

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



Nacogdoches, Texas

**October 14, 2004
Volume 204**

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**Minutes of the Regular Meeting of the
Board of Regents of Stephen F. Austin State University
Nacogdoches, TX
October 14, 2004**

The Meeting of the Board of Regents was called to order at 9:00 a.m., Thursday, October 14, 2004 by Chairman Fred Wulf.

PRESENT:

Board Members: Margarita de la Garza Grahm
Valerie Ertz
Joe Max Green
Kenneth James
Gary Lopez
Paul Pond
Mike Wilhite
Fred Wulf

President: Tito Guerrero

Vice-Presidents: Mary Cullinan
Jerry Holbert
Baker Pattillo
Roland Smith

General Counsel: Yvette Clark

SFA administrators, staff, and visitors

ABSENT:

Board Members: Lyn Stevens

The Board recognized the College of Education for obtaining a US Department of Education, "Transition to Teaching" grant. The title of the grant is "Consortium for Excellence in Rural Teacher Preparation" (CERT-Prep). The amount granted is \$2.1 million over a 5 year period. The Board also recognized the College of Forestry for obtaining a \$4.1 million grant from the Department of Defense. The Board was given the following reports:

REPORTS

- A. 3DI Overview of Proposed Construction Projects
- B. F&S Report on Student Recreation Facility
- C. Student Government Association

APPROVAL OF MINUTES

05-01

Upon motion of Regent James seconded by Regent Ertz, with all members voting aye, it was ordered that:

The minutes of April 20, 2004 be amended, and the minutes of July 8, 2004 August 13, 2004 and August 17, 2004 be approved.

PERSONNEL

05-02

Upon motion of Regent Ertz seconded by Regent de la Graza-Grahm, with all members voting aye, it was ordered that:

Aida G. Neary be elected Assistant to the Board of Regents at salary of \$32,500 for 100% of the time for twelve months effective November 8, 2004.

05-03

Upon motion of Regent Ertz seconded by Regent de la Graza-Grahm, with all members voting aye, it was ordered that:

The following Personnel Items be approved:

A. FACULTY APPOINTMENTS FOR 2004 – 2005

1. Fine Arts

- a) Mr. Christopher K. Talbot, Assistant Professor of Art, M.F.A. (University of Houston), at a salary of \$42,000 for 100 percent time for nine months, effective September 1, 2004.

2. Forestry

- a) Dr. Pat Stephens Williams, Visiting Assistant Professor of Forestry, Ph.D. (Southern Illinois University), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2004.

3. Liberal Arts

- a) Dr. Theodore Joseph, Visiting Assistant Professor of Psychology, Ph.D. (Claremont Graduate University), at a salary of \$37,500 for 100 percent time for nine months, effective September 1, 2004.
- b) Dr. Sue B. Whatley, Lecturer of English and Philosophy, Ph.D. (Texas A & M), at a salary of \$28,000 for 100 percent time for nine months, effective September 1, 2004.
- c) Dr. Christine Butterworth-McDermott, Lecturer of English and Philosophy, Ph.D. (Purdue University), at a salary of \$28,000 for 100 percent time for nine months, effective September 1, 2004.

4. Sciences & Mathematics

- a) Dr. Chunmei Li, Assistant Professor of Organic Chemistry, Ph.D. (A&M University), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2004.
- b) Ms. Barbara Kelly, Clinical Instructor of Nursing, M.S. (Texas Women's University), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2004.
- c) Ms. Erin Bailey, Clinical Instructor of Nursing, B.S.N. (Stephen F. Austin University), at a salary of \$37,800 for 100 percent time for nine months, effective September 1, 2004.
- d) Ms. Michelle Cook, Lecturer of Mathematics and Statistics, M.S. (Stephen F. Austin University), at a salary of \$30,000 for 100 percent time for nine months, effective September 1, 2004.

5. Applied Arts & Sciences

- a) Mr. George R. Franks, Instructor of Criminal Justice, M.A. (University of Arkansas), at a salary of \$39,000 for 100 percent time for nine months, effective September 1, 2004. Offer contingent upon completion of doctorate by May 2009.

6. Education

- a) Dr. Gloria Gresham, Assistant Professor of Elementary Education, Ph.D. (Stephen F. Austin University), at a salary of \$45,000 for 100 percent time for nine months, effective September 1, 2004.
- b) Mrs. Davanna McAnich, Lecturer of Elementary Education, M.Ed. (Stephen F. Austin University), at a salary of \$39,000 for 100 percent time for nine months, effective September 1, 2004.
- c) Mr. James Partin, Lecturer of Elementary Education, M.A. (University of Texas), at a salary of \$41,000 for 100 percent time for nine months, effective September 1, 2004.
- d) Dr. Gail Romer, Visiting Assistant Professor of Human Services, Ph.D. (University of Tennessee), at a salary of \$35,000 for 100 percent

time for nine months, effective September 1, 2004.

- e) Ms. Aylee Schaefer, Lecturer of Human Services, M.A. (University of Northern Colorado), at a salary of \$41,000 for 100 percent time for nine months, effective September 1, 2004.
- f) Ms. Elizabeth Jean Hancock, Visiting Lecturer of Human Services, M.A. (Stephen F. Austin University), at a salary of \$41,000 for 100 percent time for nine months, effective September 1, 2004.
- g) Dr. Dianna Trautman, Assistant Professor of Secondary Education and Educational Leadership, Ed.D. (Sam Houston State University), at a salary of \$47,500 for 100 percent time for nine months, effective September 1, 2004.
- h) Dr. Amanda Rudolph, Assistant Professor of Secondary Education and Educational Leadership, Ph.D. (University of Arkansas), at a salary of \$46,000 for 100 percent time for nine months, effective September 1, 2004.
- i) Dr. George Carpenter, Jr., Assistant Professor of Secondary Education and Educational Leadership, Ph.D. (University of Texas), at a salary of \$47,000 for 100 percent time for nine months, effective September 1, 2004.
- j) Dr. Neill Armstrong, Visiting Professor of Secondary Education and Educational Leadership, Ph.D. (Oklahoma University), at a salary of \$45,000 for 100 percent time for nine months, effective September 1, 2004.
- k) Dr. David Price Standfield, Assistant Professor of Secondary Education and Educational Leadership, Ph.D. (A&M University), at a salary of \$50,000 for 100 percent time for nine months, effective January 1, 2005.
- l) Dr. David Lawson, Associate Professor of School Counseling Program, Ph.D. (North Texas University), at a salary of \$60,000 for 100 percent time for nine months, effective September 1, 2004. Tenure for the faculty appointment is also awarded.
- m) Dr. Wendy Enochs, Assistant Professor of Community Counseling Program, Ph.D. (University of Arkansas), at a salary of \$47,500 for 100 percent time for nine months, effective September 1, 2004.
- n) Dr. Carl Pfaffenberg, Assistant Professor of Human Sciences, Ph.D. (University of Tennessee), at a salary of \$52,000 for 100 percent time for nine months, effective September 1, 2004.

B. STAFF APPOINTMENTS FOR 2004-2005

1. UC Administration

- a) Mr. Don Clasquin, Assistant Manager of the SFA Post Office, at a salary of \$25, 504 for 100 percent time for twelve months, effective July 12, 2004.
- 2. Housing
 - a) Mr. Christopher Godlewski, Manager of Residence Life, at a salary of \$37,000 for 100 percent time for twelve months, effective August 9, 2004
- 3. Intramurals
 - a) Mr. Jeff Mayer, Supervisor, at a salary of \$22,746 for 100 percent time for nine months, effective August 23, 2004.
- 4. Athletics
 - a) Mr. Donald Watson, Head Baseball Coach, at a salary of \$50,000 for 100 percent time for twelve months, effective September 7, 2004.
- 5. Controller's Office
 - a) Ms. Dannette Sales, Assistant Controller, at a salary of \$55,000 for 100 percent time for twelve months, effective June 1, 2004
- 6. Information Technology Services
 - a) Ms. Tracey Foster, Programmer/Analyst I, at a salary of \$27,000 for 100 percent time for twelve months, effective July 12, 2004..
- 7. Physical Plant
 - a) Mr. J. Lee Brittain, Assistant Director, at a salary of \$65,000 for 100 percent time for twelve months, effective July 28, 2004.
- 8. University Advancement
 - a) Mr. Gene Vestal, Capital Campaign Director, at a salary of \$75,000 for 100 percent time for twelve months, effective November 1, 2004.
- C. CHANGES OF STATUS
 - 1. Health Clinic
 - a) Ms. Charlene Honea, from Administrative Assistant in the School of Social Work at a salary of \$26,547 for 100 percent for 12 months to Assistant to the Director of Health Services at a salary of \$26,917 for 100 percent time for twelve months, effective August 23, 2004.
 - 2. Athletics

- a) Mr. Steven Lutz, from Assistant Men's Basketball Coach and Instructor at a salary of \$46,062 for 100 percent time for 10.5 months to Assistant Men's Basketball Coach at a salary of \$50,823 for 100 percent time for 10.5 months, effective September 1, 2004.
- b) Mr. Darren Kohne, from Restricted Coach at a salary of \$12,000 for 100 percent time for 10.5 months to Assistant Men's Basketball Coach and Instructor at a salary of \$46,062 for 100 percent time for 10.5 months, effective September 1, 2004.
- 3. Business Affairs
 - a) Ms. Wini Turner, from Assistant to the Vice President at a salary of \$35,000 for 100 percent time for twelve months, to Budget Analyst at a salary of \$52,000 for 100 percent time for twelve months, effective September 22, 2004.
- 4. Financial Aid
 - a) Ms. Laura Turner, from Administrative Assistant at a salary of \$21,421 for 100 percent time for twelve months, to Financial Aid Officer at a salary of \$25,469 for 100 percent time for twelve months, effective September 1, 2004.
- 5. Public Affairs
 - a) Ms. Shirley Luna, from Editorial Coordinator at a salary of \$31,400 for 100 percent time for twelve months, to Assistant Director at a salary of \$38,424 for 100 percent time for twelve months, effective September 1, 2004.
- 6. Telecommunications and Networking
 - a) Mr. Preston McMullen, from Casual Employee at a salary of \$10 per hour, to Network Support Specialist I at a salary of \$29,500 for 100 percent time for twelve months, effective August 16, 2004.
 - b) Ms. Mary T. Joy, from Network Support Specialist I at a salary of \$32,353 for 100 percent time for twelve months, to Network Support Specialist III at a salary of \$37,836 for 100 percent time for twelve months, effective September 1, 2004.
 - c) Mr. David L. Tedder, from Technical Support Specialist II at a salary of \$28,188 for 100 percent time for twelve months to Manager, at a salary of \$38,626 for 100 percent time for twelve months, effective September 1, 2004.
- 7. Forestry
 - a) Dr. Kenneth W. Farrish, from Professor at a salary of \$85,456 for 100 percent time for twelve months to Arnold Distinguished Professor at a salary of \$93,904 for 100 percent time for twelve months, effective September 1, 2004.

- b) Dr. Michael S. Fountain, from Professor/Associate Dean at a salary of \$62, 702 for 100 percent time for nine months to Walker Distinguished Professor/ Associate Dean at a salary of \$69,038 for 100 percent time for nine months, effective September 1, 2004.
- c) Dr. James C. Kroll, from Professor at a salary of \$92, 720 for 100 percent time for twelve months to Denman Distinguished Professor at a salary of \$105,804 for 100 percent time for twelve months, effective September 1, 2004.
- d) Dr. Hans M. Williams, from Professor at a salary of \$59,668 for 100 percent time for nine months to Nelson Distinguished Professor at a salary of \$66,004 for 100 percent time for nine months, effective September 1, 2004.

8. Business

- a) Dr. Michael Stroup, from Associate Professor and Interim MBA Director/Associate Dean at a salary of \$76, 418 for 100 percent time for twelve months to Associate Professor and Interim MBA Director/Associate Dean at a salary of \$92,000 for 12 months, effective September 1, 2004.

9. Liberal Arts

- a) Dr. James Lowry, from Assistant Professor of Political Science, Geography and Public Administration at a salary of \$36,000 for nine months to Assistant Professor of Political Science, Geography and Public Administration and Associate Dean of Liberal Arts at a salary of \$77, 638.14 for 100 percent time for 12 months, effective September 1, 2004

D. RETIREMENTS

1. Education

- a) Dr. James Dinucci, Professor of Kinesiology, effective August 31, 2004.
- b) Ms. Wilma Jones, Lecturer of Elementary Education, effective May 31, 2004.
- c) Dr. Sherry Rulfs, Professor of Secondary Education, effective August 31, 2004.

