Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS

Nacogdoches, Texas

October 17, 2002
Volume 184

TABLE OF CONTENTS

		Page
03-01	Approval of June 18, 2002 and July 25, 2002 Minutes	1
03-02	Faculty and Staff Appointments for 2003-2003	1
	Changes of Status	3
	Retirement	4
	Voluntary Modification of Employment	4
03-03	Underenrolled Classes	4
	Approval to Establish the Division of Biotechnology	4
	Approval to Establish the Division of Environmental Science	4
	Corrected Course Fee	5
	Approval to Establish an SFA Student Scholarship Fee for Study Abroad	5
	Approval to Establish an SFA Satellite Center	5
	Biotechnology Research (Addendum Item)	5
03-04	Purchase of Water Sample Testing Services	5
	Imaging Systems Expansion	5
	Texas Infrastructure Fund (TIF Grant) - Steen Library	5
	Oracle Software Site License and Resolution for Master Lease Purchase Program Financing (Texas Public Finance Authority)	5
	University Center Renovation/Expansion	6
03-05	Departmental Clinic - Psychology	6
	Electrical System Infrastructure - Turner Fine Arts Building	6
	Storm Water Drainage System	6
03-06	University Policies and Procedures and 457(f) Plan	6
Reports		6
	A. Kolar Marketing Update	
	B. Faculty Senate	
	C. Student Government Association	
	D. Vice President for Alumni Affairs	
	E. Vice President for University Advancement	
	F. President	
Appendix No. 1 - Fall 2002 Underenrolled Class List		8
Appendix No. 2 - Resolution Authorizing Master Lease Purchase Program Financing Oracle Database Software		10
Appendix No. 3 - Budget Changes		11
Appendix No. 4 - Policy Revisions		12
	NEW USA Patriot Act	P1
	C-10 Delegated Purchasing Authority	P2
	C-36 Special Purchases	P5
	C-40 Year End Purchasing	P8
	C-42 Property Inventory Management	P10
	C-44 Procurement Card	P17
	E-29A Leave of Absence Faculty	P22
	E-30 N Leave of Absence Non-Academic	P26
	E-60 Selective Service Registration	P30
	F-11 Express Mail	P32
	457(f) Plan	P33

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

OCTOBER 17, 2002

The meeting was called to order at 9:07 a.m. by Chair Mike Enoch. Board members present in Room 307: Penny Butler, Kenneth James, Mike Enoch, Gary Lopez, Susan Roberds, Lyn Stevens, Mike Wilhite and Fred Wulf. Absent: Margarita de la Garza Grahm

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

Executive session was announced at 9:30, and the Board returned to Open Session at 11:40.

03-01
Upon motion of Regent Roberds, seconded by Regent Stevens, with all members voting aye, it was ordered that the minutes of June 18, 2002 and July 25, 2002 be approved.

03-02
Upon motion of Regent Roberds, seconded by Regent Wulf, with all members voting aye, it was ordered that the following consent items be approved:

Faculty and Staff Appointments

1. Accounting

   Ms. Sandra L. Walker, Lecturer, M.B.A. (University of Nevada, Reno), at a salary of $28,000 for 100% time for nine months, effective September 1, 2002.

2. Art

   Mr. Robert L. Derr, Assistant Professor, M.F.A. (Rhode Island School of Design), at a salary of $42,000 for 100% time for nine months, effective September 1, 2002.

   Mr. Jean-Paul Tousignant, Visiting Assistant Professor, M.F.A. (Clemson University), at a salary of $35,000 for 100% time for nine months, effective September 1, 2002.

   Mr. Lester Butler, Visiting Assistant Professor, M.F.A. (Stephen F. Austin State University), at a salary of $32,000 for 100% time for nine months, effective September 1, 2002.

3. Biotechnology

Dr. Alexandria M. VanKley, Assistant Professor, Ph.D. (Institute of Botany, Minsk, Russia), at a salary of $41,000 for 100% time for nine months, effective September 1, 2002.

4. Elementary Education

Ms. Dorothy P. Gottshall, Instructor, M.Ed. (Stephen F. Austin State University), at a salary of $41,000 for 100% time for nine months, effective September 1, 2002.

5. Forestry

Dr. Warren C. Conway, Assistant Professor, Ph.D. (Texas Tech University), at a salary of $40,000 for 100% time for nine months, effective September 1, 2002.

6. Human Sciences

Ms. Lisa M. Assante, Assistant Professor, M.S. (University of Nevada, Las Vegas), at a salary of $40,000 for 100% time for nine months, effective September 1, 2002.

7. Human Services

Dr. Carol Harrison, Associate Professor, Ed.D. (Texas A&M University), at a salary of $45,000 for 100% time for nine months, effective September 1, 2002.

8. Mr. William P. Bobo, Lecturer, M.Ed. (University of Louisiana, Monroe), at a salary of $36,000 for 100% time for nine months, effective September 1, 2002.

9. Liberal Arts

Ms. Catherine M. Siska, Visiting Lecturer of English and Director of American English Language Institute, M.A. (Texas Tech University), at a salary of $34,000 for 100% time for nine months, effective September 1, 2002.

10. Nursing

Ms. Deborah M. Ellisor, Clinical Instructor, M.S. (Texas Woman s University), at a salary of $40,000 for 100% time for nine months, effective September 1, 2002.

Ms. Toni L. McDonald, Clinical Instructor, M.S. (The University of Texas at Arlington), at a salary of $40,000 for 100% time for nine months, effective September 1, 2002.

11. Secondary Education

Ms. Patsy A. Barham Instructor, M.Ed. (Stephen F. Austin State University), at a salary of $37,000, for 100% time for nine months, effective September 1, 2002.

Dr. John C. Leonard, Associate Professor, Ed.D. (Southwest Texas State University), at a salary of $47,500 for 100% time for nine months, effective September 1, 2002.

Dr. Patricia Lindauer, Associate Professor, Ph.D. (Southern Illinois University), at a salary of $51,000 for 100% time for nine months, effective September 1, 2002.

Mr. Kristopher D. White, Visiting Instructor, M.A. (University of Connecticut), at a salary of $30,000 for 100% time for nine months, effective September 1, 2002.

12. Athletics

Ms. Aimee Vaughn, Assistant Softball Coach, at a salary of $21,000 for 75% time for ten and one-half months, effective September 1, 2002.

13. Intramurals

Mr. Joe Rabago, Jr., Associate Director of Intramurals, at a salary of $45,000 for 100% time for twelve months, effective August 19, 2002.

Mr. Mark Jackson, Intramural Supervisor, at a salary of $26,537 for 100% time for ten and one-half months, effective September 1, 2002.

Mr. Wyndell Hamilton, Jr., Intramural Supervisor, at a salary of $23,380 for 100% time for ten and one-half months, effective September 1, 2002.

14. Student Publications

Ms. Mary Uresti, Coordinator of Student Publications, at a salary of $26,500 for 100% time for twelve months, effective July 29, 2002.

15. University Advancement
Ms. April L. Camden, Telemarketing Program Supervisor, at a salary of $25,000 for 100% time effective August 19, 2002 for twelve months.

Changes of Status

1. Nursing

Ms. Karen S. Migl, from Clinical Instructor at a salary of $46,975 for 100% time for nine months to Assistant Director of Nursing at a salary of $46,975 for 100% for nine months, effective September 1, 2002.

2. Office of International Studies/Programs

Dr. Leon Hallman, from Professor of Geography at a salary of $38,116 for 46.75% time for nine months to Director of OISP at a salary of $22,870 for 30% time for twelve months, and Professor of Geography at a salary of $15,246 for 20% time for nine months, effective September 1, 2002.

3. Registrar

Ms. Sherry J. Wells, from Registration and Records Assistant at a salary of $25,226 for 100% time for twelve months, to Registrar at a salary of $55,000 for 100% time for twelve months, effective September 1, 2002.

4. Health Clinic

John Miller, M.D., from University Physician, at a salary of $90,396 for 100% time for twelve months, to University Physician, at a salary of $79,096 for 100% time for ten and one-half months, effective September 1, 2002.

5. University Advancement

Ms. Jill Still, from Associate Director of Development, at a salary of $37,656 for 100% time for twelve months, to Director of Development, at a salary of $44,079 for 100% time for twelve months, effective September 1, 2002.

Ms. Linda Yeiser, from Accountant III, at a salary of $22,747 for 50% time for twelve months, to Director of Development - Foundation, at a salary of $32,000 for 75% time for twelve months, effective October 14, 2002.

Retirement

1. Modern Languages

Dr. Bonnie C. Todd, Chair of the Department of Modern Languages, effective August 31, 2003.

Voluntary Modification of Employment

1. Criminal Justice

Dr. Ronald W. Robinson, Associate Professor, effective September 1, 2003.

03-03
Upon motion of Regent Wilhite, seconded by Regent Stevens, with all members voting aye, it was ordered that the following consent items be approved:

Underenrolled Classes

The Fall 2002 Underenrolled Class List was approved.

Approval to Establish the Division of Biotechnology

Approval was given for the Biotechnology program to be recognized as the Division of Biotechnology.

Approval to Establish the Division of Environmental Sciences

Approval was given for the Environmental Science program to be recognized as the Division of Environmental Science.

Corrected Course Fee

The course fee presently listed for ART 262 was corrected to ART 261 effective Spring 2002.

Approval to Establish an SFA Student Scholarship Fee for Study Abroad

The Student Scholarship Fee for Study Abroad was approved.

