Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS

Nacogdoches, Texas
January 30-31, 2012
Volume 273
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Monday, January 30, 2012

The regular meeting of the Board of Regents was called to order in open session at 8:02 a.m. Monday, January 30, 2012, in the Austin Building Board Room by Chair Bob Garrett.

PRESENT:

Board Members: Mr. Bob Garrett, Chair  
Dr. Scott Coleman  
Mr. James Dickerson  
Ms. Sarah Feye  
Ms. Brigettee Henderson  
Mr. Steve McCarty  
Mr. Ken Schaefer  
Mr. Ralph Todd  
Ms. Connie Ware

President: Dr. Baker Pattillo

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

General Counsel: Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regent Carlos Amaral was absent from the meeting.

Dr. Pattillo introduced Dr. Raymund A. Paredes, Commissioner of the Texas Higher Education Coordinating Board, who made a presentation on “Meeting the Goals of Closing the Gaps by 2015 and Planning for the Future.”

The Building and Grounds Committee convened at 9:22 a.m. and adjourned at 11:45 a.m. The Finance and Audit Committee convened at 2:05 p.m. and adjourned at 2:55
p.m. The Academic and Student Affairs Committee convened at 2:55 p.m. and adjourned at 4:05 p.m.

The chair called for an executive session at 4:30 p.m. to consider the following items:

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 football coaches, vice presidents and the president. (551.074)

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations (Texas Government Code, Section 551.073)
   Water Well for the SFA Gardens

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers including but not limited to reported complaints, Christian Cutler v. Stephen F. Austin State University President Baker Pattillo, Vice-President Richard Berry, Dean of Fine Arts A.C. Himes, former Director of School of Art Scott Robinson, and Unnamed Others, Jacob Duffee v. Baker Pattillo, Jane Wilcox, Steve Westbrook, and Marc Cossich, environmental compliance peer audit, and intellectual property. (551.071)

The executive session ended at 6:25 p.m. and the board meeting was recessed for the evening with no further action.

**Tuesday, January 31, 2012**

The chair reconvened the board meeting in open session at 9:00 a.m. on Tuesday, January 31, 2012.

PRESENT:

Board Members: Mr. Bob Garrett, Chair  
Dr. Scott Coleman  
Mr. James Dickerson  
Ms. Sarah Feye  
Ms. Brigettee Henderson  
Mr. Steve McCarty  
Mr. Ken Schaefer  
Mr. Ralph Todd  
Ms. Connie Ware

President: Dr. Baker Pattillo

Vice-Presidents: Dr. Richard Berry  
Mr. Danny Gallant  
Mr. Steve Westbrook
General Counsel: Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regent Carlos Amaral was absent from the meeting.

Regent Ware led the pledge to the flags and Regent Todd provided the invocation.

RECOGNITIONS

Dr. Pattillo recognized Dr. Sid Walker, vice president for development, who recently completed his doctorate. The 2011 Ladyjack Soccer Team was recognized, as well as visiting students from Rose Bruford College, the Jack Walkers, the group which led the effort for reaffirmation with the Southern Association of Colleges and Schools, and the campus officers for the NAACP.

APPROVAL OF MINUTES

BOARD ORDER 12-09
Upon motion by Regent McCarty, seconded by Regent Coleman, with all members voting aye, it was ordered that the minutes of the October 17 and 18, 2011, regular meeting of the Board of Regents and the December 17, 2011, special meetings of the Board of Regents be approved as presented.

PERSONNEL

BOARD ORDER 12-10
Upon motion by Regent Dickerson, seconded by Regent Todd, with all members voting aye, it was ordered that the following personnel items be approved.

FACULTY APPOINTMENTS FOR 2011 – 2012

EDUCATION

Ralph Marshall, Associate Professor of Secondary Education and Educational Leadership, Ed.D. (Illinois State University) at an academic year salary of $62,000 for 100 percent time, effective January 1, 2012.

Kimberly Welsh, Associate Professor of Elementary Education, Ed.D. (Texas A&M University) at an academic year salary of $57,685 for 100 percent time, effective January 1, 2012.
STAFF APPOINTMENTS FOR 2011 – 2012

ATHLETICS

David Gibbs, Assistant Football Coach, at a 10.5 month salary of $82,139 for 100 percent time, effective February 1, 2012.

James C. Harper, Head Football Coach, at an annual salary of $142,000 for 100 percent time, effective February 1, 2012.

Jake Taylor Morrison, Assistant Football Coach, at a 10.5 month salary of $35,000 for 100 percent time, effective February 1, 2012.

Arlington Nunn, Assistant Head Football Coach, at a 10.5 month salary of $71,843 for 100 percent time, effective February 1, 2012.

Bruce Erik Slaughter, Assistant Football Coach, at a 10.5 month salary of $65,000 for 100 percent time, effective February 1, 2012.

Harold Christopher Truax, Assistant Football Coach, at a 10.5 month salary of $72,176 for 100 percent time, effective February 1, 2012.

Jacob Willingham, Assistant Football Coach, at a 10.5 month salary of $35,000 for 100 percent time, effective February 1, 2012.

Richard Olin, Assistant Football Coach, at a 10.5 month salary of $82,000 for 100 percent time, effective February 1, 2012.

Nathan Paul Schneider, Assistant Football Coach, at a 10.5 month salary of $40,000 for 100 percent time, effective February 1, 2012.

Troy Rogers, Assistant Football Coach, at a 10.5 month salary of $61,000 for 100 percent time, effective February 1, 2012.

CAMPUS RECREATION

Evan Coulson, Coordinator of Outdoor Pursuits, at an annual salary of $33,000 for 100 percent time, effective December 12, 2011.

EARLY CHILDHOOD LAB

Kacey Busby, Teacher, at an annual salary of $32,000 for 100 percent time, effective January 1, 2012.
INFORMATION TECHNOLOGY SERVICES

Robert Thomas, Programmer/Analyst I, at an annual salary of $35,000 for 100 percent time, effective January 2, 2012.

NURSING

Horace Strong, Project Coordinator, at an annual salary of $41,200 for 100 percent time, effective December 19, 2011.

ORIENTATION PROGRAMS

Veronica Weaver, Assistant Director of Orientation, at an annual salary of $36,000 for 100 percent time, effective October 5, 2011.

RESEARCH AND SPONSORED PROGRAMS

Peggy Muckelroy, Research Development Specialist, at an annual salary of $55,400 for 100 percent time, effective November 14, 2011.

RESIDENCE LIFE

Christopher Crowe, Hall Director, at an annual salary of $28,334 for 100 percent time, effective January 2, 2012.

Earlkisha Mayberry, Hall Director, at an annual salary of $28,333 for 100 percent time, effective January 2, 2012.

Bryan Sutherland, Hall Director, at an annual salary of $28,333 for 100 percent time, effective January 2, 2012.

STUDENT LEARNING AND INSTITUTIONAL ASSESSMENT

Dan Su, Assessment Specialist, at an annual salary of $45,000 for 100 percent time, effective January 2, 2012.

CHANGES OF STATUS FOR 2011 – 2012

BUSINESS

Madalene Miller, from Assistant to the Dean at an annual salary of $40,084 for 100 percent time, to Academic Advisor at an annual salary of $40,084 for 100 percent time, effective January 1, 2012.
COUNSELING AND CAREER SERVICES

Jill Milem, from Assistant Director of Counseling/Clinical Director at an annual salary of $58,834 for 100 percent time, to Director of Counseling at an annual salary of $61,775 for 100 percent time, effective November 1, 2011.

DISABILITY SERVICES

Tiffany Rivers, from Assistant Director of Disability Services at an annual salary of $52,290 for 100 percent time, to Interim Director of Disability Services at an annual salary of $52,290 for 100 percent time with an additional stipend for interim duties of $500 per month for 10 months, effective November 1, 2011.

EDUCATION

Amanda Rudolph, from Associate Professor of Secondary Education at an academic year salary of $57,952 for 100 percent time, to Interim Associate Dean and Coordinator of National Council for Accreditation of Teacher Education at an annual salary of $50,000 for 100 percent time with an additional stipend for interim duties of $3,750 per month for 12 months, effective September 1, 2011.

FINANCIAL AID

LaShanda Parkhurst, from Financial Aid Specialist at an annual salary of $23,800 for 100 percent time, to Financial Aid Officer at an annual salary of $35,000 for 100 percent time, effective October 1, 2011.

FINE ARTS

Jorge Salas, from Instructor of Music at an academic year salary of $44,698 for 100 percent time, to Instructor of Music at an academic year salary of $45,698 for 100 percent time, effective September 1, 2011.

C.A. Scott, from Webmaster Assistant at an annual salary of $18,900 for 60 percent time, to Web Design Specialist at an annual salary of $43,308 for 100 percent time, effective December 1, 2011.