- d) Dr. Sandra Lowery, Professor of Secondary Education, effective December 12, 2003.
- 2. Liberal Arts
 - a) Dr. Donald Gregory, Professor Emeritus of Political Science, Geography and Public Administration, effective May 19, 2004.
 - b) Dr. James Corbin, Professor of Sociology, effective August 31, 2004.
- 3. Financial Affairs
 - a) Ms. Nelda S. Jordan, Budget Analyst, effective September 30, 2004.
- E. ADMINISTRATIVE LEAVE FOR 2004-2005
 - 1. Management, Marketing and International Business
 - a) Dr. Joe Ballenger, Professor, effective 8/26/04 to 5/14/05.

ACADEMIC AND STUDENT AFFAIRS

05-04

Upon motion of Regent de la Graza-Graham seconded by Regent Wilhite, with all members voting aye, it was ordered that:

The following Academic and Student Affairs Items be approved:

- A. Proposal to Change Name of Bachelor of Science in Hearing Impaired to "Deaf and Hard of Hearing"
- B. Proposal to Change Name of Two Degree Programs: Bachelor of Science in Speech and Hearing Therapy and Master of Science in Speech-Language Pathology
- C. Proposal of an Agreement between Stephen F. Austin State University and Tyler Junior College
- D. Summer II and Fall 2004 Underenrolled Class lists
- E. New Certificate Options for the Bachelor of Science Degree in Family and Consumer Sciences
- F. Proposal to offer a Doctor of Philosophy Degree with a major in Environmental Science
- G. Proposal to offer a EC-4 Online Program
- H. Proposal to move the Department of Agriculture to the College of Forestry

- I. Proposal to Update Table of Degree Programs

FINANCIAL AFFAIRS

05-05

Upon motion of Regent Ertz seconded by Regent de la Graza-Grahm, with all members voting aye, it was ordered that:

The following Financial Affairs Items be approved:

- A. University Police Radio/Communication Equipment – Expenditure of \$213, 933 for the upgrade of police radio/communication equipment. Source of funding is 2005 HEAF.
- B. Approval for Purchase over \$50,000 (Student Affairs - Jack Camp) Expenditure of \$58,485 with Camp Olympia for the 2004 Jack Camp. Sources for this funding are from the revenues generated by camp registrations.
- C. Purchase over \$50,000 (Agriculture Department for FY 2004 – Replace existing Inductively Coupled Plasma Optical Emission Spectrometer (ICP) - Purchase of a new ICP at a cost not to exceed \$96,000 and authorize the President to sign purchase orders necessary to complete the procurement.
- D. Credit Card Convenience Fee- charge a 2 percent convenience fee to credit-card payments applied to student accounts
- E. Out of State Electronic Fee - University was granted authority to charge an Out of State Electronic Fee of \$120 per semester credit hour above the regular in-state tuition in lieu of out-of-state tuition to non-resident students taking distance education courses while living outside the state of Texas.
- F. Annual Software Maintenance, Software Site License, and Internet Service Agreements - expenditures for software maintenance, software site licenses, and internet service and authorize the President to sign the required contracts and purchase orders.
- G. Software Purchase - Banner and Luminis Premier - purchase of Banner and Luminis Premier software at a cost not to exceed \$179,752 and authorize the President to sign the required purchase orders and contracts. The source of funding is FY 2005 HEAF. Project consulting will occur over the current and upcoming three years and will be paid from each year's respective HEAF allocation.
- H. Budget Changes Less Than \$50,000 - No board action was required

- J. SORM Contract – SORM interagency contract was approved in an amount not to exceed \$289,627.74, and President be authorized to sign the contract.

BUILDINGS AND GROUNDS

05-06

Upon motion of Regent Wilhite seconded by Regent Pond, with all members voting aye, and Regent Green abstaining on item C, it was ordered that:

The following Buildings and Grounds Items be approved:

- A. Naming Opportunities
1. *Academic Enrichment Center*: to become the William J. Brophy Academic Enrichment Center
 2. *Beef Farm*: to become the Walter C. Todd Agricultural Research Center
 3. *College of Forestry*: to become Arthur Temple College of Forestry and Agriculture
- B. RFP for New Residence Hall
- C. Selection of Student Recreation Center Construction Manager – J.E. Kingham Construction was designated to be the construction manager.
- D. Architectural Services for Baseball/Softball/ Soccer/Tennis Complex – F&S Partners was designated to be the architect for the complex.

05-07

Upon motion for modification of Regent Wilhite seconded by Regent Ertz, with all members voting aye, it was ordered that:

- A. RFP for New Residence Hall - The new residence hall be located where the current "Units" are.

PRIVATE SUPPORT ORGANIZATION

05-08

Upon motion of Regent Wilhite seconded by Regent Green, with all members voting aye, it was ordered that:

The Board of Regents approve the private support organization agreement between the Stephen F. Austin Tip-In Club and the University.

UNIVERSITY POLICIES AND PROCEDURES

05-09

Upon motion of de la Garza-Graham seconded by Regent Ertz, with all members voting aye, it was ordered that:

The policy revisions as shown below and in Appendix No. 4 be approved.

A-10	Class Attendance and Excused Absences	Excused absence list will be posted on MySFA
B-12	Homer Bryce Stadium	Policy reviewed, no changes made
B-20	Norton HPE Complex	Changed hours for indoor recreation areas
C-9	Contracting Authority	Update authority to sign on behalf of president
C-10	Delegated Purchasing Authority	Removed references to Bookstore purchases and changed information relating to Unauthorized Purchases
C-30	Purchase Requisitions	Removed option for hard copy requisition
C-44	Procurement Card	Changes made to accommodate the new ProCard Oracle System through MySFA
C-48	Vendor Warrant Hold	Removed reference to Bookstore purchases
D-7	Authority to Act in the Absence of the President	Updated chain of command, updated title of Provost/Vice President for Academic Affairs
D-13	Student Records	Update Source of Authority
D-24	Parking and Traffic Regulations	Revised fee schedules
D-25	Petitions and Handbills	Major re-write
D-36	Training and Certification of University Vehicle Operators	Policy reviewed, no changes made
D-40	Working Hours and Holidays	Employees must conduct work at normal place of business; home may be considered regular place of business only if approved by the President.
D-46	Reporting of Abuse, Exploitation or Neglect of Elderly or Disabled Persons	Update agency name: Department of Assistive and Rehabilitative Services
E-5	Alcohol/Drug-Free Workplace	Reviewed, no changes made
E-27N	Hiring Non-Academic Employees	Underlined headings; Form I-9 must be completed within 3 days of employment
E-56	Ethics	Update Source of Authority
F-34	Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities	Update location of Disability Services and name of Department of Human Services; remove reference to revision date of Policy E-46 Discrimination Complaints/Sexual Harassment.

REPORTS

The following reports were subsequently heard by the Board:

- A. Faculty Senate, Gary Wurtz, Chair
- B. President

The Student referendum concerning the Recreation Center was tentatively set for November 17 or 18, 2004. The Buildings and Grounds committee meeting was set for November 18, 2004. The next Board meeting was set for November 19, 2004.

The meeting was adjourned at 11:12 a.m.

Class Attendance and Excused Absence

A-10

Original Implementation: November 9, 1981

Last Revision: October 14, 2004

Class Attendance

Regular and punctual attendance is expected at all classes, laboratories, and other activities for which a student is registered. For those classes where attendance is a factor in the course grade, the instructor shall make his/her class policy known in writing at the beginning of each term and shall maintain an accurate record of attendance.

Regardless of attendance, every student is responsible for course content and assignments.

Excused Absences

It is University policy to excuse students from attendance for certain reasons. Among these are absences related to health, family emergencies, and student participation in certain University-sponsored events.

Students are responsible for providing documentation satisfactory to the instructor for each class missed. Students with acceptable excuses will be permitted to make up work for absences to a maximum of three weeks of a semester or one week of a six-week summer term when the nature of the work missed permits.

In the case of absences caused by participation in University-sponsored events, announcement via My SFA by the Provost/Vice President for Academic Affairs will constitute an official excuse. Faculty members should submit as an attachment to an e-mail a written explanation of the absence, including the date, time and an alphabetical listing of all students attending to the office of the Provost/Vice President for Academic Affairs for publication.

Source of Authority: Provost/Vice President for Academic Affairs

Cross Reference: General Bulletin, , Student Handbook and Activities Calendar

Contact for Revision: Provost/Vice President for Academic Affairs

Forms: None

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

Original Implementation: 1972

Last Revision: ~~October 23, 2001~~ *October 14, 2004*

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

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

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

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

Cross Reference: None

Contact for Revision: Vice President for University Affairs

Forms: None

Norton HPE Complex

B-20

Original Implementation: Summer, 1975

Last Revision: ~~October 23, 2001~~ *October 14, 2004*

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

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

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

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

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

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

Monday - Thursday	3 p.m. to 10 p.m.
Friday	12 noon 1 p.m. to 7 p.m.
Saturday	12 noon 10 a.m. to 6 p.m.
Sunday	1 p.m. to 9 p.m.

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

Cross Reference: Intramural Handbook

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

Forms: None

Contracting Authority

C-9

Original Implementation: July 18, 1988

Last Revision: ~~July 17, 2001~~ *October 14, 2004*

This policy governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State University.

1. No member of the Board of Regents shall enter into the discussion, make motions, or vote on a contract, purchase, or agreement of any character in which the member directly or indirectly has pecuniary interest unless the General Counsel has advised that there is a legally permitted exception to this rule with the Regent making the appropriate public disclosures.

2. The following items shall be submitted to the Board of Regents for approval at either a regular Board meeting or a special called Board meeting. Each item shall be presented to the Board for consideration. The General Counsel shall review all contracts and agreements prior to signature.

a. Construction contracts in the amount of \$50,000 or more

1) Architect-Engineer selections

2) Authority to submit the proposal to the Coordinating Board if the estimated cost (including all cost) is at least \$1,000,000 for new construction, \$2,000,000 for renovation, or as otherwise required under law

3) Construction contract awards

4) Change orders that would increase the cost of the project beyond the amount of the approved budget

b. Contracts, purchases, and agreements in the amount of \$50,000 or more, whether the amount is income or expenditure with the exception of:

1) Private, governmental, and foundation grants or agreements in which the donor or agency stipulates the purpose for which the funds are to be expended

2) Materials purchased for resale in auxiliary operations and in central supply

- 3) Materials purchased for normal inventory stock for the physical plant operation
 - 4) Materials purchased for normal inventory stock from operation and maintenance budgets previously approved by the Board
 - 5) Maintenance service contracts on elevators, computers, office equipment, chillers, and water treatment services
 - 6) Library subscription services
 - 7) Recurring printing orders
 - 8) Contracts and agreements for athletic events, entertainment concerts, Fine Arts events, and other similar activities
 - 9) Group travel packages for resale to students, faculty and staff, and other similar activities
 - 10) Materials or services purchased for emergencies resulting from disasters, hazards, and other exigent circumstances
- c. Leases of one (1) year or more, including equipment, involving expected aggregate payments exceeding \$50,000
 - d. Purchase, sale or exchange of real property
 - e. Depository contracts
 - f. Food services contracts or service contracts for similar University activities
 - g. Architect-Engineer contracts required for projects specified under Subsection 2.a.1.
 - h. Contracts and agreements with support or development foundations
 - i. Employment of administrative officers, faculty, and non-classified employees
 - j. Changes of position status of administrative officers, faculty, and non-classified employees
 - k. Dual employment of administrative officers, faculty, and non-classified employees
 - l. Leaves of absence for one (1) semester or more

m. Settlements, consent decrees, and similar actions in litigation (Executive session only, does not require Board action for approval.)

3. The President shall be delegated the responsibility and authority to enter into contracts, purchases, and agreements for sums less than \$50,000, whether the amount is income or expenditure, and to enter into all grants and agreements funded by private individuals, governmental agencies, and foundations without regard to the amount, unless otherwise limited by the Board. At the option of the President, contracts, purchases, and agreements for sums less than \$50,000 may be submitted to the Board of Regents for approval. The General Counsel should review and provide legal advice on all contracts or agreements.