Approval to Establish an SFA Satellite Center

Establishment of a satellite center in Cleveland, Texas for the delivery of both undergraduate and graduate courses leading to a degree and certifications was approved.

Biotechnology Research

The President was authorized to sign any contracts or agreements, as reviewed and approved by the General Counsel, regarding licensing rights to potential intellectual property that may be developed in the course of the research conducted by Dr. Bea Clack, Associate Professor of Biotechnology, and Mr. Alan Youngblood, Research Specialist in Biotechnology.

03-04
Upon motion of Regent Roberds, seconded by Regent Lopez, with all members voting aye, it was ordered that the following consent items be approved:

Purchase of Water Sample Testing Services

Approval was given for purchase of necessary water samples generated by the Alto Watershed Project and funded by the sources noted above, at a cost not to exceed $106,000.

Imaging Systems Expansion

Authorization was given for the President to contract for imaging system expenditures at a cost not to exceed $53,000. Funds will be used to convert the current license for the campus-wide imaging system to 30 concurrent users, purchase scanner software, pay software maintenance fees, and provide for system installation and training. The source of funding is HEAF.

Texas Infrastructure Fund (TIF) Grant - Steen Library

A consulting contract was approved for imaging work, software and database installation, and training at a cost not to exceed $128,357. The purchase of scanners was approved, at a cost not to exceed $88,538.

Oracle Software Site License and Resolution for Master Lease Purchase Program Financing (Texas Public Finance Authority)

Approved the purchase of an Oracle site license for $1,307,716 plus financing costs and maintenance-fee increases. The Board of Regents adopted the Resolution Authorizing Master Lease Purchase Program Financing (Appendix No. 2), and directed the University to review Oracle and Texas Public Finance Authority alternatives for financing the purchase and to determine the appropriate financing option. The President was authorized to sign the required contracts and purchase orders. Funding will be provided

by $156,111 current-year Telecommunications Infrastructure Fund grant, with the remainder from HEAF funds over a period of 5 years.

University Center

Approved exploring funding for renovation/expansion of the University Center and proceeding with seeking necessary funding authorization during the upcoming Legislative Session.

03-05
Upon motion of Regent Wilhite, seconded by Regent Butler, with all members voting aye, it was ordered that the following consent items be approved:

Departmental Clinic - Psychology

Renovation of a portion of the first floor of the Education Building for use as a Psychology Clinic was approved, at a cost not to exceed $150,000 and the President was authorized to sign the necessary contracts and purchase orders. The University physical plant will serve as general contractor. Source of funding is HEAF.

Electrical System Infrastructure - Griffith Fine Arts Building

Replacement of the switchgear in Griffith Fine Arts Building was approved, and the President was authorized to sign the necessary purchase orders and contracts, at a cost not to exceed $350,000. Source of funding is HEAF.

Storm Water Drainage System

Replacement of the storm water drainage underground from Shelton Gymnasium to Starr Avenue was approved, and the President was authorized to sign the necessary purchase orders and contracts. The cost will not exceed $650,000. Source of funding is HEAF.

03-06
Upon motion of Regent Stevens, seconded by Regent Roberds, with all members voting aye, it was ordered that the policy revisions and 457(f) plan be approved.

Reports

A. Kolar Marketing Update

B. Faculty Senate

1. Actions of the Senate:
   a. Resolution on Salary Equity & Employee Educational Assistance Fund.
   b. Resolution in Remembrance of 9/11.
   c. Resolution on Class Scheduling Guidelines.
   d. Resolution on Annual Publication of General Bulletin.
2. Issues Considered by the Senate:
   a. The policy development process at the university.
   b. The constituency of the Academic Affairs Committee.
   c. The search for the Vice President and Academic Affairs.
   d. The strategic planning process.
   e. Faculty involvement in recruiting and retention.

C. **Student Government Association**
1. International Study Fee Referendum
2. Recap of September 11 Activities
3. Student Support of University Center Expansion Committee

D. **FY 02 Cumulative Development Report - Dr. Jerry Holbert, Dr. Miles McCall and Gregg Fort**

F. **President**
1. Austin Office
2. Legislative Session/Governmental Relations
3. Strategic Planning Effort
4. Search Processes for the Provost/Vice President for Academic Affairs and Dean of the College of Education
5. Focus on Enrollment Management
6. Budgetary Implications of Enrollment Decline
7. The Coordinating Board s Response to HB 1799
8. Commencement (December 14, 2002)
9. Homecoming (October 18 & 19, 2002)
10. Presentations to Nacogdoches DAR (October 21, 2002), Deep East Texas Council of Governments (October 22, 2002), Pittsburg Rotary (November 13, 2002), and Rotary Youth Leadership Program (January 11, 2003)
11. Pizza with the President (November 12, 2002)
12. Board of Visitors, Air University (November 17-20, 2002)
13. Annual Meeting of SACS, our regional accreditation body (December 8-10, 2002)
14. Lufkin/Nacogdoches Day at the State Capitol (January 22-23, 2003)
15. Meeting of the Board of Regents in January
16. Answer Questions from Members of the Board of Regents

Future meeting date: January 28, 2003.

Meeting adjourned at 1:50 p.m.

DATE 9/24/02

UNDER-ENROLLED CLASSES
FALL 2002

DEFINITION OF UNDER-ENROLLED UNDERGRADUATE CLASS:

ANY ORGANIZED CLASS WITH LESS THAN TEN STUDENTS UNLESS THE CLASS IS CROSS-LISTED WITH ANOTHER ORGANIZED CLASS AND THE COMBINED CLASSES EQUAL TEN OR MORE

DEFINITION OF UNDER-ENROLLED GRADUATE CLASS:

ANY ORGANIZED CLASS WITH LESS THAN FIVE STUDENTS UNLESS THE CLASS IS CROSS-LISTED WITH ANOTHER ORGANIZED CLASS AND THE COMBINED CLASSES EQUAL FIVE OR MORE

ANY ORGANIZED CLASS WITH BOTH GRADUATE AND UNDERGRADUATE STUDENTS WILL BE CONSIDERED SHORT UNLESS TEN STUDENTS ARE ENROLLED.

	NUMBER	CREDIT	FUNDED		FACULTY	JUSTIFICATION FOR TEACHING
DEPT. COURSE SECTION	ENROLLED	HOUR	HOURS	DAYS / TIME / BUILDING / ROOM / INSTRUCTION TYPE	NAME	UNDER-ENROLLED COURSE
CJS 510.020	3	3	9	M 0630-0900PM F 502 LEC	Mueller P	SUPPORT MPA PROGRAM
CSC 323.001	7	3	21	TR 0140-0255PM BU 121 LEC	Pickard M	MAINTAIN SEQUENCE
CSC 331.001	9	3	27	MWF 1100AM 1150AM BU 118 LEC	Grout J	LATE DROP ON 12TH DAY/MAINTAIN SEQUENCE
CSC 342.001	6	3	18	MWF 0900-0950AM BU 118 N LEC	Grout J	MAINTAIN SEQUENCE
ELE 301.003	8	3	24	R 0400-0630PM ED 468 SEM	Nason P	MAINTAIN SEQUENCE
ELE 302.003	7	3	21	W 0415-0645PM ED 468 SEM	Sowards A	MAINTAIN SEQUENCE
ELE 303.003	8	3	24	T 0400-0630PM ED 324 SEM	McCune S	MAINTAIN SEQUENCE
RDG 416.020	7	3	21	R 0610-0840PM ED 351 LEC	Gottshall D	MAINTAIN SEQUENCE
HMS 137.201	1	3	0	INTERINSTITUTIONAL COURSE	N/A	COURSE OFFERED THROUGH ANOTHER INSTITUTION
HMS 139.201	1	3	0	INTERINSTITUTIONAL COURSE	N/A	COURSE OFFERED THROUGH ANOTHER INSTITUTION
HMS 371.201	1	3	0	INTERINSTITUTIONAL COURSE	N/A	COURSE OFFERED THROUGH ANOTHER INSTITUTION
COU 542.020	4	3	12	M 0430-0700PM B 105 LEC	Jeffrey D	MAINTAIN SEQUENCE
RHB 383.001	9	3	27	MWF 0900AM 0950AM B 107 LEC	Fish D	MAINTAIN SEQUENCE
SED 372.002	7	3	21	T 0430PM 0700PM ED 481 LEC	Watson P	MAINTAIN SEQUENCE
ART 220.001	9	3	27	TR 0800AM 1040AM AR 133 LAB	Jones C	LATE DROP ON 12TH DAY/MAINTAIN SEQUENCE
ART 420.001	5	3	15	TR 1050AM 0130PM AR 133 LAB	Jones C	MAINTAIN SEQUENCE/GRADUATING SENIORS
ART 520.001	3	3	9	TR 1050AM 0130PM AR 133 LAB	Jones C	MAINTAIN SEQUENCE
ENV 223.001	8	3	24	TR 0925AM 1015AM FO 208 LEC	Unger D	MAINTAIN SEQUENCE
FOR 451.001	9	3	27	MW 1100AM 1150AM FO 205 LEC	Legg M	MAINTAIN SEQUENCE
ILA 111.002	6	3	18	MWF 1000AM 1050AM ED 263 LEC	Paul-Urena J	ESL STUDENT FROM CHIHUAHUA MEXICO
ILA 112.001	5	3	15	TR 0925AM 1050AM F 510 LEC	SISKA C	ESL STUDENT FROM CHIHUAHUA MEXICO
ILA 200.001	5	2	10	TR 1050AM 1205PM F 510 LEC	Parsons S	ESL STUDENT FROM CHIHUAHUA MEXICO
ILA 315.001	5	3	15	MWF 1100AM 1150AM F 410 LEC	SISKA C	ESL STUDENT FROM CHIHUAHUA MEXICO