LIBERAL AND APPLIED ARTS

Kelley Snowden, Administrative Assistant in Heritage Research Center at an annual salary of $28,000 for 100 percent time, to Research Associate for Cultural Heritage at an annual salary of $36,000 for 100 percent time, effective September 1, 2011.
PHYSICAL PLANT

Jessica Barrett, from Accounting Clerk II at an annual salary of $30,000 for 100 percent time, to Supervisor Physical Plant Administration at an annual salary of $45,000 for 100 percent time, effective January 1, 2012.

RESIDENCE LIFE

Erica Crafton, from Hall Director at an annual salary of $28,500 for 100 percent time, to Area Coordinator at an annual salary of $32,000 for 100 percent time, effective January 1, 2012.

Amy Tedesco, from casual employee at an hourly salary of $13.41 for 100 percent time, to Hall Director at an annual salary of $28,000 for 100 percent time, effective October 24, 2011.

SCIENCES AND MATHEMATICS

Jana Redfield, from Projector Coordinator at an annual salary of $15,500 for 50 percent time, to Project Coordinator /Research Specialist-Lab at an annual salary of $40,000 for 100 percent time, effective December 1, 2011.

Ravi Yandamuri, from casual employee at an hourly salary of $10.00 for 100 percent time, to Research Specialist-Lab Management at an annual salary of $32,000 for 100 percent time, effective November 1, 2011.

STUDENT AFFAIRS

Charles Lopez, from Director of Disability Services at an annual salary of $72,689 for 100 percent time, to Assistant Dean of Student Affairs for Support Services at an annual salary of $77,000 for 100 percent time, effective November 1, 2011.

TELECOMMUNICATION AND NETWORKING

Scott Speichert, from Technical Support Specialist II at a salary of $31,500 for 100 percent time, to Database Administrator I at a salary of $43,282 for 100 percent time, effective January 1, 2012.

PROMOTIONS

Dr. Jorge Salas was appointed to the academic rank of assistant professor, effective January 1, 2012.
RETIREMENTS

The retirement of Jerry Frye, Professor of Communication and Contemporary Culture, was accepted, effective December 31, 2011.

ACADEMIC AND STUDENT AFFAIRS

BOARD ORDER 12-11
Upon motion by Regent Dickerson, seconded by Regent Schaefer, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

REQUEST FROM COLLEGE OF LIBERAL AND APPLIED ARTS FOR CHANGES IN DIVISION OF COMMUNICATION AND CONTEMPORARY CULTURE
WHEREAS, the board members considered the following: The College of Liberal and Applied Arts is requesting realignment of the Division of Communication and Contemporary Culture to more accurately reflect the disciplines and degree offerings in the division. This realignment will provide more opportunities for research and interdisciplinary work in these fields. Currently the division includes programs in Communication Studies, Global Media and Philosophy. The realignment will include the following changes:

- The Division of Communication and Contemporary Culture will become the Department of Mass Communication. Faculty from the Global Media program will remain in this department.
- The Department of Modern Languages will become the Department of Languages, Cultures and Communication. Faculty from the Communication Studies program will join this newly revised unit.
- A new unit will be called the Division of Multi-Disciplinary Programs. The division will be composed of the following programs: Bachelor of Applied Arts and Sciences (BAAS), Bachelor of Arts in Liberal Studies (LSTU), Bachelor of Science in Multi-Disciplinary Studies (BSMS), Bachelor of Arts in Philosophy (BA Phil), and the Master’s in Interdisciplinary Studies (MIS). Additionally, a range of interdisciplinary minors shall be housed in the division for administrative accountability. Philosophy faculty will move to the Division of Multi-Disciplinary Programs.

THEREFORE, it was ordered that the changes requested by the College of Liberal and Applied Arts be approved.

BOARD ORDER 12-12
Upon motion by Regent Dickerson, seconded by Regent Henderson, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

MULTI-YEAR AGREEMENT EXTENSION FOR USE OF ALCOHOL.EDU®
WHEREAS, the board members considered the following: AlcoholEdu® is an on-line component of our comprehensive campus-wide approach to alcohol abuse education for SFA students. Since beginning its use in 2006, more than 9,570 first-year students have completed the program as part of their first-year experience. SFA is currently in the final year of a 4-year agreement for use of the AlcoholEDU® program. Going forward, prices for the program will increase by 25% in 2012 if the program is licensed on a year-to-year basis. Student Affairs has negotiated a 2% per year increase limit based upon a 4-year extension of the current agreement. This strategy will result in a savings of almost $20,000 over the term of the agreement. The total cost over the term of the agreement will slightly exceed $100,000.

THEREFORE, approval was given to a four-year extension of the current agreement with EverFi, Inc. for the use of AlcoholEdu®. This extension will allow the continuation of the program through June 1, 2016 with a total cost over the four-year period of the agreement extension not to exceed $106,000. The president was authorized to sign this agreement.

BOARD ORDER 12-13
Upon motion by Regent Ware, seconded by Regent Todd, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 4:

- Academic Promotion (E-3A)
- Access to University Records (D-1)
- Awarding Academic Credit for Noncollegiate Sponsored Instruction (A-52)
- Computing Software Copyright (D-43)
- Dead Week (A-15)
- Discipline and Discharge (E-11)
- Disposition of Abandoned Personal Property (D-9)
- Duties and Responsibilities of Offices Reporting to the Provost (E-13A)
- Emergencies (F-10)
- Employee Training (E-64)
- Employment of Persons with Criminal History (E-19)
- Family and Medical Leave (E-58)
- Financial Aid Code of Conduct (D-53)
- Honorary Degree (D-18)
- Illicit Drugs and Alcohol Abuse (D-19)
- Insurance and Other Benefits (E-28)
- Overtime and Additional Compensation (E-36)
- Records Management (D-28)
- Retirement Programs (E-43)
- Security Sensitive Positions (E-44)
- Temporary Employment (E-49)
BUILDING AND GROUNDS

BOARD ORDER 12-14
Upon motion by Regent McCarty, seconded by Regent Todd, with all members voting aye, it was ordered that the following building and grounds affairs items be approved.

APPROVAL OF THE SFA 2020 CAMPUS MASTER PLAN

WHEREAS, the board members considered the following: At the April 19, 2011, meeting the SFA Board of Regents selected Perkins + Will to develop a campus master plan. The firm has developed a proposed campus master plan that extends through 2020.

THEREFORE, the SFA 2020 Campus Master Plan was approved as presented.

SOCcer FIELD DRAINAGE PROJECT INCREASE

WHEREAS, the board members considered the following: At the January 19, 2011, meeting the Board of Regents approved a soccer field drainage project at a cost not to exceed $175,000. The estimate for the drainage project was developed by a sports field expert who inspected and measured the surface. Subsequent to the project approval, an engineering study revealed additional drainage issues and concerns that would require more dirt and surface work.

THEREFORE, it was ordered that the soccer field drainage project budget be increased by $85,000 to a budget limit of $260,000. Athletic capital improvement and designated funds will be used to provide the additional funding.

BUILDING AND GROUNDS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 4:

Asbestos Removal (D-5)
Kennedy Auditorium (B-16)

BOARD ORDER 12-15
Upon motion by Regent McCarty, seconded by Regent Todd, with all members voting aye, it was ordered that the following building and grounds affairs item be approved.

WATER WELL FOR THE SFA GARDENS

WHEREAS, the board members considered the following: The SFA Gardens require sufficient irrigation to maintain value to the university and the community. A donor has offered to provide funds to drill a well in the SFA Gardens area. The projected cost of the
water well is not expected to exceed $35,000 plus any additional necessary installation costs.

THEREFORE, it was ordered that the Board of Regents authorize the university to drill a water well in the SFA Gardens area and that the president be authorized to sign the associated contracts. The source of funds will be from donations.

FINANCIAL AFFAIRS

BOARD ORDER 12-16
Upon motion by Regent Coleman, seconded by Regent Schaefer, with all members voting aye, it was ordered that the following financial affairs items be approved.

APPROVAL OF THE FISCAL YEAR 2010-11 ANNUAL FINANCIAL REPORT

WHEREAS, the board members considered the following: On November 20, 2011, the Stephen F. Austin State University Annual Financial Report for the fiscal year that ended August 31, 2011 was submitted to the Office of the Governor, Comptroller of Public Accounts, Legislative Budget Board, Texas Higher Education Coordinating Board, Legislative Reference Library, Texas State Library and the State Auditor’s Office as required by state law.

THEREFORE, it was ordered that the August 31, 2011, Stephen F. Austin State University Annual Financial Report be approved as submitted.

APPROVAL OF THE SFA CHARTER SCHOOL 2010-11 AUDITED FINANCIAL STATEMENTS

WHEREAS, the board members considered the following: The Texas Education Agency requires a separate audit for the SFA Charter School. The SFA Charter School audited financial statements for the fiscal year that ended August 31, 2011, will be submitted to the Texas Education Agency.

THEREFORE, it was ordered that the August 31, 2011 SFA Charter School audited financial statements be approved.

