

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



**Nacogdoches, Texas
December 17, 2020
Volume 340**

TABLE OF CONTENTS
BOARD MINUTES FOR DECEMBER 17, 2020
BOARD OF REGENTS MEETING 340

Page

COMMITTEE OF THE WHOLE

Board Order 21-17

Approval of the Stephen F. Austin State University and Texas A&M University RELLIS Campus Partnership	1
--	---

Board Order 21-18

Approval of the Aviation Program Partnership	2
--	---

Board Order 21-19

Approval of the Reallocation of Computer Replacement HEF Funds	2
--	---

Board Order 21-20

Approval of the Changes to the SFA Charter School Board Authority.....	3
--	---

Board Order 21-21

Approval of Presidential Authority: NCAA Athletic Conference Affiliation.....	4
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**Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
December 17, 2020
Videoconference
Meeting 340**

Thursday, December 17, 2020

The meeting of the Board of Regents was called to order in open session at 9:02 a.m. by Chair Alton Frailey.

PRESENT ON VIDEOCONFERENCE:

Board Members: Mr. Alton Frailey, Chair
 Mrs. Karen Gantt, Vice Chair
 Mr. Tom Mason, Secretary
 Mr. David Alders
 Dr. Scott Coleman
 Mr. Robert Flores
 Mrs. Brigettee Henderson
 Mrs. Judy Olson
 Mrs. Jennifer Winston
 Ms. Ireland Bramhall, Student Member

General Counsel: Mr. Damon Derrick
Chief Audit Exec.: Mrs. Gina Oglesbee
President: Dr. Scott Gordon
Cabinet: Mrs. Erma Brecht
 Dr. Steve Bullard
 Dr. Michara Delaney-Fields
 Mr. Anthony Espinoza
 Dr. Danny Gallant
 Mr. Ryan Ivey
 Mrs. Jill Still
 Dr. Charlotte Sullivan
 Dr. Steve Westbrook

Other SFA administrators and staff were in attendance online.

Presentations and Board Actions were taken on the following items.

BOARD ORDER 21-17

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

**STEPHEN F. AUSTIN STATE UNIVERSITY AND TEXAS A&M UNIVERSITY RELLIS
CAMPUS PARTNERSHIP**

WHEREAS, the board members considered the following: SFA and the Texas A&M University (TAMU) RELLIS campus developed a partnership that will allow SFA to teach courses at the TAMU RELLIS campus located near College Station. Beginning with the fall 2021 semester, SFA will participate in class delivery as other higher education partners at the RELLIS campus. Specifically, SFA will offer the Bachelor of Science in Interdisciplinary Studies, EC-6 concentration, through the RELLIS Academic Alliance (RAA). The Alliance includes 12 education partners, and each institution that participates in the RAA charges the same tuition and fee amount. SFA requests approval to charge the same tuition and fee rate as other institutions participating in the RAA. The fiscal year 2020-21 RELLIS tuition and fee cost is \$4,647.75 for fifteen semester credit hours.

THEREFORE, it was ordered that the university adopt the same tuition and fee rates that other institutions charge that participate in the RELLIS Academic Alliance.

BOARD ORDER 21-18

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

AVIATION PROGRAM PARTNERSHIP

WHEREAS, the board members considered the following: The university has developed an aviation degree program that provides an academic pathway for students to earn a bachelor of applied arts and sciences degree in association with flight training that leads to aircraft pilot certification. An aviation training school will partner with the university in the joint training and degree awarding process. An RFP was released to solicit bids for the aircraft pilot training component. The university received two bids to provide the aircraft training. Those firms were HCH Aviation, LLC and U.S. Aviation Group, LLC.

THEREFORE, it was ordered that based on a best value evaluation, the university will enter into a partnership with HCH Aviation, LLC to conduct the aircraft training.

BOARD ORDER 21-19

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

REALLOCATION OF COMPUTER REPLACEMENT HEF FUNDS

WHEREAS, the board members considered the following: Policy 17.4, Computer Purchase and Replacement, governs the university's computer acquisition and replacement process. The policy stipulates that computer and workstation replacement evaluations will occur on a five-year cycle. Portable computer replacement evaluations will occur on a four-year cycle. Either evaluation may be deferred as a result of budget constraints or administrative discretion. The administration has determined that certain computer configurations need to be replaced.

In the July, 21, 2020 board meeting, the board of regents approved a \$750,000 HEF allocation to be used for computer replacement. Based on a reevaluation of institutional technology (ITS) needs, the administration wishes to reallocate \$200,000 from fiscal year 2021 computer replacement HEF

funding to institutional ITS initiatives that include an antivirus/endpoint protection solution, a multifactor authentication solution and self-service password reset portal. A portion of CARES funding will be used for critical computer replacements.

