

# **Stephen F. Austin State University**

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



**Nacogdoches, Texas**

**October 13 and 14, 2008 (Volume 247)**

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**Stephen F. Austin State University  
Minutes of the Meeting of the  
Board of Regents  
Nacogdoches, Texas  
October 13 and 14, 2008  
Austin Building 307  
Meeting 247**

**Monday, October 13, 2008**

The regular meeting of the Board of Regents was called to order in open session at 8:00 a.m., Monday, October 13, 2008, by Chair Joe Max Green.

**PRESENT:**

Board Members:     Mr. Joe Max Green, Chair  
                             Mr. Richard Boyer  
                             Ms. Lacey Claver  
                             Mr. James Dickerson  
                             Ms. Valerie Ertz  
                             Mr. Bob Garrett  
                             Mr. Paul Pond  
                             Mr. James Thompson  
                             Mr. Melvin White

President:             Dr. Baker Pattillo

Vice-Presidents:     Dr. Richard Berry  
                             Mr. Danny Gallant  
                             Mr. Steve Westbrook

General Counsel:     Ms. Yvette Clark

Other SFA administrators, staff, and visitors

*The Building and Grounds Committee convened at 8:00 a.m. and adjourned at 9:35 a.m.  
The Finance/Audit Committee convened at 9:47 a.m. and adjourned at 11:05 a.m. The  
Academic and Student Affairs Committee convened at 11:10 a.m. and adjourned at 3:10  
p.m.*

The chair called for an executive session at 3:18 p.m. to consider the following items:

**REAL ESTATE**

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

- Possible real estate purchases

#### LEGAL ADVICE

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to, a Tech Transfer Agreement concerning an issued patent (Texas Government Code, Section 551.071)

#### GIFTS AND DONATIONS

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations (Texas Government Code, Section 551.073)

- Possible naming opportunity

#### PERSONNEL

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the following. (Texas Government Code, Section 551.074)

Coordinator of Special Projects  
General Counsel  
Executive Director of Marketing  
Development Personnel  
Vice Presidents  
President.

The executive session ended at 5:30 p.m. and the board recessed for the evening, with no action taken.

#### **Tuesday, October 14, 2008**

The chair reconvened the board meeting in open session at 9:00 a.m. on Tuesday, October 14, 2008.

#### PRESENT:

Board Members:     Mr. Joe Max Green, Chair  
                             Mr. Richard Boyer  
                             Ms. Lacey Claver  
                             Mr. James Dickerson  
                             Ms. Valerie Ertz  
                             Mr. Bob Garrett  
                             Mr. Paul Pond  
                             Mr. James Thompson  
                             Mr. Melvin White

President:             Dr. Baker Pattillo

Vice-Presidents: Dr. Richard Berry  
Mr. Danny Gallant  
Mr. Steve Westbrook

General Counsel: Ms. Yvette Clark

Other SFA administrators, staff, and visitors

## **SPECIAL RECOGNITIONS**

Dr. Baker Pattillo introduced the new interim vice president for development, Dr. John Lewis; Ms. Yvette Clark introduced the new staff attorney in the Office of the General Counsel, Mr. Damon Derrick. Dr. Jere Jackson gave a brief summary of the significance of the 85<sup>th</sup> Anniversary celebration and presented the regents with copies of the anniversary poster and a copy of the original plat for the university. Mr. Steve Westbrook introduced and presented certificates of appreciation to volunteers who participated in the response to Hurricane Ike. Mr. Danny Gallant recognized employees of the Procurement and Property Services Department who recently received a HUB Recognition Award. Mr. Jeff Davis updated the regents on events planned for Homecoming 2008.

## **APPROVAL OF MINUTES**

### **BOARD ORDER 09-01**

Upon motion by Regent Pond, seconded by Regent White, with all members voting aye, it was ordered that the minutes of the July 14 and 15, 2008, and the August 26, 2008, board meetings be approved as written.

## **PERSONNEL**

### **BOARD ORDER 09-02**

Upon motion by Regent Dickerson, seconded by Regent Garrett, with all members voting aye, it was ordered that the following personnel items be approved:

### **FACULTY APPOINTMENTS FOR 2008 – 2009**

#### **BUSINESS**

Calee J. Holcombe, Visiting Lecturer of Accounting, M.S. (Stephen F. Austin State University), at a salary of \$33,000 for 100 percent time for nine months, effective September 1, 2008.

#### **EDUCATION**

Nugget Cunningham, Assistant Professor of Educational Leadership, Principal Preparation Program, Ed.D. (Texas A&M University), at a salary of \$50,000 for 100 percent time for nine months, effective September 1, 2008.

## FINE ARTS

Heather Ann Small, Visiting Professor of Music, Ph.D. (University of Florida), at a salary of \$10,000 for 100 percent time for two months, effective September 2, 2008.

## LIBERAL AND APPLIED ARTS

Matthew Babcock, Visiting Assistant Professor of History, Ph.D. (Southern Methodist University), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2008.

Marilyn M. Gruebel, Visiting Assistant Professor of Government, Ph.D. (University of New Mexico), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2008.

George Dustin Lawhorn, Instructor of Communication, M.A. (Henderson State University), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2008.

Linda Levitt, Assistant Professor of Communication, Ph.D. (University of South Florida), at a salary of \$46,000 for 100 percent time for nine months, effective September 1, 2008.

Sudeshna Roy, Instructor of Communication, M.A. (University of Calcutta), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2008.

## SCIENCES AND MATHEMATICS

Michelle Pack Klein, Clinical Instructor of Nursing, M.S.N. (University of Texas), at a salary of \$49,000 for 100 percent time for nine months, effective September 1, 2008.

Sherry A. VanMeter, Clinical Instructor of Nursing, M.S.N. (University of Texas), at a salary of \$54,000 for 100 percent time for nine months, effective September 1, 2008.

## STAFF APPOINTMENTS FOR 2008 – 2009

### ADMISSIONS

Elisabeth J. Miller, Admissions Counselor, at a salary of \$29,560 for 100 percent time for 12 months, effective July 28, 2008.

#### ATHLETICS

Sean Patrick Longergan, Assistant Coach-Track, at a salary of \$41,658 for 100 percent time for 10.5 months, effective July 21, 2008.

Michael Trae Manny, Assistant Coach-Soccer, at a salary of \$24,000 for 100 percent time for 10.5 months, effective August 4, 2008.

Chadwyck Massengale, Assistant Coach-Baseball, at a salary of \$33,589 for 100 percent time for 10.5 months, effective September 1, 2008.

Jared Byron May, Assistant Coach-Football, at a salary of \$24,000 for 100 percent time for 10.5 months, effective July 21, 2008.

Troyce Solley, Athletic Trainer, at a salary of \$36,514 for 100 percent time for 12 months, effective August 4, 2008.

#### ALUMNI AFFAIRS

Rhonda Crim-Tumelson, Coordinator of Alumni Communications, at a salary of \$34,000 for 100 percent time for 12 months, effective August 21, 2008.

#### EARLY CHILDHOOD LAB

Christy M. Leduff, Teacher, at a salary of \$30,000 for 100 percent time for 12 months, effective July 30, 2008.

#### GENERAL COUNSEL

Damon C. Derrick, Staff Attorney, at a salary of \$50,000 for 100 percent time for 12 months, effective November 3, 2008.

#### INSTITUTIONAL RESEARCH

Amber Low Middleton, Institutional Research Analyst, at a salary of \$44,000 for 100 percent time for 12 months, effective September 1, 2008.

Nicole L. Nelson, Associate Director, at a salary of \$65,000 for 100 percent time for 12 months, effective August 11, 2008.

#### INFORMATION TECHNOLOGY SERVICES

Jacquelyn E. Vose, Programmer Analyst I, at a salary of \$32,960 for 100 percent time for 12 months, effective July 21, 2008.



#### LIBRARY

Jackson Floyd Brown, Program Director-AARC, at a salary of \$40,000 for 100 percent time for 12 months, effective August 21, 2008.

#### STUDENT AFFAIRS

Winston A. Baker, Director of Residence Life, at a salary of \$80,000 for 100 percent time for 12 months, effective August 25, 2008.