RESOLUTION TO ACKNOWLEDGE REVIEW OF INVESTMENT POLICY AND STRATEGY

WHEREAS, the board members considered the following: In accordance with the Texas Public Funds Investment Act, the university's investment policy and strategy must be annually reviewed by the governing board of the institution. In addition, the law requires the governing body to adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and strategy. The resolution, included in Appendix 1, acknowledges the board's annual review of Policy C-41, Investments. Policy C-41 is included in the Policy Revisions, Appendix 4.
THEREFORE, it was ordered that the Resolution to Acknowledge Review of Investment Policy and Strategy be approved as presented in Appendix 1.

**RESOLUTION TO APPROVE QUALIFIED FINANCIAL INSTITUTIONS AND INVESTMENT BROKERS**

**WHEREAS**, the board members considered the following: The Texas Public Funds Investment Act requires the university to adopt a resolution by the governing body of the institution that approves qualified investment brokers. The following brokers/investment managers are listed in the resolution, submitted in Appendix 2: Merrill Lynch, Inc.; ING Investment Management; Citizens 1st Bank; Austin Bank; BancorpSouth; Commercial Bank of Texas NA; First Bank and Trust; Regions Bank; Regions Morgan Keegan Trust; US Bank; Texas Bank; Texpool; Texas Class; and Texstar.

THEREFORE, it was ordered that the financial institutions, investment managers and brokers be approved as presented in Appendix 2.

**GRANT AWARDS**

**WHEREAS**, the board members considered the following: To date, the university has received multi-year grant awards totaling $49,468,081 that include funds allocable to fiscal year 2012. This includes $10,085,831 in new awards since the last report. Of the multi-year total, grant awards allocable to fiscal year 2012 are $15,625,125, an increase of $2,493,634 since the last report.

The grant awards result from extensive faculty research and service engagement across many academic disciplines. The grants include direct federal, federal pass through, state and private awards.

THEREFORE, it was ordered that the additional grant awards allocable to fiscal year 2012 that total $2,493,634 be approved and ratified. This includes approval of $681,650 in FY12 subawards to the Central, Hudson, Lufkin, Nacogdoches, and Woden ISDs to provide student services related to the East Texas GEAR UP Project (funded through the U.S. Department of Education). During the seven-year term of the project, there will be a total of $4,149,700 in subawards to these partners and Angelina College. The grant awards are detailed in Appendix 3.

**FINANCIAL AFFAIRS POLICY REVISIONS**

The Board of Regents adopted the following policy revisions as presented in Appendix 4:

- Best Value Procurement (C-7)
- Cellular Telephones and Wireless Communication Devices (F-42)
- Gifts, Loans, Endowments and Bequests (C-16)
Historically Underutilized Businesses (C-16.5)
Investments (C-41)
Investments-Endowment Funds (C-41.A)
Professional and Consulting Services (C-45)
Purchases from Employees (C-27)
Purchasing Ethics and Confidentiality (C-33)
Request to Establish an Account (C-34)
Special Purchases (C-36)

REPORTS

The president gave a report on the following topics:
Upcoming dates, including:
  February 15-16, Lone Star Legislative Summit
  February 23, SFA at the Houston Rodeo
  March 6-11, Southland Conference Basketball Conference
  March 12-16, Spring Break
  April 5, 6, and 9, Easter Break
  April 12, McDonald Speaker Series
  April 16 and 17, Spring Board Meeting
  May 12, Spring Commencement
  London band trip
  University systems
  Tuition and fees
  Master Plan testimony on March 20

The director of audit services reported on the following:
  SFA Charter School Financial Audit
  National Collegiate Athletic Association Compliance Audit
  Orientation Audit
  Residence Life Audit
  State Auditor’s Office Audits
  Update on Audit Plan

Dr. David Howard gave a report from the Faculty Senate on academic excellence.

Sydni Mitchell gave a report as president of SGA on the following topics:
  Archie McDonald Speakers Series
  Veterans Center progress
  2012 Big Idea winner: vertical axis windmill
  Lone Star Legislative Summit-SGA involvement
  Sustainability Initiative: water fountain retrofits
ELECTION OF BOARD OFFICERS 2012-2013

Regent McCarty, chair of the Nominating Committee, brought a report from the Nominating Committee.

BOARD ORDER 12-17

Upon motion by Regent McCarty, seconded by Regent Schaefer, with all members voting aye, the following board members were elected as officers for 2012-2013 and will take office on April 17, 2012:

Chair: Bob Garrett
Vice Chair: Steve McCarty
Secretary: James Dickerson

The meeting was adjourned at 10:30 a.m.
WHEREAS, The Texas Public Funds Investment Act requires that each university's investment policy and strategy must be annually reviewed by the governing board of the institution; and

WHEREAS, the law also requires the governing body to adopt a written instrument stating that is has reviewed the investment policy and strategy;

NOW THEREFORE BE IT RESOLVED that the Stephen F. Austin Slate University Board of Regents, by the issuance of this resolution, does hereby approve the investment policy and strategy as reviewed on January 31, 2012; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 31, 2012 meeting of the board.

Attest:

John R. Garrett, Chair

James H. Dickerson, Secretary
RESOLUTION APPROVING
FINANCIAL INSTITUTIONS AND BROKERS
FOR INVESTMENT TRANSACTIONS

WHEREAS, The Texas Public Funds Investment Act requires the university to submit a resolution approving a list of qualified investment brokers and financial institutions to the governing body of the institution for adoption and/or review; and

WHEREAS, the following firms are approved investment brokers:
Merrill Lynch, Inc.
ING Investment Management

WHEREAS, the following firms are approved financial institutions:
Citizens 1st Bank
Austin Bank
BancorpSouth
Commercial Bank of Texas NA
First Bank and Trust
Regions Bank
Regions Morgan Keegan Trust
US Bank
Texas Bank
Texpool
Texstar
Texas Class

NOW THEREFORE BE IT RESOLVED that the Stephen F. Austin State University Board of Regents, by the issuance of this resolution, does hereby approve the above listed firms for investment transactions by Stephen F. Austin State University; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 31, 2012 meeting of the board.

John R. Garrett, Chair

James H. Dickerson, Secretary
Appendix 3

Grants awarded between September 19, 2011 and December 31, 2011

Total New Current Year Awards (this period) – as of December 31, 2011

Subtotal direct federal $1,860,841
Subtotal federal pass-through $434,379
Subtotal state and state pass-through $83,307
Subtotal private and local government $115,107

Total awards (all years) for new awards (this period) $10,085,831
Total awards (all years) for continuing grants (this period) $783,093

Direct Federal Awards

*East Texas GEAR UP for Success
FY 2012 Award: $1,184,997
Total Award: $7,445,050 (Grant)
Sponsor: U.S. Department of Education
Term (this action): September 26, 2011 – September 25, 2018
Subawards: $4,149,700 over the seven-year grant term – Subawards to the partnering institutions, approved by the sponsor as part of the grant application, are as follows: Central ISD ($58,950 FY12 - $353,700 total); Hudson ISD ($98,100 FY12 - $588,600 total); Lufkin ISD ($270,000 FY12 - $1,620,000 total); Nacogdoches ISD ($213,300 FY12 - $1,279,800 total); Woden ISD ($41,300 FY12 - $247,800 total); and Angelina College ($59,800 total). Partners will offer student services in support of the project and a 1:1 match using institutional funds.
Description: This award is to a partnership of SFA, Angelina College, and five rural east Texas school districts to help achieve the structural, cultural, and instructional changes that lead to increased student participation in academically challenging secondary courses, with emphasis in the STEM disciplines, within a college-going culture. PI/PD: Barbara Davis, Secondary Education and Educational Leadership

*CONFIANZA - Research Study to Assess the Impact of Professional Development on English Language Learners
FY 2012 Award: $393,956
Total Award: $1,988,947 (Grant)
Sponsor: U.S. Department of Education
Term (this action): September 1, 2011 – August 31, 2016
Description: Funds are provided to conduct a five-year study designed to implement targeted curriculum and professional development activities and to assess their level of implementation and impact on classrooms. The goal is to improve the education of pre- and in-service teachers to work effectively with English-language learners. This is a collaborative project with the Nacogdoches and Lufkin Independent School Districts. PI/PD: Dr. Betty Alford, Secondary Education and Educational Leadership

*New awards
Prepared by the Office of Research & Sponsored Programs
Appendix 3

Grants awarded between September 19, 2011 and December 31, 2011

*East Texas Preservation and Disaster Planning Seminar for Cultural Heritage Institutions*

FY 2012 Award: $6,000
Total Award: $6,000 (Grant)
Sponsor: National Endowment for the Humanities (NEH)
Description: The purpose of this award is to increase the awareness and to educate regional cultural heritage institutions on the importance of disaster and preservation planning. PI/PD: Kyle Ainsworth, Steen Library

*Consultation and Instruction in Civic Engagement and Interpretation, Northeast Region*

FY 2012 Award: $1,000
Total Award: $1,000 (Cooperative Agreement)
Sponsor: National Park Service – U. S. Department of Interior
Term (this action): September 1, 2011 – October 15, 2011
Description: This award provides travel funds to consult with and provide instruction in the areas of civic engagement and interpretation to staff and partners of the National Park Service. PI/PD: Dr. Theresa Coble, School of Forestry