DATE_____APPROVAL_____

Appendix No. 1

DATE 9/24/02

UNDER-ENROLLED CLASSES
FALL 2002

DEFINITION OF UNDER-ENROLLED UNDERGRADUATE CLASS:

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	NUMBER	CREDIT	FUNDED		FACULTY	JUSTIFICATION FOR TEACHING
DEPT. COURSE SECTION	ENROLLED	HOUR	HOURS	DAYS / TIME / BUILDING / ROOM / INSTRUCTION TYPE	NAME	UNDER-ENROLLED COURSE
SPA 231.005	9	3	27	TR 0140PM 0255PM F 203 LEC	Doyle-Anderson	MAINTAIN SEQUENCE
BIO 343.001	9	3	27	TR 0925AM 1015AM S 211 LEC	Gibson W	MAINTAIN SEQUENCE/GRADUATING SENIORS
NUR 415.002	9	3	27	R 0100PM 0400PM NM 127 LEC	Manuel B	MAINTAIN SEQUENCE
NUR 416.002	9	3	27	M 0200PM 0300PM NM 127 LEC	Hensarling J	MAINTAIN SEQUENCE
NUR 423.002	8	3	24	R 0100PM 0400PM NM 129 LEC	McCarley C	MAINTAIN SEQUENCE
BIO 343.001	9	3	27	TR 0925AM 1015AM S 211 LEC	Gibson W	MAINTAIN SEQUENCE
PHY 242.001	6	3	18	MWF 0900AM 0950AM S 323 LEC	Bowen D	MAINTAIN SEQUENCE
PHY 242L020	6	1	6	W 0100PM 0350PM S 321 LAB	Trikosko W	MAINTAIN SEQUENCE
PHY 531.001	4	4	16	TR 0900AM 1040AM S 318 LEC	Trikosko W	MAINTAIN SEQUENCE
TOTAL HOURS GENERATED IN SHORT CLASSES			584	M = Monday		
**SHORT CLASSES AS A % OF TOTAL HOURS			0.40%	T = Tuesday		
** ESTIMATED TOTAL HOURS FALL 2002		**	141,479	W = Wednesday		
** ESTIMATE FROM OFFICE OF INSTITUTIONAL RESEARCH				R = Thursday		
				F = Friday		
				S = Saturday		
				U = Sunday		

DATE_____APPROVAL_____

BOARD OF REGENTS

OF

STEPHEN F. AUSTIN STATE UNIVERSITY
Nacogdoches, Texas

RESOLUTION AUTHORIZING
MASTER LEASE PURCHASE PROGRAM FINANCING
ORACLE DATABASE SOFTWARE

WHEREAS, The Texas Public Finance Authority (Authority) is authorized to issue revenue bonds or other obligations for the purpose of financing equipment acquisitions and/or for the purchase of an Oracle Database Software License (Project) for state agencies pursuant to Chapter 1232, Texas government Code, as amended (Authorizing Law); and

WHEREAS, Stephen F. Austin State University intends to request the Authority from time to time to issue bonds or other obligations to finance or refinance the Project in an aggregate amount not exceeding $1,310,000 during the 2002-03 biennium (Biennium); and

WHEREAS, Stephen F. Austin State University now desires to approve and authorize the financing or refinancing of the Project and to authorize Tito Guerrero, III, President of Stephen F. Austin State University (President) or his designee to submit requests for financing to the Authority from time to time to issue its bonds or other obligations to finance the Project and take such other actions related thereto.

THEREFORE BE IT RESOLVED by the Stephen F. Austin State University Board of Regents, that:

1. The Project has been duly authorized by law and is required or suitable for the public purposes mandated by law and the financing or refinancing thereof is appropriate.

2. The President or his designee is authorized and directed to submit requests from time to time to the Authority to issue bonds or other obligations, in an aggregate amount not exceeding $1,310,000 during the Biennium, for and on behalf of Stephen F. Austin State University for the purpose of financing or refinancing the Project in accordance with the Authorizing Law.

3. The President is hereby further authorized to approve, execute and deliver the Master Lease Agreement Requests for Financing, and such other instruments, including but not limited to the financing documents required by the Authority's rules, and to take such other actions as are necessary and appropriate in connection with the issuance, sale or delivery of the bonds or other obligations.

4. Due notice of this meeting and the subject matter of this Resolution was given as required by law; and that a quorum of the Board was present at the meeting at which this Resolution was considered.

Adopted and effective as of October 17, 2002.

Michael W. Enoch, Chair, Board of Regents

Penny H. Butler, Secretary, Board of Regents

Stephen F. Austin State University
Schedule of Budget Changes
July 10, 2002 to September 26, 2002

ACTIVITY RECIPIENT		INCOME SOURCE		
ACCOUNT NAME	ACCOUNT NUMBER	SOURCE DESCRIPTION	AMOUNT	DATE
All Girl Cheerleader	5-91400	Additional Revenue	2,054	July 16, 2002
ECH Supplies Fee	2-30530	Additional Revenue	1,790	July 17, 2002
Co-Ed Cheerleaders Discretionary	5-91399	Additional Revenue	1,245	July 16, 2002
Beef Farm Income	1-00603	Additional Revenue	2,344	July 18, 2002
Distance Learning Fee	2-51407	Additional Revenue	43,826	July 24, 2002
Elementary Educ Development	5-91333	Additional Revenue	4,435	August 6, 2002
Elementary Ed Trans Fee	2-02110	Additional Revenue	3,835	August 7, 2002
School of Educ Excellence	5-91860	Additional Revenue	13,237	August 14, 2002
Health Services	3-11000	Additional Revenue	2,363	August 16, 2002
PBIC Internship	2-02150	Additional Revenue	15,563	August 16, 2002
Human Services	2-02200	Additional Revenue	2,025	August 19, 2002
Poultry Farm	1-00604	Additional Revenue	1,856	August 27, 2002
Equine Studies	4-91002	Additional Revenue	4,125	August 27, 2002
Pineywoods NPC	5-91323	Additional Revenue	17,458	August 27, 2002
Jack Camp	2-51171	Additional Revenue	1,150	August 30, 2002
OSA Graphics	3-50690	Additional Revenue	6,120	August 30, 2002
Book Store Revenue	3-50632	Additional Revenue	40,000	September 12, 2002
Book Store Revenue	3-50632	Additional Revenue	40,000	September 12, 2002
FOA Deans Discretionary	5-96621	Additional Revenue	1,989	September 18, 2002
TOTAL			205,415	

Policies for Board Review
October 17, 2002

NEW	UA Patriot Act	New policy
C-10	Delegated Purchasing Authority	Physical Plant purchases limited to $2,000; minor grammatical changes
C-36	Special Purchases	Major re-write
C-40	Year End Purchasing	Minor grammatical change
C-42	Property Inventory Management	Updated list of controlled equipment; revised procedures to determine if negligence was involved in loss of property; update Source of Authority and Forms
C-44	Procurement Card	Transaction log is to be maintained in Excel and submitted to supervisor via e-mail; failure to do so will result in termination of card
E-29A	Leave of Absence Faculty	(LOA) not to exceed a 12 month period from the beginning of their leave without pay status. LOA without pay of 4-1/2 months or more must be approved by the Board
E-30 N	Leave of Absence Non-Academic	Employees off due to a worker's compensation injury will not be required to exhaust their accrued vacation and comp time, but their accrued sick leave must be exhausted before leave of absence may be granted. (LOA) not to exceed a 12 month period from the beginning of their leave without pay status. LOA without pay of 4-1/2 months or more must be approved by the Board
E-60	Selective Service Registration	Update departmental name
F-11	Express Mail	Purchasing reviews state and cooperative contracts for best value

USA Patriot Act

NEW

Original Implementation: October 17, 2002
Last Revision: None

On October 26, 2001, President Bush signed into law the USA Patriot Act, otherwise known as **Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001** (USA PATRIOT ACT). This Act makes it unlawful for certain individuals to work with specific biological agents, toxins and delivery systems.

SFASU has a small number of faculty, staff and graduate assistant positions that are affected by compliance with this Act. For those hired prior to the Act, affected by this compliance, the Hazardous Materials Officer will identify and document compliance.

In order to respond to the requirement with respect to future job vacancies, the Human Resources selection procedure has been modified to include a statement concerning the USA Patriot Act and instructions for compliance. When Human Resources receives a request to advertise a restricted position, additional screening questions will be required of applicants to determine if they meet minimum qualifications before they can be referred for the final hiring decision. The selected candidate will be required to complete a Statement of Eligibility to Handle Select Biological Agents or Toxins form. This form should satisfy and address the minimum qualifications and compliance for a final hiring decision or for a person already occupying a position prior to the Act s inception.

For additional details on the USA Patriot Act refer to the Human Resources website for the USA Patriot Act - Frequently Asked Questions.

Source of Authority: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

Cross Reference: Personnel Selection Procedures Packet for Faculty and Staff

Contact for Revision: Director of Human Resources

Forms: Statement of Eligibility to Handle Select Biological Agents or Toxins; Notice of Vacancy

Delegated Purchasing Authority C-10

Original Implementation: Unpublished
Last Revision: October *17, 200223, 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 items listed in Index D-20.5 Items Requiring Board of Regents Approval and the following specific delegations that exist under proper administrative approval.

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 *up to $2000* with pre-assigned requisition numbers for completion by the Purchasing Office with the same number.

