

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



Nacogdoches, Texas

**October 23, 2001
Volume 178**

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MINUTES OF THE MEETING
BOARD OF REGENTS
STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS

OCTOBER 23, 2001

The meeting was called to order at 9:00 a.m. by Chair Mike Enoch. Board members present in Room 307: Penny Butler, Margarita de la Garza Grahm, Kenneth James, Mike Enoch, Gary Lopez, Susan Roberds, Mike Wilhite and Fred Wulf. Absent: Lyn Stevens.

Others present in Board Room 307: Tito Guerrero, Roland Smith, Janelle Ashley, Baker Pattillo, Yvette Clark, and other SFA administrators, staff, and visitors.

02-01

Upon motion of Regent Wilhite, seconded by Regent Butler, with all members voting aye, it was ordered that 3D International be the architectural firm and J. E. Kingham Construction Company be the construction manager for the Human Services/Telecommunications Building. J. E. Kingham Construction Company was approved for other miscellaneous projects not requiring Coordinating Board approval for a two-year period beginning September 1, 2001 through August 31, 2003. Upon successful negotiation of contracts, the president is authorized to sign the appropriate documents.

02-02

Upon motion of Regent Roberds, seconded by Regent Enoch, with all members voting aye, the following consent agenda items were approved:

Approval of minutes of July 17, 2001 and August 15, 2001

Faculty and Staff Appointments for 2001-2002

1. Communication

Ms. Jessica Green, Lecturer, M.A. (Stephen F. Austin), at a salary of \$23,000 for 100% time, for nine months, effective September 1, 2001.

2. Computer Science

Ms. Cherry Wahsheh, Lecturer, M.S. (Stephen F. Austin), at a salary of \$30,000 for 100% time, for nine months, effective September 1, 2001.

3. Elementary Education

Ms. Lysa Gaston, Instructor, M.E. (Stephen F. Austin), at a salary of \$41,000 for 100% time, for nine months, effective September 1, 2001.

4. English and Philosophy

Ms. Catherine A. Mitchell, Visiting Lecturer, M.A. (University of Texas at Dallas), at a salary of \$25,000 for 100% time, for nine months, effective September 1, 2001.

Dr. Charles L. Padron, Assistant Professor, Ph.D. (Vanderbilt University), at a salary of \$34,000 for 100% time, for nine months, effective September 1, 2001.

5. History

Dr. Carol D. Hammond, Visiting Assistant Professor, Ph.D. (University of North Texas), at a salary of \$31,000 for 100% time, for nine months, effective September 1, 2001.

6. Human Sciences

Mr. Melih Madanoglu, Instructor, M.S. (Oklahoma State University), at a salary of \$30,000 for 100% time, for nine months, effective September 1, 2001.

7. Human Services

Ms. Shelia Dyer, Lecturer, B.A. (East Central State University), at a salary of \$35,000 for 100% time, for nine months, effective September 1, 2001.

Ms. Peggy B. Gill, Assistant Professor, Ed.D. (Stephen F. Austin), at a salary of \$40,000 for 100% time, for nine months, effective September 1, 2001.

Dr. Janice E. Stalling, Associate Professor, Ed.D. (University of South Dakota), at a salary of \$45,000 for 100% time, for nine months, effective September 1, 2001.

8. Kinesiology and Health Sciences

Mr. David A. Goodman, Lecturer, M.Ed. (Stephen F. Austin), at a salary of \$36,307 for 100% time, for nine months, effective September 1, 2001.

9. Mathematics and Statistics

Mr. Eric J. Oslund, Lecturer, M.S. (Stephen F. Austin), at a salary of \$31,000 for 100% time for nine months, effective September 1, 2001.

10. Music

Mr. Paul R. Piersall, Visiting Instructor, M.M. (Southern Methodist University), at a salary of \$32,000 for 100% time, for nine months, effective September 1, 2001.

11. Nursing

Mr. Bradley J. Manuel, Clinical Instructor, M.S.N. (University of Texas), at a salary of \$40,000 for 100% time, for nine months, effective September 1, 2001.

12. Political Science

Dr. Jeffery S. Clark, Visiting Assistant Professor, J.D. (Texas Tech Law School), at a salary of \$30,000 for 100% time for nine months, effective September 1, 2001.

Dr. Kristopher D. White, Visiting Assistant Professor, Ph.D. (University of Connecticut), at a salary of \$32,000 for 100% time for nine months, effective September 1, 2001.

13. Psychology

Dr. William S. Rogers, Visiting Assistant Professor, Ph.D. (Texas A&M University), at a salary of \$31,000 for 100% time for nine months, effective September 1, 2001.

14. Secondary Education

Dr. Fred M. Zachary, Associate Professor, Ed.D. (East Texas State University), at a salary of \$52,000 for 100% time for nine months, effective September 1, 2001.

15. Social Work

Mr. H. Stephen Cooper, Lecturer, M.S.W. (Stephen F. Austin), at a salary of \$33,000 for 100% time for nine months, effective September 1, 2001.

16. Sociology

Dr. Swati Shirwadkar, Visiting Professor for Diversity Studies, Ph.D. (Pune University — India), at a salary of \$45,000 for 100% time for four and one-half months, effective January 1, 2002.

17. Theatre

Ms. Angela Bacarisse, Assistant Professor, M.F.A. (Memphis State University), at a salary of \$38,500 for 100% time for nine months, effective September 1, 2001.

Dr. Richard C. Jones, Assistant Professor, Ph.D. (University of Kansas), at a salary of \$38,500 for 100% time for nine months, effective September 1, 2001.

Ms. Kimberly C. Wagner, Assistant Professor, M.F.A. (Purdue University), at a salary of \$38,500 for 100% time for nine months, effective September 1, 2001.

Ms. Shari B. Watterston, Lecturer, M.A. (Stephen F. Austin), at a salary of \$32,000 for 100% time for nine months, effective September 1, 2001.

18. Athletics

Ms. Monica Armendarez, Assistant Softball Coach, at a salary of \$19,000 for 75% time for 10.5 months, effective September 1, 2001

Ms. Ta Azar Bingham, Assistant Track Coach, at a salary of \$30,000 for 100% time for 10.5 months, effective September 1, 2001.

Mr. Jerrell Mark Bradley, Assistant Football Coach and Instructor, at a salary of \$52,041 for 100% time for 10.5 months, effective July 17, 2001.

Mr. James Dixon, Assistant Sports Information Director, at a salary of \$27,500 for 100% time for 12 months, effective July 23, 2001.

19. Auxiliary Services

Mr. Daniel C. Duplechian, Programmer/Analyst I, at a salary of \$27,185 for 100% time for 12 months, effective August 8, 2001.

20. Intramurals

Mr. Joe Rabago, Intramural Supervisor, at a salary of \$20,954 for 100% time for 9 months, effective September 4, 2001.

21. Multicultural Center

Ms. Comelita Williams, Coordinator of the Multicultural Center, at a salary of \$35,550 for 100% time for 12 months, effective September 5, 2001.

Changes of Status

1. Accounting

Dr. Jack Ethridge, from Chair and Professor at a salary of \$90,409 for 100% time for eleven months, to Professor at a salary of \$73,971 for 100% time for nine months, effective July 31, 2002.

2. Library

Ms. Karen H. Wielhorski, from Librarian III, Head of Reference at a salary of \$68,444 for 100% time for twelve months to Associate Director for Information Services and Librarian III at a salary of \$75,000 for 100% time for twelve months, effective September 1, 2001.

3. Health Clinic

Ms. Julia Farrell, from Head Nurse, at a salary of \$41,750 for 100% time for 12 months, to Head Nurse, at a salary of \$36,531 for 100% time for 10.5 months, effective September 1, 2001.

Retirement

1. Forestry

Dr. R. Montague Whiting, effective January 31, 2002.

Underenrolled Classes Fall 2001

1. AGR 481.001 — Methods of Teaching Agr. Sciences in the Secondary School
Enrolled: 8|
Maintain sequence
2. BIO 420.001 — Virology
Enrolled: 9
Maintain sequence

3. BIO 555.001 — Biological Ultrastructure
Enrolled: 4
Maintain sequence
4. ELE 351.004 — EC-4 Learners: Plan Instruc. & the Classroom Environment
Enrolled: 8
Maintain sequence
5. ELE 352.004 — EC-4 Learners: Implementing Instruc. & Professionalism
Enrolled: 8
Maintain sequence
6. ENV 349.001 — Environmental Soil Science
Enrolled: 7
Maintain sequence
7. FOR 305.001 — Wildlife Techniques
Enrolled: 8
Maintain sequence
8. FOR 317.001 — Forest Biometrics II
Enrolled: 9
Maintain sequence/graduating student
9. FOR 451.001 — Management of Outdoor Recreation Areas
Enrolled: 9
Maintain sequence
10. HRT 416.001 — Plant Propagation
Enrolled: 7
Maintain sequence
11. NUR 320.002 — Individuals in Developmental Crisis
Enrolled: 8
Maintain sequence
12. NUR 414.002 — Families in Crisis
Enrolled: 9
Maintain sequence
13. NUR 415.002 — Leadership in Nursing
Enrolled: 8
Maintain sequence
14. NUR 416.002 — Systems Health Protection
Enrolled: 6
Maintain sequence
15. NUR 417.002 — Family Self-Care in Situational Crisis
Enrolled: 9
Maintain sequence

16. NUR 423.002 — Nursing Process Practicum
Enrolled: 6
Maintain sequence
17. PHY 132.001 — Electricity, Sound & Light
Enrolled: 9
Maintain sequence
18. PHY 431.001 — Introduction to Quantum Mechanics
Enrolled: 9
Maintain sequence/graduating student
19. SED 460.002 — Developing Learner-Centered Instruction And Assessment
Enrolled: 7
Maintain sequence
20. SED 578.021 — Seminar
Enrolled: 1
Maintain sequence/graduating student
21. STA 525.001 — Applied Nonparametric Statistics
Enrolled: 4
Maintain sequence

Declining Balance Program

It was ordered that the University be permitted to proceed with the investigation of the expanded Jack Bucks declining balance program, and that the President be authorized to sign necessary contracts to implement the program, pending a review of the program and agreements by the General Counsel.

Resolution to Reimburse Expenditures with Proceeds of Future Debt

It was ordered that the Resolution to Reimburse Expenditures with Proceeds of Future Debt be approved as shown in Appendix No. 1.

Purchase of Water Sample Testing Services

It was ordered that the Board of Regents approve the purchase of necessary water samples generated by the Alto Watershed Project and funded by the College of Forestry, Center for Applied Studies in Forestry, Forest Resources Institute, Temple-Inland Inc., and National Council for the Paper Industry for Air and Stream Improvement, at a cost not to exceed \$106,000.

Purchase of Equipment for Office of Instructional Technology TIF Grant

It was ordered that the purchase of equipment required of the HE3 Grant be approved, not to exceed \$375,875. The source of funds is the Higher Education III (HE3) Grant.

Purchase of Equipment for Steen Library TIF Grant

It was ordered that the purchase of approximately 195 computers at a cost not to exceed \$301,650 be approved. Source of funds is the TIF Grant.

Purchases of Equipment for Forestry Analytical Laboratory/Greenhouse

It was ordered that approval be given for the purchase of the following equipment for the newly renovated Forestry Analytical Laboratory/Greenhouse facility, and that the President be authorized to sign the required purchase orders. :

1. Growth Chambers.
Cost: 3@ \$55,000 each \$165,000
Source of Funds: T.L.L. Temple Foundation Grant, McIntire-Stennis Formula Funds, and Instructional Capital Funds
2. Carbon-Nitrogen Analyzer
Cost: 1 Unit @ \$78,000 \$78,000
Source of Funds: T.L.L. Temple Foundation Grant
3. Time Domain Reflectrometer (TDR) Environmental Sensors for measuring *in-situ* soil moisture.
Cost: 8 Units @ \$12,000 each \$96,000
Source of Funds: T.L.L. Temple Foundation Grant
4. Atomic Absorption Spectrophotometer
Cost 1 Unit @ \$67,000 \$67,000
Source of Funds: T.L.L. Temple Foundation Grant
5. Laboratory Benches, Casework and Furnishings
Cost: Laboratory Casework \$77,096
Source of Funds: T.L.L. Temple Foundation Grant

Purchase of ImageNow Document Imaging System

It was ordered that the purchase of an ImageNow Document Imaging System be approved at a cost not to exceed \$100,000 and that the President be authorized to sign the required purchase order.

Vehicle Replacements

It was ordered that Physical Plant be authorized to purchase five replacement vehicles and that the President be authorized to sign the purchase order. Purchase through the FY 2002 state contract. FY 2002 HEAF funds not to exceed \$100,000 with any excess provided by Physical Plant O&M funds.

Energy-Related Performance Contracts

It was ordered that the University be authorized to consider proposals for energy-related performance contracts. Any proposal considered acceptable and to the advantage of the University will be brought before the Board of Regents for its consideration.

Credit Card Merchant Service Fees Agreement

It was ordered that the University be authorized to proceed with solicitations for Visa/Mastercard, Discover, and American Express credit card processing services for the initial period of December 1, 2001 through November 30, 2002, with four annual renewals, subject to administrative approval and that the President be authorized to sign the contract.

Concrete Contract

It was ordered that an award to Cox Concrete Contractors, Inc. be approved for a blanket contract for minor improvements of \$10,000 or less involving concrete site repair, concrete new construction and other associated minor alterations. The contract has been established for one year, with one annual renewal, subject to administrative approval. The President has signed the contract.

Notice of Redemption, Board of Regents of Stephen F. Austin State University Consolidated University Refunding Bonds, Series 1991 A and Series 1991B

It was ordered that approval be given for the Notices of Redemption for Series 1991A and Series 1991B, Board of Regents of Stephen F. Austin State University Consolidated University Revenue Refunding Bonds. Further, the administration recommends that the Board authorize the University to issue the Notices relative to any portion or all of the outstanding bonds of either or both series, to be determined based on available cash balances, funding requirements and interest markets.

University Mainframe Computing System

It was ordered that the University be authorized to proceed with procurement steps to purchase new mainframe and associated storage hardware and systems at a cost not to exceed \$160,000 and that the President be authorized to sign the necessary purchase orders. The source of funds is 2002 HEAF.

Facade - Art Center at the Opera House

It was ordered that the University be allowed to seek proposals for renovation of the downtown Art Center facade and that the President be authorized to sign purchase orders and contracts for the work, not to exceed \$80,000. Sources of funding are: grant, \$25,000 and private gifts, \$55,000.

Residence Hall Fire Safety

It was ordered that the Physical Plant Department be authorized to begin work immediately to install hard-wired smoke detectors in the residence halls and to install smoke compartmentalization improvements, and that the President be authorized to sign the necessary contracts and purchase orders. The cost is not to exceed \$500,000 over the two-year period.

Natural Gas Contract

It was ordered that the University be authorized to enter into a contract with Reliant Energy/Entex for the purchase of natural gas. The contract may be cancelled with 30-day notice every six months. Also the General Land Office will review the contract every six months.

Rusk and HPE Building Restorations

It was ordered that the University be authorized to clean and restore the Rusk Building exterior and to complete minor restoration work on the Lucille Norton HPE Complex and that the President be authorized to sign purchase orders, not to exceed \$75,500, to complete the projects. The source of funds is Physical Plant 2002 HEAF.

Campus Sidewalk Repair

The administration recommends that Physical Plant be authorized to proceed with phase I of the three-year sidewalk repair plan and that the President be authorized to sign the necessary contracts and purchase orders not to exceed \$60,000. The source of funds is Physical Plant 2002 HEAF.

Electric Service

It was ordered that the University be authorized to enter into an agreement with TXU for electric service, seek better proposals if available, or take whatever action is required to insure continued electric service at a rate equal to, or less than, the regulated rate in effect December 31, 2001. Any contract for electric service beyond December 31, 2002 will be brought before the Board for approval.

East College Cafeteria Air Handlers

It was ordered that the University be authorized to replace the air handlers in the East College Cafeteria basement at a price not to exceed \$110,000 and that the President be authorized to sign the necessary purchase orders. Source of funds: University Center budgeted maintenance funds for FY02.

Antenna Space Lease

It was ordered that the University be authorized to enter into a antenna space lease agreement with Verizon, provided the University's legal counsel approves the contract, and that the President be authorized to sign the lease.

Coordinating Board Approval of Tuition Revenue Bond Projects

It was ordered that the University be authorized to request Coordinating Board approval for the projects approved in House Bill 658 (renovation or replacement of the Human Services Building, replacement of the telecommunications facility, campus infrastructure improvements, and renovation of Power Plant I) at a price not to exceed \$14,070,000.

Arthur Temple College of Forestry Front Entrance

It was ordered that the University be authorized to complete the renovation of the front entrance to the Arthur Temple College of Forestry Building and addition of several offices and minor alterations to the central portion of the building at a price not to exceed \$229,727 and that the President be authorized to sign the contracts. The source of funds will be gifts (\$120,000) and HEAF (\$109,727).

Policy Revisions

It was ordered that the policy revisions be approved as presented.

Marketing Plan

It was ordered that the marketing plans and materials prepared by Kolar Advertising and Marketing be accepted as presented.

02-03

Upon motion of Regent Roberds, seconded by Regent Butler, with all members voting aye, approval was given for the the appointment of Mr. Marc Cossich, Chief of University Police, at a salary of \$70,000 for 100% time for 12 months, effective September 3, 2001.

REPORTS**A. Faculty Senate Chair, Dr. Joe Devine**

1. Salary Equity Steering Committee initiated by Dr. Guerrero
2. Admissions standards
3. Library materials budget
4. Distance Learning and Intellectual Property Policy
5. Developmental/remedial program
6. Guidance in evaluating web sites

B. President, Student Government Association, Mr. Charlie Hueber

1. Status of leadership minor
2. Student response regarding Dean of Student Development

C. President, Dr. Tito Guerrero III

1. Meetings with School Superintendents and Community College Presidents throughout the Region (Region 5 - Beaumont, November 14, 2001; Region 8 - Mount Pleasant, December 5, 2001)
2. Meeting with Governor Perry (October 19, 2001)
3. HACU Annual Conference (October 27-31, 2001)
4. Board of Visitors, Air University, Maxwell Air Force Base (November 4-7, 2001)
5. Exploration of Possible Collaborations with the State of Chihuahua (November 7-11, 2001)
6. Interior Design Accreditation Team Visit (November 12, 2001)
7. Big Switch (November 15, 2001)
8. AASCU Winter Meeting (November 18-21, 2001)
9. Football Game Against Texas Tech University (November 24, 2001)
10. Commencement (December 15, 2001)
11. Answer Questions from Members of the Board of Regents

Upon motion of Regent Roberds, seconded by Regent de la Garza-Graham, the meeting adjourned at 11:35 a.m.

**Board of Regents
Stephen F. Austin State University
Nacogdoches, Texas**

**RESOLUTION DECLARING EXPECTATION TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF FUTURE DEBT**

WHEREAS, Stephen F. Austin State University (the University) intends to expend approximately \$14,070,000 to finance campus infrastructure improvements, construction of a telecommunications building, renovation of power plant facilities, and replacement or renovation of the Birdwell Building (the Project) to be funded with proceeds of bonds to be issued by the Texas Public Finance Authority (the Authority) as authorized by House Bill 1077, Acts of the 75th Legislature, Regular Session (1997) and by House Bill 658, Acts of the 77th Legislature, Regular Session (2001); and

WHEREAS, the University intends to expend an amount not to exceed \$14,070,000 (the Expenditure) for Project costs and intends the Expenditure to be reimbursed from proceeds of bonds to be issued by the Authority for the Project; and

WHEREAS, under Treas. Reg. Section 1.103-19 (the Regulation) to fund such reimbursement with proceeds of tax-exempt obligations, the University must declare its expectation of such reimbursement before making the Expenditure; and

WHEREAS, the University and the Authority desire to preserve the ability to reimburse the Expenditure with proceeds of tax-exempt obligations;

NOW THEREFORE THE UNIVERSITY HEREBY RESOLVES that it reasonably expects to reimburse the Expenditure with the proceeds of the bonds to be issued thereafter by the Authority, and this Resolution shall constitute a declaration of official intent under the Regulation.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of the October 22, 2001, meeting of the Board.

This Resolution will be made available for public inspection at the office of the Authority at 300 West 15th Street, Austin, Texas and at the main office of the University at 1936 North Street, Austin Building, Office 315, Nacogdoches, Texas.

THE BOARD OF REGENTS, STEPHEN F. AUSTIN STATE UNIVERSITY

Attest:

Penny Butler, Secretary

NOTICE OF REDEMPTION

Board of Regents of Stephen F. Austin State University

NOTICE is hereby given that the Board of Regents of Stephen F. Austin State University (the "Board") has called for redemption on the date and at the redemption price specified, the below listed Outstanding Bonds of the Board as follows:

Board of Regents of Stephen F. Austin State University Consolidated University Revenue Refunding Bonds, Series 1991A, dated April 15, 1991, maturing on the dates and in the amounts, bearing CUSIP numbers and being redeemed on the date and at the redemption price as follows:

<u>MATURITY DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>REDEMPTION DATE</u>	<u>INTEREST RATE</u>	<u>CUSIP NO. *</u>
October 15, 2002	\$ 1,635,000		6.50%	858620P27
October 15, 2012	1,705,000		6.75%	858620P68

aggregating \$3,340,000 in principal amount. Said Bonds shall be redeemed at The Chase Manhattan Bank in Dallas, Texas, the Paying Agent for said Series 1991A Bonds. Upon presentation of said Bonds at the Paying Agent on the aforementioned redemption date, the Registered Owner thereof shall be entitled to receive the redemption price equal to the principal amount of the Bonds to be redeemed and accrued interest thereon to the date fixed for redemption.

NOTICE IS FURTHER GIVEN that due and proper arrangements have been made for providing the Paying Agent with funds sufficient to pay the redemption price of the Bonds called for redemption. In the event said Bonds, or any of them are not presented for redemption by the date fixed for their redemption, they shall not thereafter bear interest.

THIS NOTICE is issued and given pursuant to the redemption provisions in the proceedings authorizing the issuance of the aforementioned Bonds and in accordance with the recitals and provisions of each of said Bonds.

NOTICE IS FURTHER GIVEN that the Bonds should be submitted to the following address:

BY MAIL OR BY COURIER:

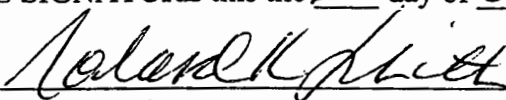
The Chase Manhattan Bank
P. O. Box 2320
9th Floor
Dallas, TX 75221-2320
Attn: Institutional Trust Services

Withholding of 31% of gross redemption proceeds of any payment made within the United

States may be required by the Interest and Dividend Tax Compliance Act of 1983 unless the Paying Agent has the correct taxpayer identification number (social security or employer identification number) or exemption certificate of the payee. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your securities.

* The Board and Paying Agent shall not be responsible for the use of the CUSIP number selected, nor is any representation made as to its correctness indicated in the notice or as printed on any Bond. It is included solely for the convenience of the holders.

WITNESS MY OFFICIAL SIGNATURE this the 22nd day of October, 2001.

A handwritten signature in cursive script, appearing to read "Roland K. Smith", is written over a horizontal line.

Roland K. Smith

Vice President for Business Affairs

Stephen F. Austin State University

NOTICE OF REDEMPTION

Board of Regents of Stephen F. Austin State University

NOTICE is hereby given that the Board of Regents of Stephen F. Austin State University (the "Board") has called for redemption on the date and at the redemption price specified, the below listed Outstanding Bonds of the Board as follows:

Board of Regents of Stephen F. Austin State University Consolidated University Revenue Refunding Bonds, Series 1991B, dated April 15, 1991, maturing on the dates and in the amounts, bearing CUSIP numbers and being redeemed on the date and at the redemption price as follows:

<u>MATURITY</u> <u>DATE</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>REDEMPTION</u> <u>DATE</u>	<u>INTEREST</u> <u>RATE</u>	<u>CUSIP</u> <u>NO. *</u>
October 15, 2002	\$ 320,000		6.50%	858620P35
October 15, 2004	755,000		6.50%	858620P50

aggregating \$1,075,000 in principal amount. Said Bonds shall be redeemed at The Chase Manhattan Bank in Dallas, Texas, the Paying Agent for said Series 1991B Bonds. Upon presentation of said Bonds at the Paying Agent on the aforementioned redemption date, the Registered Owner thereof shall be entitled to receive the redemption price equal to the principal amount of the Bonds to be redeemed and accrued interest thereon to the date fixed for redemption.

NOTICE IS FURTHER GIVEN that due and proper arrangements have been made for providing the Paying Agent with funds sufficient to pay the redemption price of the Bonds called for redemption. In the event said Bonds, or any of them are not presented for redemption by the date fixed for their redemption, they shall not thereafter bear interest.

THIS NOTICE is issued and given pursuant to the redemption provisions in the proceedings authorizing the issuance of the aforementioned Bonds and in accordance with the recitals and provisions of each of said Bonds.

NOTICE IS FURTHER GIVEN that the Bonds should be submitted to the following address:

BY MAIL OR BY COURIER:

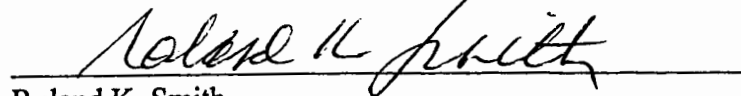
The Chase Manhattan Bank
P. O. Box 2320
9th Floor
Dallas, TX 75221-2320
Attn: Institutional Trust Services

Withholding of 31% of gross redemption proceeds of any payment made within the United

States may be required by the Interest and Dividend Tax Compliance Act of 1983 unless the Paying Agent has the correct taxpayer identification number (social security or employer identification number) or exemption certificate of the payee. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your securities.

* The Board and Paying Agent shall not be responsible for the use of the CUSIP number selected, nor is any representation made as to its correctness indicated in the notice or as printed on any Bond. It is included solely for the convenience of the holders.

WITNESS MY OFFICIAL SIGNATURE this the 22nd day of October, 2001.

A handwritten signature in cursive script, appearing to read "Roland K. Smith", is written over a horizontal line.

