions to the university or its prestige. In extraordinary circumstances, particularly when a significant donation has been made to the university, the Board of Regents may name a building, or other facility, for a living person.

Gift naming thresholds are outlined in the university's policy for Naming Guidelines (D-221.5). The Board of Regents retains the latitude to create alternate naming opportunities within the discretion of the board.

Proposed names may be submitted from any source to the Office of Development for their recommendation to the president who, if he concurs, shall submit such names, together with background reasons, to the Board of Regents for consideration; provided, however, that the Board of Regents may act without receiving a nomination from the Office of Development, when circumstances justify such action, and particularly when a substantial donation has been made toward the construction of the building or facility to be named. Any such nominations shall be reviewed by a committee of the board. Such review shall take place before any contacts with prospective nominees. A name will not be moved from one building to another, and when a building is razed, the name will no longer be used.

A plaque shall be placed on each new building. The plaque shall show the names of those occupying the following positions on the date of the contract award: the project is approved by the Board of Regents: the officers of the Board of Regents; the remaining members of the Board of Regents in alphabetical order; the student regent; the president of the university; the vice president for Finance and Administration, the vice president(s) for the area involved, the

director of Physical Plant, the architect and the contractor, together with the year the ~~contract is awarded~~ *project was approved*.

## **28. Provisions to Amend Rules and Avoid Conflict with Statutes**

The rules and regulations herein provided may be amended by a majority vote of members of the board at any regular meeting or at a special meeting of the board called for that purpose. Proposed amendments shall be filed in writing with the secretary and copies submitted to each board member at least fifteen (15) days before the same are considered by the board.

Should all or any part of the foregoing rules and regulations conflict with any constitutional, statutory or legislative appropriations provisions, they shall be amended to conform therewith.