5. Account Administrators are authorized to make local purchases of items costing $500 or less through the Local Purchase Authorization procedures. See Local Purchase Authorization, ~~Index~~*Policy* 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.

7. 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.

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~~*Policy* 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~~*Policy* 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.

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: Approval of Unauthorized Commitment of University Funds

Special Purchases C-36

Original Implementation: Unpublished
Last Revision: January 25, 2000

The following items require special consideration for proper processing:

1. **Advertising copy** (radio spots, newspaper ads, billboards, etc.) should be submitted to the Director of Public Affairs for approval prior to release. ~~(~~*See* Policy D-39 University Publications.~~)~~

2. ~~**Agency Account** *Types* **Purchases** should be made and submitted for payment on an SFA Purchase Voucher to Accounts Payable. Agency accounts are subject to state tax.~~*Purchasing generally views the distinction between types of accounts as follows:*

1xxxxx (except for the 17xxxx series) — State Appropriated Funds — Purchases must relate directly to the educational purpose of the University.

17xxxx — HEAF and Instructional Capital (IC) — These funds are allocated for the purchase of equipment only. Books and videos may also be purchased with HEAF and IC.

2xxxxx — Designated Funds — The use of these funds is designated by the University. Purchases must related to the educational purpose of the University or be of benefit to the University department.

3xxxxx — Auxiliary Funds — The use of these funds is related to a University business type enterprise.

4xxxxx — Restricted Grant Funds — These funds are limited to the purpose and restrictions of the grant.

5xxxxx — Gift Funds — These funds are restricted to certain departments or specific purposes, and include discretionary funds from which purchases are made at the discretion of the Account Manager.

09xxxx — Agency Funds — Purchases cannot be initiated on a requisition. See Policy C-01.2 Agency Accounts for detailed information about the use and disbursement of funds from these accounts.

3. **Consultant Contracts.** The rules are numerous and complicated. Review the Professional and Consultant Services Policy, C-45, carefully before making any commitment on behalf of the University.

4. **Purchases from Employees.** Any payments for SERVICES made to a current employee or an individual employed during the past 12 months is to be submitted on an additional compensation request form. Any purchase of GOODS from a current employee must be submitted through the requisition process and must comply with Policy C-27 Purchases from Employees.

5. **Entertainers.** See Professional Services.

6. **Food Purchases.** All purchases of food must be submitted on a Purchase Requisition and must be certified by the account manager in accordance with Policy C-13 Food Purchases.

7. **Guest Speakers, Lecturers, Instructors, Artists, Musicians.** See Professional Services

8. **Insurance.** Purchase of insurance is to be submitted on a Purchase Requisition. ~~As a general rule, payments for insurance may not be made from State funds. However, specific exceptions may be permitted and/or required.~~ Specific insurance requirements should be brought to the attention of the Safety and Risk Management Officer.

9. **Lease of Real Property.** The rental or lease of real estate requires approval of the Vice President for Business Affairs. State funded rentals or leases require approval of the Facilities, Construction, and Space Management Division of the General Services Commission. Such issues as access to the handicapped, fire safety, and the availability of other space on a competitive basis will be considered.

10. ~~**Institutional Memberships**~~ in professional organizations require approval by the appropriate vice president and/or the President. Memberships ~~with subscriptions should~~*are to* be submitted on a "Purchase Requisition". ~~Other memberships may be processed on a SFA Purchase Voucher.~~ (See Policy C-17 ~~Institutional~~ Memberships.)

11. **Moving Expenses** *may be made by direct pay to the vendor or reimbursement to the University employee.* ~~are taxable income and should be submitted through the Payroll Department.~~ (See Policy C-21 Moving Expenses.)

12. **Printing.** University Printing Services is to be utilized to the extent possible for printing and duplication. All official University publications require editorial approval prior to printing regardless of the source of printing services. (See Policy D-39 University Publications.) *All printing requires competitive bids, regardless of the dollar amount, if using state funds.*

13. **Professional Services**. Review the Professional and Consultant Services Policy C-45 carefully before making a commitment on behalf of the University.

*14*2. **Proprietary Purchases.** Purchase requisitions which are submitted for items to be purchased for a single brand and/or from a single vendor shall include a Sole Product/Sole Source Justification Form, which is available from the Purchasing Department. See Policy C-26 Proprietary Purchases.

*15. **Radioactive or Radiation Producing Materials or Equipment.** All "Purchase Requisitions" for radioactive or radiation producing materials or equipment must be identified by completing the on-line purchase requisition with Requisition Type 'DR'. See Policy D-27 Radioactive or Radiation Producing Material or Equipment.*

*16. **Used Equipment.** The purchase of used equipment requires additional paperwork be completed for the order file. See Policy C-29 Purchase of Used Equipment or Supplies.*

Source of Authority: Texas Government Code, Title 10, Subtitle D, Chapters 2151 through 2176, 2254 and General Appropriations Act; Board of Regents; Vice President for Business Affairs; President

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: Purchase Requisition (See Policy C-30 Purchase Requisition); State of Texas Purchase Voucher (available in University Printing Services); Sole Product/Sole Source Form (available from Purchasing)

Year-End Purchasing C-40

Original Implementation: April 5, 1984
Last Revision: *October 17, 2002*~~January 25, 2000~~

The State fiscal year is September 1 through August 31 and the following rules and regulations apply to end-of-year (EOY) transaction processing.

Consumable/expendable supply items are to be charged to the fiscal year in which they are delivered. The cost of consumable supplies ordered in one fiscal year and delivered in the next fiscal year may be charged to the prior year only if the following conditions exist:

1. delay causing delivery in the later fiscal period was beyond control of the agency;

2. delivery could have reasonably been expected to occur during the fiscal year in which the order was placed; and

3. the quantity ordered could have been consumed during the fiscal year in which it was ordered.

Services are to be charged to the fiscal year in which they are delivered.

Capital equipment expenditures are to be charged to the fiscal year in which they are ordered, except that capital outlay expenditures may be charged to the year of delivery in cases where the order was placed earlier to compensate for unusually long delivery lead times.

Advance payment of subscriptions are chargeable to the fiscal year in which the subscription begins. Retroactive payments made after the close of a fiscal year may be prorated between the two fiscal years.

Each spring, the Purchasing Department notifies University departments of annual deadlines to allow compliance with state deadlines and to allow adequate order processing time for current year orders. Once a deadline has passed, orders received after that date will be processed against the new fiscal year unless one of the above EOY rules applies.

Requisitions received prior to a deadline date will be processed on current fiscal year funds unless properly identified as a next fiscal year requisition following these instructions:

a. On-line requisitions should follow the instructions provided through the purchasing list-serv.

b. Departments submitting hard copy requisitions should make a notation such as 'FY~~xx01~~ FUNDS' on the face of the requisition.

Source of Authority: 34 TAC, Part 1, Chapter 5, Subchapter E, Rule 5.56; President; Vice President for Business Affairs

Cross Reference: None

Contact For Revision: Director of Purchasing and Inventory

Forms: None

Property Inventory and Management C-42

Original Implementation: September 28, 1996
Last Revision: October *17, 2002*~~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 $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 *DVD player,* camcorders~~/laserdisk player~~, *any combination of these units*

~~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

scanners

digital cameras

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 two (2) years and will be clearly marked as Missing . The department head must continue to search for the missing property during the 2-year time period. At the end of two (2) years the property will be removed from centralized inventory records upon approval from the State Comptroller s Office. 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 F*Y*~~y~~02-03 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 Property Manager IMMEDIATELY and University Police within 48 hours of 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 the Property Manager must report the theft to the State Comptroller IMMEDIATELY. 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 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 t~~The Property Manager *will investigate, including requiring completion of a follow-up questionnaire, the circumstances surrounding all property reported missing and* ~~shall~~ make a further determination of negligence. If the Property Manager determines that negligence is involved, the *Department Head, Attorney General s Office,* Director of Purchasing, *SFA Audit Services*~~Internal Auditor~~ and Vice President for Business Affairs will be notified immediately. ~~If employee negligence is~~

~~involved in either Missing or Stolen property, the Attorney General must be notified within 5 working days.~~ *The Attorney General s Office will investigate and make a final determination of negligence. If the final determination is negligence, the Attorney General s Office will make a written demand for reimbursement from the person(s) responsible for the loss.*

Source of Authority: Texas Government Code Ann. Sec. 403.271(a) through 403.278; *2203.004;* 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 *on the ITS Forms Server*~~from the Property Office~~), Annual Inventory Audit Receipt (provided with Annual Inventory Packet), Removal of Equipment from Campus (available *on the ITS Forms Server*~~from the Property Office~~), Missing or Stolen Property Report (available *on the ITS Forms Server*~~from the Property Office~~), Police Report (available from University Police Department)

Procurement Card C-44

Original Implementation: July 26, 1999
Last Revision: *October 17, 2002*~~April 18, 2000~~

Orders for supplies and small items in amounts not exceeding $2000 may be purchased using a University Procurement Card (ProCard). The terms and conditions of the MasterCard Procurement Card contract were specified and awarded by the General Services Commission for the State of Texas. In addition to internal policies and procedures, Stephen F. Austin will comply with the terms and conditions of the state contract in the implementation of this program.

Responsibilities

ProCards will be issued in the name of the employee with the State of Texas emblem and the wording 'Official Use Only' clearly indicated on the card. The ProCard is to be used for official University business purposes only and may not be used for ANY personal transactions. The employee is responsible and accountable for the security and documentation associated with the use of the SFA Procurement Card. Documentation shall include maintaining a Transaction Log with copies of all receipts and documentation of all purchases made with the ProCard. In addition, all returns, credits and disputed charges must be listed and documented with the Transaction Log.