Previously Described Awards

McIntire-Stennis Cooperative Forestry Research

FY 2012 Award: $274,888 (additional award)  Total Award: $439,811

Subtotal Current Year Awards (this report) = $1,860,841
Subtotal New Direct Federal Awards (total award) = $9,880,808

Federal Pass-through Awards

*State Leadership Educational Excellence for Career and Technology Education in Education & Training, Hospitality & Tourism, and Human Services*

FY 2012 Award: $300,000
Total Award: $300,000 (Grant - renewal)
Sponsor: Texas Education Agency (U.S. Dept. of Education)
Term (this action): November 1, 2011 – August 31, 2012
Description: The purpose of this federally funded project is to help independent school districts implement rigorous TEKS curriculum standards and provide professional development opportunities to improve teacher effectiveness. PI/PD: Dr. Lynda Martin, School of Human Sciences

*Piney Woods Area Health Education Center (AHEC)*

FY 2012 Award: $86,240
Total Award: $86,240 (Subaward - renewal)
Sponsor: U.T. Medical Branch - Galveston
(U.S. Dept. of Health & Human Services)
Term: September 1, 2011 – August 31, 2012

*New awards
Prepared by the Office of Research & Sponsored Programs
Grants awarded between September 19, 2011 and December 31, 2011

Description: *The purpose of this project is to build and maintain an integrated, community-based regional organization to effectively and efficiently address and support achievements of East Texas AHEC objectives. PI/PD: Mark Scott, AHEC - College of Science and Mathematics*

*Special Education Consolidated Grant (IDEA-B)*

- **FY 2012 Award:** $28,482
- **Total Award:** $28,482 (Formula grant – renewal)
- **Sponsor:** Texas Education Agency (U.S. Dept. of Education)
- **Term (this action):** August 18, 2011 – September 30, 2012
- **Description:** Funds are provided for instructional support at the SFASU Charter School, including early identification, intervention and counseling services for students with impairments and disabilities. PI/PD: Ms. Lysa Hagan, Department of Elementary Education

*Students in Service – Texas Compact Service Learning Project (AmeriCorps)*

- **FY 2012 Award:** $0
- **Total Award:** $0
- **Sponsor:** Texas Campus Compact (Students in Service/Americorps)
- **Term (this action):** August 1, 2011 – July 31, 2012
- **Description:** The purpose of this federally funded program is to provide five students with meaningful community-based service learning to grow professionally and to develop a heightened sense of civic responsibility. Upon completion of the experiences, scholarship funds totaling $5,875 are awarded directly to participating students by AmeriCorps. PI/PD: Jamie Bouldin, Student Life, University Affairs

**Previously Described Awards**

*Online Professional Development Plan for Food Science*

- **FY 2012 Award:** $18,638 (additional award)
- **Total Award:** $168,638

*Education Jobs Fund – SFA Charter School (Recovery Act Funds)*

- **FY 2012 Award:** $1,019 (additional award)
- **Total Award:** $44,934

**Subtotal Current Year Awards (this report) = $434,379**

**Subtotal New Federal Pass-through Awards (total award) = $628,294**

**State and State Pass-through Awards**

*Rehabilitation Counseling Internship Stipends*

- **FY 2012 Award:** $41,640
- **Total Award:** $83,280 (Contract - renewal)
- **Sponsor:** Texas Dept. of Assistive & Rehabilitative Services (DARS)
- **Term (this action):** September 1, 2011 – August 31, 2013
- **Description:** The purpose of this project is to provide internships to qualified graduate students in order to complete their Masters in Rehabilitation Counseling by providing
Grants awarded between September 19, 2011 and December 31, 2011

experiences in the implementation of vocational rehabilitation services to the consumers of DARS. PI/PD: Dr. Robert Choate, Department of Human Services

*Southeast Texas P-16 Council Special Advisors Initiative – Math and Science Support
FY 2012 Award: $41,667
Total Award: $75,000 (Interagency Agreement)
Sponsor: Texas Higher Education Coordinating Board
Term (this action): May 13, 2011 – August 31, 2013
Description: Funds are provided to bring resources to teachers, counselors and administrators to help show students that taking the more demanding STEM courses improves employment opportunities. PI/PD: Debra Kiesel, Academic Affairs

Subtotal Current Year Awards (this report) = $83,307
Subtotal New State/State Pass-through Awards (total award) = $158,280

Private and Local Government Awards

*Visitor Services Study for the Nacogdoches Convention and Visitors’ Bureau
FY 2012 Award: $54,832
Total Award: $54,832 (Contract)
Sponsor: Nacogdoches Convention and Visitors’ Bureau (CVB)
Term (this action): October 1, 2011 – September 30, 2012
Description: Funds are provided for activities resulting in an economic impact analysis, marketing materials, and an evaluation with strategic recommendations. PI/PD: Chay Runnels, School of Human Sciences

*Confidential Study
FY 2012 Award: $17,000
Total Award: $17,000 (Contract)
Sponsor: Private, for-profit entity
Term (this action): August 11, 2011 – March 31, 2012
Description: The terms of this study are confidential per the agreement with the sponsor. PI/PD: Dr. Joey Bray, Department of Agriculture

Previously Described Awards

Energy, Economics and the Environment Graduate Course
FY 2012 Award: $30,000 (additional award)  Total Award: $60,000

AHEC Special Projects
FY 2012 Award: $13,275 (additional award)  Total Award: $69,710

Subtotal Current Year Awards (this report) = $115,107
Subtotal New Private and Local Government Awards (total award) = $201,542

Note:

*New awards
Prepared by the Office of Research & Sponsored Programs
Grants awarded between September 19, 2011 and December 31, 2011

- **Amounts are based on award notices as they are received from the funding agency, not expenditures or balances in funds/accounts.** Some current year awards are estimates based on the total amount awarded spread over the award period.
- **Does not include non-grant financial aid or gift accounts.**
## Policies for Board Review
### January 31, 2012

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Academic Promotion (E-3A)

Original Implementation: October 19, 1978
Last Revision: January 27, 2009, January 31, 2012

Promotion is awarded according to established procedures after an appropriate period on the basis of meritorious performance in teaching, research/scholarly/creative accomplishment and service.

To be promoted to the rank of associate professor, an individual must demonstrate excellence in teaching, and excellence in either research/scholarly/creative accomplishments or in service. At least satisfactory performance must be demonstrated in the other category. Excellence in one category will not compensate for poor performance in any of the other categories.

To be promoted to the rank of professor, candidates must demonstrate excellence in all categories appropriate to promotion: teaching, research/scholarly/creative accomplishments and service.

Academic promotion shall normally be restricted to full-time faculty members who have earned the highest academic degree customarily awarded in their field of study.

In exceptional circumstances, special training in recognized institutions, e.g., conservatories or research institutes, or the attainment of nationally recognized licenses or certificates, may be judged to satisfy the requirement for advanced degrees. Practical experience and/or demonstrable expertise and performance in activities related directly to one’s faculty appointment may be judged to satisfy the requirement for advanced degrees and/or years of experience. Exceptions may be granted by the provost and vice president for academic affairs.

This policy establishes a system of procedures for promotion in all academic units of the university. Each college and its departments shall also establish written policies governing promotion decision-making procedures that are consistent with this policy.

I. General Provisions
   A. For purposes of this policy Definitions:
      1. "Promotion" means advancement based upon a faculty member’s academic credentials and meritorious performance in teaching, research/scholarly/creative accomplishments, and service.
      2. "Department/School" (referred hereafter as department) is a subdivision of a college/library (hereafter referred to as college). “Academic unit” normally refers to a subdivision of a college, but can also refer to the library.
      3. “Academic unit chair/director” is the administrator immediately responsible for the academic unit. "Academic Chair/Director of the
Department” (referred hereafter as department chair) is the academic administrator immediately responsible for the department.

4. “Promotion review portfolio” (referred to hereafter as the portfolio) is a set of verifiable materials demonstrating evidence of a candidate’s credentials and suitability for promotion. The portfolio should contain a succinct, relevant, substantive and cumulative record of a candidate’s performance during the review period at Stephen F. Austin State University (SFA); for senior-level positions, the portfolio will consist of materials requested by the provost and vice president for academic affairs. The portfolio as used in this policy shall be defined as a set of verifiable materials showing evidence of a candidate’s fitness for promotion. The portfolio should contain a succinct, substantive, cumulative, and relevant record of a candidate’s performance during the period under review.

5. “Academic year” as used in this policy shall be the full nine-month period from September through May.

- Promotion is awarded by the institution according to established procedures after an appropriate period on the basis of meritorious performance in teaching, research and/or scholarly/creative accomplishment, and service.

- Promotion shall normally be restricted to full-time faculty members who have earned the highest academic degree customarily awarded in their field of study. Exceptions to this rule may be granted by the provost and vice president for academic affairs (VPAA).