Roland K. Smith
Vice President for Business Affairs
Stephen F. Austin State University

Stephen F. Austin State University
Schedule of Budget Increases
July 5, 2001 to September 26, 2001

ACTIVITY RECIPIENT		INCOME SOURCE		DATE
ACCOUNT NAME	ACCOUNT NUMBER	SOURCE DESCRIPTION	AMOUNT	
Distance Learning Fee	2-51407	Overrealized Income	13,824	July 9, 2001
HPE Partnership	5-91324	Overrealized Income	805	July 19, 2001
Equine Studies	4-91002	Overrealized Income	16,172	July 11, 2001
OSA Graphics Shop	3-50690	Overrealized Income	7,000	July 11, 2001
Band Camps	2-33106	Overrealized Income	23,037	August 2, 2001
SFA Spirit Groups	5-97003	Overrealized Income	15,201	August 2, 2001
Music Prep	2-03129	Overrealized Income	15,453	August 2, 2001
Elementary Educ Trans Fee	2-02110	Overrealized Income	941	August 8, 2001
FOA Music Tickets	5-96341	Overrealized Income	5,088	August 13, 2001
Student Horticulture	2-02066	Overrealized Income	1,423	August 13, 2001
Health Services	3-00445	Overrealized Income	785	August 13, 2001
Pinewoods Plant Center	5-91323	Overrealized Income	29,095	August 13, 2001
Career Opportunities	2-51151	Overrealized Income	28,891	August 13, 2001
Agriculture Development	5-91347	Overrealized Income	1,600	August 24, 2001
Agriculture Development	5-91347	Overrealized Income	2,500	August 29, 2001
Agriculture Development	5-91347	Overrealized Income	1,117	August 30, 2001
Elementary Educ Development	5-91333	Overrealized Income	1,820	August 31, 2001
Halls/Apartment Agency	4-91731	Overrealized Income	888	September 18, 2001
Certificate Plans	2-52021	Overrealized Income	16,610	September 24, 2001
TOTAL			<u>182,248</u>	

Policies for Board Review

October 23, 2001

A-12	Copyrighted Works Reproduction	Law requires compliance with Fair Use Guidelines
A-34	Off-Campus Credit Classes	Title change; major re-write
A-35.1	Oral English Proficiency Exam	Major re-write
A-60	File Maintenance for Faculty Personnel Files	Additional documentation required by SACS
B-11	Hall 20 Guest Rooms	Written request required
B-12	Homer Bryce Stadium	Update title of Special Events Coordinator
B-20	Norton HPE Complex	Reviewed, no changes made
C-7	Best Value Procurement	Title change; major re-write
C-10	Delegated Purchasing Authority	Major re-write
C-16.5	Historically Underutilized Businesses	Insert "Best value" terminology
C-20	Methods of Purchase	Delete policy
C-25.1	Prompt Payment to Vendors and Employees	Title change; update procedures for payment; interest to be paid to vendor after 30 days
C-30	Purchase Requisition	Addition of information regarding completion of requisition; change source of hard-copy requisition form; change source of authority
C-31	Purchase Voucher	Revise list of items which may be purchased with voucher; update cross references, contact for revision and forms
C-32	Purchasing Authority	Delete policy
C-33	Purchasing Ethics and Confidentiality	Major re-write
C-34	Request to Establish an Account	Reviewed, no changes made
C-42	Property Inventory Management	Formatting changes; update section on missing or stolen property
C-46	Reporting Fiscal Misconduct	Added reference to the legal requirement of reporting such misconduct to the State Auditor's Office; updated source of authority
C-48	Vendor Warrant Hold Verification	Title change; major re-write
C-49	Travel	Policy takes precedence over state travel guide; foreign travel requires approval of Board Chair; employee not required to accept state charge card; documentation required for group meals; updated amounts for meal reimbursements
D-29	Safe and Vault Combinations	Combinations must be on file for safes containing cash, checks or other valuable documents
D-36	Training and Certification	Out of state license permitted for military personnel; specific training required to drive a van; add cross reference

Policies for Board Review**October 23, 2001**

E-9	Compensation in Excess of Base Salary	Minor grammatical correction.
E-11	Discipline and Discharge	Update departmental name
E-16	Employee Enrolling for Courses	Reviewed, no changes made
E-27N	Hiring of Non-Academic Personnel	Update departmental names
E-29A	Leave of Absence Faculty	Employees must contact supervisor once a week, and contact Human Resources on 1 st and 3 rd Monday of each month; additional information regarding Worker's Compensation
E-30N	Leave of Absence (Non-Academic)	Employees must contact supervisor once a week, and contact Human Resources on 1 st and 3 rd Monday of each month; additional information regarding Worker's Compensation
E-32N	Longevity Pay/Hazardous Duty Pay	\$20 per month for each 3 years of service, with cap of \$280; update departmental name
E-33.1	New Employee Orientation	Update departmental name
E-35	Outside Employment	Policy reviewed, no changes made; approval form was revised
E-46	Discrimination Complaints/Sexual Harassment	Update departmental name
E-49	Temporary Employment	Update departmental name
E-53	Vacation Leave	Update departmental name
E-55	Workers Compensation Coverage	Update title of Assistant Safety Officer and location of safety office; employees in leave without pay status must make written request for leave of absence from the President
E-58	Family and Medical Leave	Reference to policy E-55 for Workers Compensation; update departmental name; required to call in on the 1 st and 3 rd Monday of the month to report on status
E-60	Selective Service Registration	Update departmental name
E-62	Return to Work	Update departmental name and title of Assistant Safety Officer
F-6	Central Receiving	Additional information regarding receipt of vehicles; grammatical and format changes
F-28	Student Service Fee Allocations	Organizations notified applications are being received; awards based on pre-set formula; change contact for revision
F-35	Vendor Protests	Minor word changes; change source of authority
New	Student Travel	

Copyrighted Works Reproduction

A-12

Original Implementation: 1979

Last Revision: ~~July 27, 1999~~ October 23, 2001

The copyright law (Public Law 94-533) affects everyone involved in photocopy reproduction and all types of reproduction and/or use of other's works. The following guidelines provide general copyright information useful to the academic community.

I. Public Copy Machines

All public copy machines or public copy centers on campus must have a warning notice on or near each machine, which states that the responsibility for copyright infringement rests with the user. The use of printed copyright warnings transfers a portion of the responsibility for copyright compliance to the individual user. All employees who assist in making copies must comply with the fair use guidelines below. The law requires ~~public copy machine users are encouraged to follow these fair use guidelines, copies of which shall be made available at a reasonable location near public copy machines.~~

II. General Fair Use Guidelines

Only the following copies may be made from copyrighted works:

A. A single copy of one or more chapters from a book, one or more articles from a periodical title, one or more short stories, essays, short poems, charts, graphs, diagrams, drawings, cartoons, or pictures, provided the amount of copying does not exceed 10% of the entire volume.

B. Copies in excess of this amount may be permissible in some circumstances under fair use. The following factors ~~will~~ must be considered:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the amount and substantiality of the portion used in relation to the copyrighted work as a whole;
3. the nature of the copyrighted work; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

Refer to 17 U.S.C. 504 (c)(2) within the copyright law.

C. A single copy of an excerpt from a musical work, provided the excerpt is less than 10% of the entire work and is less than a performable unit, such as a section, movement or aria.

D. A single copy of an entire work, provided a copy cannot be obtained at a fair price.

III. General Guidelines on Public Works

Free use of materials not protected by copyright is permitted for public works. The presence or absence of a copyright notice is no longer of significance in determining what is a protected copyright or a public work. Older works published without a notice may be in the public domain, but for works created after March 1, 1989, absence of a notice is non-determinative. The following guidelines may be used to determine what constitutes a public work.

A. Works that lack originality (e.g., phone book)

B. Works in the public domain (no longer protected by copyright)

C. Free ware (must be expressly stated)

D. U.S. Government works

E. Facts

F. Ideas, processes, methods, and systems described in copyrighted work that is not otherwise protected by patents.

IV. Special Library Guidelines

Libraries are authorized to exercise special rights in addition to fair use. These rights are described in Section 108 of the copyright law. They allow copying for archiving lost, stolen, damaged, or deteriorating works, making copies for library patrons, and making copies for other libraries' patrons (interlibrary loan). For works in the last 20 years of protection and not available at a reasonable price, more generous copying than indicated below may be performed provided the purpose of the copying is to support preservation, scholarship or research.

A. Copies made by library staff for patrons generally

1. All of the general fair use requirements listed above apply for patron copying.
2. Only single copies, and no multiple copies, will be made.
3. Copy requests exceeding these limitations must be refused.

B. Copies made by library staff for reserve and for a faculty member's classroom use

1. All of the general fair use requirements listed above apply for single or multiple copies.
2. Multiple copying may not exceed one copy per student, and may not be repeated with respect to the same item by the same instructor from term to term.
3. Copy requests exceeding these limitations must be refused.

C. Copies made by library staff for purposes of collection maintenance

A published work may be duplicated to replace a copy that is damaged, deteriorating, lost or stolen, provided that after a reasonable effort the Library has determined that an unused replacement cannot be obtained at a fair price.

An unpublished work may be duplicated for purposes of preservation or security or for deposit for research use in another library.

D. Interlibrary loan copying

The library may annually acquire, through interlibrary loan, up to five copies of articles published in any title within the last five years. If a request exceeds the five articles permitted, the Access Services Department will apprise the patron of other options.

E.-Digitizing other's works in electronic reserves

1. Limit reserve materials to

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

2. Include

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

3. Limit access to students enrolled in the class and administrative staff as needed. Terminate access at end of class term.

4. Obtain permission for repeated use of materials by the same instructor for the same class.

Sections 4-5 IV ~~is~~ are concerned with the copying that can be legally done without obtaining the copyright owner's permission. The Library may not make copies in excess of the limits stated in the above sections without the permission of the copyright owner. It is the user's responsibility to obtain permission of the owner when such permission is needed. It is suggested that in requesting permission, the user state the purpose for the copying and the number of copies being requested. When the user presents evidence of the owner's permission, the library may copy within the limits of the permission statement.

V. Guidelines for Coursepacks

The General Fair Use Guidelines are applicable to coursepacks. Copyright notices, appropriate

citations and attributions should be included. The faculty/staff member who compiles the coursepack materials shall be responsible for complying with these guidelines. Permission must be obtained for materials that will be repeatedly used by the same instructor for the same class. Using a commercial copy shop does not necessarily relieve the coursepack creator of liability, unless the above guidelines are followed or the copy shop pays appropriate royalties. Campus copy centers are not permitted to copy coursepacks, unless these guidelines are followed.

VI. Computer Software

~~As previously explained~~ Only explicitly stated freeware, not shareware or other licensed software, is allowed to be freely used without a license. Appropriate licenses must be obtained for all other software use. The software user is responsible for reading and complying with all "shrink wrapped" or other license agreements. Other University computer use policies shall also apply.

VII. Guidelines for Music

The University maintains some general licenses for copyrighted music use with BMI and ASCAP for specific use areas (e.g., College of Fine Arts, Student Activities, etc.). Beyond those areas, use of music must be licensed or specific permission obtained. General guidelines for copying music are outlined below.

A. Limit copying as follows:

1. sheet music, entire works: only for performances and only in emergencies
2. sheet music, performable units (movements, sections, arias, etc.); only if out of print
3. student performances, record only for teacher or institutional evaluation or student's portfolio
4. sound recordings: one copy for classroom or reserve room use

B. Include

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

C. Replace emergency copies with purchased originals if available

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

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

IX. Performances and Displays in Distance Learning

Sections 110 (1) and (2) of the copyright law outlined in section VIII of this policy may not cover fair use of the performance of others' works in online course materials. The guidelines below incorporate these basic rules: small parts, limited times, and limited access are the keys to fair use.

A. Incorporate performances of others' works

1. sparingly
2. only if a faculty member or the institution possesses a legal copy of the work

B. Include

1. any copyrighted notice on the original
2. appropriate citations and attributions to the source
3. a Section 108(f)(1) notice that making a copy may be subject to copyright law

C. Limit access to students enrolled in the class and administrative staff as needed. Terminate access at the end of the class term.

D. Obtain permission for materials that will be used repeatedly by the same instructor for the same class.

X. Digitizing and Using Images for Educational Purposes

First and foremost, if an image is readily available online or for sale or license at a fair price, point to, purchase, or license the image. If an image is not readily available online or for sale or license at a fair price, digitize and use the image in accordance with the following limitations:

A. Limit access to all images except "thumbnails" to students enrolled in the class and administrative staff as needed. Terminate access at the end of class term.

B. "Thumbnails" are visual identification tools of a size and quality that makes them commercially useless. Since thumbnails are of no commercial value, fair use would permit their use without restriction.

C. Faculty members may also use these images at peer conferences.

D. Students may download, transmit and print out these images for personal study and for use in the preparation of academic course assignments and other requirements for degrees, may publicly display images in works prepared for course assignments, etc., and may keep works containing images in their portfolios.

E. Periodically review digital availability. If a previously unavailable image becomes available online or for sale or license at a fair price, point to or acquire it.

XI. Digitizing and Using Other's Works in Multimedia Materials For Educational Purposes

The CONFU Fair Use Guidelines for Educational Multimedia suggest that fair use requires

adherence to specific numerical portion limits, that copies of the multimedia work that includes the works of others should be strictly controlled, and that fair use "expires" after 2 years. The following general guidelines acknowledge that these are important considerations, but that the CONFU numerical limits do not constitute the outer limits of fair use.

The guidelines below allow for the creation of unique works within the limitations provided, but not to make multiple copies and give them out. (Multimedia works which include the use of other's works and will be licensed, distributed or sold, must obtain appropriate permission from each applicable copyright holder.)

A. Students, faculty and staff may

1. incorporate other's works into a multimedia work
2. display and perform a multimedia work in connection with or creation of
 - a. class assignments
 - b. curriculum materials
 - c. remote instruction
 - d. examinations
 - e. student portfolios
 - f. professional symposia

B. Be conservative. Use only small amounts of other's works.

C. Provide appropriate acknowledgments to the work of others.

D. Do not make any unnecessary copies of the multimedia work.

XII. Permission

In all circumstances other than the specific fair use guidelines described above, permission must be obtained from the copyright holder. Advance planning is important to purchase, license or otherwise obtain appropriate permission for use of copyrighted material.

XIII. Personal Liability

Personal liability for copyright infringement can be created for willful acts. This policy has been formulated to provide specific guidance on the variety of circumstances where fair use is permissible. The copyright law provides a good faith fair use defense [17 USC 504 (c)(2)]. It applies only if the person who copied material reasonably believed that what he or she did was fair use. Adherence to this policy will help protect the SFA academic community from potential copyright liability.

Recent federal legislation entitled the No Electronic Theft (NET) Act creates criminal penalties for non-commercial copyright infringement of a sufficient dollar value. The academic

community must be aware that distribution of pirated computer software or other copyrighted material on computer bulletin boards or other methods of distribution may constitute a federal crime, regardless of whether or not the infringer receives any financial gain.

The Digital Millennium Copyright Act (DMCA) limits University liability as an internet service provider for certain copyright infringements created on-line. The University's registered agent for on-line copyright infringement complaints shall be the General Counsel. The DMCA establishes procedures whereby, upon receipt of proper complaints, the University will block access to or take down allegedly infringing material and notify the web page owner of the complaint. The alleged infringer may issue a counter-notice, which includes a signature, description of removed material, explanation why the material did not infringe any copyright, and their name, address and phone number, with a consent to the jurisdiction of the Court to be sued. Upon receipt of this counter-notice, the University shall re-post the material. Repeat infringers will be subject to termination of internet service by the University. See University Policy, Computer and Network Security D-8.1 and Digital Millennium Copyright Policy D-8.2.

Further information can be obtained by accessing the webpage of the U.S. Copyright Office within the Library of Congress at: <http://www.loc.gov/copyright/> You may also contact the University's General Counsel with specific inquiries.

Source of Authority: 17 U.S.C. section 101 et seq., NET Act H.R. 2265 105th Congress, Digital Millennium Copyright Act, Pub.L.No. 105-304, 112 Stat. 2860 (October 28, 1998), CONFU Guidelines, Vice President for Academic Affairs

Cross Reference: University Policies, Computer and Network Security D-8.1, and Digital Millennium Copyright Policy D-42

Contact for Revision: Director of University Libraries, General Counsel

Forms: None

Off-Campus ~~Courses~~ Credit Classes

A-34

Original Implementation: September 8, 1978

Last Revision: ~~April 20, 1999~~ October 23, 2001

The University recognizes ~~extension and field services~~ off-campus credit classes as an important responsibility to the citizens of Texas. As part of this responsibility, the University offers off-campus courses designed to meet educational needs of its clientele.

~~The following policies and procedures are designed to guide and expedite the off-campus credit programs of the University.~~

~~1. General policies for off-campus courses~~ classes:

- a. All off-campus ~~courses~~ classes must be approved by the Coordinating Board and meet its guidelines for the conduct of such ~~courses~~ classes. *The responsibility for submitting a proposed class rests with the dean of the college offering the class in collaboration with the Distance Education Coordinator in the Office of Instructional Technology.*
- b. ~~The College of Education is responsible for securing approval of courses, administering off-campus facilities, scheduling of courses and registration.~~ Each academic dean of a college proposing to offer an off-campus class has the responsibility, in conjunction with the appropriate department chair/division director, for scheduling the class, reserving space at reasonable cost, and managing the budget related to that class. Each class must have at least ten (10) students.
- c. A department offering an off-campus ~~course~~ class is responsible for the instructional aspects of the ~~course~~ class including staff, content, materials and evaluation as well as for student advising, registration, and degree plans..
- ~~d. A department offering a program in which a substantial portion of degree requirements may be completed off-campus is responsible for student advising and preparation of degree plans.~~
- ~~e. The following two types of courses may be offered off-campus:~~
 - ~~(1) Resident credit: These courses operate under the same fee schedule as on-campus courses.~~
 - ~~(2) Extension: All direct instructional costs are paid by the students. Semester hours do not qualify for state appropriations. Salaries cannot be paid from appropriated faculty salary funds.~~

~~2. Approval procedure for off-campus resident credit courses:~~

~~The following procedures and deadlines have been established to meet the Coordinating Board's calendar as well as the University's class scheduling and registration.~~

- ~~a. An annual plan for off-campus courses is submitted to the Coordinating Board in March preceded by notification of regional peer institutions. The deadline for departments to submit courses for the annual plan is January 31.~~

~~— b. Where changes are necessary in the annual plan, the following deadlines apply:~~

~~— (1) July 15: Submit any course changes for the fall semester.~~

~~— (2) November 1: Submit any course change for the spring semester.~~

~~— (3) April 15: Submit any course change for Summer I and II.~~

~~— (4) In emergency situations, approval can be obtained by telephone up to the date of registration if a course is not questioned by another institution. However, this procedure is reserved for exceptional circumstances.~~

~~3. Approval procedure for extension courses:~~

~~— a. Proposed extension courses may be submitted until one week prior to their beginning. Immediate approval of extension courses is usually obtainable.~~

~~— b. Extension courses are self-supporting. There must be sufficient enrollment to cover the salary and travel of the instructor. Extension teaching is carried by the instructor as an overload.~~

~~— c. The clientele to be served should be identified specifically prior to submission of the course for approval.~~

~~— d. It is not necessary for extension courses to adhere to the semester calendar. However, minimum class time requirements must be met.~~

~~4. Scheduling procedure:~~

~~— a. A master schedule for each location will be prepared by the Dean of the College of Education. The specific time schedules will be planned in consultation with the respective department chair and the coordinator for off-campus centers.~~

~~— The following criteria will be utilized in the scheduling of classes.~~

~~— (1) Academic and scheduling needs of students.~~

~~— (2) Availability and utilization of facilities.~~

~~— (3) Availability of faculty.~~

~~— b. Schedule changes~~

~~— Emergency changes in the meeting times of courses are permissible during the off-campus registration period if student needs demand a change. However, schedule changes are subject to the following restrictions and procedures:~~

~~— (1) A course may not be changed unless the change is approved by the department chair, dean or departmental representative who is present at registration. Approval may be obtained by telephone. However, if such approval is not obtained during the initial registration period, registration for these students must be postponed until the first class day.~~

~~———— (2) If a schedule change is made, the department chair will make the change on the day following registration. Notification of the schedule change will be submitted to the College of Education and, to the Graduate School.~~

~~5. — Registration procedure:~~

- ~~—— a. Registration periods will be scheduled to accommodate prospective students. Normally this can be accomplished in one registration period. The time will be set by the Dean of the College of Education in consultation with the coordinator for off-campus centers and the department chair involved.~~
- ~~—— b. Responsibility for the registration process rests with the Dean of the College of Education. This may be delegated to the coordinator for off-campus centers or to a specifically assigned field advisor at each site.~~

Because off-campus instruction makes demands on faculty time and energy beyond that required for on-campus instruction, additional compensation is appropriate. The responsibility for establishing the schedule of compensation rests with the Vice President for Academic Affairs.

Source of Authority: Texas Education Code, Title III, sub-Title A, Chapter 51, Subchapter C, Sec. 61.051; and Vice President for Academic Affairs

Cross Reference: Faculty Handbook

Contact for Revision: Vice President for Academic Affairs

Forms: None

Oral English Proficiency Exam

A-35.1

Original Implementation: September, 1990

Last Revision: ~~April 21, 1998~~ October 23, 2001

Background

Legislation enacted by the Texas Legislature requires that instruction at public colleges and universities be delivered in understandable English. It further requires that each University adopt policy establishing procedure for insuring that ~~instructors~~ *faculty members* whose native language is not English are proficient in the use of the English language. Therefore, the University has established this Oral English Proficiency Program.

General Assumptions

1. It is understood that a faculty member may use a foreign language to conduct foreign language courses designed to be taught in a foreign language.
2. It is also understood that a faculty member may provide individual assistance during course instruction to a non-English-speaking student in the native language of the student.

Identification of Faculty Members Lacking Proficiency in English

1. *Departmental chairpersons shall cause all faculty members, as defined in Texas Education Code, sec. 51.917, to specify in writing their native and primary language.*

a. Those who identify English as their native or primary language and who offer proof of that identification shall be exempt from any testing or oral language improvement program.

b. Those who do not identify English as their native or primary language shall be required to take and pass with an appropriate score either:

1) the Test of Spoken English (TSE-A or TSE-P) or

2) the locally administered SPEAK test.

c. The fact that a person has successfully completed the TSE-A and TSE-P or the SPEAK test with an appropriate score would be duly recognized, and a document attesting his success would be entered into the faculty member's personnel file, with copies sent to his/her chairperson and dean, and to the Dean of Applied Arts and Sciences and to the Vice President for Academic Affairs by the Division of Continuing Education.

d. Those who fail to achieve an appropriate score on the TSE-A or TSE-P or the SPEAK test will be required to enroll in the Oral English Proficiency Program offered at Stephen F. Austin State University and described in this policy.

2. a. For each member of his/her department whose primary language is not English, the departmental chairperson will complete and sign an oral English proficiency form which rates each faculty member's English proficiency as being:

1) Acceptable

2) Unsatisfactory

The chairperson's rating shall be based on the faculty member's passing with an appropriate score the TSE-A, TSE-P, or the locally administered SPEAK test.

b. The chairperson shall provide the faculty member with a copy of this form.

c. The chairperson shall send a copy of this English proficiency form to his/her dean.

d. The dean shall send a copy of this English proficiency form to the Academic Vice President.

Oral English Proficiency Program

This Program is meant to assist faculty members whose primary language is not English to become more proficient in the use of English. This Program does not carry academic credit.

1. The Program will be of a tutorial nature.

2. The Dean of Applied Arts and Sciences will be the dean of record.

3. a- The Program will appear in the General Bulletin with a course number, a title, and a description and be listed among the offerings of the Department of Communication, with a cross-reference to the Division of Continuing Education.

b. The Program will appear in the General Bulletin with a course number, a title, and a description (all from the Department of Communication) and be listed among the offerings of the Division of Continuing Education.

e-4. The bulletin description of the Program is as follows:

This Program is meant to assist faculty members whose primary language is not English to become more proficient in the use of English. This Program does not carry academic credit. Oral English Proficiency Program (Communication 098) is a program designed to

assist faculty members whose primary language is not English to become more proficient in the use of English. This program does not carry academic credit.

45. The Program will be situated in the Academic Assistance Resource Center (AARC), where there is adequate space, tutor-guided and self-help materials, and equipment for the proper conduct of the Program.

~~5-~~a6. The Dean of Applied Arts and Sciences will appoint a Director of the Program, among whose responsibilities are the testing of individuals, the establishing of minimum scores, and the format for individual tutorial assistance and its frequency.

The Director of the Program will be additionally responsible for identifying the appropriate instructional materials and communicating program needs to the Director of the AARC.

The Director of the Program, acting upon the advice of the instructor(s) of the Program, will also verify when or whether an individual has successfully completed the Program and will report the results to the Director of Continuing Education, who will make a recommendation to the faculty member's chairperson.

~~b-~~The Director of Continuing Education will report these and subsequent decisions to the Dean of Applied Arts and Sciences.

67. The Dean of Applied Arts and Sciences, in conjunction with the Director of Continuing Education, will select the teacher(s) of the Program.

The teacher(s) of the Program may include:

- a. the Director of the Program
- b. an experienced or credentialed person from an English as a Second Language educational program
- c. an experienced or credentialed person from the Department of Communication
- d. an experienced or credentialed person from AARC, with specialization in ESL matters.

78. The law requires the faculty member to bear the costs of the program. Because of the widely varying needs of the individual recipients of the Program, and consequently because of the widely varying amounts of time involved in satisfactory completion of the Program, the Director of Continuing Education will attempt to negotiate individual contracts involving costs of the Program which will be satisfactory to both the recipients of the Program and the instructor(s) of the Program.

~~8-~~a9. Successful completion of the Program will be signaled by:

1a) the passing of a locally administered version of the SPEAK test with an appropriate score or

2b) the passing of the TSE-A or TSE-P test with an appropriate score or

3c) the decision of the Director of the Program, acting upon the advice of the teacher(s) of the Program who, along with the person's chairperson, will certify a person's successful completion of the Program.

b. Upon an instructor's *faculty member's* successful completion of the Program, a document asserting that fact will be issued by the Division of Continuing Education, with approval by the Dean of Applied Arts and Sciences, and entered into the instructor's *faculty member's* personnel file.

e. Further notification of an instructor's *faculty member's* successful completion of the Program will be made to the relevant chairpersons, deans, and ultimately to the Vice President for Academic Affairs by the Division of Continuing Education.

910. Should a person fail the Program, he/she will be required to re-enroll in the Program until he/she is able successfully to complete it by passing a locally administered version of the SPEAK test with an appropriate score or by passing the TSE-A or TSE-P test with an appropriate score or by receiving the certification of successful completion by the Director of the Program.

Identification of Instructor

1. Departmental chairpersons shall cause all faculty members, as defined in House Bill 638, to specify in writing their native and primary language.

a. Those who identify English as their native or primary language and who offer proof of that identification shall be exempt from any testing or oral language improvement program.

b. Those who do not identify English as their native or primary language shall be required to take and pass with an appropriate score either:

1) the Test of Spoken English (TSE-A or TSE-P) or

2) the locally administered SPEAK test.

c. The fact that a person has successfully completed the TSE-A and TSE-P or the SPEAK test with an appropriate score would be duly recognized, and a document attesting his success would be entered into the instructor's personnel file, with copies sent to his/her chairperson and dean, and to the Dean of Applied Arts and Sciences and to the Vice President for Academic Affairs by the Division of Continuing Education.

~~d. Those who fail to achieve an appropriate score on the TSE-A or TSE-P or the SPEAK test will be required to enroll in the Oral English Proficiency Program offered at Stephen F. Austin State University and described in this policy.~~

~~2. a. For each member of his department whose primary language is not English, the departmental chairperson will complete and sign an oral English proficiency form which rates each faculty member's English proficiency as being:~~

~~1) Acceptable~~

~~2) Unsatisfactory~~

~~The chairperson's rating shall be based on the faculty member's passing with an appropriate score the TSE-A, TSE-P, or the locally administered SPEAK test.~~

~~b. The chairperson shall provide the faculty member with a copy of this form.~~

~~c. The chairperson shall send a copy of this English proficiency form to his dean.~~

~~d. The dean shall send a copy of this English proficiency form to the Academic Vice President.~~

Summary

The normal procedure, then, for one whose primary language is not English, would be as follows:

1. Any ~~instructor~~ *faculty member* identified by a departmental chairperson whose native language is not English is subject to the procedures contained in this policy.

2. The ~~instructor~~ *faculty member* would take a locally administered SPEAK test as a means of determining his/her fluency in oral English.

3. If the ~~instructor~~ *faculty member* successfully completed this SPEAK test with an appropriate score, this fact would be duly recognized, and a document attesting his/her success would be entered into the *faculty member* ~~instructor's~~ personnel file, with copies sent to his/her relevant chairperson, dean, and to the Vice President for Academic Affairs by the Division of Continuing Education, with approval by the Dean of Applied Arts and Sciences.

4. If the ~~instructor~~ *faculty member* failed the locally administered SPEAK test, he/she would be required to enroll in the Program.

5. If an ~~instructor~~ *faculty member* objected to the results of the locally administered SPEAK test, he/she could request to take the Test of Spoken English (TSE), which is

offered twelve times a year and administered by Educational Testing Service at established test centers in Fort Worth, Houston, and Austin at a cost ranging from \$75 to \$100. (Teaching and research assistants apply for a test entitled TSE-A, which costs \$75. *Faculty members Professors and others* not designated as teaching or research assistants request the test entitled TSE-P, which costs \$100.)

6. An *faculty member s instructor*'s passing the TSE-A or TSE-P test with an appropriate score would obviate his/her enrolling in the Program.

7. The fact that an *instructor faculty member* has successfully completed either the TSE-A or TSE-P test with an appropriate score would be duly recognized, and a document attesting his/her success would be entered into his/her personnel file, with copies sent to the appropriate chairperson and dean, and to Dean of Applied Arts and Sciences and to the Vice President for Academic Affairs by the Division of Continuing Education.

8. Should the *faculty member instructor* fail the TSE-A or TSE-P test, he/she would be required to enroll in the Program.

Source of Authority: Texas Education Code, sec. 51.917, Board of Regents, President, Vice President for Academic Affairs

Cross Reference: None

Contact For Revision: Vice President for Academic Affairs

Forms: None

File Maintenance for Faculty Personnel Files

A-60

Original Implementation: October 31, 2000

Last Revision: ~~None~~ October 23, 2001

The Southern Association of Colleges and Schools requires that the university keep on file for all full-time and part-time faculty members documentation of academic preparation including 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 that requirement, the following guidelines have been established which address the contents of the file as well as the designated place for maintaining the file.