4. The President may delegate power to contract, purchase, or enter into agreements of less than \$50,000, *or amounts over \$50,000 to the extent authorized in Section 2.b. of this policy*, to other employees of the University. ~~Such delegation must be specific and in writing to be effective.~~ The President will remain responsible for all contracts, purchases, and agreements for sums under \$50,000, and for the proper administration of all grants and agreements funded by private individuals, governmental agencies, and foundations, regardless of delegation of power to contract, purchase, or enter into agreements. In the absence of the President, *or at such time as the President is unavailable to sign a document by a required deadline*, ~~the Vice President for the area involved may~~ *the following individuals are authorized to sign on his behalf* ~~sign contracts, purchases or agreements less than \$50,000, as delegated to the President in this paragraph: (listed in order of priority) Provost and Vice President for Academic Affairs, Vice President for Business Affairs, Vice President for University Affairs, Vice President for University Advancement, Associate Provost. All other delegations must be specific and in writing to be effective.~~ The General Counsel should review and provide legal advice on all contracts or agreements.

5. All delegations of contracting authority *to persons other than those listed above which were made by a previous President* shall be void once a new President assumes office.

SOURCE OF AUTHORITY: Board of Regents

CROSS REFERENCE: None

CONTACT FOR REVISION: President

FORMS: None

Delegated Purchasing Authority

C-10

Original Implementation: Unpublished

Last Revision: ~~February 4~~October, 2004

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 Policy 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.~~

~~21.~~ The Director of the University Libraries is authorized to purchase books, periodicals, journals, and other related materials needed to maintain University resource material collections.

~~32.~~ The Curator of the Stone Fort Museum is authorized to purchase general merchandise for resale in the museum gift shop.

~~43.~~ 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.

~~5-4~~ Account Administrators are authorized to make local purchases of items costing \$500 or less through the Local Purchase Authorization procedures, Policy C-20.A.

~~65.~~ 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.

~~76.~~ Employees are authorized to make procurement card purchases of items costing \$2000 or less through the Procurement Card procedures, Policy C-44.

~~87.~~ 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. Taxes will not be reimbursed.

~~98.~~ Employees are authorized to provide to vendors authorized PO numbers issued by the Purchasing office (Phone 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#.

~~109.~~ Certain payments may be made by completing a voucher for submission to the Controller's Office. See Policy C-31, Purchase Voucher.

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

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 are purchases charged to the University without utilizing one of the delegations stated above. ~~The department head/account manager may or may not approve payment from University funds for an unauthorized purchase or any associated late fees. Unauthorized purchases that are approved for payment are to be submitted to the Purchasing Office through the purchase requisition procedure. On-line approval through established department approval structures will constitute approval by the department head/account manager. Payment for unauthorized purchases will not be made by the University with appropriated funds.~~

The department head/account manager approving an unauthorized purchase is responsible to insure that the account used for payment- has sufficient funds.

~~The individual making the purchase is responsible to request approval from the department head/account manager and submit the invoice to accounts payable within 30 days of the purchase to avoid mandated payment of late fees.~~

If payment of the unauthorized purchase and/or any late fees is not approved by the appropriate department head, dean, vice president or president, the individual making the purchase will be responsible for payment to the vendor for any portion of the payment due but not approved or returning the item(s). Any freight costs associated with receiving or returning the item(s) will be the responsibility of the individual making the unauthorized purchase.

Source of Authority: Vice President for Business Affairs

Cross Reference: Policy D-20.5 Items Requiring Board of Regents Approval; Policy C-20.A Local Purchase Authorization; Policy C-30 Purchase Requisition; Policy C-31 Purchase Voucher

Contact for Revision: Director of Purchasing and Inventory

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

Purchase Requisition

C-30

Original Implementation: Unpublished

Last Revision: ~~July 15, 2003~~ October, 2004

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

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

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

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

The "Purchase Requisition" *is to* ~~may be~~ generated *electronically. in one of two ways:*

~~1. On-line Requisitions are entered through the FRS System following the guidelines outlined in the FRS Purchasing Software Manual. Contact the Purchasing Office for more information if you do not currently have this access. Copies of the manual and on-line registration for training are available at~~
~~www.sfasu.edu/purchasing/purchasing/index.htm?menu=4~~~~The manual is available in pdf format at URL <http://www.sfasu.edu/purchasing/purchasing/manuals.htm>. Training information is available at URL <http://www.sfasu.edu/purchasing/FRS/FRStraining.htm>.~~

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

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

Source Of Authority: President; Vice President for Business Affairs

Cross Reference: Policy C-7, Best Value Procurement

Contact For Revision: Director of Purchasing and Inventory

Forms: ITS Forms Server:

https://apache.SFASU.EDU/sfa_forms/purchase_req.shtmlNone

Original Implementation: July 26, 1999

Last Revision: October 17, 2004

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 *or providing Transaction Detail information for each transaction through the Oracle System and keeping with copies of all receipts* and documentation of all ~~transactions~~ purchases made with the ProCard. In addition, all including returns, credits and disputed charges ~~must be listed and documented with the Transaction Log~~ *as required in the ProCard Procurement Guide.*

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~~ *supporting documentation* 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 *or Transaction Detail entries* are required and provides an audit trail for expenditures made with the ProCard. Each individual purchase must be recorded in the log *or detailed in the Oracle ProCard System*. See the Procurement Card Program Guide for detailed instructions on completing the Transaction Log *or Transaction Detail entries*. 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. *Transaction Detail entries are completed on-line through the Oracle system accessed through MySFA.*

Upon receipt of the monthly statement from the credit card vendor, the cardholder shall reconcile the statement with their ~~Procurement Card~~ Transaction Log *or Transaction Detail Summary* and forward the reconciled statement, ~~and a printed Transaction Log or Transaction Detail Summary~~ and all supporting documentation 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.~~ After reconciliation the Transaction Log Excel file MUST BE E-MAILED to the Accounts Payable Supervisor. ~~The submission of the electronic log is necessary due to state requirements for utilization of appropriations and financial reporting. Those individuals utilizing the Oracle System are not required to submit anything to Accounts Payable.~~

~~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 and. 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 *documentation identified in the ProCard Program Guide* ~~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.~~

54. 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.

65. FAILURE TO PASS TRANSACTION LOG AUDIT - The Program Coordinator will audit transactions ~~logs~~ on a periodic basis. Cards will be deactivated immediately for any cardholder who fails to produce the *required documentation*~~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 *required documentation*~~transaction log~~ may result in the card being permanently terminated at the Program Coordinator's discretion. If the *documentation*~~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.

76. FAILURE TO MAINTAIN THE ELECTRONIC LOG AND SUBMIT TO ACCOUNTS PAYABLE MONTHLY ~~&endash;~~ Failure to email the log to the Accounts Payable Supervisor, *when required*, 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.

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

98. 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.

| 109. 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.

| 140. 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, *ProCard Problem Resolution Form* (all available from the Purchasing Department)

Vendor Warrant Hold

C-48

Original Implementation Date: January 25, 2000

Last Revision Date: ~~July 8~~ October, 2004

Stephen F. Austin State University will not "contract" with a vendor or issue payment to any vendor who is on warrant hold in the State of Texas Comptroller's Taxpayer and Vendor Account Information.

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

It will be the responsibility of the department placing the order to insure that warrant hold status is verified BEFORE COMMITTING FUNDS ON BEHALF OF THE UNIVERSITY. The following Departments are responsible to check vendor hold status BEFORE placing orders for the types of transactions listed below.

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

PURCHASING

--standing orders

--purchase orders completed from a requisition for order placement by Purchasing

~~BOOKSTORE PURCHASES FOR RESALE~~

~~--bookstore delegated purchases~~

LIBRARY BOOK PURCHASES

--library delegated purchases

STONE FORT MUSEUM PURCHASES FOR RESALE

--stone fort delegated purchases

END USER

--voucher payments

--local purchase authorization (LPA) purchases

--credit card purchases exceeding \$150

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

--requisitions for which a telephone PO is issued

If any END USER does not wish to verify warrant hold status in conjunction with placing the type of order listed above, then a requisition must be submitted to the Purchasing Office for order placement.

The document created (LPA, requisition for telephone PO, credit card transaction log, voucher, purchase order, etc.) by the department placing the order must include a warrant hold status verification certification following the Verification Instructions below.

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

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

- 1) credit card purchases less than \$150
- 2) emergency 'in the field' purchases less than \$150
- 3) other situations to be approved by the Director of Purchasing, wherein the failure to complete a purchase would involve public safety, or severely hinder the educational purpose or operation of the University or a University operated facility.

VERIFICATION INSTRUCTIONS

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

The vendor number can be obtained from the FRS database, screen 203 (State Vendor ID found immediately below the Vendor Name) or by obtaining the vendor's State of Texas sales tax number. If a vendor number or sales tax number is unknown, then a name search may be attempted.

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

"Vendor Not On Hold _____ (date)."

B. If the vendor number or vendor name search indicates that the vendor is "on hold", the purchase CAN NOT BE MADE. The department should search for another vendor from whom to make the purchase.

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

1. The vendor should be contacted and informed to contact the State Comptroller's office at 1-800-531-5441 to resolve the "on hold" warrant status.
2. The vendor may be given an adequate period of time to rectify his/her warrant hold status from "on hold" to "not on hold".
3. If the situation is corrected, the updated tax status must be viewed at the State Comptroller's web site or confirmed in writing from the State Comptroller. A vendor may not self-certify a corrected warrant hold status. When an acceptable warrant hold status is received, refer to A. above
4. If the situation is not corrected, contact the Director of Purchasing to determine if the failure to complete the purchase would involve public safety, or severely hinder the educational purpose or operation of the University or a University operated facility.

Source of Authority: Texas Government Code, Title 10, Chapter 2252.903; President; Vice President for Business Affairs

Cross Reference: None

Contact for Revision: Director of Purchasing and Inventory

Forms: None

Authority to Act in the Absence of the President

D-7

Original Implementation: February 23, 1978

Last Revision: ~~April 21, 1998~~ October 14, 2004

In the absence of the President the authority to act in his place is delegated in the following order depending upon the presence of the individual on the campus:

Provost/Vice President for Academic Affairs ~~Vice President
for Business Affairs~~

Vice President for Business Affairs ~~Vice President for
Academic Affairs~~

Vice President for University Affairs

Vice President for University Advancement

Associate Provost/Vice President for Academic Affairs

The individual administrative officer acting under this delegation of authority is to handle emergency situations in accordance with the recognized operating procedures of the University. He may take such action as he deems necessary dependent upon the circumstances of a particular situation. As soon as possible and practical, the President shall be informed of any emergency or unusual incident and the action taken. No unusual or major decision embodying significant commitments on behalf of the University will be made without consulting the President.

Source of Authority: Board Of Regents, President

Cross Reference: None

Contact for Revision: President

Forms: None

Student Records

D-13

Original Implementation: 1974

Last Revision: ~~October 31, 2000~~ *October 14, 2004*

The purpose of this policy is to comply with federal law which: (1) grants to students the right of access to their education records, (2) protects students from illegal use of their education records, (3) restricts the disclosure of the social security account number of students.

1. Definitions

For the purposes of this policy, the University adopts the following definitions:

- a. Student means any person who attends or who has attended the University.
- b. Education records means any record (in handwriting, print, tapes, film, or other medium) maintained by the University or an agent of the University which is directly related to a student, except:
 - (1) a personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute;
 - (2) an employment record of an individual whose employment is not contingent on the fact that he/she is a student, provided the record is used only in relation to the individual's employment;
 - (3) records maintained by the University Police Department if the records are maintained solely for law enforcement purposes, are revealed only to law enforcement agencies of the same jurisdiction, and the Department does not have access to education records maintained by the University;
 - (4) records maintained by University Health Services if the records are used only for treatment of a student and made available only to those persons providing the treatment; and,
 - (5) alumni records which contain information about a student after he/she is no longer in attendance at the University and the records do not relate to the person as a student.

2. Annual Notification

A brief description of the types of records, as well as student and institutional rights, shall be published annually in the Student Handbook and Activities Calendar. Specific information may be obtained by consulting with administrative officials listed in this policy.

3. Student Rights

Each student has the right:

- a. to be provided with a list of the types of education records maintained by the University;
- b. to inspect and review the contents of his/her records, excluding the exceptions included in this policy;
- c. to obtain copies of his/her records at personal expense;
- d. to explanations and interpretations of his/her records; and,
- e. to a hearing to challenge the contents of his/her records.

4. Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the appropriate record custodian.

Students should submit to the record custodian or an appropriate University staff person a written request which identifies as precisely as possible the record or records he/she wishes to inspect.

The record custodian or an appropriate University staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.

5. Types and Custodians of Education Records

Type of Record	Content	Custodian
Academic	Grades, classification, academic standing, application for admission, and admissions scores	Registrar, Director of Admissions

Financial	Amount of financial assistance given by University and type of assistance	Director of Financial Aid, Controller
Disciplinary	Nature of offense and type of University action	Dean of Student Development
Placement	Academic record and documents of recommendations	Director of Counseling and Career Services
Health	Medical history to include all treatment by University physicians	Director of Health Services
Counseling	Test scores and counseling sessions	Director of Counseling and Career Services

6. Fees for Copies of Records

The fee for copies of education records will be ten (10) cents per page.

7. Right of University to Refuse Access

The University reserves the right to refuse to permit a student to inspect the following records:

- a. the financial statement of the student's parents;
- b. letters and statements of recommendation for which the student has waived his/her right of access, or which were placed in file before January 1, 1975;
- c. records connected with an application to attend the University if that application was denied; and,
- d. those records which are excluded from the definition of education records.

8. Refusal to Provide Copies

The University reserves the right to deny transcripts or copies of records not required to be made available by law in any of the following situations.

- a. The student has an unpaid financial obligation to the University.
- b. There is an unresolved disciplinary action against the student.

9. Disclosure of Education Records

The University will disclose information from a student's education records only with the written consent of the student, except:

a. to school officials who have a legitimate educational interest in the records;

(1) A school official is a person:

(a) employed by the University in an administrative, supervisory, academic or research, or support staff position;

(b) appointed to the Board of Regents;

(c) employed by or under contract to the University to perform a special task.

(2) A school official has a legitimate educational interest if the official is:

(a) performing a task that is specified in his/her job description or by a contract agreement;

(b) performing a task related to a student's education;

(c) performing a task related to student discipline;

(d) providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.

b. to officials of another school, upon request, in which a student seeks or intends to enroll;

c. to certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs;

d. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;

e. in compliance with a state law requiring disclosure that was adopted before November 19, 1974;

f. to organizations conducting certain studies for or on behalf of the University;

g. to accrediting organizations to carry out their functions;

h. to parents of an eligible student who claim the student as a dependent for income tax purposes;

i. to comply with a judicial order or a lawfully issued subpoena;

j. to appropriate parties in a health or safety emergency.

Proof of status from the requesting individual or organization will be required to gain access to education records.

10. Record of Requests for Disclosure

The University will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record of requests may be reviewed by the student.

11. Directory Information

The University designates the following items as Directory Information:

- a. name,
- b. all addresses, including *University issued email address*
- c. all telephone numbers,
- d. major field of study,
- e. academic classification,
- f. participation in officially recognized activities and sports,
- g. weight and height of members of athletic teams,
- h. dates of attendance and enrollment status
- i. degrees and awards received,
- j. previous schools attended,
- k. photograph, and
- l. class roster.

The University may disclose any of these items without prior written consent, unless the student notifies the Registrar in writing to the contrary by September 1 of each fiscal year.

12. Review and Destruction of Education Records

The University may destroy obsolete records provided the right to access has been followed as outlined in Section 3 of the Family Educational Rights and Privacy Act.

13. Correction of Education Records

A student has the right to request a correction on his/her education records that they believe are inaccurate, misleading, or in violation of their privacy rights. The University shall attempt to settle the disputed contents of an education record by informal proceedings. If informal proceedings fail to achieve a satisfactory settlement, the student may request a formal hearing using the following procedures.

- a. To receive a hearing, a student must file a written request with the President of the University. In so doing, the student should identify the part of the education record he/she wants amended and specify why he/she believes it is inaccurate, misleading, or in violation of his/her privacy rights.
- b. Within 10 working days of receiving the request, the President will arrange for a hearing, and notify the student at least 5 working days in advance of the date, place, and time of the hearing.
- c. The hearing will be conducted and the decision rendered by a hearing officer, appointed by the President, who does not have a direct interest in the outcome of the case. The President shall name the hearing officer in the written notice sent to the student.
- d. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues listed in the original request to amend his/her education records.
- e. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing.
- f. If the hearing officer decides that the disputed contents of the education record are inaccurate, misleading, or in violation of the student's right to privacy, he/she will amend the record, and notify the student in writing that the record has been amended.
- g. If the hearing officer decides that the disputed contents of the education record are not inaccurate, misleading, or in violation of the student's right to privacy, he/she will notify the student of his/her right to place a statement in the education

record commenting on the disputed contents and/or a statement setting forth the student's reasons for disagreeing with the decision.

h. The student's statement will be maintained as part of the student's education record as long as the disputed contents are maintained by the University. If the University discloses the disputed contents of the education record to any person, it must also disclose the student's statement to the person.

14. Disclosure of Social Security Account Number

Federal law requires that when any federal, state or local government agency requests an individual to disclose his/her social security account number (SSAN), that individual must also be advised whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it. Accordingly, students, or applicants for admission as students, are advised that disclosure of a student's SSAN is mandatory as a condition for participation in certain activities at the University.

Under the mandatory category, the SSAN is used to verify the identity of the student, and as an identifier to record necessary data accurately for such activities as admissions; housing and food services; determining and recording eligibility for student financial assistance to include loans, scholarships, and grants; student employment; recording entitlement to and disbursement and repayment of loans; recording entitlement to and payment of scholarships, grant allowances, and official student travel and per diem; determining and recording eligibility for and participation in athletic and similar events; and such other related requirements which may arise.

Disclosure of a student's SSAN is voluntary for certain other activities. Under the voluntary category, the SSAN is used to verify the identity of the student and to record data accurately for such activities as testing, reporting and evaluation of the ACT and the SAT; recording and reporting student grades and related academic data; registering for placement services to include preparation of resumes and furnishing information to prospective employers and such other related uses which may arise.

Authority for requiring the disclosure of a student's SSAN is grounded on Section 7(a)(2) of the federal statute which provides that an agency may continue to require disclosure of an individual's SSAN as a condition for the granting of a right, benefit, or privilege provided by law where the agency required this disclosure under statute or regulation prior to January 1, 1975, in order to verify the identity of an individual.

The University has for several years requested the disclosure of the SSAN on student application forms and other necessary student forms and documents used pursuant to statutes passed by the State of Texas and the federal government and to regulations adopted by agencies of the State of Texas and the federal government, and by the Board of Regents of the University.

Source Of Authority: Family Educational Rights and Privacy Act of 1974, 20 U.S.C. sec. 1232 et seq.; ~~45 CFR sec. 99.01 et seq.~~; P.L. 93-579, sec. 7; President; Vice President for Academic Affairs; ~~ORD-244~~

Cross Reference: SFA Web Pages

Contact for Revision: General Counsel

Forms: None

Parking and Traffic Regulations

D-24

Original Implementation: September 1, 1961

Last Revision: ~~April 22, 2003~~ *October 14, 2004*

General Information

1. These regulations are approved by the Board of Regents of Stephen F. Austin State University.
2. The University Police Department has the responsibility and the legal authority for the enforcement of the traffic and parking regulations listed in this booklet.
3. The University considers the use of a vehicle on campus a convenience and is not obligated to furnish unlimited parking space to accommodate all vehicles. The University will, however, attempt to provide a reasonable number of parking spaces in keeping with available resources.
4. Every person operating a motor vehicle on University property is held responsible for obeying all University traffic and parking regulations as well as all city and state parking and traffic regulations. **All vehicles operated on the University property must display a valid parking permit 24 hours a day 365 days a year.**
5. The term "University property" is interpreted to include all properties under the control and jurisdiction of the Board of Regents of Stephen F. Austin State University.
6. The term "visitor" is interpreted to mean an individual with no official connections with Stephen F. Austin State University as either a student, faculty, or staff member, or employee of private contractors assigned to Stephen F. Austin State University.
7. Visitor parking is set aside for special interest areas of the University. **These spaces may not be utilized by University personnel, students, or employees of private contractors assigned to Stephen F. Austin State University.** These spaces are reserved for bonafide visitors to the University. Visitors should obtain a visitor parking permit from the University Police Department or Information Booth on Vista Drive. Visitors are required to show a valid Driver's License to obtain a visitors permit.
8. Handicapped parking is provided in all parking lots on campus. **These spaces are reserved 24 hours a day, seven (7) days a week for the holders of handicapped parking permits.** A current SFA parking permit is also required.
9. The University Police Department offers escort service upon request between dusk and dawn to individuals requiring transportation to and from residence halls, academic buildings, and/or vehicles. To receive an escort, request in person at the University Police Department, or by telephone at 468-2608. The University Police Department also provides escort 24 hours a day to local hospitals for emergencies where an ambulance

with immediate medical care is not needed. For further information on the escort service, call the University Police Department at 468-2608.

10. If a vehicle becomes temporarily disabled and cannot be parked in its assigned area, it must be reported to the University Police Department. The fact that the vehicle is temporarily disabled will be recorded and an officer will either render assistance or authorize temporary parking. Temporary parking will only be authorized for 24 hours or less. If parking for a longer period is necessary it must be renewed at 24 hour intervals. Temporary parking will not be authorized in areas that are not parking spaces (tow away or no parking zones, etc.) or in Handicap Parking.

11. A permit may not be purchased for display on a disabled vehicle. For these purposes, a disabled vehicle is a vehicle that has been disabled for more than three weeks.

12. Services such as jump starts and unlocking vehicles are offered by the University Police Department as time permits. The University Police Department does not change flats, push cars or perform any major automotive service.

Vehicle Registration

1. All faculty, staff, students (full or part-time), or employees of private contractors or other government agencies assigned to Stephen F. Austin State University, who operate a vehicle on University property, regularly or occasionally, are **REQUIRED** to obtain a parking permit. *In order to purchase a Faculty/Staff permit after September of the Academic year, the Faculty/Staff member must first go to the Business Office located on the second floor of the Austin Building and pay for the permit. After payment is made, bring the receipt to the Permits Office at the University Police Department and a Faculty/Staff permit will be issued.* Vehicles may be registered at the University Police Department 24 hours a day.

2. The registration of all vehicles parked on campus is required, but registration in itself is no guarantee of a parking space near the place where one works, resides or attends classes. The responsibility of finding a **LEGAL** parking space rests with the vehicle operator and lack of space is not a valid excuse for violations of any parking regulations.

3. A permit must be obtained for each academic year or portion thereof.

4. Permits for the current academic year may be obtained at any time during the academic year. Persons may obtain permits for the next academic year beginning August 1 for faculty, staff, and employees of private contractors assigned to campus and August 20 for students.

5. A permit must be displayed on the vehicle no later than the first University business day that the vehicle is brought on campus.

6. The permit must be displayed as designated by the University Police Department. Only the permit for the current academic year should be displayed.

7. Vehicles owned by students may not normally be registered in the name of a faculty or staff member.

8. Faculty, staff, or employees of private contractors or other government agencies assigned to Stephen F. Austin State University changing permit status or students changing permit status or vehicles must obtain a new permit no later than the first University business day after the change takes place. If an identifying portion of the original permit is presented at the time of replacement, replacement permits will be issued for ~~\$5.00~~8.00 each. Otherwise the regular fee will be charged. A vehicle should not be sold with the parking permit still displayed.

9. Should a parking permit become mutilated or obliterated in any way, a new permit must be obtained from the University Police Department. When the remnants of the old permit are presented, a replacement will be issued for ~~\$5.00~~8.00.

10. The permit holder is held responsible for all violations. A citation is not excused on the plea that another person was driving the vehicle.

11. Fees for vehicle registration:

• a. Faculty, Staff, or Employees of Private Contractors or Other Government Agencies

Salary 19,999.99 and Under	Salary \$20,000 – \$39,999.99	Salary \$40,000 – \$59,999.99	Salary \$60,000 – \$79,999.99	Salary \$80,000 - \$99,999.99	Salary \$100,000 – \$119,999.99	Salary \$120,000 and Above
\$36/ year	\$60 / year	\$84 / year	\$108 / year	\$132 / year	\$156 / year	\$180 / year

The cost of the Faculty/Staff permit can be purchased by paying 100% of the cost at the Business Office located on the 2nd floor of the Austin Building or by paying a percentage per month through payroll deduction in association with the employee's contract or regular job assignment if less than 12 months. Only Faculty/Staff Permits can be purchased through payroll deduction.