THEREFORE, it was ordered that \$200,000 be reallocated from the fiscal year 2021 computer replacement HEF allocation to an antivirus/endpoint protection solution, multifactor authentication solution and a self-service password reset portal.

BOARD ORDER 21-20

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

CHANGES TO THE SFA CHARTER SCHOOL BOARD AUTHORITY

WHEREAS, the board members considered the following: In January 2008 with Board Order 08-11, the Board of Regents authorized the creation of the SFA Charter School Board. The order provided the SFA Charter School Board authority for the day-to-day operations of the school, subject to final approval by the SFA Board of Regents for the annual budget; expenditures beyond the approved annual budget; purchases, contracts and other expenditures over \$100,000; and the employment of all professional (exempt) personnel. The SFA Charter School is generally subject to all university policies. The SFA Charter School Board provides management for the SFA Charter School, and the SFA Board of Regents provides general oversight to ensure fiscal accountability.

Board Order 08-11 also provides that the SFA Charter School Board shall consist of seven voting members, plus the academic leader of the charter campus serving as an ex-officio non-voting member. The SFA Charter School Board includes representation from the areas of education, parents, teachers and the community. The SFA Charter School Board is made up of three constant positions consisting of the Dean of the James I. Perkins College of Education, serving as Chair; the Department Chair of Elementary Education; and the SFA Charter School academic leader, serving as the ex-officio non-voting member; and five 3-year renewable term positions appointed by consensus of the existing SFA Charter School Board members.

The expenditure approval levels for the university have changed since 2008, and the titles have changed for two of the BOR approved constant positions. The Chair of Elementary Education has changed to the Chair of Elementary Studies, and the academic leader has changed to Chief Executive Officer/Principal.

Texas Education Code Section 44.008 requires each school district and charter school to have their annual financial and compliance report audited by an independent auditor and approved by the board. The annual financial and compliance report must be submitted to the Texas Education Agency (TEA) not later than the 150th day after fiscal year end. Currently the SFA Board of Regents approves the Charter School's Audited Annual Financial and Compliance Report prior to submission to the TEA. Approval of the Audited Annual Financial and Compliance Report can be delegated to the Charter School Board.

THEREFORE, it was ordered that the SFA Charter School Board be given additional authority to approve the Audited Annual Financial and Compliance Report prior to submission to the TEA. In addition, it is recommended that the authority for SFA Charter School purchases, contracts and other

expenditures follow university policies and procedures for approval levels. For the Charter School Board three constant positions designated by the SFA Board of Regents, it is noted that the titles be updated from Chair of Elementary Education to Chair of Education Studies and from academic leader to Chief Executive Officer/Principal.

Chair Frailey called the meeting into executive session at 9:22 a.m. to consider the following items:

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

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the vice presidents, athletic director and 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, *Marcella Cook v. SFASU et al*; *Ann Wilder, Ph.D. v. SFASU*; and *S.M., J.C., C.O., T.R., M.W., and K.W. vs. SFASU et al.* (Texas Government Code, Section 551.071)

The executive session ended at 11:24 a.m. and the Board of Regents videoconference meeting returned to open session.

BOARD ORDER 21-21

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

PRESIDENTIAL AUTHORITY: NCAA ATHLETIC CONFERENCE AFFILIATION

WHEREAS, the board members considered the following: Stephen F. Austin State University is currently a member of the NCAA Division I Southland Conference. The Southland Conference competes at the Football Championship Subdivision (FCS) level and includes 13 conference schools located in Arkansas, Texas and Louisiana. Recently, one of the Southland Conference members announced their intentions to negotiate with a new conference. In addition, SFA has researched and discussed options for alternative conference affiliation. SFA has received an invitation to join the Western Athletic Conference.

THEREFORE, it was ordered that the university accept the invitation to join the Western Athletic Conference (WAC), effective July 1, 2022, and that the President be given authority to negotiate the final terms and conditions of the affiliation and sign the related conference affiliation agreement(s).

Chair Alton Frailey announced the following committee appointments:

NOMINATING COMMITTEE

Scott Coleman, Chair

Judy Olson

Jennifer Winston

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.

INTERCOLLEGIATE ATHLETICS ADVISORY COMMITTEE

Scott Coleman, Chair

Jennifer Winston

Bob Garrett

Joe Max Green

Trey Henderson

Karl Lindekugel

Jason Reese, Faculty Representative

Chris Moore, SGA President

Alton Frailey, ex-officio

The Intercollegiate Athletic Advisory Committee (IAAC) advises the Board of Regents and the president of Stephen F. Austin State University on practices of the athletic department as it relates to long range planning of intercollegiate athletics. Specifically, the committee is charged with advising the board, the president and the athletic director on the internal and external practices of the athletic department, with specific interest on facility planning, funding, and athletic experiences for external constituents.

The meeting was adjourned by Chair Alton Frailey at 11:27 a.m.