- In exceptional circumstances, special training in recognized institutions (such as conservatories or research institutes) or the attainment of nationally recognized licenses/certificates may be judged to satisfy the requirement for advanced degrees. Practical experience and/or demonstrable expertise and performance in activities related directly to one’s faculty appointment may be judged to satisfy the requirement for advanced degrees and/or years of experience.

- This policy establishes a system of procedures for promotion in all academic units of the university. Each college and its departments shall also establish written policies governing promotion decision-making procedures that are consistent with this policy.

B. Academic Rank

-
• This policy applies to the following ranks of assistant professor, associate professor, and professor (see Policy E-1A):

1. • Professor

• Associate Professor

• Assistant Professor

2. The ranks of both Librarian and archivist I, II, III, and IV are governed under by Policy E-31A.

II. Promotion Awards

Promotion Policy Principles

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General Principles

A. Promotion is not an entitlement but must be earned by fulfilling the criteria appropriate to the rank.

B. Recommendations and decisions on promotion shall not discriminate on the basis of race, color, religion, sex, age, national origin, disability, or disabled veteran status.

C. Application processes for tenure and promotion can be undertaken at the same time so long as the promotion criteria for the rank are fulfilled.

D. For purposes of calculating years of service in rank, an “academic year” shall be the approximate nine-month period from September through May. If a faculty member begins service during an academic year, the period of service from the date of appointment until the beginning of the following academic year shall not be counted toward years of service in rank, unless the inclusion of that period of service is approved by the Provost and VPAA—vice president for academic affairs.

1. A scholarly leave of absence (those related to see reasons 1, 2, 3, and 4 of Policy E-29A) shall count as part of the service in rank unless the candidate and the Provost and VPAA—vice president for academic affairs agree in writing to an exception to this provision at the time the leave is granted.

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Periods during which a faculty member is on leave of absence for one semester or more due to health-related issues (see reason 5 of Policy E-...
Appendix 4

29A and the description of Family Medical Leave and Organ or Bone Marrow Donors in Policy E-29A) or or national guard service (see Authorized Training for Duty, Call to National Guard Active Duty by the Governor, and Call to National Duty in P see policy E-29A) shall not be counted as part of the service in rank unless the candidate and the provost and VPAA vice president for academic affairs agree in writing to an exception to this provision at the time the leave is granted.

2. In exceptional circumstances when warranted by extraordinary performance, faculty members may be reviewed for promotion earlier with the approval of the dean and provost and VPAA vice president for academic affairs. The evidence to support early promotion must be unequivocal.

III. Promotion Criteria—Eligibility

A. To be promoted to the rank of Associate Professor, an individual must demonstrate excellence in teaching and excellence in either research/scholarly/creative accomplishments or in service. At least satisfactory performance shall be demonstrated in the other category. Excellence in one category will not compensate for poor performance in any of the other categories. To apply for the rank of Associate Professor, an individual should have held the rank of Assistant Professor for at least three years at SFASU. The portfolio shall document all years in service at SFASU at the rank of Assistant Professor. The provost and vice president for academic affairs may waive this requirement for an individual hired for a senior-level position.

B. To be promoted to the rank of Professor, candidates shall demonstrate excellence in all categories appropriate to promotion: teaching, research and/or scholarly/creative accomplishments, and service. To apply for the rank of Professor, an individual should have held the rank of Assistant Professor for at least three years at SFASU. The portfolio shall document all years in service at SFASU at the rank of Assistant Professor. The provost and vice president for academic affairs may waive this requirement for an individual hired for a senior-level position.

C. In exceptional circumstances when warranted by extraordinary performance, faculty members may be reviewed for promotion earlier with the approval of the dean and provost and vice president for academic affairs. The evidence to support early promotion must be unequivocal.
IV. Promotion Procedures

A. Each college and its academic units shall establish a promotion review process that is approved by the dean and the provost and vice president for academic affairs.

1. A copy of all college/department promotion review policies must be retained in the offices of the provost and vice president for academic affairs and general counsel.

2. The promotion review process must allow for review of faculty being considered for promotion by all full-time department faculty members in the academic unit holding rank higher than the candidate, the department academic unit chair/director, elected faculty (one from each department) at the college level, and the dean.

3. The department academic unit, with approval of the college dean and provost and vice president for academic affairs, shall establish the promotion criteria in teaching effectiveness, research/scholarly/creative accomplishments, and rendered service.

B. The applicant is responsible for developing and submitting to the department academic unit chair/director a portfolio of supporting materials. If the individual is also applying for tenure, only one portfolio for both processes should be submitted. The portfolio should demonstrate how the candidate meets or exceeds the promotion criteria. The portfolio should consist of relevant supporting materials, including a table of contents, current vitae, all annual faculty activity reports since last promotion, annual administrative evaluations since last promotion, and documentation of

1. The portfolio must be submitted in the fall semester of the appropriate year of service according to the timetable established by the provost and vice president for academic affairs.

The portfolio should include: a table of contents; a brief narrative highlighting accomplishments since initial appointment or last promotion; an explanation why the individual meets expectations for promotion; a curriculum vitae; and annual administrative evaluations since initial appointment or last promotion. Once the portfolio is completed and submitted, nothing shall be added or deleted except according to department, college, or university policy.


2. The promotion portfolio should also include documentation of the following:
   a. teaching effectiveness, e.g., summaries of student evaluations, teaching awards, peer evaluations, innovative teaching approaches;
   b. research and/or scholarly/creative accomplishments, e.g., publications, research/creative projects, photographs of artworks, finished pieces of work;
   c. university-related service, e.g., committee responsibilities, leadership roles assumed at department, college, and university levels;
   d. contributions to the profession, e.g., memberships in professional organizations, offices held, other leadership roles; and
   e. general community service related to the profession, e.g., presentations and activities that enhance the professional discipline.

C.

1. The portfolio must be submitted in the fall semester of the appropriate year of service according to the timetable established by the provost and vice president for academic affairs. Once the portfolio is completed and submitted, nothing shall be added or deleted except according to academic unit, college, or university policy.

D. The academic unit chair/director shall make the portfolio available for review by all full-time faculty members in the unit holding rank higher than the candidate. These faculty members shall constitute the academic unit promotion committee/panel for the candidate.

2. The department chair shall make the portfolio available for review by all full-time department faculty members holding rank higher than the candidate. These faculty members shall constitute the departmental promotion committee/panel for the candidate.

It is possible that two separate promotion committees/panels may be necessary in a-n academic unit, one for promotion to associate professor and one for promotion to professor.

2. Administrators who are not involved in the promotion recommendation process at another level are eligible to serve on promotion committees.
3. In academic units with two or fewer full-time faculty holding rank higher than the candidate, the chair/director and each candidate shall submit separately to the dean of the college a list of three names of full-time faculty members from other academic units in the university holding rank higher than the candidate. The dean shall appoint members from these lists until there are at least three members of the academic unit promotion committee/panel.

E. The committee/panel shall make its recommendations to the academic unit chair/director.

3.1. It is possible that two separate promotion committees/panels may be necessary in a department, one for promotion to Associate Professor and one for promotion to Professor.

1. Administrators who are not involved in the promotion recommendation process at another level are eligible to serve on promotion committees.

2. In departments with two or fewer full-time departmental faculty holding rank higher than the candidate, the chair of the department and each candidate shall submit separately to the dean of the college a list of three names of full-time faculty members from other departments in the university holding rank higher than the candidate. The dean shall appoint members from these lists until there are at least three members of the departmental promotion committee/panel.

The committee/panel shall make its recommendations to the department chair.

The chair/director shall notify each candidate in writing of committee/panel and chair/director recommendations in a manner and timeframe congruent with department academic unit and college policies.

2. The chair/director shall make a recommendation on promotion even if not holding a rank higher than the candidate.

4. Within five (5) class days of being allowed to review the written recommendations of the department academic unit and chair/director, the candidate may attach a letter of response addressing errors of fact in the recommendations. Such a notification and any subsequent response by the candidate shall become part of the portfolio.
F. Once the departmental review process is completed at the academic unit level, all documentation shall be forwarded to the candidate’s dean.
   1. The dean shall follow college policy in assembling promotion committees/panels.
   2. The committees/panels shall make their recommendations to the dean who shall notify each candidate in writing of the committee/panel’s and dean’s recommendations in a manner congruent with college policy.
   3. Within five (5) class days of being allowed to review the written recommendations and comments, the candidate may attach a letter of response addressing errors of fact in the recommendations. Such a notification and any subsequent response by the candidate shall become part of the portfolio.

G. After the college has completed its promotion review, the portfolio, along with all department academic unit and college recommendations and comments, are shall be submitted to the provost and VPAA vice president for academic affairs for review.
   1. The provost and VPAA vice president for academic affairs shall submit a recommendation on each candidate’s promotion to the president, along with all materials and the recommendations generated at each preceding stage of the process.
   2. At the same time, the provost and VPAA vice president for academic affairs shall notify the candidate of the recommendation submitted to the president.

H. The president shall review all materials and recommendations, and any other evidence deemed pertinent, and make a recommendation to the Board of Regents.