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b. Campus Resident Parking

(1) Full Year	First Vehicle	\$3048
	Second Vehicle	\$2032
(2) After Jan. 1	First Vehicle	\$2032
	Second Vehicle	\$1524
(3) Summer		\$1016

• **c. Commuters (Off Campus Residents) and Motorcycles**

(1) Full Year	\$2032
(2) After Jan. 1	\$1524
(3) Summer	\$1016

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d. Trailers

(1) Full Year	\$2032
(2) After Jan. 1	\$1524
(3) Summer	\$1016

• **e. Vendors**

(1) Full Year	First Vehicle	\$0
	Second Vehicle	\$5080
(2) After Jan. 1	First Vehicle	\$0
	Second Vehicle	\$2540
(3) Summer	First Vehicle	\$0
	Second Vehicle	\$1524

• **f. Occupied Recreational Vehicle**

(1) After four days	Per Night	\$2032
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Required Display of Permit

Registration is not complete until a current registration permit is properly displayed as follows:

1. Proper Display

To be properly displayed, the permit must be permanently affixed in the position listed below for vehicle type. Taping or clipping the permit is not considered as permanent placement (except faculty/staff permit, visitor permit, vendor, and temporary permit).

- a. Student permits must be displayed on front windshield within 2 inches of the State Registration sticker.
- b. Motorcycle and trailer permits must be displayed where they can be seen without difficulty.
- c. Faculty and staff, temporary, vendor and visitor permits shall be displayed from the rear view mirror in a manner to be visible from both the front and rear of the vehicle. If vehicle does not have a rear view mirror, the permit shall be placed face up on the driver's side of dash, but not obstructing view of the vehicle identification number. Faculty and staff permits may be displayed on any vehicle to be used by the permit holder.

d. The procedure for Faculty/Staff to follow in the instance that their permit is lost or stolen is as follows:

- 1. Come to the University Police Department as soon as you discover that the permit is missing and file a police report.*
- 2. Come to the Permits Office after a police report is filed and we will issue a Temporary Permit for 30 days. If the permit is not found during those 30 days, the Faculty/Staff member will be required to purchase a NEW permit.*

2. Permit Not Transferable

A permit is not transferable from the person to whom it is issued. A student permit is not transferable from the vehicle for which it is issued. Faculty, staff, vendor or private contractor permits may be moved from one vehicle to another and can be displayed on any vehicle used by the permit holder. Resale of parking permits is prohibited and will be considered as a false or fictitious permit.

Types of Permits

1. Permanent Permits:

- **a. Faculty, Staff, or Private Contractor**

These permits are issued to employees (non-student) of the University, to employees (non-student) of private contractors or other government agencies assigned to the campus, or as authorized by the Chief of Police. These permits designate a particular lot assignment. Holders of this type of permit may use available faculty and staff spaces outside their assigned lots to conduct University business on a temporary basis. These permits must be returned to the University Police Department if employment on campus ceases.

- b. Campus Resident Parking**

These permits are issued to students who live in on-campus housing only. Holders of these permits may park in any area designated as "Campus Resident" parking or "All Permit" parking. A valid student ID and proof of liability insurance on the vehicle being registered is required.

- c. Commuters (Students not Living in University Housing)**

These permits are issued to students not living in University housing or faculty, staff or students who wish to park in areas designated as "All Permit" parking areas. Holders of these permits may park in areas designated as "All Permit" area parking. A valid student ID and proof of liability insurance on the vehicle being registered is required.

- d. Motorcycle**

These permits are issued to faculty, staff, students, or employees of private contractors assigned to Stephen F. Austin State University. Holders of these permits may park in areas designated as motorcycle parking.

Motorcycle permits are separate in themselves from Faculty/Staff, Student, or Vender permits and must be purchased as such. A valid student ID and proof of liability insurance on the vehicle being registered is required.

e. Trailer

These permits are issued to faculty, staff, students, or employees of private contractors assigned to Stephen F. Austin State University who need to park trailers on campus. Trailers may not exceed 21 feet in length. Holders of these permits may park the trailer in any legal parking space in which the permit holder's vehicle is assigned.

f. Vendor

These permits are issued to vendors to the University community upon approval of the Chief of Police or his designated representative.

g. Occupied Recreational Vehicles

The owner or operator of any recreational vehicle parked and occupied (used as place of lodging either permanent or temporary while on the campus of Stephen F. Austin State University) must register that vehicle with the University Police Department as a recreational vehicle. A permit will be issued for the vehicle. There is no fee for the use of a recreational vehicle on campus for up to four nights per semester. Beginning on the fifth night per semester a recreational vehicle is occupied, a fee of \$2032.00 per night will be due and will be due for each subsequent night that the vehicle is occupied. Permits may be obtained and fees paid at the University Police Department. Permits must be obtained and fees must be paid in advance of each nights stay. The valid permit must be displayed in the front window of the vehicle or the front window of the tow vehicle near the vehicle inspection sticker. The fee is for parking only. No facilities are provided. A recreational vehicle owned by a student living on campus may be registered as a regular vehicle, but may not be occupied as a recreational vehicle on campus unless it is also registered as a recreational vehicle. If this vehicle is occupied, the recreational vehicle

fees are due in accordance with this policy in addition to the regular parking permit fee.

2. Handicapped Permits:

- a. Handicapped Permits and Temporary Handicapped Permits are issued by the County Tax Assessor-Collector of any Texas County.

b. Only vehicles displaying a Handicapped Permit or Temporary Handicapped Permit may park in "Reserved for Handicapped" parking spaces or any other area designed for disabled persons such as an access ramp or curb cut. These vehicles must also display a valid Stephen F. Austin State University parking permit.

c. A vehicle displaying a valid SFA parking permit and a valid handicapped permit may park in any non-reserved parking space on campus. Reserved parking places are reserved 24 hours a day, seven (7) days a week for service vehicles, residence hall directors, and loading zones.

d. Permits assigned to vehicles displaying appropriate Disabled Parking Placards will be issued in compliance with Texas Transportation Code: section 0681.0006
Parking Privileges: Persons with Disabilities and section 0681.0008
Parking
Privileges: Veterans with Disabilities.

e. Faculty/Staff members who have a valid Handicap Placard or License Plate issued by the State of Texas may purchase a Commuter Permit for \$32.00 in lieu of a Faculty/Staff permit.

3. Temporary Permits:

- a. **Substitute Vehicle**

If a vehicle other than the vehicle registered with the University must be parked on campus, a temporary permit must be obtained at the University Police Department no later than the first University business day after the vehicle is brought on campus. ~~These permits are free of charge to holders~~

~~of regular parking permits.~~ When a vehicle (with a valid permit) is sold and the permit is not removed, a temporary parking permit can be issued for two (2) weeks and renewed for an additional two (2) weeks for the substitute vehicle. This will give the owner time to retrieve the parking permit. If unable to get the old permit during this time, a new permit must be purchased. A valid student ID and current proof of liability insurance on the vehicle being registered is required. *A Temporary Permit may be given to a student who has already purchased a current permit and needs to use a different vehicle temporarily. The temporary permit may be issued in two week increments and can be renewed once after it is originally issued free of charge. After this one month period, the student will be required to pay a \$3.20 fee per week for the temporary permit. Temporary Employees paid by the University may receive a free temporary permit for one month after which they will be required to purchase a regular Faculty/Staff permit or pay a weekly charge of \$3.20 per week for the temporary permit.*

b. Short Term Vehicle

Operators not having a vehicle registered with the University who need to operate a vehicle on campus for a short period of time may purchase a temporary permit for \$3.20 per week. This permit must be obtained at the University Police Department no later than the first University business day after the vehicle is brought on campus. A valid student ID and current proof of liability insurance on the vehicle being registered is required.

c. Loading and Unloading Permit

A temporary permit may be obtained at no charge for loading or unloading heavy equipment, supplies, bulky class projects, etc., in an area other than the area designated on one's regular valid permit. Vehicle must be parked in a legal parking space in the assigned lot for loading/unloading. These permits may be obtained at the University Police Department.

d. Temporarily Sick or Injured Permit

A temporary permit may be obtained by a person who is temporarily disabled, due to illness or injury, to park in areas other than the area designated on his/her regular valid permit. An application for this permit

must be accompanied by a doctor's statement. Parking assignments will be made in keeping with available resources.

Parking Regulations

1. The University reserves the right to enforce parking and traffic regulations:

- a. through the issuance of citations and the collection of fees for offenses.
- b. through the impoundment of vehicles in place or removal by towing of vehicles interfering with the movement of vehicular or pedestrian traffic or involved in specified parking offenses.
- c. by the suspension or revocation of permits for repeated offenses.
- d. by barring re-admission of any student for non-payment of outstanding fees.
- e. by withholding a student's official transcript and/or diploma.
- f. by other such methods as are commonly employed by city or state police in the control of traffic.

2. Parking areas are designated by metal signs. These signs indicate the type of permit holder for which the area is reserved. Certain lots are reserved for permit holders assigned to that lot only.

3. Parking areas are generally reserved for the type of permit holder indicated by signs from 6:00 a.m. to 4:00 p.m., Monday through Friday, except as otherwise indicated.

Parking lots 8W (North of Education Building) and 15 (Early Childhood Lab/Outdoor Pool) are reserved Monday through Friday until 8:00 p.m. A portion of Lot 47, (Commuter Lot) as identified by metal signs, is reserved for Band Practice on Tuesday and Wednesday after 3:30 P.M. Vehicles will be towed, at owner's expense, from this area during this designated time.

- a. A valid parking permit is required for parking at the Health Clinic.
- b. Pecan Park (Lot 54): All spaces facing the pavilion are reserved for Park Patrons ONLY.

4. Unpaid charges for parking offenses are recorded in the name of the person who has registered the vehicle with the University Police Department or in the name of the person in whose name the vehicle is registered with some official state motor vehicle registration

department or agency. NOTE: If a student has the same family name and/or home address as the registered owner, then the unpaid charges on non-permitted vehicles will be recorded in the student's name. Parking permits and parking fines not paid will be subject to collection. Any charges associated with collection will be your responsibility.

5. A temporarily sick or injured person with a temporary "Special" permit may park only in those areas specified on the permit by the University Police Department. Vehicle must have a valid permanent parking permit.

6. Several parking spaces, regardless of the area in which they are located, are reserved 24 hours a day, seven (7) days a week for service vehicles, Residence Hall Directors Handicapped, or as loading zones. This also includes UPD Business, Police Vehicles Only and VIP Parking at Hall 20 spaces.

7. Several parking spaces too small for conventional vehicles have been designated for motorcycles by curb markings. Spaces so marked are for two-wheeled motor vehicles only.

8. Certain parking spaces have been designated as "20 minute" parking spaces. These spaces are so designated to provide short-term parking for business access to the Stephen F. Austin State University Post Office, University Center offices and other designated areas. Overparking in these spaces is prohibited. Citations may be issued for each 21-minute segment of overparking. STUDENTS, FACULTY, STAFF, AND PRIVATE CONTRACTORS MUST HAVE A VALID SFA PERMIT DISPLAYED WHILE PARKED IN 20-MINUTE PARKING.

9. All vehicles, except motorcycles, must park head-in and within a defined space in lots and streets having angle or head-in parking.

10. Vehicles are prohibited at all times from parking in reserved spaces without a proper permit, no parking zones, tow-away zones, fire lanes, crosswalks, loading zones or service driveways, on lawns, curbs or sidewalks, barricaded areas or in any manner which obstructs the flow of vehicular or pedestrian traffic.

11. Students, faculty, staff and employees of private contractors or other government agencies assigned to Stephen F. Austin State University are expected to be familiar with and abide by these regulations at all times. The fact that a certain citation is not issued when a vehicle is illegally parked does not mean or imply that the regulation or law is no longer in effect.

12. The responsibility for obtaining knowledge of all laws and regulations in force rests with the motor vehicle operator.

Violations and Enforcement of Parking Regulations

1. General Violations:

- a. Parking a vehicle displaying a valid permit, but in violation of lot or area assignment.

- Fee: ~~\$15.00~~2421.00

Above parking control will apply from 6:00 a.m. to 4:00 p.m., Monday through Friday. Reserved lots are reserved until times indicated by signage.

- b. Parking backward in a parking space.