Filed in Office of Vice President for Academic Affairs:

- I. **Tenured/Tenure Track Faculty: Professor, Associate Professor, Assistant Professor, Instructor, Librarian I, II, III or IV — 9 month, 100% time, tenure track**
 - 1) Personnel Action Request form (green copy)
 - 2) Recommendation for Appointment form
 - 3) Signed contract issued by VPAA office
 - 4) Post-hire form
 - 5) *Curriculum vita*
 - 56) Official transcripts from all degree granting institutions attended
 - 67) Three letters of reference

- II. **Visiting (Rank), Lecturer, Librarian I-T, II-T, III-T, or IV-T, Designated (full-time) — 9 month, 100% time, non-tenure track**
 - 1) Personnel Action Request form (green copy)
 - 2) Recommendation for Appointment form
 - 3) Signed contract issued by VPAA office
 - 4) Post-hire form
 - 5) *Curriculum vita*
 - 56) Official transcripts from all degree granting institutions attended
 - 67) Three letters of reference

Filed in Office of Dean:

- I. **Adjunct, Designated (part-time) — 4.5 to 9 months, less than 100% time, non-tenure track**
 - 1) Personnel Action Request form (blue copy)
 - 2) Signed contract issued by Dean's office
 - 3) Post-hire form
 - 4) *Curriculum vita*

- 4)5) Official transcripts from all degree granting institutions attended
- 5)6) Three letters of reference

II. Graduate Teaching Assistant (*Domestic*)— Enrolled graduate student, 50% time or less, non-tenure track

- 1) Personnel Action Request form (blue copy)
- 2) Signed contract issued by ~~Dean's~~ Graduate office
- 3) Post-hire form
- 4) Official transcripts from all degree granting institutions attended
- 5) Three letters of reference

Filed in Graduate Office:

I. Graduate Teaching Assistant (*International*) — Enrolled graduate student, 50% time or less, non-tenure track

- 1) *Personnel Action Request form (blue copy)*
- 2) *Signed contract issued by Graduate Office*
- 3) *Post-hire form*
- 4) *Official transcripts from all degree granting institutions attended*
- 5) *Three letters of reference*

The above records must be maintained for five (5) years after personnel leave active employment.

Note: See Policy E-1A, Academic Appointments and Titles, for definition of titles.

Source of Authority: Vice President for Academic Affairs

Cross Reference: Policy and Procedure Manual, Faculty Handbook

Contact for Revision: Vice President for Academic Affairs

Forms: None

Hall 20 Guest Rooms

B-11

Original Implementation: January 21, 1986

Last Revision: ~~October 26, 1999~~ October 23, 2001

The provisions of the policy on the Use of University Facilities govern the use of all buildings, facilities, equipment, and grounds, hereafter referred to as facilities, under the control of Stephen F. Austin State University. That policy provides that the University may establish additional procedures for the reservation and use of specific facilities; therefore, the following provisions apply to Hall 20 Guest Rooms.

Three guest rooms are available in ~~Residence~~ Hall 20 for use by individuals who are engaged in University-related business/activities which require overnight lodging, or individuals who are invited to the University by the President as official guests. Requests from University departments for use of these rooms for their guests will be approved/disapproved according to the two criteria listed below.

1. The guest must be one for whom the University, the sponsoring department in particular, would pay lodging expenses if the guest rooms did not exist. (University departments requesting use of the rooms should do so only when lodging is a normal, reimbursable travel expense to the visitor. "Free lodging" should not be offered to individuals who are providing a service/performance for the University for a specified fee when travel expenses, in addition to the fee, were not a part of the contract or agreement.
2. The length of stay should not exceed three consecutive nights.

The guest rooms are located on the ground floor of Hall 20. Furnishings are hotel/motel style; available rooms have either a king bed or twin beds. Guests have access to ice and vending machines. Reserved parking is available in the small lot adjacent to Hall 20. University staff provides daily custodial service.

Decisions regarding eligibility for use of these accommodations and reservations for the guest rooms are made by the Housing Department, extension ~~5304~~ 6302. Details and responsibilities of the University department reserving guest rooms are given below.

1. The following information should be provided *in a memo to the Housing Department, from by the originating* department when calling to make a room reservation:

name of University guest;

date and time of arrival and departure;

name of University sponsor (see 2 below);

purpose of visit, i.e., job interview, performance, etc;

copy of the contract between the University and the visitor

2. Each guest must have a University sponsor who serves as the contact person regarding any change in arrival/departure or special needs. The sponsor is responsible for communicating such information to the Housing ~~Office~~*Department*, and for the pick-up and return of room keys and the parking permit to the Housing ~~Office~~*Department*. The sponsoring department will be responsible for the replacement cost of keys that are not returned to the Housing ~~Office~~*Department*.

3. Guests may check into Hall 20 after 3 p.m. and check out time is 1 p.m.

Source of Authority: Director of Housing

Cross Reference: None

Contact for Reference: Housing ~~Records Coordinator~~*Department Administrative Assistant*

Forms: None

Homer Bryce Stadium and William R. Johnson Coliseum B-12

Original Implementation: 1972

Last Revision: ~~October 26, 1999~~ October 23, 2001

The provisions of the policy on the Use of University Facilities govern the use of all buildings, facilities, equipment, and grounds, hereafter referred to as facilities, under the control of Stephen F. Austin State University. That policy provides that the University may establish additional procedures for the reservation and use of specific facilities; therefore, the following provisions apply to Homer Bryce Stadium and William R. Johnson Coliseum.

Use of Homer Bryce Stadium or William R. Johnson Coliseum by persons other than the University Athletic Department will be arranged through the ~~Associate Athletic Director for Internal Affairs~~ *Special Events Coordinator* and approved by the Director of Athletics. Such usage will be limited to events sponsored by University departments or recognized student organizations conducting activities within their established role and scope. Some events may be sponsored by the University, such as high school and University Interscholastic League events as well as other athletic events, which are sanctioned by an official governing organization. Persons or groups wishing to use either of these facilities should contact the ~~Associate Athletic Director for Internal Affairs~~ *Special Events Coordinator* (in person or by phone) concerning the availability of the facility and fee, if applicable. Questions regarding the use of these facilities for camp/conference participants should be directed to the Coordinator of University Reservations, located in the University Center. (See Camp and Conference Reservations policy.)

1. The ~~Associate Athletic Director for Internal Affairs~~ *Special Events Coordinator* will complete a facility use application.
2. The ~~Associate Athletic Director for Internal Affairs~~ *Special Events Coordinator* will assist University Departments and student organizations with coordination of University Police Department and University Physical Plant services for upcoming events.
3. If a fee is required, a contract will be completed before the date of the event.
4. The William R. Johnson Coliseum marquee will be used to advertise only official University events. Requests for messages on the marquee should be made to the ~~Sports Information Director~~ *Special Events Coordinator*.

Source of Authority: Board of Regents, President, Vice President for University Affairs

Cross Reference: None

Contact for Revision: Vice President for University Affairs

Forms: None

Norton HPE Complex

B-20

Original Implementation: Summer, 1975

Last Revision: ~~October 26, 1999~~ October 23, 2001

The provisions of the policy for Use of University Facilities govern the use of all buildings, facilities, equipment and grounds, hereinafter referred to as facilities, under the control of Stephen F. Austin State University. That policy provides that the University may establish additional procedures for the reservation and use of specific facilities; therefore, the following provisions apply to the Norton HPE complex.

The Lucille Norton HPE Complex is intended primarily for the use of SFASU students. The first priority use is for instruction, the second priority is for organized intramurals, and the third for recreation of students, faculty, and staff and fourth for summer camps with a building maintenance fee attached.

University-sponsored groups may apply for use of the complex in accordance with the policy on Use of University Facilities. Application for the use of the Complex and tennis courts shall be made to the Chair of the Kinesiology and Health Science Department, and for other outside recreational areas, to the Director of Intramurals. These request are normally honored provided the before mentioned guidelines are met.

Outside groups may apply for use of the Complex in accordance with University regulations. Area public schools are usually granted permission to use the tennis courts and, on rare occasion, Shelton Gym, for district and/or regional playoffs. Requests other than these require administrative approval by the respective vice president(s) and/or the President of the University.

The following are specific guidelines for the use of the Norton HPE Complex by faculty and staff.

1. Faculty and staff I.D. card required to use facilities and/or check out equipment
2. No charge for use of facilities or pool by faculty or staff members; faculty/staff families have access to pools at a cost of \$20 and the tennis courts at no cost. There is no access to the complex for faculty/staff families.
3. Family swim passes (\$ 20) may be purchased at the Ticket Office and faculty/staff locker fee (\$4 per semester) paid at the University Business Office.
4. Full time faculty and staff participation permitted in organized intramurals.
5. Racquetball courts available by reservation at the equipment room; individuals must reserve a court in person (with I.D.); only one hour per week

6. Indoor recreation areas open:

Monday — Thursday 3 p.m. to 10 p.m.

Friday 12 noon to 7 p.m.

Saturday 12 noon to 6 p.m.

Sunday 1 p.m. to 9 p.m.

Source of Authority: Board of Regents, President, Vice President for Academic Affairs, Vice President for University Affairs

Cross Reference: Intramural Handbook

Contact for Revision: Chair of the Department of Kinesiology and Health Science; Director of Intramurals

Forms: None

Competitive Best Value Procurement

C-7

Original Implementation: January, 1988

Last Revision: ~~August 1, 2000~~ October 23, 2001

Stephen F. Austin State University purchases goods and services on a ~~competitive best value~~ basis including 1) *competitive bidding*; 2) *competitive sealed proposals*; 3) *catalog purchase*; 4) *group purchasing*; or 5) *open market contract* to the extent practicable. ~~Competitive procurement may include competitive bid, competitive negotiation, or any other legally recognized and approved process, but shall generally be understood as competitive bids.~~

~~Competitive bidding is defined as the process of inviting and obtaining bids from competitive sources in response to terms and conditions of specifications. The General Services Commission interprets competitive bidding to be a level of competition at which two or more manufacturers' products will meet the specifications, terms and conditions of the bid.~~

~~Competitive bids must be obtained from a minimum of three potential vendors, two of which must be certified by the GSC as Historically Underutilized Businesses. The Purchasing Department will utilize the GSC Centralized Master Bid List as a first resource for selecting non-HUB potential vendors. The Purchasing Department must document purchasing rationale in situations where in the required number of bids or HUB vendors is not obtained or not obtainable.~~

~~The purchase of automated information systems products or services is to be conducted through a negotiation process with GSC approved Qualified Information Systems Vendors to secure the item or items which represents the 'best value' to the University. Catalog procedure allows the determination of brand to be made prior to securing price comparisons. Bidding is not allowed. Negotiations are to be conducted with a minimum of three vendors, two of which must be certified by the GSC as Historically Underutilized Businesses, for catalog purchases greater than \$2,000. The Purchasing Department will determine in each individual case whether negotiations will be conducted formally or informally.~~

In determining best value, the University shall consider:

- 1) the purchase price;*
- 2) the reputation of the vendor and of the vendor's goods or services*
- 3) the quality of the vendor's good or services;*
- 4) the extent to which the goods or services meet the University's needs;*
- 5) the vendor's past relationship with the University;*
- 6) the impact on the ability of the University to comply with the laws and rules relating to historically underutilized businesses and to the procurement of goods and services from persons with disabilities;*
- 7) the total long-term cost to the University of acquiring the vendor's goods or services;*

- 8) any other relevant factor that a private business entity would consider in selecting a vendor; and
- 9) the use of material in construction or repair to real property that is not proprietary to a single vendor unless the University provides written justification in the request for bids for use of the unique material specified.

The following limits are established for competitive bidding and catalog purchase solicitations:

- a. \$0 — up Procurement of goods and services from persons with disabilities (TIBH) must be considered when using state funds
- b. \$0 - \$5000 Printing — Requires 2 bids when using state funds
- c. \$0 - \$5000 All other products and services — Contract negotiation of best value
- d. \$5000.01 - \$25,000 — Minimum 3 informal bids required; minimum 50% HUB vendors including one woman-owned and one minority-owned
- e. \$25,000.01 - \$49,999.99 — Minimum 5 formal bids required; minimum 50% HUB vendors including one woman-owned and one minority-owned; Texas Marketplace posting required.
- f. \$50,000 - \$99,999.99 — Minimum 5 formal bids required; minimum 50% HUB vendors including one woman-owned and one minority-owned; Board of Regents approval required; Texas Marketplace posting required.
- g. \$100,000 and greater — Minimum 5 formal bids required; minimum 50% HUB vendors including one woman-owned and one minority-owned; HUB Subcontracting Plan required; Board of Regents approval required; Texas Marketplace posting required

The University may use the process established in Government Code, Title 10, Subtitle D, Subchapter C, Section 2156 for the acquisition of goods and services by the competitive sealed proposal process.

- a. All competitive sealed proposals shall include HUB vendors of any gender and ethnicity when identified as providing the good or service identified.
- b. Texas Marketplace posting required for all procurement opportunities expected to exceed \$25,000.
- c. All competitive sealed proposals expected to exceed \$50,000 require Board of Regents approval.
- d. All competitive sealed proposals expected to exceed \$100,000 require Board of Regents approval and the submission of a HUB Subcontracting Plan.

The University may purchase goods or services through group purchasing programs.

- a. All group purchases exceeding \$50,000 require Board of Regents approval.
- b. All group purchases exceeding \$100,000 require Board of Regents approval.

Emergency Purchases

An emergency purchase is defined as the purchase of goods or services that are so badly needed that the agency will suffer financial or operational damage if they are not secured immediately.

*Orders less than \$5000 are not considered emergencies.
Orders exceeding \$5000 should be bid when sufficient time exists.
Orders exceeding \$25,000 require Texas Marketplace posting.*

An emergency is defined by the answer to the following questions:

- a. *What is the emergency and/or what caused the emergency?*
- b. *What financial or operational damage will occur if needs are not satisfied immediately?*
- c. *Why could the needs not be anticipated so that proper procedures could be followed?*

Bid Submission, Bid Opening, and Tabulation

a. Bid Submission

- 1. Prospective bidders may request specific bid invitations from the Purchasing Department at any time prior to the bid opening;*
- 2. A bidder may withdraw its bid by written request at any time prior to the bid opening date and hour;*
- 3. A bid received after the time and date established by the bid invitation is a late bid and will not be considered;*
- 4. A bid received which does not contain adequate bid identification information on the outside of the envelope will be opened to obtain such information and will then be processed as any other bid. If the incorrect information on the envelope causes the bid not to be considered in making an award, the bid will be considered invalid and rejected;*
- 5. Bids may be submitted by telefacsimile (fax). The telephone number for fax bid submission will be identified in the solicitation; no other number may be used for bid*

submission. Bids submitted by fax need not be confirmed in writing, but must comply with all legal requirements applicable to formal bids. If all or any portion of a bid submitted by fax is received late, is illegible, or is otherwise rendered non-responsive due to equipment failure or operator error, the bid or the applicable portion of the bid will not be considered. The university shall not be liable for equipment failure or operator error, nor will such failure or error require other bids to be rejected or the bid invitation to be re-advertised.

6. Bids by telegram are not allowed;

7. An unsigned bid is not valid and will be disqualified;

8. A bidder or department may request, in person at the bid opening, that bids be read aloud. No bid shall be required to be read aloud at any time other than during regular working hours and days;

9. When formal bids are required, bids may not be taken or accepted by telephone;

10. If an error is discovered in a bid invitation, or agency departmental requirements change prior to the opening of a bid, the Purchasing Department will transmit an addendum correcting or changing the specifications to all bidders originally listed on the transmission list for that bid invitation. Bids will not be rejected for failure to return the addendum with the bid, if the change is noted on the bid or the product or service specification would not be changed by the addendum;

b. Bid opening and tabulation.

1. All bid openings conducted by the Purchasing Department shall be open to the public.

2. Bid opening dates may be changed and bid openings rescheduled if bidders are properly notified in advance of the opening date.

3. If a bid opening is canceled, all bids which are being held for opening will be returned to the bidders.

4. All bid tabulation files are available for public inspection. Bid tabulations may be reviewed by any interested person during regular working hours at the offices of the Purchasing Department. Employees of the university are not required to give bid tabulation information by telephone.

~~Stephen F. Austin State University adopts the General Services Commission practice for bid submission, bid opening and tabulation as outlined in Texas Administrative Code 113.5-1 through 113.5-4.~~

Source of Authority: ~~Texas Government Education Code, Title 10, Subtitle D, Chapters 51.9335(a) — (b)2151 through 2176~~ President; Vice President for Business Affairs

Cross Reference: ~~None~~ *Items Requiring Board of Regents Approval, Index D-20.5;*
Historically Underutilized Businesses, Index C-16.5

Contact for Revision: Director of Purchasing and Inventory

Forms: None

Delegated Purchasing Authority

C-10

Original Implementation: Unpublished

Last Revision: ~~October 26, 1999~~ October 23, 2001

Stephen F. Austin State University adheres to a policy of centralized purchasing for the purposes of:

- 1. insuring 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. insuring fair and ethical business practices; and*
- 5. providing savings through consolidation of requirements, standardization of products where appropriate, and competitive bidding.*

The Purchasing Department, under supervision of the Director of Purchasing and Inventory, has sole authority for the negotiation and purchase of all goods and services for the University with the exception of ~~contracts for construction and other matters signed by the President and/or the Chair of the Board of Regents~~ *items listed in Index D-20.5 Items Requiring Board of Regents Approval and the following.* ~~Certain~~ specific delegations of this authority ~~that~~ exist under proper administrative approval. These delegations are as follows:

1. The Manager of the University Bookstore is authorized to purchase books and other general merchandise for resale as required for efficient operation of the store.
2. The Director of the University Libraries is authorized to purchase books, periodicals, journals, and other related materials needed to maintain University resource material collections.
3. The Curator of the Stone Fort Museum is authorized to purchase general merchandise for resale in the museum gift shop.
4. *The Physical Plant is authorized to make purchases with pre-assigned requisition numbers for completion by the Purchasing Office with the same number.*
45. Account Administrators are authorized to make local purchases of items costing \$500 or less through the Local Purchase Authorization procedures. See *Local Purchase Authorization Methods of Purchase*, Index C-20.A.

6. Account Administrators are authorized to make on-line office supply purchases with a requisition # , if a ProCard is not available for the account being used.

57. Employees are authorized to make procurement card purchases of items costing \$2000 or less through the Procurement Card procedures. See *Procurement Card, Index Policy C-44, Procurement Card*.

8. Employees without Procurement Cards or access to LPA s may make purchases approved by the Account Manager, and request reimbursement ONLY when other purchase options are not possible or available.

9. Employees are authorized to provide to vendors authorized PO numbers issued by the Purchasing office (telephone PO). In most cases the requisition must be entered and approved on-line before the PO# is issued. When determined appropriate by the Purchasing Office, the PO# may be issued without a requisition. In such cases, the requisition must be entered on-line within 24 hours, and referencing the PO#.

10. Certain payments may be made by completing a voucher for submission to the Controller s Office. See *Purchase Voucher, Index C-31*.

11. All other purchases are to be submitted as a formal request for the Purchasing Department to secure a good or service. See *Purchase Requisition, Index C-30*.

All official correspondence other than that delegated above; i.e., bids, purchase orders, correction, cancellations, etc. shall be issued by the Purchasing Department.

UNAUTHORIZED PURCHASES MADE OUTSIDE OF DELEGATED AUTHORITY

Unauthorized purchases, regardless of the dollar amount, present problems for the Purchasing Department, Accounts Payable, vendors, and end-users. They create unnecessary work. Also, the individual responsible for the unauthorized purchase may be held personally liable for payment. ~~Unauthorized purchases of any nature whatsoever shall be a personal obligation of the individual making such purchases, and will be non-binding on the University.~~

Any person responsible for initiating an unauthorized purchase (responsibility will be determined by the Department Head, Dean, and/or Vice President) will be held personally accountable until the transaction is resolved. Resolution options are:

A. To submit a letter signed by the individual, department head, dean, AND the Vice President, which must include:

1. Description of the goods or services purchased;

2. Reason for making the purchase without proper authority/delegation; and

3. Measures that will be taken to avoid recurrence of an unauthorized purchase in the future.

B. To return goods to the vendor for full credit. The individual may be required to pay restocking fees or other charges, if any.

C. To pay for the goods or services personally from own funds, NOT from University funds.

Source of Authority: Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: ~~None~~ *Approval of Unauthorized Commitment of University Funds*

Historically Underutilized Businesses

C-16.5

Original Implementation: August 2, 1994

Last Revision: ~~August 1, 2000~~ October, 2001

In accordance with Texas Government Code, Title 10, Subtitle D, Chapter 2161, and 1 Texas Administrative Code section 111.11 through 111.287, Stephen F. Austin State University will make a good faith effort to utilize Historically Underutilized Businesses (HUBs) in contracts for construction, services, including professional and consulting services and commodities contracts. The ~~General Services Commission's (GSC)~~ *Texas Building and Procurement Commission (TBPC)* HUB Rules, 1 TAC 111.11-111.287 encourages the use of HUBs by implementing these policies through race-ethnic-and gender-neutral means.

The Director of Purchasing and Inventory shall serve as the official HUB Coordinator. The purpose of the HUB Program is to promote full and equal business opportunities for all businesses in State contracting in accordance with the goals specified in the State of Texas Disparity Study.

GOALS

GOAL #1

The University's specific goals have been adjusted to eliminate "overutilized" HUBs identified in the State of Texas Disparity Study and are as follows.

Heavy Construction other than building contract	.6%
Building construction including general contractors and operative builders contracts	25.1%
Special trade construction contracts	47.0%
Professional Services contracts	18.1%
Other Services contracts	33.0%
Commodities contracts	1.5%

A. ~~Competitive~~ *Best value* procurement opportunities over \$25,000, but less than \$4025,000 require at least three informal bids, including ~~two~~ *half* from certified HUB vendors.

B. ~~Competitive procurement opportunities involving catalog purchase negotiations over \$2,000 require at least three solicitations from approved Qualified Information System Vendors, including two from certified HUB vendors.~~

BC. ~~Competitive~~ *Best value* procurement opportunities over \$4025,000 require at least ~~three~~ *five* formal bids, including ~~two~~ *half* from certified HUB vendors.

CD. ~~All competitive~~ *Formal best value* procurement opportunities ~~exceeding \$10,000~~ will be posted to the Purchasing Department web site.

~~E. All competitive procurement opportunities exceeding \$10,000 will be posted to the Texas Marketplace unless the buyer determines that no benefit will be gained by the posting.~~

DF. All *Best value* procurement opportunities exceeding \$25,000 will be posted to the Texas Marketplace.

EG. All *Best value* procurement opportunities \$100,000 and greater will require a HUB Subcontracting Plan (HSP) to be submitted as required by 1 TAC Section 111.14. See Goal #3.

GOAL #2

The University will pursue various forms of outreach to identify certified and non-certified HUB vendors with which to develop a business relationship. Vendors will be advised of and/or assisted with the State's certification process.

A. The University Purchasing Department will host a vendor fair at which vendors across the state will be invited to participate. Vendors will be provided with information regarding how to do business with the University, as well as information about the HUB certification process, and other state rules and guidelines. The University campus, other state agencies, ISD's, and city and county governments will be invited to attend and make procurement opportunities available.

B. The HUB Coordinator and/or Purchasing Department buyers will attend and participate in other economic opportunity forums in the Houston, Dallas and Austin Metroplexes and East Texas.

C. The University Purchasing Department will utilize the HUB directory provided by the ~~TBPCGSC~~ on-line when selecting potential suppliers and subcontractors for commodities, services, and construction contracts.

D. The HUB Coordinator will analyze expenditures after each reporting period and produce a mail piece to target various groups, i.e. specific service vendors, vendors by city or county, vendors by dollar amount, etc., and notify them of the State's HUB certification process if the HUB Coordinator determines that a mail piece would be beneficial.

E. The University Purchasing Department will send a mail piece to all new Texas vendors added to the FRS vendor database advising them of the State's HUB certification process.

GOAL #3

Stephen F. Austin State University will seek to contract with HUBs indirectly through subcontracting opportunities in accordance with Texas Government Code, chapter 2161, Subchapter F and Commission HUB Rules, 1 TAC Section 111.14.

A. All procurements \$100,000 or greater will require the University to prepare the bid document ~~in accordance with the~~ including HUB Subcontracting Plan (HSP) requirements as developed by

the HUB Coordinator. Potential bidders will be required to submit a HUB Subcontracting Plan (HSP) as provided by the bid documents in order for the bid to receive consideration.

GOAL #4

The University will establish educational training for personnel making procurement decisions to assure compliance with stated objectives.

A. The University Purchasing Department will publish a newsletter which will, from time to time, include HUB information.

B. The University Purchasing Department will conduct training seminars for all campus departments advising them of all current purchasing policies and procedures.

C. ProCard training will include an emphasis on the need to make small purchases from HUBs and will include a list of HUB vendors for the most common purchases made with the ProCard.

D. Regular training for the use of the on-line requisition system will include an introduction of general purchasing policies and guidelines. This introduction will include information regarding the requirements to make a good faith effort to purchase from HUBs.

GOAL #5

The University will gather HUB data to comply with the reporting requirements of Texas Government Code, Title 10, Subtitle D, Chapter 2161 and 1 Texas Administrative Code sections 111.11 through 111.287.

Source of Authority: Vice President for Business Affairs

Cross Reference: Texas Government Code, Title 10, Subtitle D, Chapter 2161; and Texas Administrative Code, sections 111.11 through 111.287

Contact for Revision: Director of Purchasing and Inventory/HUB Coordinator

Forms: None

Original Implementation: Unpublished
Last Revision: August 1, 2000

Departments have five options for securing goods and services for departmental use.

REQUISITION PURCHASES—The department makes a formal request for the Purchasing Department to secure a good or service. The Purchasing Department places the order with the vendor. The department is responsible to follow the procedures outlined below.

TELEPHONE PURCHASE ORDER—The department secures purchase authorization and a purchase order number from the Purchasing Department. The department places the order with the vendor. The department is responsible to follow the procedures outlined below.

EMERGENCY PURCHASES*An emergency purchase is defined as the purchase of goods or services which are so badly needed that the agency will suffer financial or operational damage if they are not secured immediately. The lack of proper planning does not constitute an emergency.*

- a. *What is the emergency and/or what caused the emergency?*
- b. *What financial or operational damage will occur if needs are not satisfied immediately?*
- c. *Why could the needs not be anticipated so that proper procedures could be followed?*

LOCAL PURCHASE AUTHORIZATION—The department makes a small dollar purchase (\$500 or less) from a local area vendor. The department is responsible to comply with Policy C20.A Local Purchase Authorization.

PROCUREMENT CARD PURCHASE—The department makes a small dollar purchase (\$2000 or less) using a University procurement card. The department is responsible to comply with Policy C 44 Procurement Card.

VOUCHER PURCHASES—Voucher purchases are allowed for only a limited number of goods or services. The department is responsible to comply with Policy C31 Purchase Voucher.

REQUISITION PURCHASES

Specific requests by a department to purchase goods or services begins with the completion of a "Purchase Requisition" which must be approved by the account manager or his/her designee. See Policy C 30 Purchase Requisition.

The purchase of highly technical items may require special assistance from the requisitioner. In such cases it is the responsibility of the requisitioner to provide technical support in the preparation of specifications and in the evaluation of bids. If bid review prior to award is specifically desired, please so state on the "Purchase Requisition".

Requisition processing methods within the Purchasing Department differ depending upon source of funds, dollar value, and the type of good or service being acquired. Requisitions will be processed into purchase orders within one day to six weeks depending upon the processing method required. See the Purchase Requisition Processing Methods below.

Some purchases require special approvals or processing due to their nature. (See Policy C 36 Special Purchases)

TELEPHONE PURCHASE ORDERS

As an alternative to the normal requisition purchase method, departments may place the order with the vendor. Before doing so, the department must call their buyer to secure purchase authorization and a purchase order number. Once authorized, the department should place the order with the vendor. The following conditions must be met to use this procedure:

- a. The department must follow 'Catalog' procedures for the purchase of computing and networking products, supplies and services or provide sufficient justification for bypassing procedures. The buyer will advise of procedures and provide sources if needed.
- b. The purchase must not be for goods or services available through State Contract (E&G funds only).
- c. The purchase must be of a dollar amount which does not require formal written bids, or provide sufficient justification for bypassing procedures. See Emergency Purchase Guidelines below.
- d. The department must follow informal bidding requirements for total order amounts of \$2000.01 to \$10,000 or provide sufficient justification for bypassing procedures. See Emergency Purchase Guidelines below. The buyer will advise of procedures and provide sources, if needed.
- e. The department must secure two bids for printing regardless of the dollar amount (E&G funds only).