#### UNIVERSITY AFFAIRS

Jennifer J. Ewing, Career Counselor and Research Coordinator, at a salary of \$38,000 for 100 percent time for 12 months, effective July 21, 2008.

### CHANGES OF STATUS FOR 2008 – 2009

#### ADMISSIONS

Melissa Eddings, from Coordinator of School Relations at a salary of \$23,757 for 100 percent time for 12 months, to Admissions Counselor at a salary of \$27,999 for 100 percent time for 12 months, effective September 1, 2008.

#### ALUMNI AFFAIRS

Mitzi Blackburn, from Assistant to the Vice President at a salary of \$30,300 for 100 percent time for 12 months, to Director of Alumni Activities and Events at a salary of \$35,000 for 100 percent time for 12 months, effective September 1, 2008.

#### ATHLETICS

Johnny R. Cardenas, from Assistant Coach-Baseball at a salary of \$41,046 for 100 percent time for 10.5 months, to Head Coach-Baseball at a salary of \$55,981 for 100 percent time for 12 months, effective September 1, 2008.

Christopher S. Connally, Assistant Coach-Baseball at a salary of \$32,611 for 100 percent time for 10.5 months, to Assistant Coach-Baseball at a salary of \$39,187 for 100 percent time for 10.5 months, effective September 1, 2008.

Sanford Miller, from Senior Trainer at a salary of \$66,708 for 100 percent time for 12 months, to Assistant Director Athletic Sports Medicine at a salary of \$68,710 for 100 percent time for 12 months, effective September 1, 2008.

Brette Tanner, from Assistant Coach-Men's Basketball at a salary of \$53,384 for 100 percent time for 10.5 months, to Assistant Head Coach-Men's Basketball at a

salary of \$55,760 for 100 percent time for 10.5 months, effective September 1, 2008.

#### COUNSELING AND CAREER SERVICES

Jill Milem, from Senior Counselor at a salary of \$52,202 for 100 percent time for 12 months, to Assistant Director Counseling Services/Clinical Director at a salary of \$56,000 for 100 percent time for 12 months, effective September 1, 2008.

#### DEVELOPMENT

John H. Lewis, from Professor of Economics and Finance at a salary of \$89,200 for 100 percent time for nine months, to Interim Vice President for Development and Professor of Economics and Finance at a salary of \$130,000 for 100 percent time for nine months, effective September 1, 2008.

Jill Still, from Executive Director of Development at a salary of \$103,000 for 100 percent time for 12 months, to Director of Development at a salary of \$85,000 for 100 percent time for 12 months, effective September 1, 2008.

#### LIBERAL AND APPLIED ARTS

Deborah E. Bush, from Adjunct Faculty at a salary of \$12,000 for 100 percent time for four months, to Lecturer of English and Philosophy at a salary of \$31,000 for 100 percent time for nine months, effective September 1, 2008.

Nancy S. Fox, from Adjunct Faculty at a salary of \$11,000 for 100 percent time for four months, to Lecturer of English and Philosophy at a salary of \$31,000 for 100 percent time for nine months, effective September 1, 2008.

Joe R. Lansdale, from Adjunct Faculty at a salary of \$3,500 for 25 percent time for four months, to Writer in Residence at a salary of \$3,700 for 25 percent time for four months, effective September 1, 2008.

Jennifer K. Luse, from Assistant Professor of Government at a salary of \$45,000 for 100 percent time for nine months, to Instructor of Government at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2008.

Lee W. Payne, from Assistant Professor of Government at a salary of \$45,000 for 100 percent time for nine months, to Instructor of Government at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2008.

#### LIBRARY

Kreg Mosier, from Systems Administrator-Library at a salary of \$43,800 for 100 percent time for 12 months, to Manager Library Web Services at a salary of \$48,000 for 100 percent time for 12 months, effective September 1, 2008.

#### PHYSICAL PLANT

Ron Watson, from Assistant to Director Physical Plant at a salary of \$61,258 for 100 percent time for 12 months, to Assistant Director Physical Plant at a salary of \$72,000 for 100 percent time for 12 months, effective September 1, 2008.

#### PROCUREMENT AND PROPERTY SERVICES

Manuel G. Guerrero, from Assistant HUB Coordinator/Systems Specialist at a salary of \$35,000 for 100 percent time for 12 months, to Assistant HUB Coordinator/Systems Specialist at a salary of \$41,523 for 100 percent time for 12 months, effective September 1, 2008.

#### REGISTRAR

Lynda S. Langham, from Legal Assistant to General Counsel at a salary of \$36,369 for 100 percent time for 12 months, to Associate Registrar at a salary of \$46,850 for 100 percent time for 12 months, effective September 2, 2008.

#### STUDENT AFFAIRS

Urisonya Roberson, from Coordinator of Multicultural Center at a salary of \$39,655 for 100 percent time for 12 months, to Director of Multicultural Center at a salary of \$45,000 for 100 percent time for 12 months, effective July 15, 2008.

#### RETIREMENTS

Mary Carns, Associate Professor of Government, effective August 31, 2008

Thomas M. Houston, Associate Professor of Music, effective August 31, 2008

Michael Legg, Professor of Forestry, effective December 31, 2008

Wanda C. Mouton, Associate Professor of Communication, effective July 31, 2008

## **ACADEMIC AND STUDENT AFFAIRS**

### **BOARD ORDER 09-03**

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

#### **SMALL SIZE CLASSES FOR SUMMER II AND FALL 2008**

The Summer II and Fall 2008 small-size class list was approved, as presented in Appendix 1.

#### **ADMINISTRATIVE REORGANIZATION OF COMMUNICATION AND PHILOSOPHY DISCIPLINES IN THE COLLEGE OF LIBERAL AND APPLIED ARTS**

WHEREAS, the board considered the following: As a part of the continuing process of reorganization within the College of Liberal and Applied Arts, a new Division of Communication and Contemporary Culture will be established to house two academic programs and a research center. The division will include the program in Communication Studies and the program in Global Media and Contemporary Culture (Radio-TV, Journalism, and Philosophy). The new division will be headed by a director and will replace the current Department of Communication. This change will put SFA on the cutting edge of developments in these disciplines and will strengthen degree offerings and opportunities for research and interdisciplinary work in these fields. The change will be effective September 1, 2009.

THEREFORE, the Department of Communication will be replaced by a new Division of Communication and Contemporary Culture and the philosophy program will be moved to this new academic division.

#### **REQUEST NAME CHANGE FOR DEPARTMENT OF ENGLISH AND PHILOSOPHY**

WHEREAS, the board considered the following: With the creation of a new division within the College of Liberal and Applied Arts, the philosophy program will be moved from the Department of English and Philosophy into the newly formed Division of Communication and Contemporary Culture. This change will be effective September 1, 2009.

THEREFORE, the Department of English and Philosophy will be renamed the Department of English.

## AMENDMENT OF TABLE OF PROGRAMS: DELETION OF BACHELOR OF SCIENCE IN AGRICULTURE WITH A MAJOR IN AGRONOMY AND DELETION OF BACHELOR OF ARTS AND BACHELOR OF SCIENCE WITH MAJORS IN GERONTOLOGY

WHEREAS, the board considered the following: The faculty and academic administration regularly review curricula and degree programs for relevance and viability. In addition, every four years the Texas Higher Education Coordinating Board requires institutions to review degree programs that have been "low producing" over the previous four years. As a result of these processes, the SFA administration has decided to eliminate three "stand-alone" degree programs in two different majors: agronomy and gerontology. In the future, students wishing to study gerontology will have the option to do so as a part of the sociology program. Decisions regarding any changes to the table of programs will be followed by SFA notification to the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools.

THEREFORE, the Table of Programs of Stephen F. Austin State University was amended to reflect deletion of the Bachelor of Science in Agriculture with a major Agronomy and the Bachelor of Arts and the Bachelor of Science with majors in Gerontology.

## APPROVAL OF AGREEMENT BETWEEN STEPHEN F. AUSTIN STATE UNIVERSITY, SFA GARDENS AND FRIENDS OF THE SFA GARDENS

WHEREAS, the board considered the following: The Stephen F. Austin State University Mast Arboretum, Ruby M. Mize Azalea Garden, Pineywoods Native Plant Center, and Jim and Beth Kingham Children's Garden ("SFA Gardens") and the Friends of SFA Gardens ("Friends") request approval to finalize the Agreement between Stephen F. Austin State University, SFA Gardens, and Friends, as a support group of the university. The agreement is included as Appendix 2.