I. Promotion in rank is by action of the Board of Regents of Stephen F. Austin State University. Exceptions to the policies and procedures related to promotion must be authorized by the Board of Regents.

J. Within the next class day following the action of the Board of Regents, each candidate shall be notified in writing by the provost and VPAA vice president of academic affairs of the action of the Board.

Cross Reference: Academic Appointments and Titles (Policy E-1A); Library Faculty, Policy (E-31A); Tenure, (Policy E-50A); Leave of Absence (Faculty) (E-29A)

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Provost and Vice President for Academic Affairs
Forms: None

Board Committee Assignment: Academic and Student Affairs
Access to University Records (D-1)

**Original Implementation:** 1975  
**Last Revision:** January 27, 2009 January 31, 2012

Access to documents or records in the custody or control of Stephen F. Austin State University is determined by the provisions of state law. In general, the records of the university are open to public inspection during normal business hours, upon written request. However, various exceptions to the public's right to examine university documents exist under law. These include, but are not limited to, information in personnel files, the disclosure of which would clearly be an unwarranted invasion of privacy; documents relating to litigation or settlement negotiations; information relating to the possible purchase of real property; student records; interagency or intra-agency memoranda or letters not available by law except in the context of litigation; and rare books or original manuscripts held for the purpose of research.

The Office of the General Counsel has been designated by the Board of Regents as the public information coordinator responsible for processing public information requests. Requests for public information by outside entities and vendors are to be immediately referred to the Office of the General Counsel. The requests must be in writing and may be submitted by mail, fax, e-mail or in person. The requestor must include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested. The requestor must also cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested. The university may charge for copies of public information in accordance with the fee schedule set out in 1 Tex. Admin. Code § 70.3.

Requests by student organizations that are for organizational use only should be submitted to the Office of Student Affairs. Requests for alumni information should be submitted to the Alumni Association.

This policy does not prevent either students or employees from examining university records applying to themselves.

**Cross Reference:** Texas Public Information Act, Texas Government Code, Chapter 552Tex. Gov’t Code Ch. 552

**Responsible for Implementation:** General Counsel

**Contact for Revision:** General Counsel

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs
Asbestos Removal (D-5)

Original Implementation: July 12, 1988
Last Revision: January 27, 2009, January 31, 2012

Stephen F. Austin State University provides for the training of certain university personnel, the establishment of an inspection and abatement program, and maintenance procedures relating to asbestos in university buildings and facilities. The university’s objective is that all personnel who may work in an area with asbestos or materials which contain asbestos be informed of the history of asbestos, its past and present use, health affects, and remedial action necessary to meet current regulations and to maintain a safe work environment.

A. Purpose
1. Identification and immediate removal of any asbestos-containing material that is in a friable state by accredited, competent, trained personnel.
2. Strict enforcement of OSHA, EPA, NIOSH, NESAPHS, and the Texas Department of State Health Services State Health Department regulations and guidelines to ascertain as well as possible that no one is exposed to an asbestos hazard.
3. Continuance of an on-going program to maintain asbestos-containing material in a safe condition and remove and/or encapsulate this material as funds are available.

B. Asbestos Program Manager
1. The Asbestos Program Manager (APM) or a certified asbestos consultant must be licensed by the Texas Department of State Health Services State Health Department as an Asbestos Inspector, Management Planner, and must satisfactorily complete the appropriate examination administered by the Environmental Protection Agency. The APM will stay abreast of all pertinent regulations regarding asbestos.
2. The APM will establish a training program to be completed by all university employees who might reasonably be expected to come into contact with asbestos material during the performance of their university employment.
3. The APM will establish guidelines for supervisors who, once completion of the initial training program has been conducted, supervisors will provide periodic reminders to employees (following completion of the initial training program) of the employee’s duty to inform their supervisor when any material containing asbestos becomes friable or may become friable due to daily wear-and-tear, roof leaks or maintenance.
4. All university buildings and facilities have been inspected to identify asbestos containing materials. Bulk samples have been taken. Upon notification
of building renovation, modification, or demolition, *bulk samples will be taken, and records will be checked.* And if asbestos-containing material is present, abatement will be scheduled.

5. The APM will maintain two current files, located remotely from each other, on all university buildings and facilities *previously identified as containing any form of asbestos at 1% or above.* It will be the responsibility of each maintenance craftsman at *Stephen F. Austin State University* employee to notify his/her supervisor any time a question arises relating to work which may involve contact with suspected asbestos materials, and when the work requirements listed below are anticipated.

- a wall, ceiling, floor, or partition is to be penetrated, scored, drilled, refinished, or otherwise altered
- pipe insulation is removed, damaged, or altered
- boilers, chillers, hot water tanks, heat exchangers, valves, and piping are repaired, changed, or altered in a way that may affect the insulation
- painting or paint removal is done to a surface that could possibly contain asbestos

C. Implementation

1. If at any time, an employee is working around suspect material, they are to stop immediately and notify their supervisor. The supervisor will notify the APM so that records may be researched and an approval to continue work may be secured. Under no circumstances is an employee to work in an unsafe condition or environment.

2. Contractors working on university property must comply with the same guidelines listed above. In addition, contractors must secure approval from the APM prior to beginning work and must consult the APM when any question or potential problem arises.

3. Contractors must also provide an Asbestos free certification for all newly constructed facilities on campus.

**Cross Reference:** None

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Environmental Health, Safety and Risk Management

**Forms:** None

**Board Committee Assignment:** Building and Grounds
Appendix 4

Awarding Academic Credit for Noncollegiate Sponsored Instruction: Extra-institutional Learning Experiences in the BAAS Degree (A-52)

Original Implementation: October 26, 1999
Last Revision: April 21, 2009, January 31, 2012

Role and Scope

The purpose of this policy is to define an approved procedure for students wishing to be awarded credit for extra-institutional learning experiences in the Bachelor of Applied Arts and Sciences (BAAS) degree. This policy provides a rationale for the credit awarded and definitions of the significant elements of the process, establishes guidelines for developing the life-experience occupational portfolio, and provides a means for monitoring the policy.

Review

It is the responsibility of the dean of the College of Liberal and Applied Arts to review and implement this policy.

Rationale

Awarding degree credit for extra-institutional learning experience noncollegiate sponsored instruction is based on the higher education practice of granting academic credit for educational attainment comparable to the college level. The granting of credit is carried out in a variety of ways including, but not limited to, credit by examination, Advanced Placement (AP) credit, College Level Examination Program (CLEP) credit, occupational portfolio review, and SFASU Stephen F. Austin State University (SFA) departmental examination. The credit awarded must be appropriate to an individual’s BAAS degree program.

Authority and Oversight

The authority granted to SFASU by the Texas Higher Education Coordinating Board (THECB) (July 16, 1974) to offer the BAAS degree contains the following feature statements:

"Semester hour credit for experience and/or exhibited competency is permissible in both Academic Foundations (up to 12 hours) and Academic Specialization (up to 24 hours). An expanded innovative program of advising and counseling will be necessary to administer the program."
The College of Liberal and Applied Arts shall maintain oversight of the BAAS degree and administer the extra-institutional learning-life experience credit program. The dean of the college shall develop procedures to implement all aspects of the BAAS degree.

Definitions

B.A.A.S. Degree - The Bachelor of Applied Arts and Sciences degree is designed to offer students an opportunity to receive college credit for extra-institutional learning experiences and to apply these credits toward a baccalaureate degree. With occupational-technical training and work experience, the opportunity to obtain a baccalaureate degree with credit given for life experiences. The degree is designed to provide both academic and professional depth to individuals who possess recognized competency in occupational or technical fields.

Extra-institutional Learning - Documented learning experience that accrues to the student outside the sponsorship of an accredited institution of higher education. Such experience may include learning sponsored by non-accredited associations, business, industry, or military units to develop knowledge, skills, and values. If the learning experience occurred outside of a training program related to professional licensure or certification, the student must submit an occupational portfolio.

Noncollegiate Sponsored Instruction - A form of extramural institutional learning sponsored by non-accredited associations, business, industry, or military units to develop knowledge, skills, and values.

Occupational Portfolio - A compilation of pertinent documents and third party verification that develops a history and basis for the levels of competency submitted for evaluation. Documentation shall verify that skill levels and occupational competencies are equivalent to college work.

Work/Life Experience - A form of noncollegiate sponsored learning that develops knowledge, skills, and values as a result of experiences documented through the occupational portfolio.

Procedure for Credit Awards

The evaluation of noncollegiate extra-institutional learning experience depends on credit being dependent upon an examination process. The measure of equivalency is determined by three factors:
I. The Curriculum of the Learning Experience -

The learning work/life experience must meet the standard of currency and relevance of contemporary institutions of higher education.

II. The Qualifications of the Instructor/Supervisor Work/Life Evaluator

Instruction and supervision must be provided by an individual or individuals whose credentials have been reviewed and accepted by authorized peers, an appropriate sponsoring professional organization or corporation, or an institution of higher education.