- Fee: ~~\$15.00~~2421.00

- c. Failing to properly display a valid parking permit.

- Fee: ~~\$25.00~~4035.00 and purchasing appropriate permit for vehicle if registered to an owner or operator who is a faculty, staff, student, or employee of a private contractor assigned to campus.

- d. Failing to park properly within the lines of a parking space.

- Fee: ~~\$15.00~~2421.00

Above parking controls will apply 24 hours a day, seven (7) days a week.

- e. Parking in a space designated "20 minute parking" for more than 20 minutes with a valid permit.

- Fee: ~~\$15.00~~2421.00

Above parking control will apply from 6:00 a.m. to 4:00 p.m. Monday through Friday.

- f. Display permit assigned to another vehicle.

- Fee: ~~\$15.00~~2421.00

Above parking control will apply 24 hours a day, seven (7) days a week.

g. Display two or more valid permanent permits.

- Fee: ~~\$15.00~~2421.00

Above parking controls will apply 24 hours a day, seven (7) days a week.

2. Flagrant Violations:

- a. Parking in a reserved space without displaying a proper permit.
 - Fee: ~~\$25.00~~4035.00plus tow fee if vehicle is removed by tow away.

b. Parking a vehicle in a no parking zone.

- Fee: ~~\$25.00~~4035.00plus tow fee if vehicle is removed by tow away.

c. Parking in any manner which obstructs vehicular traffic.

- Fee: ~~\$25.00~~4035.00plus tow fee if vehicle is removed by tow away.

d. Parking in any manner which obstructs a crosswalk.

- Fee: ~~\$25.00~~4035.00plus tow fee if vehicle is removed by tow away.

e. Parking in a fire lane.

- Fee: ~~\$25.00~~4035.00plus tow fee if vehicle is removed by tow away.

f. Parking in a tow away zone.

- Fee: ~~\$25.00~~4035.00plus tow fee if vehicle is removed by tow away.

g. Parking in a loading zone or service driveway.

- Fee: ~~\$25.00-40~~35.00 plus tow fee if vehicle is removed by tow away.

h. Parking on any lawn, curb, sidewalk or other area not set aside for parking.

- Fee: ~~\$25.00-40~~35.00 plus tow fee if vehicle is removed by tow away.

i. Parking on campus while parking privileges are suspended.

- Fee: ~~\$25.00-40~~35.00 plus tow fee if vehicle is removed by tow away.

j. Moving any barricade or parking within any barricaded area.

- Fee: ~~\$25.00-40~~35.00 plus tow fee if vehicle is removed by tow away.

k. Using a forged, altered, false, or fictitious or stolen permit.

- Fee: ~~\$50.00-80.00~~ plus tow fee if vehicle is removed by tow away.

l. Falsifying or altering vehicle registration information.

- Fee: ~~\$50.00-80.00~~ plus tow fee if vehicle is removed by tow away.

m. Parking in a "Reserved for Handicapped" parking space or any other area designed for disabled persons such as an access ramp or curb cut without displaying a proper permit or any other area designed for disabled persons such as an access ramp or curb cut.

- Fee: ~~\$50.00-80~~70.00 plus tow fee if vehicle is removed by tow away.

n. Parking in violation of the directions of a Traffic Control Officer.

- Fee: ~~\$25.00-40~~35.00 plus tow fee if vehicle is removed by tow away.

Above parking controls will apply 24 hours a day, seven (7) days a week.

3. Citations for Parking Violations:

- a. Citations will be issued to vehicles for violation of parking regulations.
- b. Fees for parking violations may be paid in person at the University Business Office between 8:00 a.m. and 4:00 p.m. Monday through Friday or mailed to:

Stephen F. Austin State University
Business Office
P. O. Box 13053, SFA Station
Nacogdoches, Texas 75962-30534.

4. Impoundment in Place

- a. A vehicle may be impounded in place if:
 - (1) it is parked anywhere on campus without displaying a current permit and has 3 or more unresolved citations; or
 - (2) the owner or operator violates the terms of a conditional release; or
 - (3) it is parked illegally in a handicap space without displaying a proper permit; or
 - (4) the owner or operator illegally uses a handicap permit to obtain parking privileges; or
 - (5) it is parked in any space without a permit for that area.
- b. A vehicle impounded in place shall be released if:
 - (1) the owner or operator agrees to pay for all outstanding citations on the vehicle plus a fee of ~~\$25.00~~ ~~40~~35.00 and purchases a valid permit.
 - (2) the University Chief of Police authorizes the release of the vehicle.

5. Tow Away

- a. A vehicle impounded in place may be towed away if:

- (1) disposition of all citations for the vehicle is not made within three (3) days of the impoundment;

(2) the owner or operator removes or attempts to remove the impounding equipment attached to the vehicle.

b. A vehicle that has to be moved to a different location on campus due to a violation shall be assessed a fee of \$7263.00 for such move.

bc. A vehicle may be towed away if the owner or operator:

- (1) parks in any manner which obstructs vehicular traffic;
- (2) parks in any manner which obstructs a crosswalk;
- (3) parks in a loading zone or service drive way;
- (4) parks in a no parking zone;
- (5) parks in a fire lane;
- (6) parks in a tow away zone;
- (7) parks on campus while parking privileges are suspended;
- (8) moves any barricade or parks in any barricaded area;
- (9) parks in a reserved space without displaying a proper permit;
- (10) parks in a "Reserved for Handicapped" space without displaying a proper permit or any other area designed for disabled persons such as an access ramp or curb cut;
- (11) violates the terms of a conditional release;
- (12) parks in violation of the directions of a Traffic Control Officer;
- (13) parks in any space without a permit for that area.

ed. A vehicle that has been removed by tow away shall be released if:

- (1) the owner or operator of the vehicle agrees to pay the fees for all outstanding citations on the vehicle plus a commercial wrecker service fee of (to be determined by competitive bid and posted at the University Police Department) and storage charges of (to be determined by competitive bid and posted at the University Police Department); or

- (2) the University Chief of Police authorizes the release of the vehicle.

de. When the removal of a vehicle has been authorized and the owner or operator of the vehicle appears at the vehicle **after** the wrecker has arrived and the wrecker driver has made a hook-up or signed the tow order for custody of the vehicle, the vehicle shall not be towed away if the owner or operator:

- (1) pays the wrecker driver a fee of \$25.00 in lieu of towing; and

- (2) agrees to move the vehicle.

- (3) agrees to pay outstanding fees.

ef. When the removal of a vehicle has been authorized and the owner or operator appears at the vehicle **before** the arrival of the wrecker, the vehicle shall not be towed away if the owner or operator:

- (1) agrees to move the vehicle.

- (2) agrees to pay outstanding fees.

fg. No vehicle may be towed without the express approval of the University Chief of Police or his designated representative.

g. Fees for tow away will be included on their SFA bill if a student, faculty or staff. Others may pay at the University Police Department Permits/Citations Office between 7:30 a.m. and 5:00 p.m. Monday through Friday or the Police Dispatch Office after 5:00 p.m. and on Saturday and Sunday

6. Suspension of Parking Privileges

- a. Parking and Traffic Regulations and Information are rules adopted by the Board of Regents under the authority of the Texas Education Code. All vehicles operated on the properties of the University are required by law to comply with University Parking and Traffic Regulations and Information.

Notices of parking violations may constitute a suspension of parking privileges and any fee assessed is for reinstatement of parking privileges for operators of vehicles registered with the University.

All violations involving registration of vehicles operated on the properties of the University are violations of the law and University Parking and Traffic Regulations and Information. Disposition of these citations at the University is a privilege extended by the University which may be withdrawn at the University's option.

Violation of University Parking and Traffic Regulations is a misdemeanor punishable by a fine of up to \$200.

Any parking violation may be filed in a Justice or Municipal court as a violation of University Parking and Traffic Regulations.

- b. Violation of suspension of parking privileges shall result in removal of the vehicle by tow away.

7. Appeal of Citation, Impoundment, and Tow Away:

- If a person receives a citation and believes it is unwarranted, he/she may enter a plea of not guilty at the University Police Department. All pleas must be entered at the University Police Department within seven (7) class days of the date of the citation. Appeal forms and other information may be obtained at the University Police Department.

Student citations shall be appealed through the Student Supreme Court. All decisions of this body are final. Faculty and staff citations shall be appealed through the Faculty/Staff Traffic Appeals Board.

Bicycle Registration and Regulations

1. Registration:

- a. The University does not require the registration of bicycles, however owners are encouraged to have bicycles marked for identification purposes at the University Police Department.

- (1) The University Police Department will record bicycle serial number and description and issue a bicycle permit for a \$5.00 charge; or

- (2) The University Police Department will record bicycle serial number and description and make available an engraving tool to mark bicycles for identification. There is no charge for this service.

2. Regulations:

- a. Every person operating a bicycle on University property must give the right-of-way to pedestrians at all times, keep to the right of the roadway and obey all traffic signals.

- b. Bicycles may not be parked on sidewalks or in University buildings at any time. Bicycles are to be parked in bicycle racks. Bicycles may not be left on porches or walkways and may not be chained to trees, light poles, shrubs, art objects, handrails or stairways.

- c. Bicycles parked in violation may be impounded and removed to the University Police Department and a \$5.00 fee charged for its release.

Traffic Regulations

1. Speed Limits:

- The speed limit within the campus area is 20 MPH unless otherwise posted, except the speed limit for all parking lots is 10 MPH.

2. Moving Violations:

- All vehicles driven on Stephen F. Austin State University property are subject to all University traffic regulations, State of Texas Motor Vehicle Codes and City of Nacogdoches, Motor Vehicle Laws. Moving violations may be issued on a City of Nacogdoches Traffic Citation or filed in the office of the appropriate Justice of the Peace.

3. Right-of-Way:

- Pedestrians have the right-of-way at all marked crosswalks. Motor vehicle operators must yield the right-of-way to pedestrian traffic in marked crosswalks.

University Police

The Board of Regents of Stephen F. Austin State University is authorized to employ campus police personnel. Such officers are commissioned as Texas peace officers and are vested with all powers, privileges and immunities of peace officers in the performance of their duties. As Texas peace officers, Stephen F. Austin State University Police Officers have county-wide jurisdiction in all counties in which the University owns property.

All persons on University property are required to identify themselves to such officers when requested. Failure to produce identification upon request of an officer may result in arrest and appearance before a magistrate.

The University Police shall be vested with the authority to refuse to allow persons having no legitimate business to enter upon any property under the control and jurisdiction of Stephen F. Austin State University and to eject any unauthorized persons from said property upon their refusal to leave peaceably upon request.

The University Police are authorized to enforce the Texas Motor Vehicle Code, the Texas Penal Code, the applicable Ordinances of the City of Nacogdoches, the parking and traffic regulations of the University and all other laws.

All accidents, thefts, and other offenses that occur on University property or anywhere within the campus area should be reported to the University Police immediately. Accident reports should be made prior to moving vehicles. One-vehicle accidents should also be reported. Always keep your vehicle locked.

Source of Authority: Texas Education Code, sec. 51.201 et seq.; Board of Regents; President; Vice President for University Affairs

Cross Reference: Parking and Traffic Regulations and Information

Contact for Revision: Chief of University Police

Forms: None

Petitions and Handbills

D-25

Original Implementation: July, 1980

Last Revision: ~~January 30, 2001~~ October 14, 2004

These rules shall govern the circulation and distribution of all ~~petitions~~ petitions (*a document embodying a formal written request made to an official person or organization*) and handbills (*a printed sheet that is distributed by hand*), on University property.

1. *Students, employees, and their approved organizations may circulate and distribute petitions and handbills on University property, except in academic buildings unless otherwise authorized by law.*
2. *Visitors, defined as any person who is not presently enrolled as a student nor is presently employed by the University, may circulate and distribute petitions and handbills in assigned areas of campus upon approval.*
3. *All persons or organizations seeking to distribute a petition or handbill must complete a registration form with the Office of Student Affairs and deposit a true and correct copy of the petition or handbill to be circulated or distributed.*
4. *As a condition of approval, the individual or authorized organizational representative completing the registration form must permit the University to release their name and contact information contained on the form to any party requesting it.*
5. *Areas and times of circulation and/or distribution are as follows:*
 - a. *Students, employees, and their approved organizations may circulate and distribute properly registered petitions and handbills on University property at any time and in any location, except in academic buildings unless otherwise authorized by law.*
 - b. *Visitors may circulate and distribute properly registered petitions and handbills in the area of campus assigned as a part of the registration process. Visitors may circulate and/or distribute petitions and/or handbills between the hours of 8:00 a.m. and 7:00 p.m. on the days registered for.*
 - c. *Handbills may not be placed on parked vehicles as a means of distribution.*
6. *Registration must be made through the Office of Student Affairs at least twenty-four (24) hours in advance to facilitate orderly scheduling of the circulation and/or distribution area(s).*

7. Circulation and distribution by all parties must be conducted in compliance with these rules and University policy and must not:

- a. result in a breach of peace or violation of law;
- b. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
- c. materially disrupt or interfere with the normal activities of the University.