The Account Manager or his/her designee is responsible for: 1) designating departmental cardholders; 2) determining spending limits; 3) establishing yearly encumbrance amounts for each account against which credit card charges will be made; and 4) approving monthly reconciliations of ProCard cardholder statements and transaction logs to ensure purchases are within SFA's policies and procedures and departmental budgets. Each card(s) issued to an employee will indicate the FRS account number to which payments will be charged and will designate whether the account is 'State' or 'Local'. Charges will be made to the account associated with each card. Changing accounts after the expenditure is posted will not be allowed. Account Managers should be sure that all employees issued a card understand the departmental budget constraints under which they are to use the card.

The Purchasing Department is responsible for maintaining complete and accurate information regarding ProCard users and associated credit limits, for establishing and updating restricted Merchant Category Codes, and for determining compliance with University policies and procedures through periodic audits and purchase order updates.

Card Use By Another Employee

The only person authorized to use the ProCard is the cardholder whose name appears on the card. The cardholder may not allow someone else to use their card unless the cardholder and account manager have completed a ProCard Use form and it is on file with the Program Coordinator in the Purchasing Office.

Training and Issuing Cards

All account managers will be required to attend training and sign the Cardholder Application/Approval Form before any cards will be issued to employees within the department. All employees will be required to attend training and sign a Cardholder Agreement before being issued a card.

Making A Purchase with the ProCard

Refer to the Procurement Card Program Guide for detailed information related to making a purchase with the ProCard.

Transaction Log, Monthly Statement, Reconciliation and Approval

The Transaction Log is required and provides an audit trail for expenditures made with the ProCard. Each individual purchase must be recorded in the log. See the Procurement Card Program Guide for detailed instructions on completing the Transaction Log. *The Transaction Log must be maintained electronically in MS Excel. If the cardholder does not have access to Excel, contact the Program Coordinator to discuss alternatives.*

Upon receipt of the monthly statement from the credit card vendor, the cardholder shall reconcile the statement with their Procurement Card Transaction Log and forward the reconciled statement and *a printed* transaction log to the Account Manager or his/her designee by the 18th day of the month or as stipulated by the department head. *At the same time the printed, reconciled log is forwarded to the Account Manager, the Excel file MUST BE EMAILED to the Accounts Payable Supervisor. The submission of the electronic log is necessary due to state requirements for utilization of appropriations and financial reporting.*

The Account Manager or his/her designee must enter receiving information into the FRS system for the assigned PO # by the 18th day of the month. The receiving entry should be an amount equal to the statement. The Account Manager is responsible to verify that all purchases recorded on the transaction logs are appropriate expenditures. While the account associated with the card is still responsible for all monthly charges, the Account Manager should take necessary disciplinary action with employees making inappropriate expenditures.

The transaction logs, along with the supporting documentation must be kept for three (3) years plus the current fiscal year to comply with the University's Records Retention Schedule. These are the official University records. The records for procurement card purchases will be required for periodic audits by the Purchasing Office or when SFASU is audited by the General Services Commission, the State Auditor or Internal Audit Services.

Card Termination

Be sure arrangements are made when people will be out of the office; i.e. vacation, sick leave, jury duty, etc.

1.NON-USE - If it is found that a cardholder has not used the procurement card for four consecutive months, this card may be terminated at the discretion of the Program Coordinator. Any cards so deactivated may be reactivated within 8 months upon submission of an Application/Approval Form and a Cardholder Agreement form. Beyond 8 months, the individual will be required to attend training again before the card will be reactivated.

2.TERMINATION OF UNIVERSITY EMPLOYMENT - When a cardholder terminates employment with the University, the department has specific obligation to reclaim the ProCard and return it to the Program Coordinator prior to the employee termination date. Failure to do so may result in the department being responsible for payment of any fraudulent charges and revocation of all department card privileges. Verification of card return will be part of an employee's exit interview with Personnel. Fraudulent charges will be reported to the University Police Department and the terminated employee will be expected to reimburse the University.

3.TRANSFER TO A DIFFERENT UNIVERSITY DEPARTMENT - When a cardholder changes employment from one University department to another, the department has specific obligation to reclaim the ProCard and return it to the Program Coordinator prior to the effective date of change. Failure to do so may result in revocation of all department card privileges.

4.ACCOUNT MANAGER'S MONTHLY RECEIVING ENTRY - If the account manager or his/her designee fails to make the appropriate FRS receiving entry by the 18th of the month, he/she will be given a reminder; upon the second failure, he/she will be given a warning. The third failure to make the monthly receiving entry will result in all credit cards for which receiving is not posted being deactivated at the Program Coordinator's discretion. The cards will be reactivated after a 4-month waiting period.

5.INSUFFICIENT BUDGET - Payments will not be delayed due to insufficient department budgets. In making adjustments to the purchase order amounts during the year, if an over-ride has to be made (in order to make payment) resulting in an account having a negative balance which is not approved by the Budget Office, all cards utilizing the account in question will be deactivated immediately. The cards will be reactivated after budget problems are resolved. Repeated budget problems may result in all cards for the account in question being deactivated at the Program Coordinator's discretion for a 4-month waiting period.

6.FAILURE TO PASS TRANSACTION LOG AUDIT - The Program Coordinator will audit transaction logs on a periodic basis. Cards will be deactivated immediately for any cardholder who fails to produce the transaction log. The cardholder will be subject to a minimum 4-month waiting period and will be required to attend training again at a cost to

the department of $25 before the card will be reactivated. Repeated failures to produce the transaction log may result in the card being permanently terminated at the Program Coordinator's discretion. If the transaction log is incomplete according to the Program Guide, the Program Coordinator will provide one on one instruction to the cardholder. Repeated errors on the transaction log will result in the card being deactivated at the Program Coordinator's discretion. The cardholder will be required to attend training again at a cost to the department of $25 before the card will be reactivated.

7.FAILURE TO MAINTAIN THE ELECTRONIC LOG AND SUBMIT TO ACCOUNTS PAYABLE MONTHLY —Failure to email the log to the Accounts Payable Supervisor will result in the card being deactivated at the Program Coordinator s discretion. The cardholder will be required to attend training again at a cost to the department of $25 before the card will be reactivated. Repeated failures to submit the electronic log to Accounts Payable may result in the card being permanently deactivated at the Program Coordinator s discretion.

~~7~~*8*.CARD USE BY ANOTHER EMPLOYEE - Allowing someone else to use your card without having completed a ProCard Use form will result in your card being deactivated. The cardholder will be required to attend training again at a cost to the department of $25 before the card will be reactivated.

~~8~~*9*.VIOLATION OF PURCHASING PROCEDURES - If the cardholder violates any ProCard Purchasing Procedures outlined in this Program Guide, the Program Coordinator may provide one on one instruction or the card will be deactivated immediately at the Program Coordinator's discretion. If the card is deactivated, the cardholder will be subject to a minimum 4-month waiting period and will be required to attend training again at a cost to the department of $25 before the card will be reactivated. Repeated violations may result in the card being permanently terminated at the Program Coordinator's discretion. If the violation appears fraudulent or abusive, the cardholder may be subject to personal liability and/or disciplinary action, which may include termination of employment or possible criminal penalties.

~~9~~*10*.FAILURE TO PROMPTLY REPORT A LOST OR STOLEN CARD - If a cardholder fails to make a report of a lost or stolen card immediately upon discovery, the cardholder may be required to reimburse the University for any fraudulent charges made on the card until it has been cancelled, including a $50 deductible for fraudulent charges up to $15,000. The University's FRS account will pay the charges and the employee will be required to reimburse the University. The cardholder will be subject to a minimum 4-month waiting period and will be required to attend training again at a cost to the department of $25 before a new card will be issued. Upon the loss of a second card, no additional cards will be issued to the cardholder.

~~10~~*11*.ACCOUNT MANAGER AUTHORITY - The Account Manager or supervising Dean, Vice President, or President has the authority to request that the Program Administrator terminate an employee's card at any time for any reason. Any cards so deactivated may be re-issued with appropriate approvals within 12 months upon

submission of an Application/Approval Form and a Cardholder Agreement form. Beyond 12 months, the employee will be required to attend training again before a card will be re-issued.

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: Cardholder Application/Approval Form, Cardholder Procurement Card Agreement, Transaction Log, ProCard Use Form, Tax Exempt Letter, Statement of Disputed Item Form (all available from the Purchasing Department)

Leave of Absence (Faculty) E-29A

Original Implementation: September 1, 1981

Last Revision: ~~October 23, 2001~~*October 17, 2002*

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 as 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 *without pay status*. Except as provided for in the following leave provisions, any extended leaves of absence without pay for a period of four and one-half (4-1/2) 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)

Leave of Absence (Non-Academic) E-30N

Original Implementation: September 1, 1981

Last Revision: ~~January 15, 2002~~*October 17, 2002*

The President may grant a leave of absence without pay to non-academic employees after receiving input from the supervising department regarding departmental needs and subject to the following provisions:

1. All accumulated paid leave entitlements must be exhausted before granting such leaves, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave. *Employees off due to a worker s compensation injury will not be required to exhaust their accrued vacation and comp time, but their accrued sick leave must be exhausted before leave of absence may be granted.*

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 Human Resources 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~~ *sick* 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 *without pay status*. 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 ~~,~~ *1/2)* months or more for professional (exempt, non-academic) employees must be approved by the Board of Regents upon the recommendation of the President.