The Phone Purchase Order may be secured in one of two ways.

1. On-line Requisition Entry

- a. The requisition must be entered on-line and all approvals posted before calling the buyer.
- b. Once approved, the buyer will verify the appropriateness of the purchase and secure a purchase order number.
- c. The department will place the order with the vendor.
- 1. Unless sufficient reason exists to have the delivery made directly to the department, provide the vendor with the Central Receiving Address: 2124 Wilson Drive.
- 2. Tell the vendor to reference the purchase order number on shipping and billing.
- 3. If the vendor requires a hard copy prior to filling the order, the purchase requisition must be forwarded to purchasing for handling through the Requisition Purchase process.
- d. The department is responsible to immediately forward any quotations or price comparisons received.

2. No Requisition

- a. In extreme cases, the buyer may issue the purchase order number to the department without a requisition in place. It is the department's responsibility to forward a purchase requisition to the buyer promptly within 24-48 hours.
- b. The purchase requisition should include a Confirmation Statement such as "Telephone order placed (date) with (name of person), DO NOT DUPLICATE".

EMERGENCY PURCHASES

~~An emergency purchase is defined as the purchase of goods or services which are so badly needed that the agency will suffer financial or operational damage if they are not secured immediately. The lack of proper planning does not constitute an emergency.~~

~~When an emergency purchase must be made, the following questions are to be answered in a justification accompanying the "Purchase Requisition".~~

- ~~— a. What is the emergency and/or what caused the emergency?~~
- ~~— b. What financial or operational damage will occur if needs are not satisfied immediately?~~
- ~~— c. Why could the needs not be anticipated so that proper procedures could be followed?~~

~~The requisition should be entered on line for emergency processing or the department may follow telephone PO procedures.~~

PURCHASE PROCESSING METHODS

1. CATALOG VENDOR PURCHASES

- ~~— a. \$0.00 – \$2000 – Contract negotiation of best value~~
- ~~— b. \$2000.01 – \$100,000 – Minimum 3 informal price comparisons required and mandatory posting on the Texas Marketplace if over \$25,000; minimum 2 prices required from HUBs.~~
- ~~— c. OVER \$100,000 – Minimum 3 Formal price comparisons required, mandatory posting on the Texas Marketplace, and mandatory HUB Subcontracting Requirements. (See Policy C-16.5 Historically Underutilized Businesses)~~

~~2. STATE CONTRACT PURCHASES – No bid required at any cost; mandatory use on E&G accounts. Call Purchasing for exceptions.~~

~~3. GSC OPEN MARKET PURCHASE OF **PRODUCTS** – Mandatory use on E&G accounts for purchases greater than \$25,000.~~

4. DELEGATED PURCHASE OF **PRODUCTS**

- ~~— a. \$0.00 – \$2,000.00 – Contract negotiation of best value (E&G funds only; printing requires 2 bids)~~
- ~~— b. \$2,000.01 – \$10,000.00 – Minimum 3 informal bids required~~
~~— Minimum two bids required from HUBs~~
- ~~— c. \$10,000.01 – \$25,000 – Minimum 3 formal bids required~~
~~— Minimum two bids required from HUBs~~
- ~~— d. \$25,000.01 and greater~~

- ~~— E&G: Follow GSC Open Market procedures~~
- ~~— Other Funds: Minimum 3 formal bids required~~
- ~~— Minimum two bids required from HUBs~~
- ~~— Mandatory posting on the Texas Marketplace~~
- ~~— Mandatory HUB Subcontracting Plan Requirements for \$100,000 and greater~~

~~5. DELEGATED PURCHASE OF **SERVICES**~~

- ~~— a. \$0.00 \$2,000.00 Contract negotiation of best value~~
- ~~— b. \$2,000.01 \$10,000.00 Minimum 3 informal bids required~~
- ~~— Minimum two bids required from HUBs~~
- ~~— c. \$10,000.01 \$25,000 Minimum 3 formal bids required~~
- ~~— Minimum two bids required from HUBs~~
- ~~— d. \$25,000.01 \$99,999.99~~
- ~~— Minimum 3 formal bids required~~
- ~~— Mandatory posting on the Texas Marketplace~~
- ~~— e. \$100,000 and greater GSC review and approval of best value specifications prior to advertisement (E&G), mandatory posting on the Texas Marketplace, and mandatory HUB Subcontracting Plan Requirements.~~

~~6. EMERGENCY—All purchase procedures may be over-ridden by a legally acceptable Emergency situation, except for mandatory posting on the Texas Marketplace for emergency purchases exceeding \$25,000 and mandatory HUB Subcontracting Plan Requirements for purchases \$100,000 and greater. The lack of proper planning does not constitute an emergency.~~

- ~~— a. What is the emergency and/or what caused the emergency?~~
- ~~— b. What financial or operational damage will occur if needs are not satisfied immediately?~~
- ~~— c. Why could the needs not be anticipated so that proper procedures could be followed?~~

~~**Source of Authority:** Texas Government Code, Title 10, Subtitle D, Chapters 2151 through 2176; President; Vice President for Business Affairs~~

~~**Cross Reference:** None~~

~~**Contact for Revision:** Director of Purchasing and Inventory~~

~~**Forms:** Purchase Requisition, see index C-30; Local Purchase Authorization, see Index C-20.A (available from the Purchasing Department)~~

Prompt Payment to Vendors and Employees

C-25.1

Original Implementation: April 21, 1998

Last Revision: ~~None~~ October 23, 2001

It is the intention of Stephen F. Austin State University to comply with the State's Prompt Payment Act and make prompt payments to both vendors and employees. It is also the intention of the University to process these payments using the most efficient means available. ~~Therefore, the Controller's Office will schedule and post due dates for disbursement documents for both vendor payments and payroll transactions and adhere to its posted schedule.~~

Payment to Vendors

Three requirements must be met before a disbursement can be made to a vendor:

1. There must be an approved order for goods or services that has been signed/authorized by the account manager or his designee. ~~Under certain circumstances this requirement may be waived. See Policy C-31 regarding Purchase Vouchers.~~
2. The goods or services must have been received. ~~Most goods are delivered either directly to a department or via the Purchasing Department; however,~~ acknowledging the receipt of such goods or services is ultimately the responsibility of the department which placed the order.
3. The vendor must provide an itemized invoice ~~which should be sent to Accounts Payable.~~ If an invoice is received by the department, it should be date stamped and immediately forwarded to Accounts Payable.

The Controller's Office is responsible for processing payments in a manner which ensures compliance with the Prompt Payment Act once these three requirements have been met. *Interest must be paid to a vendor for payment made after 30 days. Such interest payment will be charged to the department if it caused the late payment.*

Payment to Employees

~~There are two~~ requirements ~~must be met before for producing a~~ payroll disbursements can be made to an employee:

1. The employee must be approved via a signed Personnel Authorization Request (or a signed Student Employment Card if the employee is an undergraduate student assistant).
2. There must be appropriate documentation that the employee performed services during the pay period. This usually requires employee time-keeping records and may include the data entry of a specified number of hours for hourly-paid employees.

The Controller's Office will process payroll checks for employees in compliance with the State of Texas payroll calendar, *or as approved by the University president.*

~~When payment has been delayed because a university department did not meet the above requirements and/or if a university department requests the Controller's Office to process a payment outside its normal operating procedures for any reason, the department shall be assessed a Special Processing Fee of \$50. If a university department requests the Controller's Office to process a payment outside its normal operating procedures for any reason, the requesting department shall be assessed a Special Processing Fee of \$50.~~

Source of Authority: Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Controller

Forms: None

Purchase Requisition

C-30

Original Implementation: Unpublished

Last Revision: ~~January 25, 2000~~ October 23, 2001

Specific requests by a department to purchase goods or services begins with the completion of a "Purchase Requisition" that must be approved by the account manager or his/her designee.

The purchase of highly technical items may require special assistance from the end user. In such cases it is the responsibility of the end user to provide technical support in the preparation of specifications and in the evaluation of bids. If bid review prior to award is specifically desired, please state on the "Purchase Requisition".

Items that can be purchased from the same vendor should be grouped on the same requisition.

Requisition processing within the Purchasing Department differs depending upon source of funds, dollar value, and the type of good or service being acquired. Requisitions will usually be processed into purchase orders within one day to six weeks. See Policy C-7, Best Value Procurement.

The "Purchase Requisition" may be generated in one of two ways:

1. On-line Requisitions are entered through the FRS System following the guidelines outlined in the FRS Purchasing Software Manual. Contact the Purchasing Office for more information if you do not currently have this access. *Copies of the manual and on-line registration for training are available at www.sfasu.edu/purchasing/training.html.*

2. Hard-copy Requisitions are available through the ~~HSITS~~ Forms Server at the following URL: ~~on the SFA Home Page~~ https://apache.SFASU.EDU/sfa_forms/purchase_req.shtml. Obtain appropriate signatures. Mail or fax the completed requisition to Purchasing.

_____ URL: www.sfasu.edu

_____ Click on: University

_____ Click on: Business Affairs

_____ Click on: SFA Business Forms

_____ Click on: Forms to Fill Out

_____ Click on: Purchase Requisition

_____ ~~Fill in the blanks and click Submit at the bottom of the screen. A completed form will be generated and may be printed. If you prefer to print a blank form and type, do not fill in the blanks. Click Submit at the bottom of the screen; a completed blank form will be generated and may be printed. Mail or fax the completed requisition to Purchasing.~~

~~Items which can be purchased from the same vendor should be grouped on the same requisition; if from different vendors, the items should be on different requisitions.~~

If a second page is required to list all items being ordered, you may create another "Purchase Requisition" noting that it is a continuation or attach additional pages noted as a continuation.

Source Of Authority: ~~Texas Government Code, Title 10, Subtitle D, Chapters 2151 through 2176;~~ President; Vice President for Business Affairs

Cross Reference: *Policy C-7, Best Value Procurement*

Contact For Revision: Director of Purchasing and Inventory

Forms: ~~None~~ *ITS Forms Server:*

https://apache.SFASU.EDU/sfa_forms/purchase_req.shtml; Best Value Procurement

Purchase Voucher

C-31

Original Implementation: September, 1990

Last Revision: ~~April 21, 1998~~ October 23, 2001

Normally, purchases for goods or services ~~which~~ are ordered, delivered and then invoiced by the vendor. ~~These purchases are should be~~ acquired by submitting a purchase requisition to the Purchasing Department. ~~to assure that proper purchasing procedures have been followed.~~ (See Policy C-20, Methods of Purchase *Delegated Purchasing Authority, Policy C-10.*) ~~Nominal purchases of goods less than \$500 may be made from local vendors using the LPA process described in Policy C-20.A.~~ Occasionally purchases ~~or Some purchases expenditures, however, are made~~ which do not involve ordering goods or waiting for a vendor's invoice. These transactions ~~should be~~ are initiated on a purchase voucher. Purchase vouchers should be used for the following:

1. ~~Occasional use of~~ Overnight mail package services (*See Express Mail Services, Policy F-11*) ~~(The State of Texas contract for overnight package service represents the best rates. Contact the Purchasing Department to set up an account with the current contractor. If these services are used often, the account manager should enter a purchase requisition to encumber the funds at the beginning of the year.)~~

2. Membership fees and dues (not including a subscription)

3. *Licensing fees (except software licensing fees)*

43. Notary bonds

54. Refunds of fees

65. Postage

76. Prepayment of registration fees for business conferences, workshops and seminars

87. Settlement agreements

98. All purchases from agency accounts

The Purchase Voucher Form may be accessed online at [purchase voucher form](#). It may be completed online, or printed out and completed manually. Once completed, the hard copy must be signed by the account manager, and forwarded with supporting documentation to the Controller's Office, Box 13035, for processing.

~~The Purchase Voucher form may be downloaded from the SFASU web site and completed by the department initiating the payment. The completed Purchase Voucher form must include the payee's name, address and tax identification number. It should indicate the account to be charged. It must be signed by the account manager or his designee and accompanied by appropriate supporting documents and forwarded to Accounts Payable, Box 6085, for processing.~~

Payments which have been inappropriately initiated on a purchase voucher will be returned to the originating department for proper processing through the Purchasing Department.

Source of Authority: Vice President for Business Affairs

Cross Reference: ~~None~~ *Delegated Purchasing Authority, Policy C-10; Express Mail Services, Policy F-11*

Contact for Revision: Controller; *Director of Purchasing and Inventory*

Forms: *Purchase Requisition*; ~~SFASU~~ Purchase Voucher

Questions regarding the preparation of forms mentioned in this policy should be directed to the Purchasing Department or the Controller's Office.

Original Implementation: Unpublished

Last Revision: October, 1999

Stephen F. Austin State University adheres to a policy of centralized purchasing for the purposes of:

1. insuring 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. insuring fair and ethical business practices; and
5. providing savings through consolidation of requirements, standardization of products where appropriate, and competitive bidding.

All official correspondence with the General Services Commission and vendors regarding requisitions, bids, and purchase orders shall be issued by the Purchasing Department.

In no case should any department attempt to modify an order through direct contact with the vendor or the General Services Commission. The Purchasing Department has sole responsibility for canceling or correcting purchase orders.

Source of Authority: Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: None

Purchasing Ethics and Confidentiality

C-33

Original Implementation: Unpublished

Last Revision: ~~April 20, 1999~~ October 23, 2001

~~Stephen F. Austin State University follows a code of purchasing ethics which prohibits the solicitation or acceptance of gifts or gratuities which might tend to influence purchasing decisions.~~

~~It shall be a breach of ethical standards for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any other person. 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 the shadow of doubt can be as harmful as the conduct itself.~~

Any SFA employee involved in any form of procurement or the procurement process may not:

- *participate in work on a contract by taking action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation or similar action knowing that the employee, or member of their immediate family 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.*

When an actual or potential violation of any of these standards is discovered, the person involved shall promptly file a written statement concerning the matter with an appropriate supervisor. The person may also request written instructions and disposition of the matter.

If an actual violation occurs or is not disclosed and remedied, the employee involved may be either reprimanded, suspended, or dismissed. The vendor or potential vendor may be barred from receiving future contracts and/or have an existing contract canceled.

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 or fruitcake, etc.) that are merely tokens of appreciation.

Purchasing professionals have the right under law to have any ethics question reviewed and decided by the State Ethics Commission. If you wish to learn whether a specific action violates the ethics rules, please contact the State Ethics Commission, 1101 Camino La Costa, Austin, Texas 78752 or call them at 1-800-325-8506.

Source of Authority: Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: None

Request to Establish an Account

C-34

Original Implementation: Unpublished

Last Revision: ~~July 14, 1998~~ *October 23, 2001*

Requests to establish a new account must be submitted on the "Request to Establish an Account" form. This form originates in the requesting department and is submitted through appropriate division channels for approval. The request is submitted to the Director of Financial Services after division approval. The Director of Financial Services may approve the request or obtain the approval of the Vice President for Business Affairs, establish the account, or forward the request to the Controller to approve and establish the account. Requests for expenditure accounts must include a detailed budget. No account will be established until funding for the account is available. No funds will be obligated or expended until the account is established.

The office that assigns the account number will notify the account manager when the account is ready for use.

Source of Authority: Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Financial Services

Forms: Request to Establish an Account (available in University Printing Services, the Controller's Office and the Director of Financial Services Office)

Property Inventory and Management

C-42

Original Implementation: September 28, 1996

Last Revision: ~~April 30~~ October 23, 2001

Centralized property management and control is performed by the Purchasing and Inventory Department. The Director of Purchasing and Inventory and the Property Managers are responsible for the overall management of University equipment, maintenance and control of centralized inventory records, and disposition of surplus, salvage and scrap. (See Property Transfer and Disposal Policy B-24). Property acquired under Federal or State grants and contracts is inventoried and maintained according to the same guidelines of the University's centralized property management and control described herein.

In accordance with Texas Government Code Ann. Sec. 403.271(a) through 403.278, Stephen F. Austin State University will comply with the State Property Accounting Policies and practitioner's standards as outlined in the State Property Accounting Policy and Procedures Manual. Stephen F. Austin State University shall be certified as an internal agency.

PROPERTY DEFINITIONS

Items are added to the SPA centralized inventory records at the time of acquisition and are carried in the system at original cost value until disposed of through surplus. The Property Manager is responsible for assignment and control of inventory numbers. Inventory control tags are normally applied by Central Receiving prior to delivery or by property office representatives after delivery. As outlined in the State Property Accounting (SPA) Policy and Procedure Manual, property will be added to centralized inventory records as follows:

Capitalized Equipment

All equipment with a useful life of greater than one year and a value *of greater than* \$1,5000 *or more*

Controlled Equipment

All equipment with a useful life of greater than one year and a value greater than \$500 in the following commodity groups:

fax machines, telecopiers

stereo systems

cameras, video cameras

TV/VCR camcorders/laserdisk player

balance

centrifuge

incubators and accessories

microscopes and accessories

oscilloscopes

microcomputers, servers and laptops

printers

All equipment with a useful life of greater than one year and any value in the following commodity groups:

firearms of any type

University Controlled Equipment

The Property Manager has determined that the following items will be added to centralized inventory records with a useful life of greater than one year and at any value:

microcomputers, servers and laptops

monitors

printers

additional item(s) that the department head feels may be subject to a high risk of theft (requires Property Manager approval)

PROPERTY RESPONSIBILITY

The President delegates responsibility for the custody and care of state property to the Property Managers and the Department Heads. The Property Managers shall perform updates and make all additions, deletions and value adjustments to inventory records. The department heads are to exercise proper care and control over all assets for which he/she is responsible and report needed or desired adjustments to the Property Managers in a timely manner.

PROPERTY RESPONSIBILITY WITH CHANGE IN DEPARTMENT HEAD

Out-Going Department Head

When there is an administrative change in department heads, the out-going department head (interim or permanent) must request from the Property Manager a current list of inventory items for which he/she is accountable. Verification of all items must be completed and the Change in Department Head form signed by the out-going department head within 30 days prior to the individual's last day. Verification of property includes documenting that all items are accounted for and in good condition.

In-Coming Department Head

The incoming department head (interim or permanent) must request from the Property Manager a current list of inventory items for which he/she will be accountable. Verification of all items must be completed and the Change In Department Head form signed by the incoming department head within 30 days of the individual's first day.

Verification of property includes documenting that all items are accounted for and in good condition.

PROPERTY MAINTENANCE AND VALIDATION

Each department head is to exercise care and control over the assets for which he/she is responsible. Property should be monitored on a perpetual basis. Location changes are to be reported to the Property Manager as they take place. Transfers to surplus or other departments must have prior approval of the Property Manager. (See Property Transfer and Disposal Policy B-24) Missing or Stolen Property must be reported immediately.

Annual Physical Inventory Audit

To validate the accuracy of property records, an Annual Physical Inventory Audit is conducted February through April of each year. During this Annual Physical Inventory Audit each department head is responsible to physically count and verify by tag number and room location all items on the official departmental inventory. Each item on the report must be physically marked showing verification of the item and its location or documented as to the reasons for not being verified. Responses will be due from custodian departments within 45 days. The annual property report is due to SPA 45 days from the department due date. Each department head shall sign an Annual Inventory Audit Receipt and return it to the Property Manager along with a documented copy of the departmental inventory. The receipt will include the following statement:

"I understand that I am under financial liability for loss or damage to this (these) item(s) if the loss or damage results from my negligence, intentional act, or failure to exercise reasonable care, safeguard, maintenance, or servicing."

Spot-Check Validation

Property validation spot-checks will be conducted by Property personnel in a routine fashion to allow independent verification. Other spot-checks will be performed when necessary. Spot-checks will not be performed during annual inventory (January April).

Monthly Transaction Statements

Transaction statements listing all additions and deletions to the departmental inventory are mailed out monthly. These transaction statements are to be updated with building and room information and the name of the individual in possession of the property and returned to the Property Manager.

Adjustment Of Property Records

When the need arises to alter the description or change the location of an item on a departmental inventory, the person responsible for the department's inventory must initiate a memo or email to the Property Manager listing the inventory number(s), description and the change(s) desired.

The following fields must be updated throughout the year as changes occur:

1. Responsible Department Name - this will only be changed for the following reasons: a) through means of a transfer form when property is transferred between departments; b) if it is determined that an error was made in the original entry; c) department has a name change

2. *Building and Room Location*

3. *End User Name*

4. *Department Chair Name*

5. *Serial Number* - this will only be changed when it is determined that an error was made in the original entry or that original equipment has been returned to the company and replaced.

6. *Description* - this will only be changed when it is determined that the equipment has not changed but that a more accurate description is needed to facilitate the physical inventory process.

USE OF STATE PROPERTY

State/University property may be used only for state purposes. Non-consumable state property in the custody of any Stephen F. Austin State University employee may not be loaned, sold, traded, thrown away, cannibalized, or disposed of in any manner without the prior authorization of the Property Manager. (See Property Transfer and Disposal Policy B-24)

Removal Of Property From Campus

State/University property may be removed from the campus only for official business of the University or another State Agency. When so removed, the individual removing it assumes pecuniary responsibility.

If such property is to be removed, the department head responsible for the equipment should prepare and sign a "Removal of Equipment From Campus " form. The inventory number, date of purchase, description and inventory value may be obtained from the departmental inventory printout provided by the Property Manager.

The original of the completed form should be sent to Purchasing and Inventory prior to physical removal of the equipment from campus. A copy should be kept for departmental inventory records. A follow-up audit will be made by the Property Manager on the date equipment is to be returned to the University. If an extension of time is needed, contact the Property Manager.

The Removal of Equipment from Campus form must also be filled out for equipment being removed with an indefinite return date. The Department Head will be required annually to verify the status of all such equipment. This verification will be initiated via a memo from the Property Manager and will be separate from the Annual Physical Inventory Audit.

Loaning Property To Another Agency

When State/University property is loaned to another agency the President must approve the loan of the property in writing and receipt of the property must be acknowledged in writing by the head of the borrowing agency.

MISSING OR STOLEN PROPERTY

Any equipment discovered to be missing or stolen must be reported IMMEDIATELY. Missing property is to be reported to the Property Manager. Stolen property is to be reported to BOTH the Property Manager and the University Police Department.

Missing Property is defined as any personal property that has disappeared with no explanation.

Missing property must be reported to the property manager IMMEDIATELY upon recognition of the loss. The department head must complete a Missing or Stolen Property Report in full with a detailed report of the loss; i.e. last known location, last date seen, date of discovery of loss, etc. This form must be submitted to the Property Manager within 24 hours of notification. *The Property Manager is required to update the property records IMMEDIATELY for electronic notification to the State Comptroller's Office.*

Missing property will remain on the department's inventory for ~~three (3)~~ two (2) years and will be clearly marked as Missing. The department head must continue to search for the missing property during the 32-year time period. At the end of ~~three (3)~~ two (2) years the property will be removed from centralized inventory records upon approval from the State Auditor's Comptroller's Office. ~~The State Auditor reviews all equipment reported missing and makes a final determination as to whether the custodian of the property was negligent.~~ *In the event of employee negligence, the Property Manager must fax a copy of the Missing or Stolen Report to the Office of the Attorney General within 5 working days of the occurrence.*

Any appropriations withheld from the University due missing property based on the Fy02-03 Appropriations Bill, section 9.03, will be deducted from the budget of the department responsible for the equipment.

Stolen Property is defined as any personal property missing by known theft, whether by forced removal, burglary, theft by employees, or other criminal acts.

Stolen property must be reported to the ~~p~~Property Manager and University Police IMMEDIATELY ~~and University Police within 48 hours of~~ upon recognition of the loss. The department head must complete a Missing or Stolen Property Report in full with a detailed report of the theft; i.e., last known location, last date seen, evidence of theft, date of discovery of loss, etc. Both the Missing or Stolen Property Report AND a Police Report must be submitted to the Property Manager; ~~and within 24 hours of notification.~~ *the Property Manager must report the theft to the State Comptroller IMMEDIATELY.* ~~will be removed from centralized inventory records upon approval from the State Auditor's Office. The State Auditor reviews all equipment reported stolen and makes a final determination as to whether the custodian of the property was negligent.~~ *In the event of employee theft, the Property Manager must fax a copy of the Missing or Stolen Report to the Office of the Attorney General within 5 working days of the occurrence.*

Failure to report to the Property Manager IMMEDIATELY, thus allowing reporting to the State Comptroller or Attorney General within the required timeframe, may result in the stolen property being report as missing property with possible employee negligence.

EMPLOYEE NEGLIGENCE

When the President has reasonable cause to believe that any State/University property has been lost, stolen, damaged, or destroyed through the negligence -or fault of an employee, it must be reported to the ~~State Auditor and~~ Attorney General.

When equipment is reported Missing or Stolen, the department head must make an initial determination of whether negligence was involved in the loss of the property. After reviewing the detailed report of loss the Property Manager shall make a further determination of negligence. If the Property Manager determines that negligence is involved, the Director of Purchasing, Internal Auditor and *Vice President for Business Affairs* will be notified immediately. *If employee negligence is involved in either Missing or Stolen property, the State Auditor and Attorney General will* must be notified within 5 working days. ~~Failure to report Missing or Stolen Property within the required time frames may be considered negligence.~~

Source of Authority: Texas Government Code Ann. Sec. 403.271(a) through 403.278; President; Vice President for Business Affairs

Cross Reference: Property Transfer and Disposal Policy B-24

Contact for Revision: Director of Purchasing and Inventory

Forms: Change In Department Head (available from the Property Office), Annual Inventory Audit Receipt (provided with Annual Inventory Packet), Removal of Equipment from Campus (available from the Property Office), Missing or Stolen Property Report (available from the Property Office), Police Report (available from University Police Department)

Reporting Fiscal Misconduct

C-46

Original Implementation: January 28, 1997

Last Revision: October 31, 2000 23, 2001

INTRODUCTION

This policy establishes procedures and responsibilities for reporting and resolving instances of known or suspected fiscal misconduct. The intent of the policy is to protect the assets and interests of the University, prescribe a coordinated approach toward investigation and resolution of fiscal misconduct and outline specific responsibilities for individuals responding to the investigation of a fiscal misconduct event. Retaliation for filing a good faith report regarding suspected fiscal misconduct is prohibited by this policy, and is cause for disciplinary action, up to and including termination.

A) University - Stephen F. Austin State University and all of its components, regardless of the source of funding.

B) Employee - All personnel employed by the University, including faculty, staff, and students.

C) Fiscal Misconduct - Defalcation, misappropriation, and other fiscal irregularities, including but not limited to:

- 1) dishonest, illegal, or fraudulent acts involving University property;
- 2) forgery or alteration of checks, drafts, promissory notes, and securities;
- 3) forgery or unauthorized alteration by employees of employee benefit or salary-related items such as time sheets, payroll documents, billings, claims, surrenders, assignments, or changes in beneficiary;
- 4) forgery or unauthorized alteration by employees of student related items such as grades, transcripts, loans, fees, financial aid applications, financial aid records;
- 5) misappropriation of funds, securities, supplies, or any other asset of the University;
- 6) illegal or fraudulent handling or reporting of money transactions;
- 7) employee acceptance or solicitation of any gift, favor, or service that might reasonably tend to influence the employee in the discharge of his or her official duties;
- 8) destruction or disappearance of records, furniture, fixtures, or equipment where theft is suspected.

D) Suspected Fiscal Misconduct - A reasonable belief or actual knowledge that fiscal misconduct has or is occurring. Failure to show an actual diversion of assets or loss shall not be considered unreasonable belief.

POLICY AND PROCEDURE

Any employee of the University who knows of or suspects fiscal misconduct must promptly notify his or her immediate supervisor and/or one of the following investigative units: the Department of Audit Services, the Office of General Counsel, the University Police Department or the Personnel Department. The University Police Department or Office of General Counsel are the preferred primary contacts. The unit contacted shall contact the remaining three units as appropriate to establish the necessary investigative team and procedures.

All affected departments and/or individuals shall cooperate fully with the investigative team to identify whether or not actual fiscal misconduct has occurred.

The investigative team shall update University administration of the progress of all investigations. The scope of and individuals subject to investigations are to be considered in determining the extent and nature of notification.

The results of all investigations will be reported to the President of the University.

Management is responsible for establishing and maintaining a system of internal control that provides reasonable assurance that improprieties are prevented and detected. Each manager should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that such a defalcation, misappropriation, or other fiscal irregularity has occurred.