8. Each petition and handbill to be circulated or distributed on University property must identify the person or organization displaying or distributing it.

9. The person or organization circulating or distribution these materials shall clean and remove any litter which results from this activity.

10. No person or organization may circulate or distribute a petition or handbill that:

- a. violates the University's policy on solicitation;
- b. contains material that is obscene or libelous; or
- c. advocates the deliberate violation of law.

For the purposes of this section "advocacy" means preparing the group addressed for imminent action and steeling it to such action, as opposed to the abstract espousal of the moral propriety of a course of action.

All decisions regarding prohibition of a petition or handbill based on content would follow the procedures outlined in the Signs policy, D-31 Section V.

11. In addition to these rules, petitions and handbills to be circulated and distributed by students, faculty, and staff, and their approved organizations, in:

- a. residence halls must comply with the rules governing residence halls; and
- b. the University Center must comply with the rules governing the University Center.

~~1. These rules shall apply to students, faculty, and staff, and their approved organizations.~~

122. ~~However,~~ these rules do not apply to:

- a. the University, and its agents, servants, or employees, acting in the course and scope of their agency or employment; and
- b. the Stephen F. Austin State University Alumni Association and the Stephen F. Austin State University Foundation.

~~3. Students, faculty, and staff, and their approved organizations, may circulate and distribute petitions and handbills on University property, except in academic buildings unless otherwise authorized by law. Circulation and distribution must be conducted in compliance with these rules and University policy and must not:~~

- ~~a. result in a breach of peace or violation of law;~~
- ~~b. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or~~
- ~~c. materially disrupt or interfere with the normal activities of the University.~~

~~4. The person or organization must deposit in the Office of Student Development a true and correct copy of the petition or handbill to be circulated or distributed on University~~

property. Each petition and handbill deposited with the Office of Student Development shall bear the signature of the person, or if an organization, the signature of its authorized representative, as well as, the organization's address and telephone number.

5. Each petition and handbill to be circulated or distributed on University property shall identify the person or organization displaying or distributing it.

6. The person or organization shall clean and remove any litter which results from the circulation and distribution of its petitions and handbills.

7. No person or organization may circulate or distribute a petition or handbill that:

a. violates the University's policy on solicitation;

b. contains material that is obscene or libelous; or

c. advocates the deliberate violation of law. For the purposes of this section "advocacy" means preparing the group addressed for imminent action and steeling it to such action, as opposed to the abstract espousal of the moral propriety of a course of action.

8. In addition to these rules, petitions and handbills to be circulated and distributed by students, faculty, and staff, and their approved organizations, in:

a. residence halls must comply with the rules governing residence halls; and

b. the University Center must comply with the rules governing the University Center.

Petitions and Handbills of Visitors

These rules shall govern the circulation and distribution of all petitions and handbills on University property by visitors.

1. Visitor shall mean a person who is not presently enrolled as a student nor is presently employed by the University.

2. a. Visitors may circulate and distribute petitions and handbills in the Free Expression Area of the University between 8:00 a.m. and 7:00 p.m., Monday through Saturday.

Circulation and distribution must be conducted in compliance with these rules and University policy and must not:

(1) result in a breach of peace or violation of law;

(2) interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or

(3) materially disrupt or interfere with the normal activities of the University.

However, during registration, visitors that can present to the Vice President for Business Affairs written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under 26 U.S.C.A. 501 (c) (3) and (d) (Internal Revenue Code) may circulate and distribute petitions and handbills in areas designated in advance by the Office of Student Development.

b. Reservations must be made in writing through the Office of Student Development at least forty-eight (48) hours in advance of the activity in order to facilitate orderly scheduling of the area. The visitor must deposit with the Office of Student Development a true and correct copy of the petition or handbill to be circulated or distributed on University property. Each petition and handbill deposited with the Office of Student Development shall bear the signature of the person, or if an organization, the signature of its authorized representative.

3. Each petition and handbill to be circulated or distributed on University property shall identify the person or organization displaying or distributing it.

4. The visitor shall clean and remove any litter which results from the circulation and distribution of his/her petitions and handbills.

5. No visitor may circulate or distribute a petition or handbill that:

- ~~a. violates the University's policy on solicitation;~~
- ~~b. contains material that is obscene or libelous; or~~
- ~~c. advocates the deliberate violation of law. For the purposes of this section, "advocacy" means preparing the group addressed for imminent action and steeling it to such action, as opposed to the abstract espousal of the moral propriety of a course of action.~~

Source of Authority: United States Constitution, Amendments I and XIV; President;
Vice President for University Affairs

Cross Reference: Stephen F. Austin State University ~~Web Page~~ *Policy D-31*

Contact for Revision: ~~Dean of Student Development~~ *Director of Student Affairs*

Forms: ~~None~~ *Registration Form – Student Affairs*

Training and Certification of University Vehicle Operators D-36

Original Implementation: May 4, 1983

Last Revision: ~~October 23, 2001~~ *October 14, 2004*

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

- 1) Driving while intoxicated
- 2) Aggravated assault with motor vehicle
- 3) Driving under the influence of drugs
- 4) Murder without malice with motor vehicle
- 5) Homicide by vehicle
- 6) Failure to stop and render aid

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

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

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

- a. provide evidence of an appropriate, valid Texas driver's license, or a valid out of state license if an active duty member of the military or reserves;
- b. provide evidence of the satisfactory completion of a course of defensive driving; and,
- c. provide evidence from the Driver Records Division of the Texas Department of Public Safety, or out of state drivers record bureau if an active duty member of the military or reserves of a satisfactory driving record.

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

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

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

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

8. An employee holding an Approved Driver Certificate who is involved in a hazardous traffic violation may be required to repeat any phase of the certification process. Habitual or repeated violation of the University policy or the Texas Motor Vehicle Law, may result in the suspension or cancellation of an Approved Driver Certificate. The Chief of University Police may refuse to issue or renew an Approved Driver Certificate to an employee without notice or hearing.

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

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

Source Of Authority: Board of Regents, President

Cross Reference: University Vehicles (Rental & 15 Passenger Vans) B-30

Contact For Revision: President

Forms: None

Working Hours And Holidays

D-40

Original Implementation: Unpublished

Last Revision: ~~April 21, 1998~~ October 14, 2004

University employees shall work a minimum of forty (40) hours per week except Sundays and University holidays. Non-academic offices and departments shall be open during the hours 8:00 a.m. to 5:00 p.m., Monday through Friday, and certain selected offices 8:00 a.m. to 12:00 noon on Saturday, except University holidays. Changes to the work schedule for summer months may be necessary and will be made by the President of the University when such changes are in the best interest of the University.

Instructional personnel shall be exempt from standard hours and shall in turn function as necessary to meet classes and maintain related academic duties.

Employees must, during normal working hours, conduct university business only at their regular place of business or assigned duty point unless they are on travel status or have received prior written authorization from the President. An employee's home may not be considered his or her regular place of business without the written approval of the President.

Holidays shall be those established by the Board of Regents of the University, in accordance with state law.

Only regular employees shall be eligible for paid holidays. A regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition of employment.

Source of Authority: ~~General Appropriations Act, art. V, sec. 7; V.T.C.S., art. 4591, art. 5165a;~~ Texas Government Code Sect. 658.010 and Sect. 662.001 – 662.022, Board of Regents; President

Cross Reference: Non-Academic Employee Handbook

Contact for Revision: ~~President~~ Director of Human Resources

Forms: None

Reporting of Abuse, Exploitation or Neglect of Elderly or Disabled Persons D-46

Original Implementation: August 1, 2000

Last Revision: ~~None~~ *October 14, 2004*

The purpose of this policy is to comply with state law that requires the reporting of abuse, exploitation, or neglect of elderly or disabled persons, as those terms are defined in Chapter 48, Section 48.002, Human Resources Code, V.T.C.A. Employees and students of the University are required to report to the appropriate department head for the area involved if they have reasonable cause to believe that an elderly or disabled person has been abused, exploited or neglected within the University and its programs. The department head shall contact and advise the General Counsel regarding the report. A thorough investigation shall be conducted as outlined in the Human Resources Code promptly after receiving the report. If the report involves a disabled person, the Office of Disability Services will be advised and included in the investigation process. If necessitated by the result of the investigation, the allegation shall be reported to the appropriate regulatory agency. Allegations involving clients of the ~~Texas Rehabilitation Commission~~ *Department of Assistive and Rehabilitative Services* shall be reported to the Commission-assigned liaison or client's sponsoring counselor. A substantiated allegation shall result in appropriate disciplinary or legal action.

Definitions

1. "Abuse" means:

- a. the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
- b. sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

2. "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

Source of Authority: Chapter 48, Human Resources Code, V.T.C.A.

Cross Reference: None

Contact for Revision: Director of Disability Services, General Counsel

Forms: None

Original Implementation: Unpublished

Last Revision: August 1, 2000 *October 14, 2004*

It is the declared policy of the United States Government to create a Drug-Free America. The Board of Regents of Stephen F. Austin State University adopts this policy to comply with the requirements of state and federal law and because of its desire to have a drug-free campus.

Definitions

1. Controlled substance means a controlled substance in schedules I through V of section 812 of the Controlled Substances Act, 21 U.S.C. 812. Examples include, but are not limited to: heroin, marihuana, mescaline, peyote, and cocaine. This definition does not include medication prescribed by a physician.
2. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
3. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
4. Federal agency means an agency as that term is defined in section 55 1(1) of Title 5, United States Code.

Prohibition, Discipline, and Treatment

1. The University prohibits all employees (full-time and part-time faculty, staff, and students) from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the University by the State Legislature for travel expenses may be expended for alcoholic beverages.
2. Observance of this policy is a condition of employment for all employees of the University.
3. An employee violating this policy shall:
 - a. be subject to employment discipline up to and including termination; or

b. be required to undergo satisfactory participation in a drug abuse assistance or rehabilitation program, such as the Employee Assistance Program of the University.

4. Any employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract who is convicted of violating a criminal drug statute shall notify his/her immediate supervisor of the conviction no later than five days after the conviction. The immediate supervisor shall promptly report the conviction to the appropriate vice president and the Director of Research Services. On behalf of the University, the Director of Research Services shall notify the federal agency grantor or contractor of the conviction within ten days of the University receipt of notice from the employee or of receipt of other actual notice.

Good Faith Effort

Stephen F. Austin State University shall make a good faith effort to maintain a drug-free workplace by implementing and enforcing this policy. The University shall also comply with United States Department of Transportation regulations regarding drug testing of drivers with a commercial driver's license.

SOURCE OF AUTHORITY: 41 USC Sec. 701 et seq.; General Appropriations Act; Board of Regents; President

CROSS REFERENCE: Faculty Handbook, Non-Academic Employee Handbook, State of Texas Travel Allowance Guide, Drug and Alcohol Testing Policy E-61

CONTACT FOR REVISION: General Counsel

FORMS: None

Hiring of Non-Academic Personnel

E-27N

Original Implementation: Unpublished

Last Revision: ~~October 23, 2001~~ October 14, 2004

General Employment Regulations

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

1. Equal Employment Opportunity. The University's policy is to employ the best qualified applicants. In no instance shall an officer or employee base the decision to hire, to promote, to discharge, to demote, to grant or to withhold employee benefits from any qualified individual on any criteria other than ability, training, experience, and performance.
2. Selective Service Registration. All offers of employment are contingent upon the applicant presenting proof that they have complied with the federal law requiring selective service registration unless they are exempt.
3. Authority to Hire. Employment openings, for classified positions, requiring services of a person who is not a student of Stephen F. Austin State University, shall be listed on a "Classified Position Personnel Requisition" form. The form is initiated by the department head seeking to fill the position, accompanied by a memo of justification, through channels to the appropriate vice president and/or President. Non-classified (administrative/professional) positions shall be listed on a "Department Notice of Vacancy Form." The form is initiated by the department or the chair of the search committee and routed through channels to the appropriate vice president and/or President. Upon approval of the President, the signed forms are returned to the appropriate vice president for routing to Human Resources. Requisitions for non-classified personnel must be accompanied by a signed "Administrative Route Slip" upon submission to Human Resources.
4. Listing of Employment Openings. Before the employing department recommends appointment of a candidate, classified positions shall be listed a minimum of five working days and non-classified (administrative/professional) positions a minimum of ten working days.
5. Advertising of Employment Openings. Employment advertisements by any University department or official must contain the following statement: "An Equal Opportunity Employer" and must be approved in advance by the Director of Public Affairs. In addition, employment advertisements for non-classified (administrative/professional) positions must be approved by the Director of Human Resources. Employment advertisements for classified positions shall be available in Human Resources. Human Resources will list openings with the local State Employment Office and such other agencies as may be appropriate. Any department or search committee electing to post vacancy notices on the Internet, must include the EEO notice as a part of the posting.