THEREFORE, approval was given to the agreement included in Appendix 2 between Stephen F. Austin State University, SFA Gardens, and Friends; and the president was authorized to sign the agreement.

## BUILDING AND GROUNDS

### **BOARD ORDER 09-04**

Upon motion by Regent Thompson, seconded by Regent Pond, with all members voting aye, the following building and grounds items were approved:

### HOURLY ARCHITECTURAL AND ENGINEERING SERVICES

WHEREAS, the board considered the following: The university maintains an hourly contractual relationship with several architectural and engineering firms for design and engineering services, At the October 23, 2003 Board of Regents meeting, the regents

approved five firms to provide architectural and engineering services for the university on an hourly basis as needed. The regents approved one year contracts with annual renewal options for four additional years. The final year of the renewal period ends October 31, 2008.

In September 2008, the university issued Requests for Qualifications for architectural and engineering services. Firm selection was made pursuant to Government Code 2254.

THEREFORE, the firms listed below were approved. Costs will be negotiated annually, and contracts may be renewed on an annual basis for a period of four additional years. The president was authorized to sign contracts with the firms.

<b>NAME</b>	<b>CITY</b>	<b>AE SPECIALTY</b>	<b>HUB</b>
Terracon	Lufkin	Geotechnical/Mechanical	
Friberg	Ft. Worth	Mechanical, Electrical, Plumbing	
Barwin	Nacogdoches	Civil	Yes
Scott & Strong	Lufkin	Architectural	
BWR	Tyler	Architectural	
Curtis Architecture	Nacogdoches	Architectural	

#### **CONTRACTOR APPROVAL FOR DEMOLITION OF THE KFC BUILDING ON THE DEWITT SCHOOL OF NURSING FACILITY SITE**

WHEREAS, the board considered the following: The KFC building located on the site of the Dewitt School of Nursing is scheduled for demolition. The construction manager at risk will begin work after the building has been demolished. A Request for Proposals (RFP) for a building demolition contractor was issued. A committee reviewed the responses to the RFP and selected a contractor based on best value criteria.

THEREFORE, Inland Environments was awarded the contract for demolition of the old KFC building on the Dewitt School of Nursing site at a cost not to exceed \$106,450. The president was authorized to sign the contract and associated project work orders. The demolition costs will be paid with institutional funds and reimbursed with tuition revenue bond proceeds.

#### **BAKER PATTILLO STUDENT CENTER HVAC PROJECT CHANGE ORDER NO. 1**

WHEREAS, the board considered the following: At the July 15, 2008 meeting the regents approved a contract with J.E. Kingham Construction to replace the HVAC equipment in the old section of the Baker Pattillo Student Center. During the course of the project it was determined that existing circuits providing power to two existing air handler units on the roof top of the Baker Pattillo Student Center were not the proper size for the replacement units. The electrical service needs to be upgraded to accommodate the new units and will require new conduit, wire, breakers and disconnects at a cost of \$8,104.80. This will increase the amount of the contract with Kingham Construction from \$2,955,862.00 to \$2,963,966.80. Board Policy D.20.5 requires board approval for change

orders that increase the approved project costs. The change order request has been reviewed by the engineer, physical plant staff and Turner Construction.

THEREFORE, Change Order No. 1 to the contract with Kingham Construction for the Baker Pattillo Student Center HVAC project was approved by the Board of Regents in the amount of \$8,104.80.

**BOARD ORDER 09-05**

Upon motion by Regent Thompson, seconded by Regent Garrett, with all members voting aye, the following real estate item was approved:

**PURCHASE OF BOMAR PROPERTY AT 3028 RAGUET STREET**

WHEREAS, the board considered the following: The university has the opportunity to purchase the property located at 3028 Raguet Street, Lot 25-A, Block 50, in the city of Nacogdoches, from the Bomar family, subject to approval by the Board of Regents. The property was appraised on April 8, 2008 for \$392,000. It is located in an area that is in accordance with the university's master plan.

THEREFORE, the Board of Regents authorized the university to purchase the property at 3028 Raguet Street at the appraised value of \$392,000 and associated closing costs, subject to approval by the Texas Higher Education Coordinating Board. The president or vice president for finance and administration were authorized to sign the closing documents.

**FINANCIAL AFFAIRS**

**BOARD ORDER 09-06**

Upon motion by Regent White, seconded by Regent Garrett, with all members voting aye, the following financial affairs items were approved:

**APPROVAL OF ANNUAL AUDIT PLAN, AUDIT CHARTER AND REPORT**

WHEREAS, the board considered the following: According to the *Rules and Regulations of the Board of Regents*, the director of audit services shall annual submit information on the annual audit plan, work schedule, and staffing plan to the president for his review and to the Board of Regents for their approval. The director shall submit an annual report as required by Art. 6252-5d, V.T.C.S., recodified at Government Code, Chapter 2102. The annual report shall be submitted to the president and the board for review prior to public dissemination.

In addition, the Internal Standards for the Professional Practice of Internal Auditing require the internal audit charter to be approved on an annual basis. It is included as Appendix 3.

THEREFORE, the Board of Regents approved the audit plan, audit charter, and the audit report as submitted.

## FUEL CARDS FOR RETAIL GASOLINE PURCHASES

WHEREAS, the board considered the following: The university utilizes the Council on Competitive Government (CCG) Contract for retail fuel purchases at discounted prices. Fuel cards are assigned to specific vehicles, or occasionally to a specific person who may utilize different university vehicles. Fiscal year 2007 total expenditures were \$281,484.97, and fiscal year 2008 expenditures through July 31, 2008 were \$378,473.85.

THEREFORE, approval was given to continuation of the CCG contract and issuance of a purchase order for the payment of fiscal year 2009 fuel card expenditures under the contract. The president was authorized to sign the purchase order.

## APPROVAL OF CONTRACT EXTENSION WITH COLLEGIATE LICENSING COMPANY

WHEREAS, the board considered the following: Collegiate Licensing Company is a division of IMG Worldwide and currently holds 80% of the collegiate market. CLC's role is to work with the university to identify and protect its logos and marks and to create systems for efficiently and accurately controlling their use. CLC partnered with SFA to initiate its licensing program in 1999 and royalties generated by the program have grown consistently. SFA has also benefited from greater protection, management, and marketing of its brand. This program is administered by the Athletic Department and all royalties collected are deposited into a university account. The proposed extension would continue the partnership until June 30, 2014, and would allow SFA to receive two thousand dollars (\$2,000) each year to use toward marketing programs or the development of new indicia or the update of existing indicia mutually agreed and meant to have a direct impact on increasing the university's annual revenue.

THEREFORE, the Board of Regents approved the contract extension with CLC and authorized the president to sign the addendum.

## NATURAL GAS FIXED PRICE

WHEREAS, the board considered the following: At the July 15, 2008 meeting the Board of Regents approved a contract with Centerpoint Energy Services for September 1, 2008 through August 31, 2009. The contract price for gas is a variable rate based on spot gas prices for "East Texas, Houston Ship Channel" plus transportation charges and other fees. In our contract we have a fixed price addendum which allows us to fix the price for all or a portion of our gas purchases based on the New York Mercantile Exchange (NYMEX) for natural gas futures contracts. For the year ended August 31, 2008 the average price we paid for natural gas ran from a low of \$6.42 per MMBtu for September 2007 to a high of \$13.65 per MMBtu for July 2008. The average price paid per MMBtu for the year ended August 31, 2008 was approximately \$8.97 and the fiscal year 2008-09 natural gas utility budget is based on that average cost. For every dollar change in the price the cost or savings to the university is approximately \$225,000.



Because of the recent volatility in the natural gas market, and industry forecasts that project an increase in natural gas costs, the administration fixed a portion of the current fiscal year's natural gas prices. The following information indicates the fixed component of the contract:

Term:	November 1, 2008 to April 30, 2009
Rate:	\$8.17 plus transportation cost of approximately \$.40 for a total of \$8.57 per MMBtu
Quantity:	20,000 MMBtu per month (120,000 for 6 months)

Last year during the same time period we purchased 145,830 MMBtu at an average price of \$8.46. The 120,000 MMBtu represents approximately 82% of our total gas purchase for the same time period last year and approximately 53% of our total gas purchase for the year.