2.3. Evaluation of Student Achievement -

The validation process must use a means of evaluating the learning process that is appropriate to the subject matter and the manner of transmission.

All applications requests for credit for extra-institutional through noncollegiate sponsored learning experiences must be submitted by the student at the time of application to the BAAS degree program. Requests must be accompanied by documentation of the learning experiences, including the occupational portfolio (if required). The BAAS program director, or s to their adviser at the time a degree plan is submitted to the dean of the College of Liberal and Applied Arts, or a designee, shall review the documentation, including credit recommendations, and make a final determination for approval. The request for credit must be submitted as an occupational portfolio accompanied by all pertinent documentation. The dean of the College of Liberal and Applied Arts, or a designee, shall review all credit recommendations and make a final determination as to the amount of credit to be awarded. Credit awarded shall be submitted to the Office of the Registrar. Credit awarded for noncollegiate sponsored instruction extra-institutional experiences is only applicable to the Bachelor of Applied Arts and Sciences Degree.

Appeals

Appeals of credit awards shall be in writing to the dean of the College Council of the College of Liberal and Applied Arts for resolution. The dean may either affirm the decision of the BAAS program director or make a different its own credit recommendation to the dean.

Cross Reference: SFA General Bulletin/Advanced Placement & Credit by Examination

Responsible for Implementation: Provost and Vice President of Academic Affairs

Contact for Revision: Dean of the College of Liberal and Applied Arts
Forms: None

Board Committee Assignment: Academic and Student Affairs
Best Value Procurement (C-7)

Original Implementation: January, 1988
Last Revision: October 18, 2011 January 31, 2012

PROCUREMENT PROCESSES

Stephen F. Austin State University makes purchases, not otherwise delegated through Delegated Purchasing Authority (C-10), in accordance with Education Code 51.9335 and university policy on a best value basis and following the procedures outlined in the procurement procedure manual. Through any of the following processes. As per Items Requiring Board of Regents Approval (D-20.5), some procurements require Board of Regents approval. Historically underutilized business (HUB) subcontracting plan requirements apply in accordance with Historically Underutilized Businesses (C-16.5), and state law.

All purchases completed with state appropriated funds must first consider making the purchase from Texas Industries for the Blind and Handicapped (TIBH) as mandated by Education Code Section 51.9335 to promote the purchase of goods or services from persons with disabilities.

- The university may purchase goods or services:

  A. through programs associated with the purchase of goods or services from persons with disabilities as required under applicable state law;
  B. through direct negotiation if the aggregate total is $5000 or less;
  A.C. through group/cooperative purchasing programs; Purchases $0 – $5,000 are to be negotiated to achieve the best value for the university.
  B. through contracts available through the state comptroller, Department of Information Resources, Council on Competitive Government, or State Office of Risk Management. The university may purchase goods or services through competitive bid procedures with the following minimum bidder requirements. A justification must be included in the order file if these minimums are not met.

      1. $5,000.01 – $25,000.00 - Minimum three informal bids required; minimum 50% HUB vendors including one woman-owned and one minority-owned
      2. Greater than $25,000.00 - Minimum five formal bids required; minimum 50% HUB vendors including one woman-owned and one minority-owned; electronic state business daily posting required unless procurement services determines that no value is added by the posting.
D. In determining best value for competitive sealed bids, the university shall consider best value factors identified in Education Code Section 51.9335.

C. E. through any contract issued and awarded by other state of Texas agencies or institutions of higher education; The university may purchase goods or services through the competitive sealed proposal process outlined in the procurement department RFP manual. All competitive sealed proposals shall include an appropriate number of solicitations to be determined by the purchaser, including HUB vendors of any gender and ethnicity when identified as providing the good or service sought. Electronic state business daily posting is required, unless procurement services determines that no value is added by the posting.

F. from other state agencies or political subdivisions in accordance with Interagency and Interlocal Contracts (C-18);

G. on a proprietary basis in accordance with Proprietary Purchases (C-28);

D. H. through a professional or consultant services contract in accordance with Professional and Consultant Services (C-45); The university may purchase goods or services through the Request for Offer (RFO) process established in 34 Texas Administrative Code Section 20.391 for the acquisition of automated information systems goods and services.

I. from state or federal surplus warehouses in accordance with Purchase of Surplus Property (C-28);

J. from university employees in accordance with Purchases From Employees (C-27);

E. K. through a solicitation process including, but not limited to, informal bid, competitive sealed bid, competitive sealed proposal, or request for qualifications; The university may purchase goods or services through group/cooperative purchasing programs without a solicitation process, when such purchase is deemed to represent the best value to the university.

F. Through State of Texas term contracts, State of Texas multiple award schedules (TXMAS), and DIR/Tex-An contracts without a solicitation process, when such purchase is deemed to represent the best value to the university.

G. L. on an emergency basis as long as the procurement is necessary to prevent a hazard to life, health, safety, welfare or property, or to avoid undue additional cost to the university; The university may purchase goods or services through reverse auctions.

H. on a best value basis without using one of the above processes as long as the supporting justification is approved by the director of procurement and is in compliance with best value considerations outlined in Education Code 51.9335. The university may purchase goods or services through contracts awarded by other state agencies or institutions of higher education without a solicitation process when such
contracts are available and have followed approved purchasing processes, and such purchase is deemed to represent the best value to the university.

I. The university may purchase goods or services through contracts awarded by the Council on Competitive Government in accordance with Government Code Section 2162 without a solicitation process, when such contracts are available, and such purchase is deemed to represent the best value to the university.

M. The university may purchase goods or services on an emergency basis. An emergency purchase is defined as a situation requiring that a procurement be made more quickly to prevent a hazard to life, health, safety, welfare, or property or to avoid undue additional cost to the university. A procurement may be declared an emergency at the purchaser’s discretion in consultation with the end user and upon approval by the director of procurement. Declaration of an emergency supersedes all other best value procurement rules. The university will attempt to obtain bids, price comparisons or proposals when sufficient time exists by utilizing the most effective procurement process, including the electronic state business daily, when value is added by using such processes.

ADDITIONAL PROCUREMENT CONSIDERATIONS

The university may not accept a bid or award a contract that includes proposed financial participation by a person who received compensation from the university to participate in preparing the specifications or request for proposals on which the bid or contract is based. This does not prohibit a bidder or contract participant from providing free technical assistance to the university.

In accordance with Gov’t Code 2252, Subchapter A, the university will apply reciprocity when evaluating informal bids and competitive sealed bids.

Contracting with a former employee or retiree for services is prohibited on state funds within 12 months of the employee’s separation date from the university. The use of local funds is allowed within 12 months of the employee’s separation date with approval of the university president.

Contracting with the executive head of a state agency, or with a person who at any time during the four years before the date of the contract was the executive head of a state agency, or with a person who employs a current or former executive head of a state agency is prohibited unless the Board of Regents votes in open meeting to approve the contract, and the Legislative Budget Board is notified no later than the fifth day before the date of the vote, of the terms of the proposed contract.
Contracts that generate revenue may be processed through any of the above procurement processes, through direct negotiation, or through any other process that is determined to represent the best value to the university.

All procurements, regardless of the source of funds, shall comply with laws and rules relating to historically underutilized businesses. Reference Historically Underutilized Businesses (C-16.5).

Some procurements may require Board of Regents approval prior to purchasing. Reference Items Requiring Board of Regents Approval (D-20.5).

Some procurements have additional restrictions based on the source of funding. Contact the procurement office for detailed information on the general interpretation of fund restrictions.

EXEMPT PURCHASES

The following purchases are exempt from best value procurement processes outlined herein. Submission of a purchase requisition and other rules may apply.

1. Advertising
2. Hotels and meeting rooms for conferences
3. Conference expenses; – expenses related to conference room services such as audio/visual/network and food services. (does not include goods purchased for attendees or transportation services)
4. Moving expenses (employee) – see Moving Expenses (C-21)
5. Student travel; – expenses related to student travel
6. Library materials and services for Stephen F. Austin State University libraries, as defined by Government Code Section 2155.139(a)(2), when such exemption represents the best value to the university.
7. Membership dues and associated fees
8. Direct publications only available from a single source as defined by Texas Procurement and Support Services (TPASS) in the TPASS Procurement Manual
9. Freight, including shipping, handling, fuel surcharge, hazardous material fee, postage, and other surcharges
10. Intra-agency payments
11. Rental of exhibit space; i.e., booths for display purposes
12. Items for resale
13. Internal repairs – repairs for which the extent and cost of such cannot be determined until the commodity is disassembled and evaluated; internal repair must contain labor and may also include parts.
14. Purchases from federal agencies
15. Utilities, other than regulated electricity for which SFA chose to opt into deregulation
16. Organized activity purchases – goods and services for the Early Childhood Lab, Cole Audiology Lab, Beef Farm, Poultry Farm, Equestrian Program, Broiler Houses, and Swine Farm when the purchase directly affects operations and such exemption represents the best value to the university.
17. Group travel – expenses related to group travel when such group travel includes non-university persons and is funded by payment from individual travelers; i.e., Art Tour
18. Gifts, prizes and awards for students, employees and non-university individuals
19. Accreditation fees
20. Tournament fees or game guarantees
21. Licensing fees or permits
22. Employee registration or tuition
23. Sponsorships
24. Non-travel-related meals
25. Fees, not otherwise identified herein
26. Notary bonds
27. Guest lecturers, speakers, artists, entertainers, performers, musicians, etc.
28. Educational/training services for university employees
29. Veterinary services
30. Other professional services as defined by the state comptroller’s expenditure codes