Management will support the University's fiduciary responsibilities and will cooperate with law enforcement agencies in the detection, investigation, and reporting of criminal acts, including prosecution of offenders. Every effort should be made to recover University losses.

The Office of Audit Services will supervise all audits of allegations of defalcation, misappropriation, and other fiscal irregularities. When an audit reveals suspected criminal activity, or an audit is initiated due to an allegation of criminal activity, the University Police will be notified immediately and the audit will proceed under their direction.

When an audit involves allegations or reveals suspected criminal activity which may constitute a felony offense, the Chief of Police shall, when appropriate, immediately notify the President or his designee. The Director of Audit Services shall keep the University Police informed regarding the progress of the audit.

The University Police, Office of Audit Services, and Office of the General Counsel will coordinate assistance provided to State, Federal, and local law enforcement agencies in connection with felony fraud investigations. All requests for information and/or assistance from such agencies, received by any other component of the University, shall be immediately forwarded to the University Police for determination and handling. All reasonable assistance will be given to law enforcement agencies when requested.

All requests for information and assistance related to investigations conducted by auditors of federal and state agencies, which are concerned with potential dishonest or fraudulent activities within the University, shall be forwarded immediately to the Director of Audit Services for consultation with the Office of General Counsel.

In order to avoid the use of investigative techniques that might prevent evidence from being used in a criminal prosecution, University Police will coordinate the criminal investigation once probable criminal activity has been detected. The Office of Audit Services shall assist the University Police in investigations of suspected defalcation, misappropriation, and other fiscal irregularities that require accounting and auditing knowledge of University records.

In order to protect the reputations of innocent persons initially suspected of wrongful conduct and to protect the University from potential civil liability, the results of investigations and attendant audits will not be disclosed or discussed with anyone other than authorized representatives of law enforcement and/or regulatory agencies and only those persons associated with the University who have a legitimate need to know such results in order to perform their duties and responsibilities, subject to provisions of the Texas Open Records Act.

Pursuant to Section 321.022 of the Texas Government Code, the President shall file an appropriate report with the office of the State Auditor. All records of a communication by or to the State Auditor in this regard are legally considered audit working papers of the State Auditor.

INVESTIGATIONS AND ATTENDANT AUDITS

Audits revealing violations of the Penal Code for which an audit report will be issued shall be reduced to final report form only after consultation by University Police with the local prosecutor or the Office of General Counsel to ensure that appropriate documentation of the facts has been achieved in order to permit appropriate personnel action, protect innocent persons, support appropriate civil or criminal actions, document claims made pursuant to applicable fidelity bonds, preserve the integrity of criminal investigation and prosecution and avoid unnecessary litigation.

Great care must be taken in the investigation of suspected improprieties or irregularities to avoid incorrect accusations or alerting suspected individuals that an investigation or audit is underway and also to avoid making statements which could provide a basis for a lawsuit for false accusation or other offense. The reporting individual should not:

- 1) contact the suspected individual to determine facts or demand restitution; or
- 2) discuss the facts, suspicions, or allegations associated with the case with anyone, unless specifically directed to do so by the Office of Audit Services, University Police, or Office of the General Counsel.

All inquiries from the suspected individual, their representative or their attorney shall be directed to the Office of General Counsel without further comment.

All reproduction of documents, evidence, and reports shall be performed within the secured work area of the University Police or Office of Audit Services. Any requests to release or review such documents will be coordinated through the Office of the General Counsel.

To the extent permitted by the applicable provisions of the Texas Open Records Act, confidentiality of those reporting dishonest or fraudulent activities will be maintained. However, the confidentiality cannot be maintained if that individual is required to serve as a witness in legal proceedings.

When an audit initiated due to an allegation of criminal activity has failed to detect criminal activity or when advised by the Office of General Counsel, the Director of Audit Services has the discretion to stop the audit. The Office of University Police retains authority to review the progress of criminal investigations and to determine whether to pursue a criminal prosecution.

AUDIT FINDINGS

Each investigation of possible dishonest or fraudulent activities has the potential to provide valuable insight into University activities. Investigations may disclose control weaknesses or other deficiencies that require additional auditing or attention by management. The Office of Audit Services shall consider the nature and extent of the investigation and complete any additional audit work necessary to provide management with information for appropriate action.

Source of Authority: Board of Regents; *Section 321.022 of the Texas Government Code*

Cross Reference: None

Contact for Revision: Vice President for Business Affairs

Forms: None

Vendor ~~Tax~~Warrant Hold Status Verification

C-48

Original Implementation Date: January 25, 2000

Last Revision Date: ~~August 1, 2000~~ October 23, 2001

Stephen F. Austin State University will not "contract" with a vendor or issue payment to any vendor who is ~~delinquent in the payment of state and local sales or use taxes, whose franchise tax status is not in good standing, or who owes the State of Texas money for any other reason on warrant hold in the State of Texas~~ *Comptroller's Taxpayer and Vendor Account Information.*

As defined by the State Comptroller in Notice to State Agencies #FM00-35, dated 12/2/99, a "contract" is a commitment of agency funds for the purchase of goods or services. The vendor's ~~tax warrant hold~~ status must be verified for each individual purchase or contract BEFORE committing funds on behalf of the University. Any vendor who is found to be ~~"not in good standing" or "on hold"~~ is not eligible to receive the proposed "contract".

It will be the responsibility of the department *placing the order* ~~involved in committing funds on behalf of the University~~ to insure that ~~tax warrant hold~~ status is verified BEFORE COMMITTING FUNDS ON BEHALF OF THE UNIVERSITY. The following ~~types of transactions are identified by the department that is involved in committing funds.~~ *Departments are responsible to check vendor hold status BEFORE placing orders for the types of transactions listed below.*

THE STATUS MUST BE VERIFIED NO MORE THAN 7 DAYS BEFORE, BUT NOT LATER THAN THE CONTRACT START DATE.

PURCHASING

--standing orders

--~~requisitions for which the purchase order is issued by purchasing~~ *purchase orders completed from a requisition for order placement by Purchasing*

BOOKSTORE PURCHASES FOR RESALE

--bookstore *delegated purchases*

LIBRARY BOOK PURCHASES

--library *delegated purchases*

STONE FORT MUSEUM PURCHASES *FOR RESALE* ~~(any that do not go through Purchasing)~~

--stone fort *delegated purchases*

END USER-DEPARTMENT

--voucher payments--~~registration only~~

--local purchase authorization (LPA) purchases

--credit card purchases exceeding \$150

--purchases made by an employee for which reimbursement will be sought (tax status of the vendor from whom the purchase is made must be checked)

--requisitions for which a telephone po is issued

~~requisitions for goods or services already ordered (should not be happening anyway)~~

If any END USER-DEPARTMENT does not wish to verify ~~tax warrant hold status in conjunction with placing the type of order listed above before committing funds on behalf of the University,~~ then ~~the~~ *a requisition must be submitted to the* ~~purchase must be completed by the~~ Purchasing Office for order placement.

The document created (LPA, requisition for telephone PO, credit card transaction log, voucher, purchase order, etc.) by the department ~~involved in committing funds on behalf of the University~~ placing the order must include a ~~tax warrant hold~~ status verification certification following the Verification Instructions below.

Requisitions for reimbursements must show the name of the vendor from whom the University employee made the purchase. The end user is required to verify a vendor's warrant hold status prior to making a purchase and requesting reimbursement. Failure to verify the warrant hold status may delay the reimbursement.

The following types of purchases do not need to be verified per verbal ~~and written~~ communications with the State Comptroller's Office in developing a balance between legislative intent and the needs of the agency.

1) credit card purchases less than \$150

2) emergency 'in the field' purchases less than \$150

~~3) purchases from other public education institutions, both in-state and out-of-state~~

34) other situations to be approved by the Director of Purchasing, wherein the failure to complete a purchase would involve public safety, or severely hinder the educational purpose or operation of the University or a University operated facility.

~~In addition to checking tax status prior to making a commitment of funds, the University Controller's office is required to verify warrant hold status prior to making payment.~~

VERIFICATION INSTRUCTIONS

The verification process involves searching for the vendor by vendor number and/or name at the State Comptroller's web-site created specifically for verification of vendor ~~tax~~*warrant hold* status. The internet address is
<http://openecpa.cpa.state.tx.us/vendor/tpsearch1.html>.

~~If a vendor number search is unsuccessful, the department must attempt a vendor name search to insure due diligence in verifying vendor tax status.~~ The vendor number can be obtained from the FRS database, screen 203 (State Vendor ID found immediately below the Vendor Name) or by obtaining the vendor's State of Texas sales tax number. *If a vendor number or sales tax number is unknown, then a name search may be attempted.*

~~1A. If the vendor number or vendor name search indicates that the vendor is "in good standing" and is 1) is "not on hold", 2) returns no match, or 3) indicates the number is not on the taxpayer file, proceed with the purchase in accordance with University policies and procedures. Add the following dated statement to the document being used to commit funds on behalf of the University; i.e., voucher, lpa, requisition for telephone PO, purchase order, credit card transactions log, etc.~~

~~"Vendor Not On Hold I certify that the vendor tax status was verified on _____ (date) and the vendor was found to be 'in good standing' and 'not on hold'."~~

~~HB. If the vendor number or vendor name search indicates that the vendor is "not in good standing" or is "on hold", the purchase "contract" and commitment of funds CAN NOT BE MADE. The department should take the following steps to complete the purchase search for another vendor from whom to make the purchase.~~

C. If no other vendor can be located to supply the needed good or service, the department has the following options:-

~~A. The vendor should be contacted and informed to contact the State Comptroller's office at 1-800-252-1381 to resolve a "not in good standing" corporate status.~~

~~B1. The vendor should be contacted and informed to contact the State Comptroller's office at 1-800-531-5441 to resolve ~~an~~the "on hold" warrant status.~~

~~€2. The vendor may be given an adequate period of time to rectify his/her ~~tax~~*warrant hold* status from "not in good standing" and/or "on hold" to "in good standing" and/or "not on hold", unless the situation is such that 'contracting' with another vendor is more beneficial to the agency in terms of receiving the goods in an adequate period of time.~~

34. If the situation is corrected, the updated tax status must be viewed at the State Comptroller's web site or confirmed in writing from the State Comptroller. A vendor may not self-certify of a corrected *tax warrant hold* status. When an acceptable *tax warrant hold* status is received, *refer to A. above* complete the purchase in accordance with University policy and procedure and add the following statement to the document being used to commit funds on behalf of the University; i.e., voucher, lpa, requisition, purchase order, credit card transactions log, etc.

4. *If the situation is not corrected, contact the Director of Purchasing to determine if the failure to complete the purchase would involve public safety, or severely hinder the educational purpose or operation of the University or a University operated facility.*

"I certify that the vendor tax status was verified on _____ (date) and the vendor was found to be 'in good standing' and not 'on hold'"

2. ~~If the situation is not corrected, the department may choose to allow the vendor a longer period of time or may contract with another vendor. If the department chooses to contract with another vendor, the verification process starts over.~~

III. ~~If the vendor number or vendor name search returns no matches or indicates that the number is not on taxpayer file, the "contract" and commitment of funds MAY OR MAY NOT BE COMPLETED. The department should take the following steps to complete the purchase.~~

A. ~~If the vendor's principal place of business IS IN THE STATE OF TEXAS AND if the vendor IS A CORPORATION, the vendor must be directed to contact the State Comptroller's Office at 1-800-252-1381 to determine the problem. The department may not contract with this vendor until the situation is resolved. Refer to II.C.1 and 2 above.~~

B. ~~If the vendor's principal place of business IS IN THE STATE OF TEXAS AND if the vendor IS NOT A CORPORATION, the department may proceed with the purchase in accordance with University policies and procedures. Add the following statement to the document being used to commit funds on behalf of the University; i.e., voucher, lpa, requisition, purchase order, credit card transaction logs, etc.~~

"I certify that the vendor tax status was checked on _____ (date) and the vendor, whose principal place of business is in Texas, is not a corporation and was not found."

B. ~~If the vendor's principal place of business IS NOT IN THE STATE OF TEXAS, the department must secure from the vendor a certification with a signed and dated statement that the vendor "does not sell tangible personal property or services that are subject to the state and local sales and use taxes". This includes individuals and overseas vendors whose principal place of business is not in the state of Texas. Contact the Purchasing Department for 'form' letters used to requested certification. If the End User Department~~

does not want to obtain the verification, you may choose to have Purchasing complete the purchase.

1. If the vendor produces the certification, the department may proceed with placing the order in accordance with University policies and procedures. Add the following statement to the document being used to commit fund on behalf of the University; i.e., voucher, lpa, requisition, purchase order, credit card transactions log, etc. and attach the certification received from the vendor.

"I certify that the vendor tax status was checked on _____ (date) and the vendor, whose place of business is not in Texas, has provided the attached certification."

2. If the vendor fails to produce the certification, the department should seek to complete the purchase from another source. If the vendor is a sole source or the situation is a true emergency, contact the Director of Purchasing.

3. If the department chooses to contract with another vendor, the verification process starts over.

IV. SPECIAL NOTES: Search results will sometimes have unusual notations. Please be aware of the handling associated with each of the unusual cases noted below.

A. If the search returns 'temporarily in good standing' and 'not on hold', proceed the same as if the vendor is in good standing.

B. If the search returns 'Out Of Business' or 'OOB As of mm/dd/yy', the vendor should be advised to contact the State Comptroller's office at 1-800-252-1381 to clarify the problem.

C. ALL Out of State vendors that are NOT FOUND in the search must complete a certification each time a purchase is made from that vendor.

D. Requisitions for reimbursements must show the name of the vendor from whom the University employee made the purchase. The end user is required to verify a vendor's tax status prior to committing the funds. Failure to verify the tax status may result in the reimbursement being delayed until the vendor's tax status is 'in good standing' and 'not on hold'.

SEARCH INSTRUCTIONS

(These instruction are copies from the State Comptroller Notice to State Agencies #FM00-35, dated 12/2/99 with only slight modification made for clarification.)

Searches may be completed by Vendor Number, Vendor Name or Business Location Name. Purchasing recommends that the searches be completed in order of the search options shown here.

Be sure to enter the business name or business location name exactly as it may appear in the State Comptroller's system. Otherwise you will get the message "Not on File" or "No Data Found". If you get one of these messages and you believe it is an error, or if you are not sure of the exact business or business location name, try entering variations of the name to locate the entity in the system. The internet address is <http://open.epa.state.tx.us/vendor/tpsearch1.html>. If the vendor exists in SFA's FRS database, the vendor number search is the most accurate. The vendor number is displayed on Screen 203 (State Vendor ID found immediately below the Vendor Name).

SEARCH OPTION 1: SEARCH BY VENDOR NUMBER

Enter the State Vendor ID 11-digit taxpayer number, which begins with a 1, 2, or 3, and is found immediately below the Vendor Name on Screen 203 or can be provided by the vendor.

If the 11-digit taxpayer or vendor number is not available, enter either the nine-digit social security number (SSN) or federal employer identification number (FEI).

If the search is successful, the system will display the parent company's name. (The parent company name may not be familiar to your agency, if you work with a specific location or outlet of the parent company.)

If the response you receive is "Not on File" or "No Data Found," and you have ruled out the two options mentioned in the notes above, then use Search Option 2.

SEARCH OPTION 2: SEARCH BY BUSINESS NAME

Use this search option to look for a corporation or an individual. Enter the name, or part of the name, of the parent business. Do not enter punctuation such as commas or periods. If the vendor you are looking for is not a corporation, enter the individual's first, middle, and last name.

If the name you are searching for is an outlet or location name and you do not have the corporation or parent company's name, use Search Option 3.

Depending how exact your inquiry is, the system may display more than one vendor. It has been designed to provide names and addresses to assist you in finding a specific vendor. Click on the entity or individual name for which you want to receive tax information.

If the system's response is "Not on File" or "No Data Found," it means the entity is not on the Comptroller's taxpayer database. If the vendor is a corporation and is located in Texas or conducts business in Texas, it should by law be on the taxpayer database. If the corporation is not on the database, the vendor should be advised to contact the State Comptroller's Office at 800-252-1381 to obtain a Texas taxpayer ID. The agency should

not conduct business with the entity until it is in good standing under state tax law with the Comptroller's office.

SEARCH OPTION 3 : SEARCH BY BUSINESS LOCATION

Use this search option if you do not know the parent, master or legal name of the vendor, but do know an outlet or location name, such as a DBA (doing business as) or specific business location. For example, an entity's corporation name may be "XYZ Distributing Company." However, your agency does business with one of its outlets, "Half Price Gadgets." This search option enables you to look for the corporation using the outlet name, "Half Price Gadgets."

Again, you may receive more than one vendor name. The system provides the business name and the associated individual's name to assist you in making your choice. Click on the business location name to receive tax information for that entity.

Source of Authority: Texas Government Code, Title 3, Subtitle C, Chapter 403.055; Texas Government Code, Title 10, Subtitle D, Chapter 2252.9032155.004; Tax Code, Title 2, Subtitle F, Chapter 171; President; Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: None

Original Implementation: October 31, 2000

Last Revision: ~~None~~ October 23, 2001

Applicability

This policy applies to employees and prospective employees traveling in a University capacity except members of the Board of Regents and the President, who are exempt, and intercollegiate athletics. All policies, rules, and regulations related to travel on behalf of, or in connection with, intercollegiate athletics are included in the current issue of the *Intercollegiate Athletics Policy Manual*.

The travel regulations contained in this policy apply to all University funds. The reimbursement limits established by this policy 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 as specified accounts established for the sole purpose of discretionary use.

General Travel Regulations

Generally, ~~the~~ *State of Texas Travel Allowance Guide* is the authoritative document regarding travel rules and regulations. The Guide is located in the Controller's Office and at <http://www.sfasu.edu/controller/travindex.html>. *In case of conflict between the Guide and this policy, this policy takes precedence.*

Employees, and others traveling on behalf of the University, are not reimbursed on a flat per diem basis. Instead, they are reimbursed for **actual** meal and lodging expenses, subject to the provisions of this policy.

Travel Request

Except as stated in the Applicability section of this policy, anyone traveling on University business must obtain permission in advance of the trip. A Travel Request form (available from University Printing Services and at <http://www.sfasu.edu/controller/travindex.html>) must be submitted and approved at all applicable levels, as indicated on the form, whether or not expenses will be incurred. All expenses to be paid or reimbursed by the University are to be reflected on the Travel Request, regardless of whether they are to be prepaid. A Travel Request is not required for prospective employees.

The Controller's Office uses the Travel Request to encumber funds against the appropriate account(s). The Travel Request will be approved by the Controller's Office only when account balances are sufficient to cover the total estimated cost of the trip.

Travel to Washington, D.C.

Before traveling to Washington, D. C., an employee shall inform the Texas Office of State-Federal Relations about the timing and purpose of the trip, and provide the office with the name of a person who may be contacted for additional information about the

trip. A completed form, Report for State Agency Travel to Washington, D. C. (available at <http://www.sfasu.edu/controller/travindex.html>), will meet this requirement.

Foreign Travel

Official University business travel to any foreign country other than Canada or Mexico requires advance written approval from the ~~University's President~~ *Chair of the Board of Regents*. *The traveler must submit a Travel Request through the appropriate administrative channels to the President, who will forward the request to the Board Chair.* ~~Additionally, travel to any foreign country other than Canada or Mexico with the use of Educational and General (E&G) funds (account numbers 1-XXXXXX) requires advance written approval from the Governor of Texas. The traveler must request approval from the Governor at least 30 days prior to departure. This request is made by completing a Request for Governor's Approval for State Employees Traveling to Foreign Countries form (available at <http://www.sfasu.edu/controller/travindex.html>).~~ To be considered for approval, foreign travel must be directly related to the University's mission and must require a duty that cannot be performed without the travel.

A completed Travel Request form (available from University Printing Services and at <http://www.sfasu.edu/controller/travindex.html>) must be routed through the appropriate administrative channels in sufficient time to be approved by the ~~President~~ *prior Board Chair* prior to the date of departure. ~~When required, a copy of the Governor's approval must be attached to the Travel Request when it is initially submitted to the President.~~

Charge Card for Travel Expenses

A Bank of America individual corporate charge card is available for eligible employees who wish to charge travel expenses. In order to apply, the employee must take, or expect to take, three (3) or more business trips per fiscal year, or expend at least \$500 per fiscal year for official State business. *An employee is not required to accept a State-issued charge card.*

The State-issued Bank of America individual corporate charge card is to be used for business-related charges only while traveling on official State business. Use of the card for personal business is considered a violation of State policy and the employee may be subject to disciplinary action. The individual whose name appears on the card is solely responsible for payment of the account. If the card is suspended or cancelled for misuse or nonpayment, the employee will be ineligible for travel advances from the University.

~~An employee is not required to accept a State-issued charge card. However, all airfare to be paid from Educational and General (E&G) accounts (account numbers 1-XXXXXX) must be charged to one of the State's contract charge accounts: either the State-issued individual corporate charge card or the University's charge card (Airfare Billing Form, available from University Printing Services). No payment can be made from E&G accounts unless airfare is purchased by one of these two methods.~~

If the application is approved by Bank of America, the employee agrees to be bound by the Corporate Card and Commercial Card Cardmember Agreement which will be sent with each card. Additionally, the employee agrees to be bound by the State policies governing the use of the Card. Applications and further information concerning this

program are available in the Controller's Office or at <http://www.sfasu.edu/controller/travindex.html>. The application must be signed by the employee, the employee's supervisor, and the travel manager in the Controller's Office.

Advance Travel Funds

Advance travel funds are available for employees who wish to obtain money in advance of the trip. These funds may be requested on the Travel Request form (available from University Printing Services and at <http://www.sfasu.edu/controller/travindex.html>) for: (1) employees ineligible for the Bank of America individual corporate charge card, (2) group travel, ~~or~~ (3) *airline and hotel reservations that must be paid well in advance of the travel date, or* (4) travel with particularly unusual circumstances (reason must be specified on the Travel Request form). The minimum amount of advance funds that can be obtained is \$100.

The Travel Request should be received by the Controller's Office at least five (5) working days prior to departure. Generally, the requested funds will be available at the University Business Office at least one working day prior to departure. Advance travel funds will be issued by a check made payable to the individual requesting the funds. As a condition of receiving advance travel funds, the employee agrees to refund any excess (amount advanced less documented eligible expenditures on the Travel Voucher) within 30 days from the ending date of the trip.

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

Travel Voucher (Travel Expense Documentation and Reimbursement)

In order to receive reimbursement, travel expenditures must be documented on a Travel Voucher (available from University Printing Services and at <http://www.sfasu.edu/controller/travindex.html>) signed by the traveler and the account manager. The Travel Voucher must reflect the total actual reimbursable expenses of the trip, regardless of whether advance travel funds were received. **Receipts are required for most travel expenses** (see applicable section of this policy for specific details), **except meals. Meal receipts are required only in the case of group travel.** *In the case of meal expenses for group travel, the sponsor/advisor must provide documentation of how the funds were expended. The sponsor/advisor should contact the travel manager in the Controller's Office in advance of the trip for instructions.*

The Travel Voucher should be submitted, with receipts attached, to the Controller's Office within 30 days from the ending date of the trip. **No reimbursements will be made and all encumbrances will be cancelled 30 days after the end of the fiscal year.**

The *State of Texas Travel Allowance Guide* can be useful in the completion of Travel Vouchers. It provides comprehensive information on travel procedures and the proper classification of travel related expenditures. A current copy of the Guide is available in the Controller's Office or at <http://www.sfasu.edu/controller/travindex.html>.

Foreign Currency Conversion

All amounts listed on the Travel Voucher must be converted to U.S. dollars using the rate applicable on the date of the expenditure. A foreign currency conversion table is available at <http://www.sfasu.edu/controller/travindex.html>. Documentation of the conversion calculation must be attached to the Travel Voucher.

Reimbursement Rates — Lodging

Reimbursement may not exceed the amount of lodging expenses actually incurred at a commercial lodging establishment, subject to maximum allowances stated below. The original itemized lodging receipt, attached to the Travel Voucher, is required.

The State Travel Management Program of the General Services Commission has contracted with several commercial lodging establishments for special rates. The contracted vendors and rates are listed in the *Texas State Travel Directory*, which is distributed to each department. Employees are encouraged to utilize the contracted vendors when possible.

In-State

Travelers may be reimbursed for the **actual** cost of lodging, not to exceed ~~seventy~~^{eighty} dollars (\$~~70~~⁸⁰) per day. Additionally, they may be reimbursed for **local** taxes on the allowable lodging cost. **State tax on in-state lodging will not be reimbursed to State employees.** Instead, State employees must submit a completed Texas Hotel Occupancy Tax Exemption Certificate (available from University Printing Services and at <http://www.sfasu.edu/controller/travindex.html>) to commercial lodging establishments at check-in. Employees should also be prepared to show proof of State employment.

Out-of-State

The maximum reimbursement rates for out-of-state lodging are provided by the Texas State Comptroller. A list of the rates, which is updated from time to time, is available at <http://www.sfasu.edu/controller/travindex.html>. Within the continental United States, lodging reimbursement is limited to the locality-based allowance as stated on the list. For cities and counties not included on the list, the allowance is the median rate established in that state for lodging. Applicable taxes on the allowable lodging costs may also be reimbursed. Travelers to Alaska, Hawaii, or a foreign country may be reimbursed for actual, reasonable costs.

If the actual cost of lodging exceeds a locality's lodging allowance, an employee may reduce the maximum meal reimbursement rate for that locality and use the reduction to increase the lodging reimbursement rate for that locality. No such adjustment can be made to increase the maximum meal reimbursement rate.

Shared Lodging

When two or more employees share lodging, each employee must pay and claim their prorated share of the cost. The University will reimburse each employee his share of the lodging expense, not to exceed the applicable maximum lodging reimbursement rate. A list of names of those sharing the same room should be attached to each Travel Voucher.

If only one of the individuals sharing lodging is an employee, then the amount that the employee may be reimbursed for lodging expenses is the lesser of the single occupancy room rate or the maximum lodging reimbursement rate.

Reimbursement Rates - Meals

Employees may be reimbursed for meal expenditures while away from campus if the travel requires them to be at least 25 miles from the University for at least six (6) consecutive hours during the calendar day. Meals are reimbursed at the lower of **actual** cost or the following meal allowances:

<u>IN-STATE</u>		<u>*OUT-OF-STATE</u>	
Breakfast	\$ 4.25 5	17% 16.7% of locality-based allowance	
Lunch	\$ 8.25 10	33.3% of locality-based allowance	
Dinner	\$ 12.50 15	50% of locality-based allowance	
Total	\$ 25.00 30		

* Within the continental United States, meal reimbursement is limited to the locality-based allowance (list available at <http://www.sfasu.edu/controller/travindex.html>) provided by the Texas State Comptroller. For cities and counties not included on the list, the allowance is the median rate established in that state for meals. Travelers to Alaska, Hawaii, or a foreign country may be reimbursed for actual, reasonable costs.

The following timetable indicates which meals are reimbursable:

Breakfast	Travel includes 8:00 a.m. or before
Lunch	Travel includes 11:30 a.m. — 1:30 p.m.
Dinner	Travel includes 6:00 p.m. and after

Actual meal expenses without overnight stay are reimbursable, not to exceed the in-state rates listed above, regardless of the travel location. Internal Revenue Service rules (Publication 463) state you cannot deduct the cost of meals if it is not necessary for you to stop for sleep or rest to properly perform your duties. Therefore, **all reimbursement for meals without overnight stay is taxable to the employee.** The reimbursement will be paid monthly in the employee's regular payroll check, and taxes will be withheld.

Additional guidelines for meal reimbursement:

- Some registration fees include meals. In this case, the registration fee is fully reimbursable but no additional amount can be claimed for the included meals.

- Meals purchased for the traveler by another person are not reimbursable.
- In the case of employees traveling together, each must pay and claim their ~~prorated share~~ own expenses.
- Tips, gratuities, and alcoholic beverages are not reimbursable.
- Meal receipts are not required, ~~except for group travel~~. *In the case of meal expenses for group travel, the sponsor/advisor must provide documentation of how the funds were expended. The sponsor/advisor should contact the travel manager in the Controller's Office in advance of the trip for instructions.*

Reimbursement Rates - Mileage

The number of reimbursable miles traveled by an employee may not exceed the number of miles of the most cost-effective route. The shortest route between points, including the use of all farm-to-market roads, is presumed to be the most cost-effective route. The *Texas Comptroller of Public Accounts Mileage Guide* (available at <http://www.sfasu.edu/controller/travindex.html>) calculates the mileage between two locations. When both locations are in the Mileage Guide database, the employee may be reimbursed for either the number of miles (1) calculated by the Mileage Guide or (2) calculated from the employee's odometer. When one or both locations are not in the Mileage Guide database, the number of reimbursable miles is calculated from the employee's odometer. Mileage determined by use of the employee's odometer must be itemized on a point-to-point basis on the Travel Voucher. Any vicinity mileage at the destination location must also be itemized separately on a point-to-point basis. For the purposes of this paragraph, point means a building, house, highway intersection, or other similarly-localized spot.