The President designates the department head to permit an employee to a leave of absence **without pay** for 1-3 days for appropriate reasons. The department head can approve a leave of absence without pay only one (1) time per fiscal year. An individual who chronically exhausts all paid leave and has utilized one department-approved leave

of absence without pay will be required to request a leave of absence without pay in advance from the President for future leave needs unless entitled to other benefits under University policy or law. All leaves for a semester or less, except as stated above, must be approved by the President. The Board of Regents must approve leaves of more than a semester.

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.

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.

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sick leave. This leave of absence may also be granted to volunteer firefighters for the purpose of responding to emergency fire situations.

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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)

Selective Service Registration E-60

Original Implementation: October 26, 1999
Last Revision: October ~~23, 2001~~*17, 2002*

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

Express Mail Services F-11

Original Implementation: Unpublished
Last Revision: *October 17, 2002*~~August 1, 2000~~

Coordination of express mail service is offered by the Purchasing and Inventory Department as a support function for the University. A purchase order is established in each year for the processing of payments to Airborne, Federal Express and UPS. If your department will have regular overnight shipments throughout the year, then a requisition may be submitted to the Assistant Director of Purchasing & Inventory at the beginning of the year to establish an encumbrance.

Purchasing reviews state contracts and cooperative contracts to determine the best value for express mail services from year to year. ~~The State has established a contract that represents the best value to the University. The State Contract is noted below.~~ *The most current express mail contracts are shown below.* The Purchasing Department should be contacted to set up the account and insure that state contract discounted rates are secured.

AIRBORNE. *E&I Cooperative Contract*~~Current State Contract~~. Complete the airbill with required information, including departmental account number. Call the 800 number on the airbill to schedule the pick-up. Upon receipt of an invoice from Airborne (by the department), review for accuracy and submit to Accounts Payable with the account number to charge and an approved signature.

FEDERAL EXPRESS. Complete the airbill with required information, including departmental account number. Call the 800 number on the airbill to schedule the pick-up. Upon receipt of an invoice from Federal Express (by the department), review for accuracy and submit to Accounts Payable with the account number to charge and an approved signature.

UPS. Contact the Central Receiving Office for instructions regarding UPS shipments.

USPO EXPRESS MAIL SERVICE. Deliver package or letter to the Nacogdoches Post Office after the required postage has been metered at the Stephen F. Austin State University Post Office.

Source of Authority: Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: None

Stephen F. Austin State University

457(f) Deferred Compensation Plan

TABLE OF CONTENTS

Page

SECTION ONE DEFINITIONS AND CONSTRUCTION 1
- 1.1 "Account(s)" 1
- 1.2 "Beneficiary" 1
- 1.3 "Board" 1
- 1.4 "Cause" 1
- 1.5 "Disability" 1
- 1.6 "Earnings" 1
- 1.7 "Effective Date" 1
- 1.8 "Election Form" 1
- 1.9 "Eligible Individual" 2
- 1.10 "Employee" 2
- 1.11 "Employer" 2
- 1.12 "Involuntary Termination" 2
- 1.13 "Lump Sum" 2
- 1.14 "Participant" 2
- 1.15 "Plan" 2
- 1.16 "Plan Administrator" 2

SECTION TWO ADMINISTRATION OF THE PLAN 2
- 2.1 Appointment of Plan Administrator 2
- 2.2 Employer Duties 2
- 2.3 Powers of Plan Administrator 2
- 2.4 Interpretations 3
- 2.5 Determinations 3
- 2.6 Indemnification 3
- 2.7 Bond and Expenses 3
- 2.8 Reliance on Tables 3

SECTION THREE PARTICIPATION 3
- 3.1 Eligibility 3

SECTION FOUR CONTRIBUTIONS 3
- 4.1 Contributions 3

SECTION FIVE PARTICIPANT'S ACCOUNTS 4
- 5.1 Credits of Contributions to Accounts 4
- 5.2 Earnings Credits to Accounts 4
- 5.3 Distribution of Account 4
- 5.4 Annual Statements 4

SECTION SIX DISTRIBUTION AND FORFEITURE OF ACCOUNT BALANCE 4
6.1 Distribution Events 4
6.2 Forfeiture Events 5
6.3 Form and Timing of Distribution 5
6.4 Source of Distribution 5

SECTION SEVEN DESIGNATION OF BENEFICIARIES 5
7.1 Designation by Participant 6
7.2 Lack of Designation 6

SECTION EIGHT AMENDMENT AND TERMINATION 6
8.1 Amendment and Termination 6

SECTION NINE GENERAL PROVISIONS 6
9.1 No Assignment 6
9.2 Incapacity 6
9.3 Information Required 7
9.4 Communications by Participant or Beneficiary 7
9.5 Communications by Plan Administrator or Employer 7
9.6 No Employment Rights 7
9.7 Withholding of Taxes 7
9.8 Administrative Fees 7
9.9 Waivers 7
9.10 Benefit 7
9.11 Severability 8
9.12 Captions and Gender 8
9.13 Choice of Law 8
9.14 Effective Date and Termination Date 8

Stephen F. Austin State University
457(f) DEFERRED COMPENSATION PLAN

Stephen F. Austin State University hereby establishes The Stephen F. Austin State University 457(f) Deferred Compensation Plan to provide benefits to Eligible Individuals.

This Plan is intended to provide unfunded, deferred compensation benefits pursuant to Section 457(f) of the Internal Revenue Code of 1986, *as amended*, to a select group of management or highly compensated employees within the meaning of Section 201(2) of the Employee Retirement Income Security Act of 1974.

SECTION ONE DEFINITIONS AND CONSTRUCTION

1.1 **"Account(s)"** shall mean the account maintained in the Plan Administrator's books and records for the Participant as described in **Section 5.1**.

1.2 **"Beneficiary"** shall mean the person(s), entity, or entities designated by the Participant pursuant to **Section 7.1** as being entitled to receive his or her Accounts under the Plan which are payable upon or after the Participant's death.

1.3 **"Board"** shall mean The Stephen F. Austin State University Board of Regents.

1.4 **"Cause"** shall mean the definition utilized in the Board Policy that is in effect at the time the relevant determination is being made.

1.4(a) **"Date of Participation"** shall mean the first day of the deferral period.

1.5 **"Disability"** shall mean the inability, after reasonable accommodation, to perform all of the usual and regular duties of the employee's position with the Employer by reason of any physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months. The Plan Administrator shall determine the existence of a Disability. In making its determination, the Plan Administrator may seek the professional opinion of a qualified physician or may rely on other sources of information deemed appropriate. The disabled Participant shall cooperate with the Plan Administrator in any reasonable requests for verification of such Disability.

1.6 **"Earnings"** shall mean the amounts credited to Participant's Account as provided in **Section 5.2**.

1.7 **"Effective Date"** shall mean July 1, 2002.

1.8 **"Election Form"** shall mean a written form executed by the Participant and returned to the Plan Administrator within thirty (30) days following the date each contribution pursuant to **Section 4.1** of the Plan is made. Each Election Form must designate the third

calendar anniversary of the date each contribution pursuant to **Section 4.1** of the Plan was made as the distribution date for purposes of **Section 5.3** of the Plan. The Election Form will be provided by the Plan Administrator and substitute forms are not permitted.

1.9 **"Eligible Individual"** shall mean an Employee of the Employer who is designated by the Board as eligible to participate in the Plan.

1.10 **"Employee"** shall mean a person who is an employee of the Employer.

1.11 **"Employer"** shall mean Stephen F. Austin State University.

1.12 **"Involuntary Termination"** shall mean the termination of the Participant's employment that is initiated by the Employer other than a termination for Cause.

1.13 **"Lump Sum"** shall mean a single distribution, in cash, of Participant's vested Account balance.

1.14 **"Participant"** shall mean an Eligible Individual who participates in the Plan pursuant to **Section 3.1**.

1.15 **"Plan"** shall mean the Stephen F. Austin State University 457(f) Deferred Compensation Plan.

1.16 **"Plan Administrator"** shall mean those persons designated to administer the Plan pursuant to **Section 2.1**.

SECTION TWO ADMINISTRATION OF THE PLAN

2.1 **Appointment of Plan Administrator**. The Vice President for Business Affairs of Stephen F. Austin State University ("Vice President for Business Affairs") shall be the Plan Administrator. Any action (including but not limited to decisions, determinations, and interpretations) that may be taken by the Plan Administrator under this Plan may be delegated by the Vice President for Business Affairs to another individual to be performed on behalf of, and as a delegate of, the Plan Administrator. If the title for this position changes, the title used herein shall be read as the new title.

2.2 **Employer Duties**. The Employer shall, upon request or as may be specifically required under the Plan, furnish or cause to be furnished all of the information or documentation in its possession or control which is necessary or required by the Plan Administrator to perform its duties and functions under the Plan.

2.3 **Powers of Plan Administrator**. The Plan Administrator shall have all powers and discretion as may be necessary to discharge its duties and responsibilities under this Plan, including, but not limited to, the power (i) to interpret or construe the Plan and (ii) to make rules and regulations for the administration of the Plan. The Plan Administrator may engage agents to

assist it and may engage legal counsel, who may be counsel for the Employer. The Plan Administrator shall not be responsible for any action taken or not taken on the advice of such counsel.

2.4 **Interpretations**. Subject to the expressed provisions of the Plan, the Plan Administrator may interpret the Plan, prescribe, amend, and rescind rules and regulations relating to it, and make all other determinations it deems necessary or advisable for the administration of the Plan.