6. Employment of Aliens. The University shall abide by regulations of the U. S. Immigration and Naturalization Service. In compliance with the 1986 Federal Immigration and Naturalization Law, all employees hired after November 1, 1986, must complete Form I-9 *within 3 days of employment after which the form becomes a part of the individual's personnel record.*
7. Offers of Employment. All offers of employment may be withdrawn based on the Board of Regents non-approval, failure to fulfill requirements, or for other cause.

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

Cross Reference: None

Contact for Revision: Director of Human Resources

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

Original Implementation: August 8, 1995

Last Revision: ~~April 18, 2000~~ *October 14, 2004*

General Policy Statement

It is the policy of Stephen F. Austin State University that all employees maintain high ethical standards in the performance of their official duties. The following guidelines regarding state ethics laws for state employees are applicable to the Board of Regents, the administration, faculty and staff of the University. Other University policies that affect ethical standards include but are not limited to: Policy E-46 Discrimination Complaints/Sexual Harassment; Policy E-12 Dual Employment; Policy E-33 Nepotism; Policy E-15 Employee Conduct; Policy E-11 Discipline and Discharge.

Ethics Laws for State Employees

As a state employee, you owe a responsibility to the people of Texas in the performance of your official duties. See Government Code §572.001. High institutional standards and high personal standards are critical to fulfilling that responsibility. There are a variety of both civil and criminal statutes that set out the ethical responsibilities of state employees. The Texas Ethics Commission is charged with interpreting, issuing advisory opinions, and enforcing certain ethics laws including Chapter 572 of the Government Code and Chapters 36 and 39 of the Penal Code. Those statutes contain provisions relating to conflicts of interest, bribery, gifts, official misconduct, and misuse of state property, among other things. Additionally, §556.004 of the Government Code contains a list of prohibited acts of agencies and individuals with regard to political activity.

1. Conflicts of Interest, Bribery and Gifts

While the law regarding conflicts of interest may be legally complex, §572.051 of the Government Code outlines standards for state employees, which if followed, should prevent most conflicts of interest from occurring. §572.051 does not provide any penalties or sanctions at law for failure to comply with the standards it sets, though in cases of egregious noncompliance a person's behavior could constitute a crime under one of the Penal Code provisions governing the conduct of state employees.

The acceptance of gifts by state employees is addressed in §572.051(1), which provides that a state employee should not

accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct.

This simply means that you should never accept anything if it might make you do your job differently, or if you think the person giving it to you has the hope you will do your job differently. Section 572.051(5) provides, in effect, a "no tipping" rule for state employees. It states that a state employee should not

intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the Officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

For most state employees, compliance with §571.051(1) and (5) eliminates worry about compliance with either the Penal Code or the lobby law with respect to the acceptance of gifts.

Section 571.051(2), (3), and (4) states that as a state employee you should not engage in economic activities even on your own time that might affect decisions at your state job, or that might lead you to disclose confidential information learned on the job. Simply put, you should not engage in business or investments that might make you want to do your state job differently.

The Texas Penal Code also includes provisions regarding conflicts of interest, bribery and gifts. As a state employee, you commit the offense of bribery if you solicit, offer, or accept a "benefit" in exchange for your decision, opinion, recommendation, vote, or other exercise of discretion as a state employee. Penal Code §36.02.

Most state employees are subject to a prohibition on the acceptance of "benefits." Penal Code §36.08. For example, an employee of a regulatory agency may not accept a benefit from a person the employee "knows to be subject to regulation, inspection, or investigation by the public servant or his agency. *Id.* §36.08(a). Also, an employee of a state agency who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions may not accept a benefit from a person the employee knows is "interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion." *Id.* §36.08 (d). *These prohibitions apply regardless of whether the donor is asking for something in return.*

The statutory definition of "benefit" is "anything reasonably regarded as pecuniary gain or pecuniary advantage." Penal Code §36.01(5). In advisory opinions, the Ethics Commission has stated that the following gifts may be benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal. Ethics Advisory Opinions Nos. 97, 94, 90, 69, 60 (1992). Benefits such as food, lodging, transportation, football tickets, etc., may however be permissible if accepted as a "guest." Penal Code §36.10(b). To accept something as a guest, the donor must be present.

Other advisory opinions have concluded that certain items are not benefits. A cup of coffee is not a benefit. Ethics Advisory Opinion No.118 (1993). Small amounts of perishable food delivered to government offices are generally not benefits. Ethics

Advisory Opinion No.62 (1992). Trinkets of minimal value such as coffee mugs, key chains, and "gimme" caps are generally not benefits. Ethics Advisory Opinion No.61(1992). A plaque is not a benefit. Ethics Advisory Opinion No.36 (1992). Of course, you may accept a gift from a person such as a friend, relative, or business associate with whom you have a relationship independent of that official status if the gift is given on account of that relationship rather than your official status. Penal Code §36.10(b).

Honoraria may also be considered as gifts or benefits under the Penal Code. You may not solicit, agree to accept, or accept an honorarium in consideration for services you would not have been asked to provide but for your official position. Penal Code §36.07. Thus, for example, you may not take a speaker's fee for speaking in your official capacity. Although questions about honoraria come up most frequently in regard to speeches, the prohibition applies to fees or gifts for *any service* that you would not have been asked to provide but for your official position. It is permissible to accept food, transportation, and lodging in connection with a speech or other service performed in an official capacity.

2. Official Misconduct and Misuse of State Property

As a state employee, you would commit an offense if, with intent to obtain a benefit or harm another, you intentionally or knowingly *violated a law relating to your office or employment*. Penal Code §39.01(a)(1). This catchall prohibition applies to any violation of a law relating to your state employment. This means, for example, that a violation of a rider to the Appropriations Act, done with intent to obtain a benefit or harm another, could be the basis of a criminal prosecution.

Also, you would commit an offense if, with intent to obtain a benefit or harm another, you misapplied any thing of value belonging to the government that has come into your custody or possession by virtue of your state employment. Penal Code §39.01(a)(2). This provision is the basis for criminal prosecutions regarding the misuse of state property for personal use or otherwise.

3. Financial Disclosure Statements

Regents and the President must file financial disclosure statements with the Texas Ethics Commission by April 30 of each year. Government Code Chapter 572.

4. Prohibited Acts of Agencies and Individuals Regarding Political Activity

The University, its officers and employees may not use state money, equipment or official authority to influence an election as prohibited by §556.004 of the Texas Government Code.

5. Summary

In this age of high ethical standards and unrelenting public scrutiny, it is imperative that all state employees be aware of applicable ethics laws. Texas governmental entities are run under an open government system, and all public employees are subject to review. If you have questions or concerns, contact the University's General Counsel.

Source of Authority: Article III, §32-26 of the General Appropriations Act as adopted by the ~~74th~~ 78th Legislature, Texas Government Code Chapter 572, Texas Penal Code §36.01, et. seq., 39.01, Texas Government Code §556.004, and other applicable state and federal laws, Board of Regents

Cross Reference: Policy Discrimination Complaints/Sexual Harassment, E-46, Dual Employment, E-12, Nepotism, E-33, Employee Conduct, E-15, Discipline and Discharge, E-11, and the Faculty Handbook

Contact for Revision: General Counsel, Board of Regents

Forms: None

Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities

F-34

Original Implementation: July 14, 1998

Last Revision: ~~April 20, 2004~~ October 14, 2004

Students enrolled at Stephen F. Austin State University, or faculty or staff members requested to make accommodations for persons with disabilities, who disagree with the provision of accommodations or the denial of accommodations may submit an appeal to the Director of Disability Services/ADA Coordinator (Director) located in Disability Services, Room 104-325 of ~~Wisely Hall~~ *the Human Services building*. Appeals covered under this policy may be initiated by: 1) student or faculty member, regarding the provision of academic accommodations; 2) student or staff member, regarding the provision of accommodations for non-academic programs or activities; 3) student, regarding the denial of accommodations by the Director of Disability Services; 4) student, regarding the denial of housing accommodations by the Director of Housing. Appeals of decisions of the Director of Disability Services (number 3 above) should be submitted to the Vice President for University Affairs (Vice President), located in Room 314 of the Austin Building. Grievances or complaints of discrimination based on disability relating to other circumstances not described above should be addressed through the University's "Discrimination Complaints/Sexual Harassment" Policy, E-46, ~~revised July 27, 1999~~, a copy of which may be obtained from the Director of Disability Services/ADA Coordinator or the University's General Counsel.

The appeal should be written; should state the specific nature and basis of the appeal; and, should be signed and dated by the individual making the appeal. It should be provided to the Director or Vice President in a timely manner following the decision being appealed, but not later than 180 days from the date of notification of the decision being appealed.

Within two (2) working days of receipt of the appeal, the Director or Vice President will schedule a meeting with the Chair/Director of the department involved, the faculty or staff member involved, and the student. The purpose of this meeting will be to review the circumstances and, if possible, to reach a mutually agreed upon resolution.

If unresolved, the appeal will be forwarded by the Director or Vice President to an Appeal Review Committee (Committee) for a second and final decision.

Depending upon the administrative or academic area involved in the decision being appealed, the Appeal Review Committee will be composed of three members selected by the Director or Vice President. The Director will serve as Chair and ex officio member of the Committee in situations listed above with the exception of number three (3) when the Vice President will appoint a faculty member or academic administrator with background and/or experience in disability-related matters to serve as Chair. In academic appeals (number 1 above), the Committee will be composed of: one faculty member from the department involved; the Dean of the College involved; and a member of the ADA Advisory Committee. For appeals in non-academic programs and activities and housing accommodations (numbers 2 and 4 above), the Committee will be composed of: one staff member from the department involved; the Director of the department involved; and a member of the ADA Advisory Committee. In appeals relating to denial of accommodations (number 3 above), the Committee will be composed of: one faculty

member from the Department of ~~Counseling and Special Educational Programs~~ *Human Services*; and two members of the ADA Advisory Committee. When selecting committee members, the Director or Vice President shall exclude individuals who served on the Academic Assessment Committee or the Housing Assessment Committee that provided initial review of the documentation and/or request. The Director or Vice President will communicate the decision and /or recommendations of the Appeal Review Committee to the individual seeking the appeal.

In all circumstances listed above, the Appeal Review Committee may seek input from appropriate parties other than committee members, including the student making the appeal, a faculty or staff member with experience relevant to the circumstances, the Vice President for Academic Affairs, Dean of another College, or another Director or Department Head with relevant experience. The Appeal Review Committee may seek advice from the University's General Counsel.

It is the intent of the University that meetings related to the appeal are informal in nature to allow all parties the opportunity for reasonable input and discussion. The appeal process, including the initial meeting, the meeting of the Appeal Review Committee and communication of the final decision to the individual making the appeal should be completed with expediency, ideally within seven (7) to ten (10) working days to avoid any delay in provision of accommodations or support services.

For specific information regarding provision of academic assistance, refer to Policy F-33, Academic Accommodation of Students with Disabilities. Refer to Animals on University Property D-3, for service animal information. For general policy information, refer to Policy F-16, Accessibility for Persons with Disabilities.

Source of Authority: Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990

Cross Reference: Policy F-16, Accessibility for Persons with Disabilities; Academic Accommodation of Students with Disabilities F-33, Animals on University Property D-3

Contact for Revision: Director of Disability Services

Forms: None