THEREFORE, the Board of Regents ratified the purchase of a portion of our natural gas needs from Centerpoint Energy Services in the quantity of 20,000 MMBtu per month for the period of November 1, 2008 through April 30, 2009 at the fixed price of \$8.17 plus transportation and other cost of approximately \$.40 per MMBtu as allowed by the contract. In addition, the vice president for finance and administration was given authority to fix a portion or all of the contract as opportunities arise.

## **UNIVERSITY POLICIES AND PROCEDURES**

### **BOARD ORDER 09-07**

Upon motion by Regent Boyer, seconded by Regent Thompson, with all members voting aye, the Board of Regents adopted the policy revisions as presented in Appendix 4.

## **REPORTS**

The president offered a report on the following topics:

- Legislative Hearings
- Dates of Special Events
- Voluntary System of Accountability (VSA)
- Articulation Agreements
- 85th Anniversary

The director of audit services presented a report on the annual audit plan, including the following topics:

- Payment Card Industry Data Security Standard
- JAMP Program Audit
- Follow-up Review
- Update on Other Projects

The chair of the Faculty Senate introduced the following report, presented by Dr. Alyx Frantzen and Ms. Melinda Shaw:

- Thinking Outside the Box: Creative Thinking: Geochemistry of the Southwest

The president of the Student Government Association presented a report on the following topics:

- Texas Student Association
- Voter Registration
- Volunteerism
- Lumberjack Road Crew

Chair Green adjourned the meeting at 10:45 a.m.

**Texas Higher Education Coordinating Board Rules Currently in Effect** (9-2006)

**Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas**  
**Subchapter B. Role and Mission, Tables of Programs, Course Inventory**

**§5.23 Definitions**

**§5.23.5** Organized classes--Classes whose primary mode of instruction is lecture, laboratory, or seminar.

**§5.23.8** Small classes--Undergraduate level classes with less than 10 registrations, and graduate level classes with less than five registrations.

**§5.26 Offering of Small Classes by Public Universities**

In accordance with **Texas Education Code, §51.403(d)**, public universities may offer organized small classes which:

**§51.403(d.1)** have been approved by the governing board of the university;

**§51.403(d.2)** is a required course for graduation (the course is not offered each semester or term, and, if canceled, may affect the date of graduation of those enrolled);

**§51.403(d.3)** is a required course for majors in this field and should be completed this semester (or term) to keep proper sequence in courses;

**§51.403(d.4)** is a course in a newly established degree program, concentration, or support area;

**§51.403(d.5)** is part of an interdepartmental (cross-listed) course taught as a single class by the same faculty at the same station, provided that the combined enrollments do not constitute a small class;

**§51.403(d.6)** is a first-time offering of the course;

**§51.403(d.7)** is class size-limited by accreditation or state licensing standards;

**§51.403(d.8)** is class size-limited by availability of laboratory or clinical facilities; or

**§51.403(d.9)** is voluntarily offered by a faculty member in excess of the institutional teaching load requirement and for which the faculty member receives no additional compensation.

**Source Note:** The provisions of this §5.26 adopted to be effective May 28, 2003, 28 TexReg 4124

Course Information					
Section Id.	Title	Number Enrolled	Credit Hour Value	Total Credit Hours	Texas Education Code Offering Compliance
SPE 438 001	INSTRUCTION FOR PERSONS W/ DISABILITIES	8	3	24	§51.403(d.2)
MHL 350 001	MUSIC FOR CHILDREN 1	9	3	27	§51.403(d.2)
LAS 300 001	LAS COSTA RICA STUDY ABROAD	4	3	12	§51.403(d.2)
ENG 583 001	HOLOCAUST LITERATURE	4	2	12	§51.403(d.2)
SPA 232 001	INTERMEDIATE SPANISH	8	4	32	§51.403(d.2)
SPA 250 001	INTERNATIONAL SPANISH STUDY ABROAD COSTA RICA	3	3	9	§51.403(d.2)
PSY 501 001	PSYCHOLOGICAL STATISTICS	1	4	4	§51.403(d.2,9)
BIO 241 001	COMPARATIVE VERTEBRATE ZOOLOGY	9	4	36	§51.403(d.2,3)
BTC 503 451	INTRODUCTION TO BIOTECHNOLOGY	4	1	4	§51.403(d.2,3,9)
BTC 503L451	INTRODUCTION TO BIOTECHNOLOGY LAB	4	2	8	§51.403(d.2,3,9)
CHE 332L020	ORGANIC CHEMISTRY II LAB	7	1	7	§51.403(d.2,3)

Total Estimated Credit Hours in Small Classes

175

Total Estimated SFA Credit Hours Summer II 2008

18,340

Estimated Small Class Credit Hours as a Percentage of SFA Total Credit Hours

.95%

Date: \_\_\_\_\_ Approval: \_\_\_\_\_

Course Information					
Section Id.	Title	Number Enrolled	Credit Hour Value	Total Credit Hours	Texas Education Code Offering Compliance
AGM 315 001	AGRICULTURAL ELECTRIFICATION	9	2	18	§51.403(d.3)
AGM 315L020	AGRICULTURAL ELECTRIFICATION LAB	9	1	9	§51.403(d.3)
FOR 435 001	FOREST ECONOMICS	9	3	27	§51.403(d.2)
FOR 521 001	LANDSCAPE ECOLOGY	4	3	12	§51.403(d.3)
CSC 323 001	SOFTWARE ENGINEERING	7	3	21	§51.403(d.3)
CSC 342 001	ALGORITHM ANALYSIS	8	3	24	§51.403(d.3)
CSC 353 001	SYSTEM ADMINISTRATION	6	3	18	§51.403(d.3)
CSC 425 001	DATABASE MGT SYSTEMS	9	3	27	§51.403(d.3)
CSC 542 001	OPERATING SYSTEM CONCEPTS	4	3	12	§51.403(d.3)
CSC 343 001	COMPUTER ARCHITECTURE	9	3	27	§51.403(d.3)
CSC 445 001	COMPUTER GRAPHICS	9	3	27	§51.403(d.3)
ECO 337 001	PUBLIC FINANCE	9	3	27	§51.403(d.3)
SPH 479 001	AMERICAN SIGN LANGUAGE IV	8	3	24	§51.403(d.2,3)
RHB 422 020	ADV CHEM SUB USE & ABUSE	7	3	21	§51.403(d.2,3)
PHY 242 001	TECHNICAL PHYS II	8	3	24	§51.403(d.2,3)
PHY 242L020	TECH PHY II LAB	8	1	8	§51.403(d.2,3)
PHY 333 001	MODERN PHYSIC	8	3	24	§51.403(d.2,3)
PHY 431 001	INTRO QUANTUM MECHAN	6	3	18	§51.403(d.2,9)
PHY 531 001	CLASSIC MECHANICS	3	4	12	§51.403(d.2,3)
PHY 333L020	MODERN PHYS LAB	9	1	9	§51.403(d.2,3)
LAS 450 001	CASPSTONE SEMINAR IN LAS	2	3	6	§51.403(d.9)
CHE 241 001	INORGANIC CHEMISTRY	5	3	15	§51.403(d.2,3)
CHE 241L 020	INORGANIC CHEMISTRY LAB	6	1	6	§51.403(d.2,3)
CHE 337 001	PHYSICAL CHEMISTRY I	6	4	24	§51.403(d.2,3,9)
CHE 531 001	GROUP THEORY	2	3	6	§51.403(d.2,3,9)
MTH 345 001	MATH FOR THE SECONDARY SCH TEACH	8	3	24	§51.403(d.2,3)
MTH 539 001	REAL ANALYSIS I	3	3	9	§51.403(d.2,3)
MTH 129 600	CONCEPTS AND APPLICATIONS	6	3	18	§51.403(d.4,5)
STA 525 001	APPLIED NONPARAMETRIC STATISTICS	4	3	12	§51.403(d.2,3)
STA 320 001	STATISTICAL METHODS	8	3	24	§51.403(d.2,3)
ILA 112 070	ELEMENTARY LANGUAGE CRS.II	7	3-4	21	§51.403(d.9)
FRE 304 090	INTRO TO FRENCH LITERATURE	7	3	21	§51.403(d.2,3)
ENG 444 090	ENGLISH IN SECONDARY SCHOOL	7	3	21	§51.403(d.2,3)
CJS 413 090	LEGAL RESEARCH	6	3	18	§51.403(d.2)
BTC 554 451	CRITICAL READING II	2	1	2	§51.403(d.2,3,9)
BTC 556 051	BIOTECH RESEARCH SEMINAR	3	1	3	§51.403(d.2,3,9)
BTC 561 451	ADV TECHNIQUES IN MOLECULAR BI	2	3	6	§51.403(d.2,3,9)
BIO 449 001	ANIMAL HISTOLOGY	9	4	36	§51.403(d.2)
ENV 500 451	SURVEY ENVIRON TOXICOLOGY	1	3	3	§51.403(d.3,9)
ENV 500 851	SURVEY ENVIRON TOXICOLOGY	2	3	6	§51.403(d.3,9)
ENV 542 451	GEN PRIN OF EPIDEMIOLOGY	2	3	6	§51.403(d.3,9)