The reimbursement rate for use of an employee's personal vehicle is established by the State legislature. That rate is specified in the *State of Texas Travel Allowance Guide* (available in the Controller's Office or at <http://www.sfasu.edu/controller/travindex.html>) or as updated by the Texas State Comptroller.

Four-Per-Car-Rule

Coordination of travel must occur when two, three, or four employees travel on the same dates with the same itinerary to conduct the same official State business. When coordination of travel is required, only one employee may be reimbursed for mileage.

Reimbursement Rates - When Representing the University President

If the President is unable to attend a meeting or conference, the President may designate, on an individual trip basis, one employee as a representative to travel. Under this provision, the employee is reimbursed for **actual** expenses, not to exceed twice the maximum allowance rates for lodging and meals specified by this policy. The Travel Voucher must be accompanied by the original designating document from the President. Receipts are required as specified in this policy.

Registration Fees

The registration fee for attendance at a professional meeting is reimbursable if the fee was approved on the Travel Request. The fee must be shown as a miscellaneous expense on the Travel Voucher, with the original receipt attached.

Attendance at in-town conferences does not require a Travel Request. Employees may be reimbursed for in-town registration fees by submitting a completed Travel Voucher, as they would for any other travel reimbursement. The description should indicate that the conference was in Nacogdoches.

Some registration fees include meals. In this case, the registration fee is fully reimbursable but no additional amount can be claimed for the included meals.

Prepayment of Registration Fees by University

When requested, the University will prepay the registration fee for official business conferences and seminars. If the meeting is being held out-of-town, the employee must first obtain approval to travel by submitting a Travel Request showing the registration fee as an estimated cost of the trip. Additionally, a completed Purchase Voucher (available from University Printing Services and at <http://www.sfasu.edu/controller/travindex.html>) and registration form must be submitted to the Controller's Office well in advance of the payment due date.

Airline Ticket Purchases

Any airline ticket expense, whether to be prepaid or reimbursed, must be listed on the approved Travel Request. ~~All airfare to be paid from Educational and General (E&G) accounts (account numbers 1-XXXXX) must be charged to one of the State's contract charge accounts: either the state-issued individual corporate charge card or the University's charge card (Airfare Billing Form, available from University Printing Services). No payment can be made from E&G accounts unless airfare is purchased by one of these two methods.~~

The State Travel Management Program of the General Services Commission has contracted with several airlines to provide special airfare rates for certain flights. University employees traveling on official State business are encouraged to use these contracted rates when possible. A listing of the flights and rates is available at <http://www.sfasu.edu/controller/travindex.html>.

An employee who wishes to charge an airline ticket directly to the University must submit an Airfare Billing Form (available from University Printing Services) to the Controller's Office. After approval, the employee must present the signed form to a local participating travel agency (list available at <http://www.sfasu.edu/controller/travindex.html>). The travel agency will book the flight and charge the expense to the University rather than to the employee.

The original receipt, attached to the Travel Voucher, is required for airline ticket reimbursement. **Airline ticket reimbursement to the employee will be made only after completion of the travel.** *However, an employee may request advance travel funds for airline tickets that must be paid well in advance of the travel date.* The University cannot reimburse an employee for the cost of air transportation by a person who is not a commercial transportation company.

Motor Vehicle Rentals

If approved on the Travel Request, most expenses of renting a motor vehicle are reimbursable. The daily rate, applicable taxes, and other mandatory charges are reimbursable. An additional driver charge is reimbursable if it is incurred for an official State business reason. Also, collision damage waiver and loss damage waiver expenses are reimbursable if they are not already included in the contracted rate (see next paragraph). The following expenses are not reimbursable: liability insurance supplement; personal accident insurance; safe trip insurance; personal effects insurance.

The State Travel Management Program of the General Services Commission has contracted with several vehicle rental agencies to provide special rental rates. Most rates include unlimited free mileage, free loss damage waiver, and free primary liability coverage. University employees traveling on official State business are encouraged to use these contracted rates when possible. A listing of the agencies and rates is available at <http://www.sfasu.edu/controller/travindex.html>.

A detailed receipt from the motor vehicle rental company, attached to the Travel Voucher, is required for reimbursement of motor vehicle rental expenses.

Incidental Expenses

Expenses for ground transportation such as taxi, limousine, subway, bus and other modes of mass transit are reimbursable, subject to the provisions of this section. All expenses must be listed on the approved Travel Request and Travel Voucher. Limousine expenses are reimbursable if it was the least costly transportation available considering all relevant circumstances. If two or more State employees share a taxi or limousine, only the employee who paid for the transportation may be reimbursed for that expense. Other official business expenses (e.g., parking, telephone calls, and copy services) are also reimbursable.

Receipts are requested, but not required, for reimbursement of these incidental expenses. If receipts are not provided, an explanation of the reimbursable expenses must be detailed on the Travel Voucher (including type of expense, date, amount and location).

The following are not reimbursable: expenses of a personal nature; expenses that would be incurred by the employee regardless of official State business travel; tips and gratuities; alcoholic beverages.

Student and Other Group Travel

✕ When a group travels together, it may be more convenient for one person to pay and claim expenses of the entire group. In this case, the person paying the expenses will be responsible for submitting the Travel Request and the Travel Voucher. **Receipts are required for all expenses of group travel, including except meals. However, -the sponsor/advisor must provide documentation of how the funds were expended for meals. The sponsor/advisor should contact the travel manager in the Controller's Office in advance of the trip for instructions.** - Additionally, a list of names of all travelers must be attached to the Travel Request and Travel Voucher.

The group sponsor/advisor may request advance travel funds to pay expenses for the group (refer to the Advance Travel Funds section of this policy for procedures). The sponsor/advisor will be solely responsible for claiming reimbursement on the Travel Voucher, and for repayment of the advance travel funds. Sponsors/advisors of group travel are encouraged to contact the travel manager in the Controller's Office prior to the trip for helpful record-keeping tips.

Employees traveling together are not considered group travel. Each employee must pay and claim his/her own expenses.

No Educational and General funds (account numbers 1-XXXXX) may be used to pay or reimburse travel expenses for students. All other provisions of this policy apply to student travel.

Prospective Employees

All provisions of this policy apply to prospective employees, except they are not required to submit a Travel Request.

-Non-Reimbursable Travel

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

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

- regarded as official University business, but for which funds are not approved;
- associated with approved outside employment and consistent with the guidelines pertaining thereto (Policy E-35);
- necessitated by faculty when providing consultant services related to the academic programs of the University;
- that complies with the Leave of Absence policies (Policies E-29A and E-30N) of the University;
- deemed consistent with the University's mission;
- necessitated by personal business that cannot otherwise be scheduled; or
- when approved annual leave is being used.

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

Source of Authority: Texas State Comptroller; Vice President for Business Affairs; State Travel Management Program of the General Services Commission; ~~Governor's Policy on Foreign Travel~~; Internal Revenue Service; Vice President for Academic Affairs

Cross Reference: Intercollegiate Athletics Policy Manual; State of Texas Travel Allowance Guide; Texas State Travel Directory; Internal Revenue Service, Publication 463; Texas Comptroller of Public Accounts Mileage Guide; Outside Employment, Policy E-35; Leave of Absence (Faculty), Policy E-29A; Leave of Absence (Non-Academic), Policy E-30N

Contact for Revision: Controller

Forms: Travel Request, Travel Voucher, Texas Hotel Occupancy Tax Exemption Certificate, and Purchase Voucher (all available from University Printing Services and at <http://www.sfasu.edu/controller/travindex.html>); Report for State Agency Travel to Washington, D.C. and ~~Request for Governor's Approval for State Employees Traveling to Foreign Countries~~ (both available at <http://www.sfasu.edu/controller/travindex.html>); Bank of America Corporate Travel Charge Card Application (available from travel manager in Controller's Office); Airfare Billing Form (available from University Printing Services)

Questions regarding the preparation of forms mentioned in this policy should be directed to the Controller's Office

Safe And Vault Combinations

D-29

Original Implementation: Unpublished

Date of Last Revision: ~~July 17, 2001~~ October 23, 2001

Current combinations for safes or vaults *holding cash, checks, or other valuable documents* must be on file in the Vice President for Business Affairs office.

The department head must submit a memorandum indicating the location of the safe or vault, combination, date of last combination change, if known, and signature of the property custodian.

The Vice President for Business Affairs must be notified when changes are made to safe or vault combinations, when the safe or vault is moved or transferred to another department, or when the safe or vault is removed from University property records. Safe and vault combinations must be changed when a department no longer employs a person who has knowledge of the combination.

Annually, the Vice President for Business Affairs will request the safe or vault custodian in each department to verify the information on file.

Source of Authority: Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Vice President for Business Affairs

Forms: None

Training and Certification of University Vehicle Operators D-36

Original Implementation: May 4, 1983

Last Revision: ~~January 30, 2001~~ October 23, 2001

1. For the purpose of this policy, the following definitions shall apply.

- a. "Operate" means to be in actual physical control of a motor vehicle upon a highway.
- b. "Highway" means the entire width between property lines of any road, street, way, thoroughfare, or bridge in this state not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power.
- c. "University" means Stephen F. Austin State University.
- d. "Approved Driver Certificate" means a certificate issued by the University based on prescribed training, demonstrated proficiency and satisfactory driving record.
- e. A "hazardous traffic violation" means "any act committed in connection with the operation of a motor vehicle on a public street or highway, which constitutes a hazard to traffic and is prohibited by state law or city ordinance." Hazardous violations shall include parking on pavement and all equipment violations except overweight violations.
- f. "A satisfactory driving record" means a driving record in which an employee has less than ten points accumulated for traffic-related violations during the last three years and has no violations occurring during the last seven years according to the point system provided in this policy.

2. In determining employee eligibility for an Approved Driver Certificate, the following points shall be assessed for convictions of traffic related violations:

- a. Three points for any hazardous violation which does not contribute to a traffic accident.
- b. Four points for any hazardous traffic violation which does contribute to a traffic accident.
- c. Ten points for any of the following:
 - 1) Driving while intoxicated
 - 2) Aggravated assault with motor vehicle
 - 3) Driving under the influence of drugs

4) Murder without malice with motor vehicle

5) Homicide by vehicle

6) Failure to stop and render aid

3. A person with a 10-point violation on his record within the past seven years shall not be eligible for an Approved Driver Certificate.

4. For the purposes of this policy, the Chief of University Police may regard a probated sentence, deferred adjudication, enhancement, or reduction for a traffic related violation the same as a conviction.

5. In order to operate a University motor vehicle upon a highway, an employee must be designated by the employing department, college, or division as a driver and must meet the following standards:

a. provide evidence of an appropriate, valid Texas driver's license, *or a valid out of state license if an active duty member of the military or reserves;*

b. provide evidence of the satisfactory completion of a course of defensive driving; and,

c. provide evidence from the Driver Records Division of the Texas Department of Public Safety, *or out of state drivers record bureau if an active duty member of the military or reserves*, of a satisfactory driving record.

Applications for an Approved Driver Certificate may be obtained from the Chief of University Police. (See Driver Certification policy.)

6. Upon fulfillment of the requirements in paragraph 5, above, the Chief of University Police shall issue an Approved Driver Certificate to the employee. This certificate shall authorize the employee to operate any University motor vehicle of one-ton carrying capacity or less upon the highways. *Drivers of 15 passenger vans must receive additional training specific to van driving. (See University Vehicles (Rental & 15 Passenger Vans) B-30.)*

To be certified for a University motor vehicle in excess of one-ton capacity, the employee must demonstrate proficiency in the operation of the type of vehicle in question. Demonstration of the proficiency shall be indicated by an endorsement to the Approved Driver Certificate.

7. An Approved Driver Certificate shall be valid for three years. Renewal of the certificate may be acquired by the presentation of a satisfactory driving record issued by the Driver Records Division of the Department of Public Safety during the month of renewal.

8. An employee holding an Approved Driver Certificate who is involved in a hazardous traffic violation may be required to repeat any phase of the certification process. Habitual or repeated violation of the University policy or the Texas Motor Vehicle Law, may result in the suspension

or cancellation of an Approved Driver Certificate. The Chief of University Police may refuse to issue or renew an Approved Driver Certificate to an employee without notice or hearing.

9. Upon presentation of a satisfactory driving record and proficiency, an employee may apply for, and the Chief of University Police may issue, a Temporary Approved Driver Certificate. A temporary certificate may be issued for a period of 180 calendar days and may not be renewed. The temporary condition of the certificate may be removed by the Chief of University Police upon the completion by the employee of the defensive driving course required in paragraph 5.

10. The Manager of Transportation shall not permit an employee who does not hold an Approved Driver Certificate to operate any University motor vehicle under his control. The chief administrator of a department, college, or division of the University shall not permit an employee who does not hold an Approved Driver Certificate to operate a University motor vehicle under his control.

Source Of Authority: Board of Regents, President

Cross Reference: ~~None~~ *University Vehicles (Rental & 15 Passenger Vans) B-30* |

Contact For Revision: President

Forms: None

Compensation in Excess of Base Salary

E-9

Original Implementation: April 13, 1988

Last Revision: ~~April 20, 1999~~ October 23, 2001

This policy establishes guidelines for the total allowable compensation paid to faculty and staff from University-controlled funds to insure compliance with federal and state regulations.

General

1. Each faculty and staff member is accountable to Stephen F. Austin State University for 100 percent of the duties and facilities associated with the employee's basic appointment. The primary obligation of University employees is the full and complete execution of all assigned duties and responsibilities.
2. State regulations prohibit the appointment of University employees for more than 100 percent time for services considered to be regularly assigned duties associated with an individual's full-time responsibility. Any individual who is dually employed with the University and with another state or federal agency must obtain prior written approval from the President and the Board of Regents before entering into any activity for which additional compensation is to be requested or paid.
3. Employees may be requested to provide consulting, extension, and/or other activities within the University that are considered to be in addition to their regularly assigned duties for which additional compensation may be paid.
4. All activities for which an employee is to receive additional compensation through the University must be approved in writing by the employee's department chair, dean, and the appropriate vice president prior to work commencing on the "Request for Additional Compensation Employment-" form.
5. Without exception, all payments to University employees for additional compensation will be made through Payroll Services and requests will be submitted on a "Request for Additional Compensation Employment " form.
6. Non-exempt (classified) employees must be compensated for work in excess of forty (40) hours in any work week in accordance with compensatory or overtime payment regulations and procedures. No classified employee will be paid on a Request for Additional Compensation Employment form unless it is casual, seasonal work that must be performed outside their regular department.
7. The base salary period for a full-time faculty appointment is the academic year (normally September 1 through the following May 31). Summer months and periods of time during the academic year when the University is not in session, e.g., weekends, holidays, semester breaks, are not included in the base salary period. However, regular

University activities for which faculty may be responsible are on occasion scheduled outside the base period.

Other Activities

1. The activities listed below are considered as additional responsibilities for which an employee may receive extra compensation, the total of which may not exceed 20 percent of base salary during any appointment period.

2. The rate of additional compensation paid for activities performed during other than appointment periods may not exceed 100 percent of the salary rate paid during the preceding appointment period at the University.

3. The following activities are examples of acceptable justifications:

- a. special projects assigned as overload by University administrators;
- b. consulting or other special services conducted for a University department or area other than the employee's department;
- c. services beyond normal duties of the position held which cannot be reimbursed by compensatory time;
- d. increases in teaching load assigned by the Vice President for Academic Affairs;
- e. duties performed by an employee not under contract at the time the duties must be performed.

Source of Authority: 29 U.S.C., sec. 201 et seq.; V.T.C.S., arts. 5165 to 5165a; Board of Regents; President

Cross Reference: None

Contact for Revision: Vice President for Business Affairs

Forms: Request for Additional Compensation Employment, Additional Compensation Approval (both available in University Printing Services)

Discipline and Discharge

E-11

Original Implementation: December 6, 1983

Last Revision: ~~July 27, 1999~~ October 23, 2001

Supervisory efforts should be concentrated on preventing serious personnel problems rather than on disciplining employees for misconduct. However, supervisors shall have the right to discipline or summarily discharge an employee for cause. If disciplinary measures are to be imposed, it is essential that each problem be investigated so that the facts of the situation are known and that any action taken be primarily corrective rather than punitive. An employee being disciplined should be told what they have done wrong and should be clearly instructed on what is expected of them. Except in cases of discharge, the employee should be given a reasonable period of time to improve their performance or correct their actions or attitude. An employee may be discharged when reasonably corrective or rehabilitative methods have failed or when the serious nature of a violation or the accumulation of violations, warrants immediate separation.

This policy shall apply to all regular non-academic employees. The non-renewal of non-academic employees with contracts, temporary employees, at-will employees, or dismissal during the probationary period shall not be covered by this policy. The probationary period of an employee shall be one hundred eighty (180) calendar days.

Definitions of Minor Rule Violations

Rule violations of a minor nature may have little or no effect on the continuity, efficiency, and safety of University work, but will not be tolerated. The following are a few examples of minor rule violations, which may result in either oral or written warnings for entry into an employee's record. Continuation of an offense may result in stronger disciplinary action. This list is not all inclusive.

1. Unauthorized, unexplained, or inexcusable absence or tardiness.
2. Failure to notify supervisor of absence at the earliest practical time.
3. Failure to observe assigned work schedules (starting time, quitting time, rest and meal periods).
4. Soliciting or collecting contributions for any purpose, or selling or offering for sale any goods or service, on University premises in violation of University policy.
5. Unsatisfactory work performance.
6. Loafing or other abuse of time during assigned working hours.
7. Interfering with any employee's work performance or duties by talking or by other distractions.

8. Circulating or distributing written or printed matter on University premises in violation of the University policy on petitions and handbills.
9. Leaving regularly assigned work location without notifying immediate supervisor.
10. Performing unauthorized personal work on University time.
11. Defacing bulletin boards or notices posted thereon.
12. Minor violations of safety rules.
13. Failure to punch time card or record card as instructed.
14. Discourteous treatment of the public or of other employees.
15. Improper political activity of a minor nature.
16. Minor violation of internal department work rules.
17. Engaging in excessive visiting, personal conversations, or use of the telephone for personal use.
18. Failure to follow any reasonable instructions issued by supervisor related to performing job tasks and/or job duties.
19. Abusive or unruly conduct of a minor nature.

Definitions of Major Rule Violations

Major offenses are any act or omissions in violation of University policies or rules to such a degree that further employment of the offending individual may not be desirable for the University. The following are examples of some offenses which subject an employee to a written warning, suspension, or discharge. This list is not all inclusive.

1. Any act which might endanger the safety or lives of others.
2. Refusal to perform work properly assigned by a supervisor.
3. Violation of University safety rules.
4. Falsifying any University records.
5. Punching the time card for another employee or allowing yours to be punched by another employee.

6. Leaving University premises during working hours without permission from the supervisor.
7. Abusing, destroying, damaging, or defacing University property, tools, equipment, or the property of others on University premises.
8. Gambling on University premises.
9. Delaying or restricting work, or inciting others to delay or restrict work.
10. Fighting on University premises.
11. Carrying firearms or other dangerous weapons on University premises.
12. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.
13. Disclosure of confidential University information to unauthorized persons.
14. Theft, misappropriation or unauthorized use of University funds or property, or other dishonest actions.
15. Continued unsatisfactory work performance.
16. Unauthorized, unexplained, or inexcusable leave for more than three days.
17. Excessive absences or tardiness.
18. Physical, mental or emotional inability to perform the job satisfactorily.
19. Major violation of internal department work rules.
20. Insubordination.
21. Abusive and unruly conduct.
22. Indecent or obscene conduct.
23. Conviction of a felony or of a misdemeanor involving moral turpitude by a trial court.
24. Flagrant or repeated minor rule violations.
25. Sexual harassment of any person by an employee during working hours or on University premises.
26. Unlawful discrimination.

27. Bringing or consuming any liquor, marijuana, or narcotics on University premises (this rule applies to any habit-forming or disabling substance not prescribed by a physician).
28. Reporting for duty under the influence of liquor, marijuana, or narcotics (applies to any habit forming or disabling substance not prescribed by a physician).
29. Accepting any gifts or favors, which influence or tend to influence the performance of duties or the granting of service or favors to other University personnel, applicants, clients, or other persons.

Corrective Disciplinary Actions

For repeated but relatively minor incidents of substandard performance, misconduct, or rule violations, discipline should be progressive. The normal sequence of action is: (1) Oral Warning; (2) Written Reprimand; (3) Suspension; (4) Demotion; (5) Discharge. Depending on the severity of the case, the action may begin at any of these steps. Any action involving suspension, demotion, or discharge must have prior review from the Director of ~~Personnel Services~~ *Human Resources*.

Oral Warning. Normally, initial disciplinary action should be in the form of an oral discussion and warning, especially for minor rule violations. If it appears that an employee has failed to perform their work or conduct themselves according to job requirements, the supervisor should first talk to the employee about the matter and informally inquire further into the situation. If facts indicate that the employee may have been at fault, the supervisor should discuss the matter with them. The supervisor may call on another person (preferably another supervisor) to be present as a witness. The employee should clearly be instructed of the gravity of the action and should be told that the warning is disciplinary in nature. Supervisors should maintain a complete and accurate written notation of the warning on an "Employee Disciplinary Report" form.

Written Reprimand. Reprimand involves both a formal interview with the employee and an official memorandum emphasizing the negative effect of the employee's conduct or work performance on their record and opportunities for advancement. If the immediate supervisor does not have the authority to discharge the employee, then the interview should be conducted by the department official who does have discharge authority. A written reprimand should include: the names of everyone involved, dates, a description of the incident or unsatisfactory performance, witnesses (if any), and the action taken. Use the "Employee Disciplinary Report" for this purpose. Reference should also include the dates and results of prior oral warning(s), or other written reprimand(s). It should also bear the employee's comments, if any, and the employee's signature. The employee should be informed that their signature indicates they have received a copy of the reprimand letter, but not necessarily that they agree with its contents. If the employee refuses to sign the reprimand, a witness, preferably another supervisor, should verify that the employee has read the reprimand and refused to sign an acknowledgement. A copy of

the letter of reprimand should be sent to the Director of ~~Personnel Services~~*Human Resources* to be filed in the employee's permanent file.

Suspension. Suspension may be a disciplinary action or the interruption (without pay) of the active employment of an employee pending an investigation and decision the Director of ~~Personnel Services~~*Human Resources*, and in unusual circumstances, the General Counsel. Suspension for a period of longer than three (3) days must be approved by the appropriate vice president. To suspend an employee from the payroll, the supervisor should:

- a. present the employee with a completed "Employee Disciplinary Report" indicating suspension, the period of suspension, and the reasons for the suspension;
- b. forward a copy of the "Employee Disciplinary Report" attached to a completed "Personnel Action Request" form through ~~Personnel Services~~*Human Resources* to Payroll Services. The "Personnel Action Request" form should be completed, removing the employee from the payroll if the suspension is for any period of time that the employee is to be without pay.

The supervisory official will conduct a conference with the employee at the beginning of the shift on the day the employee is to return to work. A discussion should occur with the employee recapping the reason for suspension, what is expected of the employee and the next step to be taken if improvement does not occur.

Demotion: The supervisory official with the authority to discharge an employee also has the authority to demote an employee. An employee who cannot or will not carry out efficiently and effectively the duties of the job for which they are hired or promoted, may be demoted to a job more commensurate with their abilities, skills, experience or job performance. The immediate supervisor recommending demotion will first review the demotion with the Director of ~~Personnel Services~~*Human Resources*. The Director of ~~Personnel Services~~*Human Resources* will ensure that the employee has received proper counseling and an adequate trial period for improvement of performance prior to the approval of any recommendation for demotion. Demotion should be considered a last alternative in lieu of termination and may only be considered when a lower job assignment is available in the department in which the employee works.

Discharge: In cases other than serious offenses, discharge from employment should be used as a last resort. The supervisor who has authority to employ a person also has the authority to discharge a person. Prior to the action, the discharging supervisor must review the situation with his immediate superior, the Director of ~~Personnel Services~~*Human Resources*, and, in unusual circumstances, the General Counsel. This review will assure that the case for dismissal has been objectively investigated and is both justified and properly documented. The appropriate vice president must approve each discharge. If the discharge is in order, an employee should be presented with a completed "Employee Disciplinary Report" indicating discharge, the reasons for the discharge, and the date of the discharge. Since discharge requires prior consultation and approval, it

should not be done "on-the-spot". However, if the supervisor believes it is improper to leave the employee on duty until such approval can be obtained, the supervisor should immediately place the employee on suspension for a period not to exceed three (3) days. This action also allows time for any investigation which may be necessary.

Other Actions: In extremely serious cases involving unruly behavior, violence or imminent threat to personal safety or property, the supervisor and/or University Police Department may determine the need for immediate arrest or removal from University property of an employee. This action should be considered an immediate suspension and may warrant proceeding with the discharge process. Also, an interim suspension with pay may be used as a non-disciplinary action for situations that warrant investigation while the employee does not return to duty. The Director of ~~Personnel Services~~*Human Resources* must approve an interim suspension with pay.

Alternative Disciplinary Actions

Other forms of disciplinary action may be appropriate in some cases. These may include making up lost time, docking, withholding salary increases, transfer to more suitable work, or compensating the University for damage. With the exception of making up lost time, these alternative disciplinary actions require the prior review of the Director of ~~Personnel Services~~*Human Resources*.

Involuntary Terminations Other Than Discharge

It is not the intent of this policy to prohibit, or in any way restrict, the University and its administrative officials from the right to terminate any employee for any non-disciplinary reason if it is in the best interest of the University to do so. An employee so terminated shall not have recourse through this policy or the Grievance and Appeals Procedure. Examples of termination for non-disciplinary reasons include, but are not limited to, terminations due to lack of work or funds, or redesigning jobs, and changes in the organizational structure in compliance with University policies and rules, i.e., retirement, nepotism, etc.

Source of Authority: U.S. Constitution, Amendments 5 And 14; Texas Constitution, Art. I, Sec. 19; President

Cross Reference: Non-Academic Employee Handbook

Contact for Revision: General Counsel

Forms: Employee Disciplinary Report (available in ~~Personnel Services~~*Human Resources*); Personnel Action Request, see Index E-39 (available in University Printing Services)

Employee Enrolling for Courses

E-16

Original Implementation: Unpublished

Last Revision: ~~October 26, 1999~~ *October 23, 2001*

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

Approval of the employee's supervisor must be obtained in advance, and arrangements must be made with the supervisor to schedule make-up time for work missed.

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

Source of Authority: Vice President for Business Affairs

Cross Reference: Non-Academic Employee Handbook

Contact for Revision: Vice President for Business Affairs

Forms: None

Hiring of Non-Academic Personnel

E-27N

Original Implementation: Unpublished

Last Revision: ~~October 26, 1999~~ October 23, 2001

General Employment Regulations

In hiring University personnel, departments should use the following guidelines.

1. Equal Employment Opportunity. The University's policy is to employ the best qualified applicants. In no instance shall an officer or employee base the decision to hire, to promote, to discharge, to demote, to grant or to withhold employee benefits from any qualified individual on any criteria other than ability, training, experience, and performance.

2. Selective Service Registration. All offers of employment are contingent upon the applicant presenting proof that they have complied with the federal law requiring selective service registration unless they are exempt.

3. Authority to Hire. Employment openings, for classified positions, requiring services of a person who is not a student of Stephen F. Austin State University, shall be listed on a "Classified Position Personnel Requisition" form. The form is initiated by the department head seeking to fill the position, accompanied by a memo of justification, through channels to the appropriate vice president and/or President. Non-classified (administrative/professional) positions shall be listed on a "Department Notice of Vacancy Form." The form is initiated by the department or the chair of the search committee and routed through channels to the appropriate vice president and/or President. Upon approval of the President, the signed forms are returned to the appropriate vice president for routing to ~~Personnel Services~~ Human Resources. Requisitions for non-classified personnel must be accompanied by a signed "Administrative Route Slip" upon submission to ~~Personnel Services~~ Human Resources.