2.5 **Determinations**. The Plan Administrator's determinations under the Plan need not be uniform and may be made by it selectively among Employees who have an Account or are eligible to participate in the Plan, whether or not such Employees are similarly situated. The determination of the Plan Administrator on all matters regarding the Plan shall be conclusive.

2.6 **Indemnification**. To the extent permitted by the laws of the State of Texas, the Plan Administrator and the individual(s) who may act to fulfill the responsibilities of the Plan Administrator or Employer shall be indemnified by the Employer against any and all liabilities arising by reason of any act, or failure to act, pursuant to the provisions of the Plan, including expenses reasonably incurred in the defense of any claim relating to the Plan, even if the same is judicially determined to be due to such individual's negligence, but not when the same is judicially determined to be due to the gross negligence or willful misconduct of such individual.

2.7 **Bond and Expenses**. The Plan Administrator shall serve without bond unless state or federal statutes require otherwise, in which event the Employer shall pay the premium of any statutorily required bond. The expenses of the Plan Administrator shall be paid by the Employer. Such expenses shall include all expenses incident to the functioning of the Plan Administrator, including litigation costs, fees of accountants, counsel, and other specialists, and other costs of administering the Plan.

2.8 **Reliance on Tables**. In administering the Plan, the Plan Administrator and the Employer shall be entitled to the extent permitted by law to rely conclusively on all tables, valuations, certificates, opinions, and reports which are furnished by accountants, legal counsel, or other experts employed or engaged by the Plan Administrator or Employer.

SECTION THREE PARTICIPATION

3.1 **Eligibility**. Only persons who are delegated as Eligible Individuals by the Board shall be eligible to participate in the Plan.

SECTION FOUR CONTRIBUTIONS

4.1 **Contributions**. The Employer shall contribute to this Plan and allocate to each Participant's Account, such amounts as to the Employer determines in its sole discretion.

SECTION FIVE PARTICIPANT'S ACCOUNTS

5.1 **Credits of Contributions to Accounts**. A separate Account shall be established for each Participant. The Plan Administrator shall credit to such Account the contributions described in **Section Four.**

5.2 **Earnings Credits to Accounts**. The Earnings on a Participant's Account shall be credited to the account upon notice provided to the Plan Administrator by the account holder.

5.3 **Distribution of Account**. Participants shall receive the balance of their Accounts on the business day immediately preceding the third calendar anniversary of the date such Contribution was made, or on the business day immediately preceding the third anniversary of the Date of Participation indicated on an Election Form.

A Participant may request a change in the date on which a distribution is to be made to the Participant by designating another date for such distribution, *provided* that: (a) such election is made on a form prescribed by the Plan Administrator; (b) such form is filed by the Participant with the Plan Administrator prior to the calendar year in which the distribution to the Participant was to be made pursuant to the previous election form (and prior to the commencement of any distributions under this Plan); (c) the new date for the distribution will be the business day immediately preceding the third calendar anniversary of the date the form is received by the Plan Administrator, and (d) the Plan Administrator, in its sole discretion, consents to the change.

5.4 **Annual Statements**. As soon as administratively practicable following the calendar anniversary of the date such contribution was made, the Plan Administrator shall furnish Participant with an annual statement of his Account balances reflecting the Earnings credited to his Account in the immediately preceding twelve month period.

SECTION SIX DISTRIBUTION AND FORFEITURE OF ACCOUNT BALANCE

6.1 **Distribution Events**. A Participant shall not be entitled to receive any portion of the amount credited to such Participant's Account prior to the occurrence of any one or more of the following events:

6.1.1 **Death**. The death of the Participant;

6.1.2 **Disability**. The date the Participant's employment is terminated on account of the Participant's Disability;

6.1.3 **Future Date**. The date specified in **Section 5.3** as the date on which the balance in the Participant's Account is to be distributed to the Participant or his Beneficiary; and

6.1.4 **Involuntary Termination**. The date that the Participant's employment is terminated on account of an Involuntary Termination.

Notwithstanding the above, the Plan Administrator may condition the Participant's receipt of amounts credited to the Participant's Account on the occurrence of a condition related to a purpose for the transfer under the Plan that is specified by the Plan Administrator in addition to or instead of upon the future performance of substantial services by the Participant. In such cases, the Participant shall not be entitled to receive any portion of the amount credited to such Participant's Account prior to the occurrence of such condition.

6.2 **Forfeiture Events**. A Participant shall not be entitled to receive any portion of the amount credited to such Participant's Account, and all such amounts credited to such Participant's Account shall be permanently forfeited by the Participant, upon the occurrence of any one or more of the following events:

6.2.1 **Voluntary Termination**. The Participant's voluntary termination of employment.

6.2.2 **Termination for Cause**. The Participant's termination of employment for Cause.

Notwithstanding the above, the Plan Administrator may condition the Participant's receipt of amounts credited to the Participant's Account on the occurrence of a condition related to a purpose of the transfer under the Plan that is specified by the Plan Administrator in addition to or instead of upon the future performance of substantial services by the Participant. In such cases, the Participant shall not be entitled to receive any portion of the amount credited to such Participant's Account, and all such amounts credited to such Participant's Account shall be permanently forfeited by the Participant, in the event that such condition fails to occur as specified by the Plan Administrator.

6.3 **Form and Timing of Distribution**. All distributions of a Participant's Account balance shall be payable in a Lump Sum and shall commence thirty (30) days after the date specified in **Section 5.3**. No distributions or withdrawals of any type will be permitted under the Plan prior to the date specified in **Section 5.3**.

6.4 **Source of Distribution**. All payments of the Account balances shall be paid from the unsegregated assets of the Employer, or as provided in any Trust that may be established by the Employer. Nothing contained in the Plan nor any action taken pursuant to the provisions of the Plan shall create or be construed to create a fiduciary relationship between the Employer, Participant, Beneficiary, Employee, or other person. To the extent that any person acquires a right to receive payments under the Plan, such right shall be no greater than the right of an unsecured general creditor of the Employer.

SECTION SEVEN DESIGNATION OF BENEFICIARIES

7.1 **Designation by Participant**. Participant's written designation of one or more persons or entities as his Beneficiary shall operate to designate the Participant's Beneficiary under this Plan. The Participant shall file with the Plan Administrator a copy of his Beneficiary designation under the Plan. The last such designation received by the Plan Administrator shall be controlling, and no designation, or change or revocation of a designation shall be effective unless received by the Plan Administrator prior to the Participant's death, and in no event shall it be effective as of a date prior to such receipt.

7.2 **Lack of Designation**. If no Beneficiary designation is in effect at the time of Participant's death, if no designated Beneficiary survives the Participant, or if the otherwise applicable Beneficiary designation conflicts with applicable law, the Participant's estate shall be the Beneficiary. The Plan Administrator may retain any unpaid Account balance(s) without liability for any interest, until all rights to the unpaid Account balance(s) are determined. Alternatively, the Plan Administrator may pay such Account balance(s) into any court of appropriate jurisdiction. Any such payment shall completely discharge the Employer and Plan Administrator of any liability under the Plan.

SECTION EIGHT AMENDMENT AND TERMINATION

8.1 **Amendment and Termination**. The Plan, without cause and without prior notice, may be amended, suspended, or terminated, in whole or in part, by the Board, but no such action shall reduce a Participant's accrued benefit. Notwithstanding any Participant election, in the event of plan termination, the Employer may, in its sole discretion, direct the Plan Administrator to distribute all amounts due in a Lump Sum within thirty (30) days after the date the Plan is terminated.

SECTION NINE GENERAL PROVISIONS

9.1 **No Assignment**. The right of any Participant or other person to the payment of the Participant's Account balances under the Plan shall not be assigned, transferred, pledged, or encumbered, either voluntarily or by operation of law, except as provided in **Section Seven** with respect to designations of Beneficiaries. If any person shall attempt to assign, transfer, pledge, or encumber any amount payable under the Plan, or if by reason of his bankruptcy or other event happening at any time any such payment would be made subject to his debts or liabilities or would otherwise devolve upon anyone else and not be enjoyed by him or his Beneficiary, the Plan Administrator may, in its sole discretion, terminate such person's interest in any such payment and direct that the same be held and applied to or for the benefit of such person, his spouse, children or other dependents, or any other persons deemed to be the natural objects of his bounty, or any of them, in such manner as the Plan Administrator may deem proper.

9.2 **Incapacity**. If the Plan Administrator shall find that any person to whom any payment is payable under the Plan is unable to care for his affairs because of illness or accident or is a minor, any payment due shall be paid to the duly appointed guardian, committee, or other

legal representative for such person. Any such payment shall be a complete discharge of the liabilities of the Employer and Plan Administrator under the Plan as to the amount paid.

9.3 **Information Required**. Participant shall file with the Plan Administrator such pertinent information concerning himself and his Beneficiary as the Plan Administrator may specify, and no Participant or Beneficiary or other person shall have any rights or be entitled to any benefits under the Plan, unless such information has been filed by, or with respect to, him.

9.4 **Communications by Participant or Beneficiary**. All elections, designations, requests, notices, instructions, and other communications from a Participant, Beneficiary, or other person to the Plan Administrator or Employer required or permitted under the Plan shall be in such form as is prescribed from time to time by the Plan Administrator or Employer, shall be mailed by first-class mail or delivered to such location as shall be specified by the Plan Administrator or Employer and shall be deemed to have been given and delivered only on actual receipt by the Plan Administrator or Employer at such location.