Total Estimated Credit Hours in Small Classes

Total Estimated SFA Credit Hours Fall 2008

Estimated Small Class Credit Hours as a Percentage of SFA Total Credit Hours

676

148,790

.45%

Date: \_\_\_\_\_ Approval: \_\_\_\_\_

**AGREEMENT BETWEEN  
STEPHEN F. AUSTIN STATE UNIVERSITY  
SFA GARDENS  
AND  
FRIENDS OF THE SFA GARDENS**

This Agreement is made and entered into as of the \_\_\_\_ day of October 2008 of and between Stephen F. Austin State University Mast Arboretum, Ruby M. Mize Azalea Garden, Pineywoods Native Plant Center, and Jim and Beth Kingham Children's Garden, hereinafter referred to as the SFA Gardens, and the Friends of the SFA Gardens, hereinafter referred to as the Friends.

Whereas, the SFA Gardens is part of the University as a whole, the University Board of Regents formally adopts this Agreement in accordance with its policies; and Friends as an independent association which exists for the support of the University adopts this with its Bylaws.

Whereas, the SFA Gardens and the Friends provide and make available certain services and benefits to each other, and

Whereas, the SFA Gardens and Friends work together to promote the public services, botanic and environmental preservation, and education services for the SFA Gardens, University, and East Texas.

Now, therefore, in consideration of the covenants, promises, terms and provision herein contained, the parties mutually agree to the following:

**GENERAL PROVISIONS  
ARTICLE I**

1. To the extent allowed by state law, this agreement shall remain in full force and effect until terminated by either party or superseded by a subsequent agreement. While every effort will be made to provide 60 days written notice for termination of this agreement by either party, Stephen F. Austin State University in accordance with its policy and State law may terminate this Agreement anytime.
2. This Agreement is solely between the parties and cannot be assigned to another party without written approval from the non-assigning party.
3. This Agreement is entered into Nacogdoches County and proper venue shall be in Nacogdoches County.
4. This Agreement is subject to and shall be construed under the laws of the State of Texas including Chapter 2255 of the Texas Government Code. The invalidity or illegality of any provision in this Agreement shall not affect other terms or conditions of the Agreement.
5. This Agreement contains the entire Agreement of the parties and no change or modification of this Agreement is binding unless in writing and signed by the parties.

## **ARTICLE II**

The Friends agree to provide the following services:

1. Serve as a conduit between the SFA Gardens and the community; offer advice and support for the initiatives of the SFA Gardens;
2. Support and execute fund-raising activities for the benefit of the SFA Gardens, within any guidelines or limitations imposed by the University, if any; and
3. Seek to perform those functions that the SFA Gardens cannot provide itself.

## **ARTICLE III**

The SFA Gardens will provide the following:

1. Reasonable space in the SFA Gardens to the Friends to carry out its obligation;
2. Computer time as allocated by the SFA Gardens to maintain donor gift histories, and provide the Friends and the SFA Gardens with annual gift reports;
3. Utilities and telephone service reasonably needed by the Friends in carrying out its activities;
4. Reasonable use of the SFA Gardens' equipment and personnel as needed to coordinate the activities of the Friends with the educational operations of the University. The SFA Gardens hereby expressly recognizes that the president, vice-president, advancement officers, deans, faculty members, staff and students may reasonably assist from time to time in development programs or may be needed or helpful in coordinating those Friends activities with the operations of the SFA Gardens. No monetary or pecuniary enrichment will be made to any officer or employee of the University by Friends or its donors. Conduct of employees is governed by the University and when conflicts arise, University policies shall always govern the conduct of its employees. The Director of the SFA Gardens and the Chair of the Department of Agriculture shall serve in an ex-officio capacity on the Friends Board;
5. Assistance in research and investigation of individuals, foundations, businesses and corporations best qualified as prospective donors; and
6. Assistance in the coordination of follow-up activities after each solicitation and fund-raising event.

## **ARTICLE IV**

The Board of Advisors of the SFA Gardens assures the SFA Gardens that the activities of the Friends will always be in support of the objectives, goals and priorities of the SFA Gardens, as communicated to it by the Chair of the Department of Agriculture. Friends will only raise funds in the name of the University which may be deposited directly with the University or into SFA Foundation accounts whose income must be distributed back into the University. The SFA Gardens will provide a complete financial report to the Friends on the allocation and use of resources made available through the Friends.

## ARTICLE V

Since the Friends of the SFA Gardens will only raise money in the name of the University, the moneys will be deposited in University accounts, invested through the University investment program, and governed in accordance with University policy or may be deposited in SFA Foundation accounts, invested through the SFA Foundation investment program, governed in accordance with University and SFA Foundation policies, with the income of the funds flowing back into the University.

## ARTICLE VI

Disbursements from Friends accounts will be supervised by the Chair of the Department of Agriculture and the Dean of the College of Forestry and Agriculture and will be made only for expenditures consistent with the explicit purposes for which the accounts were established and within the restrictions of the donors. Full documentation will be required for each disbursement. The University/SFA Gardens reserves the right to accept or deny any gift or donation within its sole discretion.

## ARTICLE VII

The allocation and budgeting of unrestricted funds is to be determined by the Chair of the Department of Agriculture and the Dean of the College of Forestry and Agriculture. Resources raised by other support organizations and for which the SFA Gardens may serve as a Trustee of funds shall be allocated by the restriction of the donor and by the support organization. Restricted gifts shall be allocated by the restrictions of the donor and by the Chair of the Department of Agriculture and Dean of the College of Forestry and Agriculture.

The allocation, expenditure, and transfer of all resources will be reported to the Board of the Friends regularly by the Director of the SFA Gardens. The Chair of the Department of Agriculture and Dean of the College of Forestry and Agriculture will assure that all expenditures, irrespective of the allocation process, are consistent with state law and the charter of the Friends. When in conflict, State law shall always supersede.

Agreed to this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

FRIENDS OF THE SFA GARDENS    STEPHEN F. AUSTIN STATE UNIVERSITY

By \_\_\_\_\_  
President of the Board  
Friends of the SFA Gardens

By \_\_\_\_\_  
Chair, SFA Department of Agriculture

\_\_\_\_\_  
Dean of the College of Forestry & Agriculture



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Vice-President, University Development

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President

**STEPHEN F. AUSTIN STATE UNIVERSITY  
DEPARTMENT OF AUDIT SERVICES  
INTERNAL AUDIT CHARTER  
OCTOBER 14, 2008**

**Purpose**

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve the university's operations. It helps the university accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

The purpose of the Department of Audit Services is to provide the Board of Regents and the President an independent appraisal of the adequacy and the effectiveness of the University's system of internal administrative and accounting controls and the quality of performance when compared with established standards. The primary objective is to assist the Board of Regents, the President and University management in the effective discharge of their responsibilities.

**Authority**

The Department of Audit Services is an integral part of Stephen F. Austin State University and functions within established policies. The Director of Audit Services reports functionally to the Board of Regents and administratively to the President.