4. Listing of Employment Openings. Before the employing department recommends appointment of a candidate, classified positions shall be listed a minimum of five working days and non-classified (administrative/professional) positions a minimum of ten working days.

5. Advertising of Employment Openings. Employment advertisements by any University department or official must contain the following statement: "An Equal Opportunity Employer" and must be approved in advance by the Director of ~~University News and Information~~ Public Affairs. In addition, employment advertisements for non-classified (administrative/professional) positions must be approved by the Director of ~~Personnel Services~~ Human Resources. Employment advertisements for classified positions shall be available in ~~Personnel Services~~ Human Resources. ~~Personnel Services~~ Human Resources will list openings with the local State Employment Office and such other agencies as may be appropriate. Any department or search committee electing

to post vacancy notices on the Internet, must include the EEO notice as a part of the posting.

6. Employment of Aliens. The University shall abide by regulations of the U. S. Immigration and Naturalization Service. In compliance with the 1986 Federal Immigration and Naturalization Law, all employees hired after November 1, 1986, must complete Form I-9 which becomes a part of the individual's personnel record.

7. Offers of Employment. All offers of employment may be withdrawn based on the Board of Regents non-approval, failure to fulfill requirements, or for other cause.

Source of Authority: 42 U.S.C., sec. 1601 et seq.; 8 U.S.C., sec. 1324a et seq.; President; Vice President for Business Affairs

Cross-Reference: None

Contact for Revision: Director of ~~Personnel Services~~ *Human Resources* |

Forms: Classified Position Personnel Requisition, Department Notice of Vacancy Form (both available in ~~Personnel Services~~ *Human Resources*); Administrative Route Slip (available in University Printing Services) |

Leave of Absence (Faculty)

E-29A

Original Implementation: September 1, 1981

Last Revision: ~~July 17, 2001~~ October 23, 2001

The University may grant a leave of absence to faculty, when departmental needs allow, for the following reasons:

1. To pursue additional education or training for the faculty member which will strengthen their performance in their position at SFASU.
2. To engage in research and writing directly related to responsibilities at SFASU.
3. To accept a similar position in a visiting capacity at another institution.
4. To accept a position outside higher education that is directly related to the employee's professional field and has potential for enhancing their future contributions to the University.
5. Health, following the use of all accumulated sick leave, when it is demonstrated that at the end of the leave period the employee will be able to resume duties at SFASU.

Leaves may be granted with the following conditions:

1. Requests for a leave of absence will be directed to the President of the University through administrative channels.
2. No paid or unpaid leave will be approved for more than 12 months.
3. Requests for renewal of a leave may be considered when submitted in writing prior to March 15.
4. Individuals who are not planning to return from leave to SFASU should notify the department chair before March 15.
5. Individuals for whom a leave has been approved are responsible for making an appointment with the University Benefits Manager to resolve all questions regarding employee benefits.
6. *Individuals on leave due to a personal serious health condition or to care for a covered relation must contact their supervisor at least once each week, or as often as requested by the supervisor, regarding the status of the condition and the intention to return to work. The supervisor is responsible for reporting this information to Human Resources. Additionally, the individual is required to call Human Resources on the 1st and 3rd Monday of each month during their leave to report their leave and/or return to work status.*

Employees on leave due to a Worker's Compensation claim must contact their supervisor at least once each week, or as often as requested by their supervisor, regarding the status of the condition and the intention to return to work. Additionally, the individual is required to provide a work status report to the University Safety Office from the treating physician after each appointment. The Safety Office will provide a form to the physician upon request. The employee is responsible for insuring the information is provided as requested.

Employees who are recovering from a worker's compensation injury, are concurrently on FMLA leave, and who have exhausted all accrued paid leave are in leave without pay status (LWOP). These employees must make a written request from the University President for a leave of absence (LOA) not to exceed a 12 month period from the beginning of their FMLA leave. Except as provided for in the following leave provisions, any extended leaves of absence without pay for a period of four and one-half (4 ½) months or more for faculty must be approved by the Board of Regents upon the recommendation of the President.

Family Medical Leave - The Family Medical Leave Act (FMLA) will, in many circumstances, entitle University employees with more than one year of service and who have worked at least 1,250 hours in the last year, to request up to twelve weeks of medical leave per year. Employees entitled to FMLA leave are required to use all sick leave accrued while taking the FMLA leave.

Parental Leave - Employees with less than 12 months of state service or less than 1,250 hours of work in the 12 months immediately preceding the start of leave are entitled to a parental leave of absence, not to exceed 12 weeks, if the employee uses all available and appropriate sick leave while taking the parental leave. Such parental leave may only be taken for the birth of a natural child or the adoption or foster care placement with the employee of a child under 3 years of age. The leave period begins with the date of birth or the adoption or foster care placement.

Foster Parent Leave - An employee, who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services (DPRS), is entitled to a leave of absence with full pay for the purpose of attending staffing meetings held by the DPRS regarding the employee's foster child. In addition, the employee may attend, with a paid leave of absence, the Admission, Review, and Dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

Emergency Leave

1. Bereavement Leave — Regular employees will be granted bereavement leave without a loss in pay when a death occurs in their family. For the purposes of bereavement leave, family is defined as the employee's spouse, or the employee's and spouse's parents, children, brothers, sisters, grandparents and grandchildren.

The amount of time granted for bereavement leave shall not exceed three days. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, and funeral services.

Requests for bereavement leave should be submitted to the department official who has the authority to approve leave. Requests for bereavement leave for family members not mentioned above, or for leaves greater than three days are subject to the approval of

the Director of Human Resources, the Divisional Vice President, and the University President. Employees requesting bereavement leave may be required to provide documentary evidence of the relative's death to qualify for paid leave.

2. **Administrative Leave** — Administrative leave will be granted in only the rarest of circumstances. While employees hold no entitlement to additional leave, they may be granted paid emergency/administrative leave when it is determined that there is good cause for such leave. Such leaves will not normally exceed three workdays per fiscal year.

For the purposes of this leave, an emergency is defined as an unforeseen event or combination of circumstances calling for immediate action which if not responded to immediately would present imminent danger to human life or substantial damage to property. Except for extraordinary circumstances, employees accruing sick leave would not be eligible for emergency leave for their own, or a family member's medical illness.

Administrative leave may be requested by an employee and approved by the department head for the employee to attend the funeral of a co-worker or other University employee with whom they regularly worked. Department heads, however, must ensure minimum staff levels are maintained in the department.

Inclement weather conditions will not constitute just cause for an emergency leave unless approved by the President for the institution as a whole.

Requests for emergency/administrative leave will not be approved unless authorized by the employee's immediate supervisor and department head, the Director of Human Resources, the Divisional Vice President, and the University President. All requests for emergency leave should be routed to the employee's supervisor on the "Emergency Leave Request" form.

Parent-Teacher Conference Leave - An employee may use up to 8 hours of sick leave each calendar year to attend parent-teacher conference sessions for the employee's children who are in pre-kindergarten through 12th grade. Employees must give reasonable notice of intention to use sick leave to attend such conferences.

Jury Duty - No deduction shall be made from the salary or wages of any employee who is called for jury service.

National Guard Active Duty - A leave of absence with full pay shall be provided any employee who is called to active duty with the National Guard by the Governor of Texas because of an emergency.

Military Training Or Duty - Employees shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be engaged in authorized training or duty ordered or

authorized by proper authority, for a period not to exceed fifteen (15) days in any one federal fiscal year.

National Emergency Duty - An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces shall have a leave of absence. The employee shall not lose the ability to accrue state service credit while on active duty but shall not accrue sick leave. However, the employee shall retain any accrued sick leave and shall be credited with such balances upon return.

American Red Cross Activities - With supervisory authority, a request from the Red Cross and approval of the Governor's office, SFASU employees who are certified disaster service volunteers of the American Red Cross will be granted up to ten days of paid leave each year to participate in specialized disaster relief services.

Volunteer Fire Fighting Training - An employee who is a volunteer fire fighter shall be granted a leave of absence with full pay to attend training schools conducted by state agencies provided such leave does not exceed five (5) working days in any one fiscal year. The leave of absence shall in no way be charged against the employee's sick leave. This leave of absence may also be granted to volunteer firefighters for the purpose of responding to emergency fire situations.

Guide Dog Training - SFASU employees who are blind shall be granted up to 10 working days of absence with pay each fiscal year for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be utilized by the employee. This leave is in addition to other leave entitlements.

All requests for leave must be accompanied by a "Personnel Action Request" form.

Source of Authority: General Appropriations Act, art. V, secs. 2 and 8; President; Vice President for Business Affairs

Cross Reference: Non-Academic Employee Handbook

Contact for Revision: Vice President for Business Affairs

Forms: Personnel Action Request, see Index E-39; Emergency Leave Request — Bereavement Leave; Emergency Leave Request — Administrative Leave (all available in University Printing Services)

_____EMERGENCY LEAVE REQUEST FORM_____

_____BEREAVEMENT LEAVE_____

_____STEPHEN F. AUSTIN STATE UNIVERSITY_____

_____NACOGDOCHES, TEXAS_____

NOTE: All Personnel Action Request forms for Emergency Leave must be accompanied by a completed Emergency Leave Request Form.

BEREAVEMENT LEAVE

I am requesting bereavement leave with pay from my department and Stephen F. Austin State University for the following:
(Please indicate)

Name of Deceased: _____ Relation to Deceased: _____

Date of Death: _____ Dates for leave request: _____

Date and location of funeral service: _____

Will you be required to assist with arrangements? Yes _____ No _____

In addition to information requested, please provide any other information you feel may be relevant to this request. Use back of form if necessary.

Employee Signature: _____ Date: _____

Employee Social Security Number: _____

Department Head: _____

Director Human Resources: _____

Divisional Vice President: _____

President: _____

_____ **EMERGENCY LEAVE REQUEST FORM** _____

_____ **ADMINISTRATIVE LEAVE** _____

_____ **STEPHEN F. AUSTIN STATE UNIVERSITY** _____

_____ **NACOGDOCHES, TEXAS** _____

NOTE: All Personnel Action Request forms requesting Emergency Leave must be accompanied by a completed Emergency

Leave Request Form.

ADMINISTRATIVE LEAVE

I am requesting administrative leave with pay from my department and Stephen F. Austin State University for the following:

(Please describe the unforeseen event or combination of circumstances calling for immediate action which if not responded to immediately would present imminent danger to human life or substantial damage to property.)

Employee Signature: _____ Date: _____

Employee Social Security Number: _____

Employee's Immediate Supervisor: _____

Department Head: _____

Director Human Resources: _____

Divisional Vice President: _____

President: _____

Leave of Absence (Non-Academic)

E-30N

Original Implementation: September 1, 1981

Last Revision: ~~July 17, 2001~~ October 23, 2001

The President may grant a leave of absence without pay to non-academic employees subject to the following provisions:

1. All accumulated paid leave entitlements must be exhausted before granting such leaves, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave.
2. Such leaves will be limited in duration to twelve (12) months.
3. Subject to fiscal constraints, approval of such leaves constitutes a guarantee of re-employment.
4. The return to work date shall be specified when the leave is requested; or, in the event that the return date is not known, the employee must *make arrangements to contact the supervisor at least once each week or as often as requested by the supervisor. The employee is required to call and the Human Resources department regularly, in accordance with the supervisor's directions on the 1st and 3rd Monday of each month during the leave to report their leave and/or return to work status.*

Individuals on leave due to a Worker's Compensation claim must contact their supervisor at least once each week, or as often as requested by their supervisor, regarding the status of the condition and the intention to return to work. Additionally, the employee is required to provide a work status report to the University Safety Office from the treating physician after each appointment. The Safety Office will provide a form to the physician upon request. The employee is responsible for insuring the information is provided as requested.

5. The employee must report to the supervisor and the Human Resources department if he/she will be unable to return to work at the end of the leave period and must provide an acceptable reason for the delay. Failure to return to work from an approved leave of absence by the intended date and to provide an acceptable reason will be considered job abandonment.

Employees who are recovering from a worker's compensation injury, are concurrently on FMLA leave, and who have exhausted all accrued paid leave are in leave without pay status (LWOP). Those employees must make a written request for a leave of absence (LOA) from the University President not to exceed a 12-month period from the beginning of their FMLA leave. Except as provided for in the following leave provisions, any extended leaves of absence without pay for a period of four and one-half (4½) months or more for professional (exempt, non-academic) employees must be approved by the Board of Regents upon the recommendation of the President.

Family Medical Leave - The Family Medical Leave Act (FMLA) will, in many circumstances, entitle University employees with more than one year of service and who have worked at least 1,250 hours in the last year, to request up to twelve weeks of medical leave per year. Employees entitled to FMLA leave are required to use all of their paid vacation and sick leave while taking the FMLA leave.

Parental Leave - Employees with less than 12 months of state service or less than 1,250 hours of work in the 12 months immediately preceding the start of leave are entitled to a parental leave of absence, not to exceed 12 weeks, if the employee uses all available and appropriate paid vacation and sick leave while taking the parental leave. Such parental leave may only be taken for the birth of a natural child or the adoption or foster care placement with the employee of a child under 3 years of age. The leave period begins with the date of birth or the adoption or foster care placement.

Foster Parent Leave - An employee, who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services (DPRS), is entitled to a leave of absence with full pay for the purpose of attending staffing meetings held by the DPRS regarding the employee's foster child. In addition, the employee may attend, with a paid leave of absence, the Admission, Review, and Dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

Emergency Leave -

a) **Bereavement Leave** Regular employees will be granted bereavement leave without a loss in pay when a death occurs in their family. For the purposes of bereavement leave, family is defined as the employee's spouse, or the employee's and spouse's parents, children, brothers, sisters, grandparents and grandchildren.

The amount of time granted for bereavement leave shall not exceed three days. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, and funeral services. If additional days are needed, the employee will be required to use vacation or compensatory time. Employees who have exhausted all accruals will be required to take leave without pay if extended leave is approved.

Requests for bereavement leave should be submitted to the department official who has the authority to approve leave. Requests for bereavement leave for family members not mentioned above, or for leaves greater than three days are subject to the approval of the Director of Human Resources, the Divisional Vice President, and the University President. Employees requesting bereavement leave may be required to provide documentary evidence of the relative's death to qualify for paid leave.

b) **Administrative Leave** Administrative leave will be granted in only the rarest of circumstances. While employees hold no entitlement to additional leave, they may be

granted paid emergency/administrative leave when it is determined that there is good cause for such leave. Such leaves will not normally exceed three workdays per fiscal year.

For the purposes of this leave, an emergency is defined as an unforeseen event or combination of circumstances calling for immediate action which if not responded to immediately would present imminent danger to human life or substantial damage to property. Except for extraordinary circumstances, employees accruing sick leave would not be eligible for emergency leave for their own, or a family member's medical illness.

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Requests for emergency/administrative leave will not be approved unless authorized by the employee's immediate supervisor and department head, the Director of Human Resources, the Divisional Vice President, and the University President. All requests for emergency leave should be routed to the employee's supervisor on the "Emergency Leave Request" form.

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Jury Duty - No deduction shall be made from the salary or wages of any employee who is called for jury service.

National Guard Active Duty - A leave of absence with full pay shall be provided any employee who is called to active duty with the National Guard by the Governor of Texas because of an emergency.

Military Training or Duty - Employees shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be engaged in authorized training or duty ordered or authorized by proper authority, for a period not to exceed fifteen (15) days in any one federal fiscal year.

National Emergency Duty - An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces shall have a leave of absence. The employee shall not lose the ability to accrue state service credit while on active duty but shall not accrue vacation or sick leave. However, the employee shall

retain any accrued vacation or sick leave and shall be credited with such balances upon return.

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Volunteer Fire Fighting Training - An employee who is a volunteer fire fighter shall be granted a leave of absence with full pay to attend training schools conducted by state agencies provided such leave does not exceed five (5) working days in any one fiscal year. The leave of absence shall in no way be charged against the employee's vacation or sick leave. This leave of absence may also be granted to volunteer firefighters for the purpose of responding to emergency fire situations.

Guide Dog Training - SFASU employees who are blind shall be granted up to 10 working days of absence with pay each fiscal year for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be utilized by the employee. This leave is in addition to other leave entitlements.

All requests for leave must be accompanied by a "Personnel Action Request" form.

Source of Authority: General Appropriations Act, art. V, secs. 2 and 8; President; Vice President for Business Affairs

Cross Reference: Non-Academic Employee Handbook

Contact for Revision: Vice President for Business Affairs

Forms: Personnel Action Request, see Index E-39; Emergency Leave Request
Bereavement Leave; Emergency Leave Request Administrative Leave (all available in University Printing Services)

~~_____ EMERGENCY LEAVE REQUEST FORM BEREAVEMENT LEAVE _____~~

~~_____ STEPHEN F. AUSTIN STATE UNIVERSITY _____~~

~~_____ NACOGDOCHES, TEXAS _____~~

NOTE: All Personnel Action Request forms for Emergency Leave must be accompanied by a completed
Emergency Leave
Request Form.

BEREAVEMENT LEAVE

I am requesting bereavement leave with pay from my department and Stephen F. Austin State University
for the following:
(Please indicate)

Name of Deceased: _____ Relation to Deceased: _____

Date of Death: _____ Dates for leave request: _____

Date and location of funeral service: _____

Will you be required to assist with arrangements? Yes _____ No _____

In addition to information requested, please provide any other information you feel may be relevant to this request. Use back of form if necessary.

Employee Signature: _____ Date: _____

Employee Social Security Number: _____

Department Head: _____

Director Human Resources: _____

Divisional Vice President: _____

President: _____

~~_____ EMERGENCY LEAVE REQUEST FORM - ADMINISTRATIVE LEAVE -~~

~~_____ STEPHEN F. AUSTIN STATE UNIVERSITY~~

~~_____ NACOGDOCHES, TEXAS~~

~~NOTE: All Personnel Action Request forms requesting Emergency Leave must be accompanied by a completed Emergency Leave Request Form.~~

~~ADMINISTRATIVE LEAVE~~

~~I am requesting administrative leave with pay from my department and Stephen F. Austin State University for the following:~~

~~(Please describe the unforeseen event or combination of circumstances calling for immediate action which if not responded to immediately would present imminent danger to human life or substantial damage to property.)~~

Employee Signature: _____ Date: _____

Employee Social Security Number: _____

Employee's Immediate Supervisor: _____

Department Head: _____

Director Human Resources: _____

Divisional Vice President: _____

President: _____

Longevity Pay/Hazardous Duty Pay

E-32N

Original Implementation: Unpublished

Last Revision: ~~January 30, 2001~~ *October 23, 2001*

Non-academic, full-time employees, working at least 40 hours a week in one position, are entitled to longevity pay in the amount of \$20 per month for each ~~53~~ years (~~6036~~ months) of state service. Longevity pay is capped at ~~\$160280~~ per month. At the time of initial employment, employees are required to report prior employment with other state of Texas agencies or institutions of higher education. The employing department must record this information in the appropriate section of the "Personnel Action Request" form. Prior state employment is verified by ~~Personnel Services~~ *Human Resources*.

Commissioned law officers are entitled to hazardous duty pay in lieu of longevity pay.

SOURCE OF AUTHORITY: V.T.C.A., Government Code Sections 659.041-659.047; President; Vice President for Business Affairs

CROSS REFERENCE: Non-Academic Employee Handbook

CONTACT FOR REVISION: Director of ~~Personnel Services~~ *Human Resources*,
~~Manager of Payroll Manager Services~~

FORMS: Personnel Action Request, see ~~Index E-39~~ (available in University Printing Services)

New Employee Orientation

E-33.1

Original Implementation: September, 1990

Last Revision: ~~October 26, 1999~~ October 23, 2001

The purpose of this policy is to ensure that new employees receive sufficient orientation to enable them to perform their assigned duties. It is the responsibility of each department to require new employees to participate in the New Employee Orientation that consists of two parts.

1. One session is conducted by ~~Personnel Services~~ *Human Resources* on or before the first day of employment. In this session, the new employee receives detailed information about SFASU, completes a New Employee Orientation packet which includes their benefit selections, payroll information, federal Immigration & Naturalization forms (I-9), and receives training about the university policy on discrimination and sexual harassment.

2. The second session is an individual employee orientation, conducted within the first six weeks of employment by the employee's immediate supervisor. This session is provided to acquaint the new employee with University policies and procedures.

The supervisor should use the "New Employee Orientation Checklist" provided by ~~Personnel Services~~ *Human Resources* to insure that they have covered all the essential information needs of the new employee. The completed checklist is to be returned to ~~personnel~~ *Human Resources* and will become a permanent part of the employee's personnel file. Each department should maintain a file copy.

While orientation is required for all new employees, the supervisor should maintain flexibility as to the extent of the orientation sessions, i.e., individuals having previous University employment may not require the in-depth training that would be needed by a first-time employee. At the supervisor's discretion, an employee transferring from one University department to another may be required to participate only in the individual employee orientation (see No. 2 above).

Source of Authority: Vice President for Business Affairs

Cross-Reference: None

Contact for Revision: Director of ~~Personnel Services~~ *Human Resources*

Forms: New Employee Orientation Checklist (available in ~~Personnel Services~~ *Human Resources*)

Outside Employment

E-35

Original Implementation: April 21, 1981

Last Revision: ~~April 18, 2000~~ October 23, 2001

Outside employment, for purposes of University policy, is engagement in any activity other than for Stephen F. Austin State University for a fee, salary, or profit. If one establishes or joins a firm, private business, or engages in the private practice of some professional skill, it is considered outside employment if it requires, on the average, more than ten hours per month, including weekends. Such employment must be approved annually in writing and in advance by the appropriate academic dean, director or vice president. This policy applies to all salaried full-time employees of Stephen F. Austin State University whose employment obligations are not limited to a standard eight-hour day, and to officers of the University Police Department.

University employees who propose to engage in outside employment must adhere to the following guidelines and any applicable laws.

1. Proper performance of the employees' University assignment is paramount and outside work will assume a position secondary to University duties.
2. The employee may not use any materials or facilities of Stephen F. Austin State University in the course of outside employment.
3. The employee will make a reasonable effort to assure that his/her outside employment is not identified with Stephen F. Austin State University.

An individual desiring permission to engage in outside employment must complete the "Request for Approval for Outside Employment" form and route it through administrative channels to the appropriate academic dean, director or vice president for approval, prior to beginning outside employment. Each academic dean or director will provide a summary report of individuals approved for outside employment to the vice president by mid-term of the fall semester. Each vice president will provide the President with a summary report from each respective division.

Source of Authority: Board of Regents, President

Cross Reference: Faculty Handbook, Non-Academic Employee Handbook

Contact for Revision: President

Forms: Request for Approval of Outside Employment

STEPHEN F. AUSTIN STATE UNIVERSITY

Request for Approval for Outside Employment

Name _____
*

Dates of the Outside Employment

Department _____

Beginning on _____

Ending on August 31, 20_____

Nature of Outside Employment:

How many hours in the average month will you be involved in outside employment? _____

When is this work typically done, e.g., Saturdays, evenings, etc.? _____

___ Approval Recommended
___ Approval Not Recommended

___ Approval Recommended
___ Approval Not Recommended

Chair/Director/Supervisor

Dean

___ Approval Recommended
___ Approval Not Recommended

Vice President

* Limited to a maximum of one year

Discrimination Complaints/Sexual Harassment

E-46

Original Implementation: September 1990/February 2, 1982

Last Revision: ~~July 27, 1999~~ *October 23, 2001*

1. General Policy Statement: It is the policy of Stephen F. Austin State University that no faculty, staff, or student may discriminate against another on the basis of unlawful discrimination based on race, color, religion, sex, age, national origin, disability, or disabled veteran status. Unlawful discrimination based on sex includes discrimination defined as sexual harassment.

Retaliation for filing an unlawful discrimination or sexual harassment complaint is prohibited by the policy and cause for severe disciplinary action, up to and including termination.

2. Definitions:

a. Unlawful Discrimination Defined: Based upon a variety of statutes, both on the federal and state levels, unlawful discrimination may affect terms and conditions of the employment or the educational setting and is based upon race, color, religion, sex, age, national origin, disability, or disabled veteran status. Applicable statutes include: Title VII of the Civil Rights Act of 1964, Civil Rights Act of 1991, Title IX of the Education Amendments of 1972, Age Discrimination in Employment Act, Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Equal Pay Act, Immigration Reform and Control Act of 1986, and Article 5221k, V.T.C.S. The totality of the facts and circumstances will have a bearing on whether unlawful discrimination has occurred.

b. Sexual Harassment Defined: 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, constitute sexual harassment when:

i. 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

ii. 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

iii. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational or living environment.

The totality of facts and circumstances in any given situation will have a bearing upon whether unlawful discrimination or sexual harassment has occurred.

3. Management and Supervisory Responsibilities

Vice Presidents, Deans, Directors and Department Chairs shall take appropriate steps to disseminate this policy statement and to inform employees and students of procedures for lodging complaints. Vice Presidents, Deans, Directors, and Department Chairs are required and students are urged to notify the Director of ~~Personnel Services~~*Human Resources*, ADA Coordinator or the appropriate Dean, Director, or Department Chair for the area involved when they learn of an instance of unlawful discrimination or sexual harassment.

4. Employee Responsibilities and Student Responsibilities

While not required, all employees are urged to contact the Director of ~~Personnel Services~~*Human Resources* or the appropriate Dean, Director, or Department Chair for the area involved when they learn of an instance of employee related unlawful discrimination or sexual harassment. Students are urged to contact the Director of ~~Personnel Services~~*Human Resources*, ADA Coordinator or the appropriate Dean, Director, or Department Chair for the area involved regarding employee related unlawful discrimination or sexual harassment. Student to student infractions should be reported to the Office of Student Development.

5. Complaint Procedure

Complaints regarding employees should be reported to the Director of ~~Personnel Services~~*Human Resources*, or ADA Coordinator (as applicable), or may additionally be reported to a Vice President, Dean, Director or Department Chair for the area involved. Student to student complaints should be reported to the Dean of Student Development, or the ADA Coordinator (if applicable)

Complaints should be filed as soon as possible after any incident, but no later than 180 days from the incident involving unlawful discrimination or sexual harassment.

Complaints must be made in writing and signed by the individual submitting the complaint. While investigators will attempt to maintain as much confidentiality as possible, complete anonymity may give way to the University's obligation to investigate and take appropriate action.

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.

6. Investigative Process

a. Employee Related Complaints

Once a complaint has been brought to the attention of a Supervisor, Department Chair, or other individual in a management level position, that person must report the complaint to the Director of ~~Personnel Services~~*Human Resources* as soon as possible. Every attempt should be made to keep the information confidential and restricted to only those who have an absolute need to know. 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.

The Dean or Director (or other appropriate administrator) for the area involved will promptly investigate the charges, not as a representative of the complainant, but as an impartial party. Investigation of a complaint normally will include conferring with the parties involved and may proceed as necessary with examination of relevant documentation and interviews with other employees or students. Discretion should be exercised in determining which witnesses are indeed necessary to the investigation. The Dean or Director conducting the investigation may also consult with appropriate management personnel, including the Director of ~~Personnel Services~~*Human Resources*, the ADA Coordinator, and the General Counsel for advice and guidance as applicable. After investigating the allegations, the Dean or Director will meet with the accused employee, provide the accused with the allegations and an opportunity to respond to the allegations.

If the complaint cannot be resolved to the satisfaction of all parties, the Dean or Director, working with the Director of ~~Personnel Services~~*Human Resources* and the General Counsel, will make a recommendation, normally within 20 days of receipt of the complaint to the appropriate Vice President as to whether any disciplinary action should be taken. A summary of the case will be provided to the Vice President. Recommendations of the Dean or Director to the Vice President may include dismissing of the charges; warning, suspension or termination of the accused; allowing the parties to sign a written statement of agreement resolving the differences between them; counseling; or other appropriate disciplinary action. A general status report of the investigation should be provided to the complainant and the accused upon completion of this investigative phase.

b. Student to Student Complaints

The Office of Student Development shall investigate student to student complaints. If student discipline is recommended, the Rules of Procedure in Student Disciplinary Matters will guide the proceedings. Said rules are located on the SFA Web Page for student policies and procedures or may be obtained from the Office of Student Development. Informal and formal disposition procedures are outlined within the policy; and, it contains full due process procedures.

7. Review by the Appropriate Vice President for Employee Related Complaints

After the Vice President has offered to meet with the accused and if necessary, to meet with the complainant and witnesses, he/she will accept, modify or reject the

recommendation of the Dean or Director. If the Vice President concludes that the charges are serious enough to require termination or suspension, the faculty member 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.