9.5 **Communications by Plan Administrator or Employer**. All notices, statements, reports, and other communications from the Plan Administrator or Employer to any employee, Participant, Beneficiary, or other person required or permitted under the Plan shall be deemed to have been duly given when delivered to, or when mailed first-class mail, postage prepaid and addressed to, such employee, Participant, Beneficiary, or other person at his address last appearing on the records of the Employer.

9.6 **No Employment Rights**. Neither the Plan nor any action taken under the Plan shall be construed as giving to any employee the right to be retained in the employ of the Employer or as affecting the right of the Employer to dismiss any employee at any time, with or without cause.

9.7 **Withholding of Taxes**. The Employer shall deduct from the Participant's Compensation, the amount of any payment made pursuant to this Plan, or both, any amounts required to be paid or withheld by the federal government or any state or local government. By his participation in the Plan, the Participant agrees to all such deductions.

9.8 **Administrative Fees**. Fees and costs incurred for the administration of this Plan shall be paid from Participant Accounts and shall be debited to the Accounts of all Participants in the ratio that (i) the value of the Account of each Participant bears to (ii) the value of the Accounts of all Participants in this Plan.

9.9 **Waivers**. Any waiver of any right granted pursuant to this Plan shall not be valid unless the same is in writing and signed by the party waiving such right. Any such waiver shall not be deemed to be a waiver of any other rights.

9.10 **Benefit**. This Plan and the rights and obligations under this Plan shall be binding upon and inure to the benefit of only the Participant, his Beneficiaries, and his respective legal representatives.

9.11 **Severability**. In case any one or more of the provisions contained in this Plan shall be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions in this Plan shall not in any way be affected or impaired.

9.12 **Captions and Gender**. The captions preceding the Sections and Subsections of this Plan have been inserted solely as a matter of convenience and in no way define or limit the scope or intent of any provisions of this Plan. Where the context admits or requires, words used in the masculine gender shall be construed to include the feminine and the neuter also, the plural shall include the singular, and the singular shall include the plural.

9.13 **Choice of Law**. The Plan and all rights under this Plan shall be governed by and construed in accordance with the laws of the State of Texas, except to the extent preempted by applicable federal law.

9.14 **Effective Date and Termination Date**. The Plan is effective on the Effective Date and shall terminate on the date all Participants have received payment of all benefits payable hereunder, or such earlier date as the Plan is terminated pursuant to **Section Eight**.

IN WITNESS WHEREOF, the Employer has executed this Plan on this the _____ day of _____, 20____.

Stephen F. Austin State University

By:_____

Title:_____

Draft Date
12/13/00

Stephen F. Austin State University
457(f) DEFERRED COMPENSATION PLAN

ELECTION FORM

Stephen F. Austin State University hereby establishes the 457(f) Deferred Compensation Plan pursuant to Section 457(f) of the Internal Revenue Code of 1986, as amended, subject to the terms and conditions set forth below. All defined terms shall have the meaning set forth in the plan, except as specified below. A separate Election Form must be completed for each deferral amount authorized by the Board of Regents.

Name of Participant:_____

Title: _____

Date of Participation:_____

Deferral Amount:_____

Date of Distribution: _____

Additional Conditions of Performance:

_____

_____

The Participant acknowledges that he/she has received a copy of the 457(f) Deferred Compensation Plan document and that the terms and conditions as set forth in the plan document will govern this plan. In addition, the undersigned has consulted with tax and legal advisors and is not relying on the advice or representations of the employer or the plan administrator on any legal or tax matter related to this plan.

PARTICIPANT

_____
Sign and Date

Stephen F. Austin State University

By:_____
Title:_____

Stephen F. Austin State University 457(f) Deferred Compensation Plan

DESIGNATION OF BENEFICIARY AND SPOUSAL CONSENT
(PLEASE READ THE INSTRUCTIONS FOR THIS FORM BEFORE YOU DESIGNATE YOUR BENEFICIARY OR BENEFICIARIES)

PLEASE TYPE OR PRINT IN ALL SPACES EXCEPT SIGNATURE LINES

I, _____ ("Participant"), hereby designate the Beneficiary(ies) named below to receive any benefits payable or rights accruing at my death under The Stephen F. Austin State University 457(f) Deferred Compensation Plan ("Plan").

(1) I designate as my Primary Beneficiary the following named person who survives me by 30 days to receive the benefits to which I am entitled under the Plan:

Name of Primary Beneficiary	Address	Relationship
_____	_____	_____

(2) If the Primary Beneficiary does not survive me, I designate the following named person(s)

(3) who survives me by 30 days as my Contingent Beneficiary to receive the benefits to which I am entitled under the Plan:

Name of Contingent Beneficiary	Address	Relationship
_____	_____	_____
_____	_____	_____

(3) I have the right to revoke or change this designation at any time in writing directed to the Plan Administrator on a form to be provided at my request; no such revocation or change shall be effective unless it is received by the Plan Administrator prior to my death.

(4) If my spouse is designated as a beneficiary of my benefits under the Plan, I instruct the Plan Administrator that my divorce after the date hereof shall be deemed to revoke the designation as to such divorced spouse unless

(i) I file a Beneficiary Designation Form to the contrary dated subsequent to the divorce, or

(ii) such revocation is inconsistent with applicable law, or

(iii) written evidence of such divorce is not actually received by the Plan Administrator before distributions have been made in accordance with the above designations.

(5) The payment of any benefits to which I am entitled under the terms of the Plan shall be a full and complete release and discharge of the Plan Administrator to the extent of such exercise.

This designation revokes and supersedes any designations of beneficiaries heretofore made by the undersigned regarding all benefits provided to me under the Plan.

_____ _____
Participant's Signature **Date**

(Important: If you are married and your spouse is not the Primary Beneficiary, the following must be completed):

_____ _____
Plan Administrator Acknowledgement of Receipt **Date**

SPOUSAL JOINER

I, _____, certify that I am the spouse of the above-named Participant. (1) I hereby consent to the Participant's designation of someone other than me as beneficiary to receive any or all of the Participant's benefits, if any, under the Plan. (2) I acknowledge that I understand that: (a) the effect of such designation is to cause my spouse's benefits to be payable to a beneficiary other than me; (b) that such beneficiary designation is not valid unless I consent to it; and (c) that my consent is irrevocable unless my spouse revokes this beneficiary designation. Executed this _____ day of _____, 20____.

_____

Spouse's Signature

NOTARY PUBLIC

On this _____ day of _____, 20___, before me, _____, a Notary Public of the State of Texas, duly commissioned and sworn, personally appeared _____ and _____ known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and my official seal this_____ day of _____, 20___.

My Commission Expires: (Seal)

_____

_____

Notary Public in and for the State of Texas

BENEFICIARY DESIGNATION AND SPOUSAL CONSENT INSTRUCTIONS

You are entitled to designate persons to receive any benefits that are payable under the Plan. IN VIEW OF THE PRACTICAL AND LEGAL CONSIDERATIONS INVOLVED IN SELECTING A BENEFICIARY. WE THINK THAT, WHENEVER POSSIBLE, YOU SHOULD CONSULT AN ATTORNEY FAMILIAR WITH THESE MATTERS FOR ADVICE AND ASSISTANCE IN COMPLETING THE FORM. YOU AND YOUR ATTORNEY SHOULD OBSERVE THE FOLLOWING:

(1) Read the entire Beneficiary Designation Form very carefully.

(2) You must execute the Form in duplicate and return both copies to the Plan Administrator.

(3) The Plan Administrator will acknowledge both copies and return one to you. You should retain that copy with your important records.

(4) IF YOU ARE MARRIED WHEN YOU COMPLETE THIS FORM, A DESIGNATION OF ANY PERSON OTHER THAN YOUR SPOUSE AS THE PRIMARY BENEFICIARY IS INVALID UNLESS YOUR SPOUSE COMPLETES THE SPOUSAL JOINER. IN ADDITION, IF YOU ARE SINGLE WHEN YOU COMPLETE THIS FORM, OR IF YOU DIVORCE, BUT LATER MARRY, YOUR MARRIAGE WILL AUTOMATICALLY REVOKE ALL PRIOR BENEFICIARY DESIGNATIONS TO THE EXTENT REQUIRED BY LAW.

(5) If a wife is named as beneficiary, designate her as "Mary Jones Smith", not "Mrs. George Smith".

(6) If you designate a minor and your benefits become payable to such minor during the period of his/her minority, you should be advised that a guardian for such minor may have to be appointed to receive such benefits even though his/her other parent survives you. The process of appointing and qualifying a guardian will involve legal expenses, but in some cases this type of expense can be reduced or avoided by establishing a trust for the minor(s) under your will and designating that trust to receive the benefits.

(7) If you wish your benefits to be payable by your estate, insert "Estate" in the first blank space of Paragraph (1).

(8) Items (5) through (8) hereof also apply to the Contingent Beneficiary except that the appropriate entry is inserted in Paragraph (2) of the Form.

If you name more than one beneficiary, the Plan will treat the designated beneficiary (or beneficiaries) who survive you as your beneficiary. For example, if you designate two sons, who themselves have children, and one son dies before you, your grandchildren by the deceased son will receive nothing; instead, all benefits will go to the surviving son. If that is not your intention, or if none of the above examples is acceptable to your needs, please consult with the Plan Administrator as to the proper manner of completing the Form.

To be eligible to be a beneficiary, an individual designated as your beneficiary must survive you. If no named beneficiary is eligible under these rules, the rights otherwise belonging to a beneficiary shall belong to your estate.