The Department of Audit Services will have unrestricted access to all University activities; records, both manual and electronic; property; and personnel relevant to any area being reviewed. Members of the Audit Services' staff will handle all documents and other information acquired in the course of their duties prudently.

**Standards and Independence**

The Department will operate within the guidelines of the Institute of Internal Auditors (IIA) *International Standards for the Professional Practice of Internal Auditing*, *IIA Code of Ethics*, and the Texas Internal Auditing Act (Article 6252 - 5d., V.A.C.S.).

Internal auditors are and will remain independent of the activities or operations they review; they will not engage in any activity which would impair their independence.

## **Responsibility**

The Department of Audit Services will fulfill its responsibility to the Board and the President by:

- developing an audit plan based on risk analysis which includes the concerns of management
- providing audit coverage that consistently meets the needs and expectations of management
- following up on identified weaknesses, findings and recommendations from previous audit work
- participating in a program of quality assurance designed to ensure the increasing professionalism of the department and standard of the work performed
- performing consulting services including advisory and related service activities, the nature and scope of which are agreed upon and which are intended to add value and improve the university's governance, risk management, and control processes without assuming management responsibility. Examples include counsel, advice, facilitation, training, and committee service.

Annually the Director of Audit Services will submit information on the annual audit plan, work schedule, and staffing plan to the President for his review and to the Board of Regents for their approval. Quarterly the Director will provide activity reports to the President and the Board detailing progress against the annual audit plan, audit accomplishments, and highlights of any significant audit findings and recommendations. The Director of Audit Services will submit reports as required to the State Auditor's Office, Governor's Office, Legislative Budget Board and Sunset Advisory Commission.

The scope of audit activities will include all controls, reports and operations of the University. The Department of Audit Services will examine and evaluate:

- The reliability and integrity of financial and operating information and the means used to identify, measure, classify and report information.
- The systems established to ensure compliance with policies, plans, procedures, laws and regulations that could have a significant impact on the University.
- The means of safeguarding assets and verifying their existence.
- The economy and the efficiency with which resources are employed.
- The extent to which the operations and programs of the University are consistent with its objectives and goals.

**Policies for Board Review  
October 14, 2008**

<b>Policy Name</b>	<b>Policy Number</b>	<b>Action/Change</b>	<b>Page Number</b>
Accessibility for Persons with Disabilities	F-16	Title updated. Captions revised.	P-2
Appearances before the Board of Regents	D-4	Captions revised.	P-4
Gifts, Loans, Endowments and Bequests	C-16	Major rewrite.	P-6
Gift Reporting	C-15	Titles updated.	P-13
Naming Guidelines	D-22	Funding thresholds increased. Deleted references to Academic Affairs Council. Updated captions.	P-15

## Accessibility for Persons with Disabilities (F-16)

**Original Implementation:** Unpublished

**Last Revision:** ~~October 20, 2005~~ *October 14, 2008*

Stephen F. Austin State University does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities, including hiring or employment practices.

The university is committed to providing equal opportunities in higher education to academically qualified students with disabilities who demonstrate a reasonable expectation of college success. Students with disabilities who attend SFA will be integrated as completely as possible into the university community. The university shares responsibility with the student for modifying campus facilities and programs to meet individual need.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, is coordinated through the office of Disability Services. Department heads and directors in academic and non-academic divisions have primary responsibility for providing access to programs and activities in their respective divisions and for seeking assistance to insure physical access to facilities in which those programs are offered. Disability Services works directly with students with disabilities, individual faculty members, and academic departments in the provision of classroom accommodations, and assists other university departments in providing access and coordinating accommodations for programs, activities and services offered by the university outside the classroom.

Requests for employment accommodations for employees with disabilities are submitted to the director of Human Resources for faculty and staff, or to the ~~associate~~-assistant director of Career Services for student employees, who, with assistance from Disability Services and a review committee if needed, makes employment accommodations based on individual need.

Requests for housing accommodations for students with disabilities are submitted to the director of Housing who, with assistance from Disability Services and a review committee if needed, makes housing assignments based on individual need.

Requests for specific persons to provide academic accommodations will be given consideration based upon the requested person's employment qualifications and ability to satisfy uniform quality assurance standards. Persons who are involved in an ongoing relationship with, or are related within the second degree of affinity or the third degree of consanguinity to the student or employee with a disability, as defined by Policy E-33,

Nepotism, may not receive compensation for providing services to that particular student or employee.

For specific information regarding provision of academic assistance, refer to Policy F-33, Academic Accommodation of Students with Disabilities. For specific information regarding resolution of disagreements, refer to Policy F-34, Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities. For information regarding discrimination or harassment refer to Policy E-46, Discrimination Complaints/Sexual Harassment. For information on the use of service animals refer to Policy D-3, Animals on University Property.

**Source of Authority:** ~~Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (29 U.S.C. 701 et seq.) and the Americans with Disabilities Act of 1990, Pub. L. 101-336 (42 U.S.C. 12101 et seq.)~~

**Cross Reference:** Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities F-34; Academic Accommodation of Students with Disabilities F-33; *Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (29 U.S.C. 701 et seq.) and the Americans with Disabilities Act of 1990, Pub. L. 101-336 (42 U.S.C. 12101 et seq.)*

**Responsible for Implementation:** *Vice President for University Affairs*

**Contact for Revision:** Director of Disability Services

**Forms:** None

## Appearances before the Board of Regents (D-4)

**Original Implementation:** January 19, 1988

**Last Revision:** ~~October 20, 2005~~ *October 14, 2008*

**Special appearances as requested by the board or president:** The chair of the Board of Regents or the president (as approved by the board chair) may invite individuals to appear before the board or one of its committees (as approved by the committee chair) for specific purposes. The chair of the Faculty Senate and the president of the Student Government Association shall have the opportunity to provide a report at each quarterly board meeting.

**Requests to address the board:** Requests to appear before the board to make comments on a specific agenda item must be received by the assistant to the board in writing no later than twenty-four (24) hours before the board meeting at which the individual wishes to speak. The request should set out clearly the nature of the subject matter to be presented relating to a specific board agenda item. In making a request to appear before the board, individuals must give their names and any relevant title or affiliation. Comments regarding non-posted agenda items may be submitted to the assistant to the board in writing, at any time, for distribution to the regents.

**Time allocation:** The board will allow up to twenty (20) minutes for public comment per agenda item. An individual speaker will be permitted three (3) to five (5) minutes for a presentation. The board will allow a total of up to ninety (90) minutes for public comments per regular quarterly meeting. Copies of speakers' comments, and/or other written materials for distribution to the Board of Regents will be accepted. Public comments will take place during the scheduled public comment period at the beginning of each regular quarterly meeting.

**Other meetings:** While a specific period for public testimony will be limited to the regular quarterly meetings, written comments are welcome for any scheduled meeting of the Board of Regents. Forward one copy of your comments to the assistant of the board for distribution to the regents.

**Scheduling of speakers:** When the number of requests to address the board at a given session and for a specific agenda item exceeds the time available, requests will be approved based on the order the written request was received by the assistant to the board. If, by virtue of time or other constraint, a speaker is not able to present his/her comments, said comments will be accepted and distributed to the Board of Regents at the meeting.

**Special requests:** Special requests to appear before the board for comments at times other than the regular quarterly meetings can be submitted to the assistant to board for consideration by the chair of the Board of Regents.

~~**Source of Authority:** Board of Regents Rules and Regulations; Texas Education Code, Chapter 51, Section 51.355~~

**Cross Reference:** ~~None~~ *Texas Education Code, Chapter 51, Section 51.355; Board of Regents Rules and Regulations*

**Responsible for Implementation:** *President*

**Contact for Revision:** President

**Forms:** None



## Gifts, Loans, Endowments, and Bequests (C-16)

**Original Implementation:** July 18, 1981

**Last Revision:** ~~July 15, 2008~~ *October 14, 2008*

Authority to accept gifts, loans, endowments and bequests made to Stephen F. Austin State University is vested in the president of the university by the Board of Regents. Gifts, loans, endowments and bequests to any entity of the university should be reported through normal administrative channels.