The Vice President's review should generally be completed within 10 days from receipt of the matter, unless additional time is required in fairness to the parties. A general status report should be forwarded to the complainant and the accused at the conclusion of the Vice President's review.

8. Review by the Employee Discrimination Complaint Review Board

If the decision of the Vice President is not satisfactory to either party (complainant or accused), that individual(s) has 5 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.

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 accused is a faculty member, the Review Board will be composed of at least two faculty members. If the accused is a staff member, the review board will be composed of at least two staff members. The complainant will select one member and the accused will select one member from the applicable panel. The two selected members will choose a third person from the panel. None of these individual review board members shall be from the department of the accused or the complainant (if applicable). These three individuals will comprise the Review Board and will elect a Chair from among themselves. 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 accused, 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 copies of its documentary evidence to the Chair. A list of witnesses and a summary list 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 the greater weight of the credible evidence that the accused has committed an act of sexual harassment and/or unlawful discrimination. Cross-examination of the witnesses is allowed by all parties. Each party may make a 5 minute closing statement.

The Chair of the Review Board will conduct a fair hearing before the complainant and the accused and shall allow relevant witnesses and evidence from both parties. The hearing shall be closed to the public. The General Counsel may and/or the Director of ~~Personnel Services~~*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 and restricted to only those who have an absolute need to know.

The Review Board will normally have 5 days after the completion of the hearing to summarize its findings and make a written recommendation to the President.

9. Review by the President for Employee Related Complaints

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 where a faculty member's tenure is revoked or a faculty member is being terminated during the term of their employment, the decision of the President is final. In cases where tenure is being revoked or a faculty member is being terminated during the term of employment, the case will be forwarded to the Board of Regents for a final determination. Pending action by the Board of Regents, the faculty or staff member may be suspended without pay 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 accused employee and the complainant.

10. Employee Sanctions

a. 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 the Faculty Handbook and a major work rule violation under the Staff Discipline and Discharge Policy.

b. Civil: Unlawful discrimination and sexual harassment are 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.

c. Criminal: Sexual harassment by a public servant is a criminal offense under 39.02 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.

d. False charges may result in disciplinary action against the complainant by the University or civil charges against the complainant by the accused. An unsubstantiated

charge is not considered "false" unless it is found to be made with the knowledge of it being false.

11. Student Sanctions

Disciplinary action for student to student related complaints may range from sensitivity counseling to suspension or dismissal. 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.

Source of Authority: President

Cross Reference: Faculty Handbook, Non-Academic Employee Handbook,

Contact for Revision: Director of ~~Personnel Services~~ *Human Resources* |

Forms: None

Temporary Employment

E-49

Original Implementation: September, 1988

Last Revision: ~~October 26, 1999~~ October 23, 2001

When it becomes necessary for a department to seek temporary classified or non-classified personnel, and temporary assistance is not available from within the department, division or college, the following procedures must be followed.

Temporary Classified Employment

A department may employ temporary classified personnel either on a part-time or full-time basis. A temporary classified position will be posted by ~~Personnel Services~~ *Human Resources* upon receipt of a completed "Request for Temporary Services" which has been routed through proper administrative channels. ~~Personnel Services~~ *Human Resources* will recruit, screen and refer applicants to the department for interview. Applicants will be sent to the departments with a Referral Form. Upon selection of a suitable candidate, ~~Personnel Services~~ *Human Resources* must be contacted in order to close the vacancy. At that time, ~~Personnel Services~~ *Human Resources* will send the department an Applicant Summary Form. The referral and summary forms with a "Personnel Action Request" form must be completed and routed through proper administrative channels to ~~Personnel Services~~ *Human Resources* prior to or on the first day of employment. Temporary employees may work no longer than ninety (90) consecutive days.

Temporary Non-Classified Employment

A department may employ temporary non-classified personnel for summer camps, special events, TASP, special assignments, etc. A temporary non-classified position will be posted by ~~Personnel Services~~ *Human Resources* upon receipt of a completed "Request for Temporary Services" which has been routed through proper administrative channels. For individuals already employed by the University at 100% FTE, a "Request for Additional Compensation" form (See "Compensation in Excess of Base Salary" policy) must be processed. A "Personnel Action Request" must be submitted for any non-classified individual being hired on a temporary basis who is not currently on the University payroll or who is currently working less than 100% FTE. If the individual has not been employed by the University within the past year, it is required that they must come to the ~~Personnel~~ *Human Resources* Office and complete the required paperwork within the first three days of employment. For non-classified employees to work for more than 90 days, the President must approve it in advance because after 90 days the employees may be subject to benefit eligibility and are counted towards the University's total FTEs.

Source of Authority: President, Vice President for Business Affairs

Cross-Reference: Overtime & Additional Compensation, see Index E-9; Personnel Action Request, see Index E-39

Contact for Revision: President

Forms: Request for Temporary Service; Request for Overtime & Additional Compensation, see Index E-9; Personnel Action Request, see Index E-39 (all available in University Printing Services)

Vacation Leave

E-53

Original Implementation: Unpublished

Last Revision: ~~October 26, 1999~~ October 23, 2001

Employees of the University, other than faculty with appointments of less than twelve months, shall, without deduction in salary, be entitled to a vacation in each fiscal year. An employee will earn vacation entitlement beginning on the first day of employment with the State and terminating on the last day. Vacation with pay may not be granted until the employee has had continuous employment with the State for six (6) months, although credit will be accrued during that period. Such entitlement shall be earned as listed below:

Employees with Total State Employment of:	Hours Accrued	Maximum Hours to Carry Forward from One Fiscal Year to Next Fiscal Year
0 but less than 2 years	7	168
2 but less than 5 years	8	232
5 but less than 10 years	9	256
10 but less than 15 years	10	280
15 but less than 20 years	12	328
20 but less than 25 years	14	376
25 but less than 30 years	16	424
30 but less than 35 years	18	472
35 and over years	20	520

Vacation credit for the higher rate of accrual as shown on the chart above shall be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month.

The net balance of unused accumulated leave, not to exceed the maximum cited above, may be carried forward for any employee from one fiscal year to the next fiscal year.

Time during which any employee is excused from work because of holidays shall not be vacation.

If a state employee transfers directly from one state agency to another, they shall be entitled to credit with the newly employing agency for accumulated but unused vacation entitlement, provided that employment with the state is uninterrupted. A state employee who resigns, is dismissed, or departed from State employment shall be entitled to be paid for all vacation time duly accrued at the time of separation from state employment, provided the employee has had continuous employment with the state for six (6) months.

Vacation leave must be approved in advance by the appropriate supervisor on the "Request for Vacation, Compensatory Time, Sick Leave Taken" form. Every effort should be made to accommodate the vacation requests, but supervisors may request that such leave be taken during periods other than departmental peak work periods.

Source of Authority: General Appropriations Act, Vice President for Business Affairs

Cross Reference: Non-Academic Employee Handbook

Contact for Revision: Director of ~~Personnel Services~~*Human Resources*

Forms: Request for Vacation, Compensatory Time, Sick Leave Taken (available in University Printing Services)

Workers Compensation Coverage

E-55

Original Implementation: September 1, 1975

Last Revision: ~~October 26, 1999~~ October 23, 2001

All employees of the University are covered by the State Employees Worker's Compensation Act. All claims for benefits under this coverage are processed by the Assistant Safety ~~Director~~ Officer, in Office 109, of the Physical Plant Building located at 1514 Baker Street. All injuries or accidents involving University employees in the course and scope of their assigned duties shall be reported on an "Employer's First Report of Injury or Illness" (TWCC-1S), to the Assistant Safety ~~Director~~ Officer, extension 4514. The Assistant Safety ~~Director~~ Officer will file the proper accident reports with the State Office of Risk Management, Workers Compensation Division.

Responsibility for the timely reporting of on-the-job injuries rests jointly with the employee and his/her supervisor. All incidents must be reported immediately. If work is missed or immediate medical attention is required, the claim must be processed immediately. No claim is valid if reported more than 30 days after the incident.

Employees who are recovering from a worker's compensation injury, are concurrently on FMLA leave, and who have exhausted all accrued paid leave are in leave without pay status (LWOP). Those employees must make a written request for a leave of absence (LOA) from the University President not to exceed a 12-month period from the beginning of their FMLA leave. Further information may be obtained from the Assistant Safety ~~Director~~ Officer in the University Safety Department.

Source of Authority: V.T.C.S., art. 8309g; President; Vice President for Business Affairs

Cross Reference: Non-Academic Employee Handbook

Contact for Revision: University Safety Officer

Forms: Employer's First Report of Injury or Illness (TWCC-1S), available in University Safety Department.

Family and Medical Leave

E-58

Original Implementation: August 5, 1993

Last Revision: ~~October 26, 1999~~ October 23, 2001

Employees are eligible to take up to twelve (12) weeks of family/medical leave within any 12 month period and be restored to the same or an equivalent position upon return from leave, provided that the employee has worked for the State of Texas for at least twelve (12) continuous months and for at least 1,250 hours within that twelve (12) month period. Leave without pay may begin after all available applicable paid leave has been exhausted and will be included in the twelve (12) weeks of Family and Medical Leave Act (FMLA). Applicable Sick Leave Pool benefits and leave resulting from Workers' Compensation claims (*See Workers Compensation Coverage Policy E-55 for more details*) will be included in the twelve (12) week period. For purposes of the FMLA, a rolling twelve (12) month period will be measured backward from the date leave begins.

Reasons For Family/Medical Leave: Eligible faculty and staff may take family/medical leave for any of the following reasons:

1. the birth of a child and in order to care for such child;
2. the placement of a child with the employee for adoption or foster care;
3. to care for a spouse, son, daughter, or parent with a serious health condition; or,
4. because of the employee's own serious health condition which renders the employee unable to perform the job functions essential to the employee's position.

Leave because of reasons (1) or (2) must be completed within the twelve (12) month period beginning on the date of birth or placement. In addition, spouses, employed by Stephen F. Austin State University who request leave because of reasons (1) or (2) or to care for an ill parent may only take a combined total of twelve (12) weeks during any twelve (12) month period.

Employees with less than 12 months of state service or less than 1,250 hours of work in the 12 months immediately preceding the start of leave are entitled to a parental leave of absence, not to exceed 12 weeks (480 hours), if the employee uses all available and appropriate paid vacation and sick leave while taking the parental leave. Such parental leave may only be taken for the birth of a natural child or the adoption or foster care placement with the employee of a child under three years of age. The leave period begins with the date of birth or the adoption or foster care placement. Sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption. Furthermore, an employee, who is the father of a child, may use his sick leave in conjunction with the child's birth only if the child is actually ill, or to care for his spouse while she is recovering from labor and delivery.

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

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

Reporting While On Leave: If an employee takes FMLA because of a personal serious health condition or to care for a covered relation, the employee must contact the supervisor at least once each week, *or as often as requested by the supervisor*, regarding the status of the condition and the intention to return to work. The supervisor is responsible for reporting this information to the Director of ~~Personnel Services~~ *Human Resources*. *Additionally, you are required to call Human Resources on the 1st and 3rd Monday of each month during your leave to report your leave and/or return to work status.*

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

Medical And Other Benefits: During an approved family/medical leave, the University will maintain the State contribution for the employee's health benefits as if the employee continues to be actively employed. During periods of paid FMLA leave the University will deduct the employee's portion of the insurance premiums as a regular payroll deduction. If the employee's FMLA leave is unpaid, the employee portion of the premium

must be paid by the employee through the Benefits Manager in ~~Personnel Services~~ *Human Resources*. The employee's insurance coverage will cease if the premium payment is more than thirty (30) days late. If the employee elects not to return to work at the end of the FMLA leave period, the employee will be required to reimburse the University for the cost of the premiums paid by the University for maintaining coverage during the leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control. An employee on FMLA is not entitled to accrue state service credit for any full calendar months of leave without pay taken while on FMLA and does not accrue vacation or sick leave for such months of leave without pay.

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

Returning From Leave: If the employee takes leave because of a personal serious health condition, the employee is required to provide medical certification that the employee is fit to resume work. Return to Work Medical Certification Forms (Attachment C) may be obtained from ~~the Personnel Services Office~~ *Human Resources*. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

Extended Leave For Serious Health Conditions: Leave taken because of the employee's personal serious health condition may be extended on a month-to-month basis for a maximum of an additional twelve (12) weeks upon: (1) written request to the University; (2) proof that the serious health condition has continued; and, (3) approval by the University, subject to the department's business needs. If the employee does not return to work on the originally scheduled return date nor request in advance an extension of the agreed upon leave with appropriate documentation, the employee will be deemed to have voluntarily terminated employment with the University. If the employee requests an extension of leave beyond the initial twelve (12) week period, he/she must submit medical certification of continued serious health condition in advance for each month of extended leave. Reinstatement is not guaranteed on an extended leave and will depend on University needs. If the employee's cumulative leave for any reason extends beyond twenty-four (24) weeks in any two-year period, the employee automatically will be deemed terminated, but may be entitled to disability payments in accordance with the University's disability insurance and/or workers' compensation plans, if applicable.

Definitions: For the purpose of this policy, the following definitions apply.

Applicable Paid Leave — Sick leave and vacation accruals.

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

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

Son or Daughter - Son or daughter, legally recognized, includes biological, adopted, foster children, stepchildren, and legal wards, who are under eighteen (18) years of age but incapable of caring for themselves.

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

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

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

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

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

Source of Authority: United States Department of Labor, Title 29, Part 825, Code of Federal Regulations, The Family and Medical Leave Act of 1993; General Appropriations Act, Article V, Section 8

Cross Reference: None

Contact for Revision: Vice President Business Affairs and General Counsel

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

Selective Service Registration

E-60

Original Implementation: October 26, 1999

Last Revision: ~~None~~ October 23, 2001

Effective September 1, 1999 all males from eighteen up to twenty-six years of age must provide proof of registration with the selective service system prior to beginning employment with Stephen F. Austin State University. Please note that the age requirement is up to the individual's 26th birthday. Upon attaining the 26th year of age, the registration verification process is no longer applicable.

This verification requirement is applicable to all categories of employees including faculty and student employees, classified and non-classified employees, and temporary and casual employees.

The registration requirement does not apply to a person employed by SFA before September 1, 1999 as long as the person's employment by SFA is continuous. The following persons are exempt from the requirement to register:

Females.

Lawfully admitted non-immigrant aliens (such as those men on visitor or student visas and members of diplomatic or trade missions and their families) because they are residing in this country temporarily.

Member of the Armed Forces on full-time active duty, including cadets and midshipmen at the United State service academies.

Each hiring department should notify ~~Personnel Services~~ *Human Resources* or Student Employment as soon as possible when hiring a new employee. Final candidates that are males from 18 to 26 years of age are required to complete the SFA Selective Service Registration Form and provide proof of registration prior to employment. Proof of registration includes the individual's selective service registration acknowledgment card or a copy of the individual's on-line verification screen found on the Selective Service System's web page at: <https://www.sss.gov>. Individuals can complete the required registration process by completing and submitting a registration card at any U.S. Post Office, or by accessing Register On-Line Now on the selective service web page, at the same web address as shown above. Those individuals that register at an U.S. Post Office must provide proof of registration prior to employment.

The following guidelines should be followed for the employment process:

1. The completed SFA Selective Service Registration Form and the attached documentation are to be added to the individual's personnel file.
2. Any offer of employment to a male candidate 18 years up to the 26th year of age is to be considered conditional until he has provided proof of registration with the Selective Service or documented his exemption from the requirement to register.

3. The registration verification form is to be completed only for the finalist candidate. This verification is not to be asked of all applicants.

4. In the event that a candidate with a conditional offer of employment actually works, he must immediately provide proof of employment or be denied additional employment until such time as he has provided the required verification of registration. Should the candidate be unable or unwilling to provide the required verification of registration, he must be considered as ineligible for state employment and not permitted to continue to work, in any capacity.

Source of Authority: Government Code, 651.005, House Bill 558 passed into law during 76th Legislative Session.

Cross-Reference: None

Contact for Revision: Director of ~~Personnel Services~~ *Human Resources*

Forms: SFA Selective Service Registration Verification Form

Return to Work

E-62

Original Implementation: January 28, 1997

Last Revision: ~~None~~ October 23, 2001

It is the policy of Stephen F. Austin State University to provide a return to work program as the means to return employees to meaningful, productive employment following injury or illness. To provide the highest level of quality service to the citizens of Texas, the necessity exists for every employee of the University to be available for work, ready, and capable of performing the duties and responsibilities for which the employee was hired.

The return to work program may provide opportunities for any employee of Stephen F. Austin State University who sustains a compensable injury during the course and scope of employment, a disability as defined by the Americans with Disabilities Act, and/or a serious health condition as defined by the Family Medical Leave Act, to return to work at full duty. If the employee is not physically capable of returning to full duty, the return to work program may provide opportunities, when available, for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform duty at an alternate position.

Each case will be evaluated on an individual basis according to the limitations of each employee as documented by a physician and the job responsibilities of the position. The physician's documentation must be provided on the University's Attending Doctor's Return to Work Recommendations form including a thorough assessment of the employee's specifications considering their official job description. A copy of the job description must be provided to the physician and can be obtained from the Director of ~~Personnel~~ Human Resources. Failure to provide the appropriate documentation for light or medium duty return to work conditions may be grounds, among others, for denial of light or medium duty assignments. Light duty is limited to a specific time frame and may not exceed 12 weeks before being upgraded to medium work, then on to regular work. The University will request a release from the employee for direct communication with the physician regarding those matters that directly relate to return to work assessments. The University reserves the right to properly assess and verify the employee's physical capabilities as they relate to the job.

This return to work program shall not be construed as recognition by Stephen F. Austin State University, its management, or its employees that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act of 1990. If an employee sustains an illness or injury that results in a disability under the ADA, it is the employee's responsibility to inform the supervisor or a person in a responsible management position that a disability under the ADA exists and that a reasonable accommodation will be necessary to perform the essential functions of the position held. Confirmation of the disability by a licensed physician or other appropriate medical provider as determined by the University is required. Such documentation may be assessed or verified by the University. Reasonable accommodations may be granted in

conjunction with the physician's assessment of the employee's capabilities as it relates to the job and the University's needs.

As each situation arises the case will be evaluated independently by the supervisor, head of department, ~~Claims Coordinator~~*Assistant Safety Officer*, ~~Personnel~~*Director of Human Resources*, the physician, and other administrators as necessary. Timely contact of individuals cited in their respective areas of responsibility is required to provide the employee with prompt care and justifiable accommodations. If possible, a modified offer of employment will be proposed. The Offer of Employment form is to be used for this purpose.

SOURCE OF AUTHORITY: Office of the Attorney General

CROSS REFERENCE: None

CONTACT FOR REVISION: Risk Management Committee

FORMS: Attending Doctor's Return to Work Recommendations; Offer of Employment (available in Safety Office)

Central Receiving

F-6

Original Implementation: Unpublished

Last Revision: ~~October 26, 1999~~ October 23, 2001

All supplies and equipment purchased for the University are *to be* delivered through Central Receiving to ensure uniform handling of freight claims, to ensure accurate entry of receiving information, and to provide the necessary elements of institutional control. The following purchases are excluded from this requirement.

1. items being delivered under delegated purchase authority to the Library, Bookstore, Food Service, or Stone Fort Museum;
2. delegated purchases made by departments using local purchase authorizations or procurement cards;
3. items which require installation by the contractor;
4. items specifically authorized by the Purchasing and Inventory Department.

It is the responsibility of the department taking receipt of goods or services to immediately update on-line receiving of any direct deliveries of goods or services. Timely entry of receiving information is essential to avoid late payment penalties, to ~~secure prompt payment to the vendor,~~ and to effectively handle freight claims, shortages, or discrepancies.

VEHICLE DELIVERY

1. *All vehicles delivered to Central Receiving will be checked for meeting specifications, and delivered to the Transportation Manager for identification as a state vehicle and recording State Vehicle Fleet Management Plan information.*
2. *All vehicles picked up from the dealer (usually long-term leased or lease-purchased vehicles) must be delivered immediately upon pick-up to the Transportation Manager for identification as a state vehicle and recording State Vehicle Fleet Management Plan information. Vehicle pick-up may be completed by the end user or by the Transportation Department.*

OTHER DELIVERY SERVICES ~~Delivery Services~~

Upon receipt of merchandise, Central Receiving will:

- 1. count and examine all cartons for visible damage, create a Receiving Report/Delivery Record in the FRS Purchasing System, and note any discrepancies on the Bill of Lading
- 2. deliver all material (except that requiring inventory tagging, special equipment or manpower for moving) within 24-48 hours to the requisitioning department; and,

—3. handle the filing of claims with the freight company for any freight damages or shortages.

Immediately after delivery of the shipment to the requisitioning department, the department will:

—1. check contents of shipment against original purchase order; and enter the receiving information into the FRS Purchasing System.

—2. notify Purchasing within three working days of any damages or shortages not identified by Central Receiving.

When shipments are authorized by the Purchasing and Inventory Department for delivery directly to the requisitioning department, bypassing Central Receiving, it shall become the responsibility of the department to:

—1. count and examine all cartons for visible damage and note any discrepancies on the Bill of Lading

—2. check contents of shipment against original purchase order and enter the receiving information into the FRS Purchasing System.

—3. notify Purchasing within three working days of any damages or shortages

Failure to promptly update on-line receiving information or notify Purchasing of ~~items received~~ *damages or shortages* will result in delays in payment for the goods or services and a liability for late payment penalties. The payment of any such penalties will be made from the account(s) that funded the original purchase.

OUTGOING FREIGHT ~~Outgoing Freight~~

Outgoing freight should be dispatched through Central Receiving to ensure proper documentation, packing, and labeling. Clear indication of shipment value should always be made on the package or on the accompanying documentation. A special notation should be made when insurance is desired. Contact the *Central Receiving* ~~Purchasing and Inventory Department~~ for additional instructions or assistance in handling outgoing freight.

Source Of Authority: Vice President for Business Affairs

Cross Reference: None

Contact For Revision: Director of Purchasing and Inventory

Forms: None

Student Service Fee Allocations

F-28

Original Implementation: Unpublished

Last Revision: ~~July 27, 1999~~ October 23, 2001

Student Activity Fees are distributed to various student organizations and student service operations based on the allocation process utilized by the Student Service Fee Committee. In the spring semester prior to the academic year of the allocations, the Committee receives requests from various student service operations (i.e. Health Center, Intercollegiate Athletics, Fine Arts Programs, etc.) and Level 3 student organizations (i.e. Student Government Association, etc.). Requests are evaluated and recommendations for allocations to these groups for the coming year are submitted to the President who may accept or modify the committee's decision. If the President's recommendations are substantially different from that of the advisory committee, the President will notify the advisory committee and provide an opportunity for the chair of the committee to comment on the committee's recommendations. Upon approval of the Board of Regents, the funds are made available for the coming academic year.

A portion of the available funds is set aside for disbursement during the remainder of the fall semester of the allocation year. All student organizations are notified that ~~the committee is accepting requests for funds. The organizations requesting funds are provided a hearing to present their requests. The committee evaluates the requests and makes a decision as to whether an allocation is needed, given the availability of funds.~~ *applications for funds are being received. A pre-set formula that takes into account number of members, length of time the organization has been in existence and the amount of funds available for disbursement is utilized in the allocation of funds.*

Source of Authority: Education Code, Section 54.503; Texas State Legislature; Board of Regents; President; Vice President for University Affairs

Cross Reference: None

Contact for Revision: ~~Dean of Student Development~~ *Director of Student Activities*

Forms: None

Vendor Protests

F-35

Original Implementation: July 14, 1998

Last Revision: ~~None~~ October 23, 2001

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the Director of Purchasing of Stephen F. Austin State University. Such protests must be in writing and received in the purchasing director's office within 10 working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested. Formal protests must conform to the requirements of this policy, and shall be resolved in accordance with the procedure set forth herein. Copies of the protest must be mailed or delivered by the protesting party to any other interested parties. For the purposes of this policy, "interested parties" means all vendors who have submitted bids or proposals for the contract involved.

In the event of a timely protest or appeal under this section, the state shall not proceed further with the solicitation or with the award of the contract unless the purchasing director, after consultation with the end user, makes a written determination that the award of contract without delay is necessary to protect substantial interests of the state.

A formal protest must be sworn and contain:

(1) a specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;

(2) a specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;

(3) a precise statement of the relevant facts;

(4) an identification of the issue or issues to be resolved;

(5) argument and authorities in support of the protest; and

(6) a statement that copies of the protest have been mailed or delivered to the using agency and other identifiable interested parties.

The purchasing director shall have the authority, prior to appeal to the Vice President for Business Affairs, to settle and resolve the dispute concerning the solicitation or award of a contract. The director may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the purchasing director will issue a written determination on the protest.

(1) If the purchasing director determines that no violation of rules or statutes has occurred, he shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination.

(2) If the purchasing director determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.

(3) If the purchasing director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

The purchasing director's determination on a protest may be appealed by an interested party to the Vice President for Business Affairs. An appeal of the director's determination must be in writing and must be received in the vice president's office no later than 10 working days after the date of the director's determination. The appeal shall be limited to review of the purchasing director's determination. Copies of the appeal must be mailed or delivered by the appealing party to any other interested parties and must contain an affidavit that such copies have been provided.

The general counsel shall review the protest, purchasing director's determination and the appeal and prepare a written opinion with recommendation to the Vice President for Business Affairs. The vice president may, in his discretion, refer the matter to the President for his consideration or issue a written decision on the protest.

When a protest has been appealed to the Vice President for Business Affairs and has been referred to the President by the Vice President, the following requirements shall apply.

(1) Copies of the appeal responses of interested parties, if any, and general counsel recommendation shall be mailed to the President, and copies of the general counsel's recommendation shall be mailed to the Director of Purchasing, the appealing party, and other interested parties.

(2) All interested parties who wish to make an oral presentation at an open meeting with the President are requested to notify the general counsel at least 48 hours in advance of the open meeting.

(3) The President may consider oral presentations and written documents presented by SFASU staff and interested parties. The President shall set the order and amount of time allowed for presentations.

(4) The President's determination of the appeal shall be final.

Unless good cause for delay is shown or the President determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

A decision issued in writing either by the President or in writing by the Vice President for Business Affairs, shall be the final administrative action of Stephen F. Austin State University.

Source of Authority: ~~Texas Government Code, Title 10, Subtitle D, Chapters 2151 through 2176; Texas Administrative Code, Section 111.3;~~ President; Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: None

Student Travel

New

Original Implementation: October 23, 2001

Last Revision: None

This policy governs student travel undertaken by one or more SFA students presently enrolled at the university to reach an activity or event that has been organized and sponsored by the University and is located more than 25 miles from the University.

This policy shall apply if the travel is funded by the University; the travel is undertaken using a vehicle owned or leased by the University; or if the travel is required by a registered SFA student organization to an event that has been organized and sponsored by the University.

I. Travel Funded by the University and/or Using University Owned or Leased Vehicles

University Policy B-30, University Vehicles, governs the use of University owned vehicles and vehicles rented using University funds from a non-University fleet. All of the requirements of that policy, such as driver qualifications and passenger capacity, apply to student travel as addressed in this policy.

Other specific requirements of this policy include:

- a. All occupants must use seats belts, as provided in the vehicle, in the manner recommended by the vehicle manufacturer.
- b. Passengers are limited to the number that can be safely restrained using the available number of seat belts. For travel by van, refer to University Policy B-30 for passenger limitations.
- c. Drivers should continually assess their state of alertness and not begin to drive, or not continue driving, if they are fatigued. There are many factors that impact driver fatigue, all affecting drivers differently; but conditions such as hours without sleep, time of the day, road conditions, etc., should be all considered and monitored.
- d. Only drivers meeting the qualifications set forth in Policy B-30 may drive the vehicle. All drivers must be appropriately licensed to drive the vehicle.

II. Travel by Personal Vehicle or Privately Leased Vehicle

While the University may not be made aware of trips undertaken by students using their private vehicles, or vehicles privately leased by them, the University will publish the requirements of this policy in publications used by registered student organizations at SFA and will encourage their use in all travel undertaken by students for any trip governed by this policy. All drivers must be appropriately licensed and the owner of the vehicle(s) must maintain appropriate vehicle insurance as required by law.

Source of Authority: Section 51.949 — Texas Education Code

Cross Reference: University Vehicles (Rental & 15-Passenger Vans), B-30

Contact for Revision: Director of Student Activities

Forms: Student Travel Request Addendum