The president of the university has been authorized to accept gifts under the following conditions:

1. A gift, loan, endowment or bequest which may require commitment of funds, personnel, space or other resources shall be approved by the president prior to any commitment of action on behalf of the university.
2. The university is authorized, with prior approval of the president and ratification by the Board of Regents, to accept gifts or devises of real property for the establishment of scholarships, professorships and other trusts for educational purposes provided such property will not require appropriations by the legislature for operation, maintenance, repair or construction of buildings.
3. Privacy of donor identity may be granted by the university with the exceptions noted by the Open Records Act or the Internal Revenue Service when public recognition is not desired by the donor.

The terms under which any loan, endowment or bequest is offered and accepted shall be provided in a written agreement between the donor and the university. The general counsel of the university shall review any bequests made to the university prior to acceptance by the president. All original deeds of trust, wills, endowments, original records, etc., should be forwarded to the ~~executive director for~~ *Office of dDevelopment* for safekeeping.

The ~~executive director for~~ *Office of dDevelopment* is the primary source of contact with people in the private sector for purposes of soliciting private funds. No individual or company may be solicited for any gift, loan, endowment, or bequest by any member of the faculty or staff of the university until that individual has presented the ~~executive director for~~ *Office of dDevelopment* with a copy of the proposal or request for funds.

Research grants or performance contracts which are privately funded are administered through the Office of Research Services, and are not under the provisions of this policy.

### ***Solicitation of Gifts***

*The Office of Development is responsible for soliciting, coordinating, approving and reporting all gifts and fundraising efforts from the private sector. This includes both projects and proposals initiated by the Office of Development and those initiated elsewhere within the university and its related entities. To fulfill its mission, the Office of Development must be kept informed in a timely fashion on all actions related to fundraising.*

- a) All university departments, including faculty, staff, students, student organizations and the related 501(c)(3) entities are responsible for coordinating and clearing all fundraising projects funded by individuals, foundations and corporations before-the-fact in writing. All fundraising projects shall comply with SFA policies and procedures, as well as federal and state laws. Note: A Request for Endorsement to Cultivate/Solicit Funds from Private Source form is available at [www.sfasu.edu/giving/forms.asp](http://www.sfasu.edu/giving/forms.asp).*
- b) If any faculty member, staff member, student or student organization receives any unsolicited question from a prospective donor regarding a possible gift to the university or the Stephen F. Austin State University Foundation, Inc., the Office of Development should be notified of the inquiry as soon as possible following the initial contact.*

### ***Acknowledgment of Gifts***

*In order to insure accurate recording of all private support for the institution and to properly acknowledge private donors' gifts, the ~~executive director for~~ Office of dDevelopment will coordinate the acknowledgment of gifts.*

- a) All offices are responsible for forwarding any gifts received to the Office of Development for receipting and reporting purposes. This will ensure accurate recording of all private support for the institution, fulfill the receipting requirements of the Internal Revenue Service, and properly acknowledge that support. Further, all gifts and any accompanying correspondence, instructions, etc., are to be forwarded to the Office of Development for processing. Gifts-in-kind such as equipment, furniture and art objects are to be reported in writing to the Office of Development via the Gifts-in-kind form located at [www.sfasu.edu/giving/docs/gift\\_in\\_kind.pdf](http://www.sfasu.edu/giving/docs/gift_in_kind.pdf).*
- b) Any written statement concerning tax deductibility of contributions must be reviewed and approved by the Office of Development.*

### Use of Gifts, Loans, Endowments and Bequests

Gifts, loans, endowments and bequests made to Stephen F. Austin State University shall be used for the purpose designated by the donor. If a purpose is not specified by the donor, and the amount of the gift is ~~\$50,000~~ \$100,000 or more, utilization shall be as directed by the Board of Regents after consideration of recommendations by the president and the ~~executive director~~ *vice president* for development. If a purpose is not designated, and the amount of the gift is less than ~~\$50,000~~ \$100,000, utilization shall be as directed and approved by the president of the university.

Gifts received by the university and made payable to the Stephen F. Austin State University Foundation, Incorporated, should be forwarded to the Office of Development for transfer and deposit to the foundation. No gifts or bequests to the university may be transferred to the Stephen F. Austin State University Foundation, Inc., the Stephen F. Austin State University Alumni Association, Inc., or the Stephen F. Austin Alumni Foundation, Inc. without petitioning a court of competent jurisdiction, as outlined under state law. Funds gifted to the university for a restricted purpose are considered a charitable trust. Legal title to such funds cannot be transferred to other entities, except as noted above.

Under the authority of the Board of Regents, the *vice president for finance and administration* of Stephen F. Austin State University is empowered to negotiate and execute the sale of marketable securities donated to the university when such sale is directed or allowed by the donor of said securities. The proceeds of such sale shall be promptly deposited into a university account, to be used as indicated by the donor, ~~and the details of the sale shall be reported to the Board of Regents at its next regular meeting.~~ All in-kind gifts of \$100,000 or more ~~or~~ and all real estate gifts would require specific approval by the Board of Regents for liquidation to a university cash account.

Restrictions on the expenditure of gift funds generally reside within the following three criteria:

1. A gift must be expended in accordance with the donor's wishes.
2. The expenditure of the gift funds must be for the demonstrable good of the institution.
3. The expenditure must provide no private gain to either the donor or the person controlling the expenditure of the funds.

The use of gift funds must meet all three criteria collectively. Some specific examples of expenditures from unrestricted gifts that may be for the demonstrable good of the institution, without private gain for the individual expending the funds, are as follows:

1. awards that recognize or promote faculty development, excellence in teaching, academic achievement, athletic achievement, scholarship, or service;
2. costs related to the promotion of the communication of intellectual ideas among students, faculty, staff and administrators of the university;
3. support of student events and activities sponsored by the university;
4. the recruitment of highly qualified students, faculty and staff;
5. costs related to the promotion of the exchange of ideas with community leaders regarding the role of the university and its programs in the community;
6. costs related to the conduct of accrediting agency visits, visits by other officials from other institutions or representatives outside higher education;
7. costs related to the support of continuing education activities.

Examples of expenditures which may not meet the criteria established are as follows:

1. any expenditure that violates the restriction placed on the gift by the donor;
2. the procurement of private property for the personal, unofficial use of any faculty or staff member;
3. donations or other payments to a political party;
4. any other expenditure expressly prohibited by state statute.

Questions concerning an expenditure meeting these criteria should be referred to the ~~executive director for~~ *Office of dDevelopment*.

Real or personal property acquired through gifts, loans, endowments or bequests is subject to the same management requirements as other state property. Disposal of any property acquired through gifts, loans, endowments or bequests shall be handled in accordance with state law and applicable university policies and procedures. Property acquired through gifts, loans, endowment or bequest can not be disposed of, sold, or transferred without written permission from the ~~executive director for~~ *Office of dDevelopment* and the president.

### **Publicity**

The ~~executive director for~~ *Office of dDevelopment*, in coordination with the faculty/staff contact person, the donor, and the Office of Public Affairs, is responsible for coordinating all publicity related to gifts.

### **Matching Gifts**

Certain foundations and companies provide gifts to the university which match contributions made by their employees. For tax purposes, certification is required from the university that the gift of the employee has been received.

The matching gift forms, which certify receipt of the gift, require the signature of the vice president for finance and administration or ~~the executive director for development an~~ *Office of Development representative* or the president.

### **Foundation Support**

The Office of Development has the responsibility of performing certain support functions for the Stephen F. Austin State University Foundation, Inc. This includes receiving, receipting, acknowledging, and reporting gifts received by the foundation, as provided in the Agreement between Stephen F. Austin State University and the Stephen F. Austin State University Foundation, Inc.

### **Library**

Unrestricted gifts of books and other library related materials to Stephen F. Austin State University, not to include equipment such as tape recorders, etc., will not require the usual approval process as authorized in this policy.

### **Definitions:**

1. Gift. A gift includes the gratuitous transfer of cash, cash equivalents such as securities and negotiable instruments, and real or personal property which generates income or may be sold for cash, for the purpose of enhancing the university and its programs, without expectation of specific benefit by the donor.
2. Loan. Real or personal property furnished for the temporary use of the university.
3. Endowment. An endowment is comprised of a gift, in which the donors have stipulated that the principal must be invested and only the income used to fund a project or need. The principal remains intact in perpetuity, thereby continuing to generate income to be used by the university. Endowment funds are classified into four different categories:
  - a. Permanent Endowments. These endowments are sometimes referred to as "true" or "pure" endowments and are assets designated by the donor to be held in perpetuity. If specifically stated in writing by the donor, the corpus assets of this category of endowments may never be spent and income derived must be expended in accordance with the written terms and conditions established by the donor and the university. Otherwise, the governing board may appropriate for expenditure, for the uses and purposes for which the fund is established, the net appreciation, realized and unrealized, in the fair market value of the assets of an endowment fund over the historic dollar value of the fund to the extent allowed under the University Management of Institutional Funds Act or other applicable law.

- b. Term Endowment. In this category of endowments, the donor has specified that following a particular date or event, the assets of the endowment may be expended in accordance with the terms and conditions as specified. Until the passage of the specific date or event, this type of endowment will operate in a manner similar to the permanent endowment with the income used in accordance with the written terms and conditions established by the donor and the university.
- c. Quasi-Endowments or Quasi-Funds. The Board of Regents may, with formal action, set aside certain institutional funds to be maintained as endowments. The formal action by the Board of Regents will specify the use of the assets and income derived, and set other terms and conditions relating to the fund. The Board of Regents may, with formal action, change the terms and conditions of the endowment including cessation of the endowment and the return of the assets to the original source of funding, or change the use or purpose as may be appropriate and authorized by law.
- d. Funds Held in Trust by Others. Some donors may choose to make income from endowment-type funds available to the university, but will leave the possession of the assets in trust with a third party. In this case, the endowment is not recorded as an asset of the university. In accordance with the Generally Accepted Accounting Principles (GAAP), the existence of the trust must be disclosed in the notes to the university's financial statements.

A minimum gift of ~~\$10,000~~ \$20,000 shall be required to establish any endowment. An endowment can be initiated with an amount less than the stated minimum with the understanding that all future gifts and all income must become part of the endowment to assist in bringing the endowment assets to the ~~\$10,000~~ \$20,000 level, and if after five years from the date of the original gift, the value of the assets has not reached \$10,000 \$20,000, the endowment may cease and the existing assets of the fund shall be transferred to a separately established Restricted Fund and expended consistent with the terms and conditions of the original gift.

Specific minimum endowment levels for academic positions are established as follows:

\$1,000,000 - Endowed Chair or equivalent title, depending upon the area;

\$250,000 - Endowed Distinguished Professorship or equivalent title, depending upon the area; and

~~\$100,000~~ \$125,000 - Endowed Professorship or equivalent title, depending upon the area.

**Cross Reference:** Texas Education Code Chapters 101 & 95.34, Chapter 51, Subchapter A; Uniform Management of Institutional Funds Act, Texas Property Code, Chapter 163; Texas Public Funds Investment Act, Texas Government Code, Chapter 2256; Uniform Prudent Investor Act, Texas Property Code Chapter 117

**Responsible for Implementation:** ~~Executive Director~~ *Vice President* for Development

**Contact for Revision:** ~~Executive Director~~ *Vice President* for Development

**Forms:** ~~None~~ *Request for Endorsement to Cultivate/Solicit Funds from Private Source, Gift-in-Kind Form*

## Gift Reporting (C-15)

**Original Implementation:** July 18, 1981

**Last Revision:** ~~July 15, 2008~~ *October 14, 2008*

The following procedural steps should be used when depositing private funds.

1. All gifts payable to the university and its departments should be immediately delivered to the bursar's office for deposit and must be delivered in a university approved locked bag.
2. Information relevant to any gifts received in the form of cash, checks, money orders, or other forms of negotiable instruments will be forwarded to the Office of Development from the bursar's office for purposes of updating donor records and official acknowledgment and receipt of gift. The department receiving the gift should complete the "Gift Transmittal" form, attach any original documentation which accompanied the gift, and submit them when depositing the gift at the bursar's office. The bursar's office will forward the "Gift Transmittal" form and any original documentation included with gift to the Office of Development for gift processing within 24 hours of the deposit. Furthermore, the bursar's office will stamp each "Gift Transmittal" form with the date of deposit and initials verifying that the gift has been properly recorded and deposited by the university.
3. Deposit of all negotiable instruments must be completed within 24 hours of receipt of the gift and must be accompanied by the "Gift Transmittal" form. Any exceptions must have approval by the ~~executive director for Office of d~~Office of Development. All exceptions approved by the ~~executive director for Office of d~~Office of Development must be reported to the president within 48 hours.
4. In-kind gifts, contributions other than cash, check or other readily negotiable security, retained in a department, program, activity center, or other university facility, should be reported by completing the "Gift-in-kind Report" form and forwarding it directly to the Office of Development. A comprehensive description of the gift, background information concerning the origin of the gift, value at the time of contribution and any correspondence or wishes of the donor, along with a photograph whenever possible, should be included with the completed form. For those in-kind gifts valued at more than \$5,000, a written qualified appraisal must be submitted, which has been signed and dated by a qualified appraiser.
5. All gifts, negotiable and in-kind, will be acknowledged officially on behalf of the university by the Office of Development, and may also be acknowledged by the recipient and/or the president. Departments should not generate receipts for gifts unless approved by the ~~executive director for Office of d~~Office of Development so that duplicate receipts are not produced.



6. Gifts received by the university and made payable to the Stephen F. Austin State University Foundation, Inc. should be forwarded to the Office of Development for transfer and deposit to the foundation.
7. All eligible matching gift requests will be processed by the Office of Development upon recording the original gift of the donor. If any matching gifts are ineligible to be matched, the matching gift form will be rejected and forwarded to the department submitting the request.

**Cross Reference:** None

**Responsible for Implementation:** ~~Executive Director~~ *Vice President* for Development

**Contact for Revision:** ~~Executive Director~~ *Vice President* for Development

**Forms:** Gift Transmittal form, Gift-in-kind Report form (available in Office of Development)

## Naming Guidelines (D-22)

**Original Implementation:** January 23, 1971

**Last Revision:** ~~October 20, 2005~~ October 14, 2008

Buildings and other facilities (including laboratories and clinics) of Stephen F. Austin State University may be named by the Board of Regents for deceased persons who have made outstanding contributions to the university or its prestige. In extraordinary circumstances, particularly when a significant donation has been made to the university, the Board of Regents may name a building, or other facility, for a living person.

~~Capital campaign fundraising, which results in an increase in potential naming activity, creates special naming opportunities.~~ Listed below are minimum dollar amounts associated with ~~campaign~~ fundraising necessary for naming consideration:

One of the <del>seven</del> six colleges within the university	\$5,000,000
A department or school within a college	\$2,000,000
An institute or center within a college	\$1,000,000
Any existing, unnamed building	\$1,000,000
An endowed academic chair in any discipline	\$1,000,000
An endowed distinguished professorship	\$250,000
An endowed professorship	<del>\$100,000</del> \$125,000
An endowed full-tuition <i>and fees</i> scholarship	<del>\$100,000</del> \$250,000
Minimum for any named endowed fund	<del>\$10,000</del> \$20,000

The Board of Regents retains the latitude to create alternate naming opportunities within the discretion of the board.

Proposed names may be submitted from any source to the ~~Academic Affairs Council~~ *Office of Development* for their recommendation to the president who, if he concurs shall submit such names, together with background reasons, to the Board of Regents for consideration; provided, however, that the Board of Regents may act without receiving a nomination from the ~~Academic Affairs Council~~ *Office of Development*, when circumstances justify such action, and particularly when a substantial donation has been made toward the construction of the building or facility to be named. Any such nominations shall be reviewed by a committee of the board. Such review shall take place before contact with any prospective nominee. A name will not be moved from one building to another and when a building is razed, the name will no longer be used.

A plaque shall be placed on each new building. The plaque shall show the names of the Board of Regents in alphabetical order, and the names of those occupying the following positions on the date of the contract award: the chairman of the Board of Regents, the president of the university, the vice president for finance and administration, the vice president(s) for the area involved, the director of physical plant, the architect and the contractor, together with the year the contract is awarded.

**Source of Authority:** ~~Board of Regents Rules and Regulations~~

**Cross Reference:** None

**Responsible for Implementation:** *President*

**Contact for Revision:** President

**Forms:** None