**Cross References:** Items Requiring Board of Regents Approval (D-20.5); Historically Underutilized Businesses (C-16.5); Delegated Purchasing Authority (C-10); Interagency and Interlocal Contracts (C-18); Proprietary Purchases (C-28); Professional and Consultant Services (C-45); Purchase of Surplus Property (C-28); Purchases From Employees (C-27); Moving Expenses (C-21); Purchase Requisition (C-30); Tex. Educ. Code § 51.9335; 34 Tex. Admin. Code § 20.391; Tex. Gov’t Code Ch. 2162; Tex. Gov’t Code § 2155.139(a)(2); Tex. Gov’t Code § 669.003; Tex. Gov’t Code §§ 2252.001-.004, .901

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator
**Forms:** Purchase Requisition, Purchase Voucher

**Board Committee Assignment:** Finance and Audit
Cellular Telephones and Wireless Communication Devices (F-42)

Original Implementation: October 30, 2007
Last Revision: April 21, 2009, January 31, 2012

OVERVIEW

The university recognizes that certain positions require the use of a cellular telephone (cell phone) or other wireless communication devices, including personal digital assistants (PDAs) or smartphones, to conduct official business. This policy provides specific guidelines regarding the use of cell phones and/or wireless communication devices.

DEFINITIONS

Wireless Communications Device – cellular telephones, telephone/PDA combinations, and smartphones. For purposes of this policy, laptops and personal computers are not considered wireless communications devices.

ELIGIBILITY

Each department is responsible for establishing whether a specific employee needs a cell phone or wireless communication device service. Criteria for establishing this need include:

1. Requirement to travel frequently on university business.
2. Large amounts of time spent away from the office.
3. A need to contact the individual after normal business hours on a frequent basis.
4. A need for others to be in constant communication with the individual.
5. Safety considerations.

If an employee meets one or more of these criteria, a department head/director may approve a request to provide either a university cell phone or wireless communication device or a communication allowance through one of the following options.

1. University provided cell phones or wireless communication device:
   If a department chooses this option, the entire amount of the university provided cell phone or wireless communication device is considered as a taxable fringe benefit to the employee. The employee is not required to document personal or business usage. However, the department must require that an employee reimburse the
department for calls that exceed the monthly plan amount unless they provide documentation that the excess use is attributed solely to business related calls. The Telecommunications Department will determine two preferred vendors from which the university will contract cellular services. All university provided cell phones and plans will be acquired from one of the preferred vendors.

Departments electing this option must submit a “Cellular Telephone Request and Justification Form” to the assistant director of telecommunications and networking for each employee, as required in policy F-29, Communications Services.

1. The assistant director of telecommunications and networking will communicate the taxable value of the university provided cell phone and wireless communication device to the payroll office.

2. **Communication Allowance:**
   The department may elect to provide a communication allowance to reimburse the employee for the projected cost of business related charges. The dollar amount of the cell phone allowance should cover the estimated business-related calls and a pro-rata portion of the monthly cost of the phone plan. Determination of the dollar amount of the allowance is made at the departmental level, but will be within guidelines and dollar limits established by the assistant director of telecommunications and networking. These levels are defined on the Communication Allowance Request Form. The communication allowance will be paid through payroll and will not be considered taxable income. *The allowance does not constitute an increase to base pay and will not be included for percentage based pay increases or for retirement (TRS or ORP) calculations.*

   The communication allowance is established by submitting a completed "Communication Allowance Request Form" to the payroll office. Departments should also keep a copy of the form on file for each approved allowance.

   The employee is responsible for communicating the telephone number to the department. The employee may, at his or her own expense, add extra services or equipment features as desired.

3. **Intermittent Use of Cell Phones for Business Purposes:**
   Some departments may provide cell phones on an intermittent basis to their employees. Intermittent basis is defined as more than one employee assigned use of the phone during the month.
2. In these instances, NO personal use is permitted. Employees using these cell phones will be responsible for documenting all calls as business related. Employees must submit the documentation (phone logs) to the department. Supervisors will be responsible for reviewing the documentation and insuring that employees reimburse the university for any personal calls made inadvertently. Reimbursements must be based on a pro-rata share of the monthly phone bill and made within 30 days of receipt of the telephone bills. These phone logs must be retained by the department and will be subject to audit. The controller’s office must be notified when employees do not submit proper documentation. In these instances, the employee will be responsible for any tax liability associated with phone usage.

3.A. **Infrequent Use of Cell Phones for Business Purposes:**

   If infrequent business calls are made by an employee who does not receive a communication allowance or university-provided phone, departmental approval can be given to reimburse the employee for business calls that exceed personal wireless plan minutes.

   Reimbursement of these calls will be made through accounts payable through normal procedures for reimbursement of business related expenses. Appropriate documentation, such as a copy of the wireless plan billing statement and the stated business purpose of the call, should be submitted to support the reimbursement. Any reimbursement of business related calls will not be taxable to the employee.

**Cross Reference:** Communication Services (F-29)

**Responsible for Implementation:** Provost and Vice President for Finance and Administration

**Contact for Revision:** Controller, Assistant Director of Telecommunications and Networking

**Forms:** Communications Allowance Request Form, Cellular Telephone Request and Justification Form

**Board Committee Assignment:** Finance and Audit
Computing Software Copyright (D-43)

Original Implementation: July 27, 1999
Last Revision: July 21, 2009 January 31, 2012

Purpose and Scope

Most software on computers at Stephen F. Austin State University is protected by federal copyright laws. In addition to the copyright laws, there is usually a license agreement between the software seller and the purchaser to protect the software. Educational institutions are not exempt from legislation covering copyrights. The university's policy is to adhere to the copyright protections given under federal law, and to adhere to the conditions of the license agreements. The following policies and procedures apply.

Policies and Procedures

- Software provided through the university for use by faculty, staff, and students shall be used on computing equipment only as appropriate to the specific software licenses.
- Licensed software shall not be copied on university equipment except as specifically permitted by the software license, e.g., (to create a backup copy, for example).
- It is a violation of university policy to knowingly use or attempt to use unauthorized software.
- Faculty, staff, and students may not use unlicensed or unauthorized copies of software on university-owned computers, or any computer connected to the university network.
- The individual who normally uses a specific computer is responsible for ensuring and documenting via license agreement or proof of purchase that the software used on that machine is licensed. An appropriate designated assignee is responsible when the same machine is used by several persons.
- For a multi-user computing system, the director of the organizational unit owning the system, or the manager responsible for its operation, shall document licenses, and inform users of licensing conditions, and shall take reasonable actions to ensure compliance.
- It is a violation of university policy to knowingly use or attempt to use software which is not authorized for use under normal operating procedures.
- The university may audit software on university-owned equipment at any time, with or without notice to the designated users. The university may request
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permission to audit software on non-university equipment that is connected to the university network as a condition of approval to use such equipment on the network.

**Sanctions for Policy Violations**

Unauthorized or unlicensed use of software is a serious matter. Faculty, staff, and students should bring known or suspected violations of these policies to the attention of supervisors or other responsible persons such as the director of Information Technology Services. Any individual violating these policies is required to take immediate remedial corrective action, e.g., to remove the unlicensed software from the machine. Persons refusing to do so are subject to university disciplinary procedures.

**Cross Reference:** Computer and Network Security, (D-8.1)

**Responsible for Implementation:** Provost and Vice President for Academic Affairs

**Contact for Revision:** Director of Information Technology Services

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs
Dead Week (A-15)

Original Implementation: June 16, 1982  
Last Revision: April 21, 2009, January 31, 2012

Dead week, the last five class days of each long semester, is intended to be an established tradition in higher education to allow students the necessary time to prepare for final examinations. During the last five class days of each long semester, written examinations (except to cover daily assignments) and themes or assignments beyond normal daily requirements are not to be assigned without written notification to the students. Examinations or assignments shall not be scheduled during dead week unless students are notified in writing prior to the twelfth class day.

The Division of University Affairs and major student groups of the university, including Student Government Association (SGA), Student Activities Association (SAA), Residence Hall Association (RHA), SFA Panhellenic Association (SFAPA), National Panhellenic Council (NPHC), Interfraternity Council (IFC) and Multicultural Greek Council (MGC), shall observe dead week by refraining from sponsoring on-campus student social activities, e.g., parties, dances, films, concerts, and banquets. On-campus advertising will not be approved for any student group-sponsored, off-campus social activity sponsored off-campus by a student group during occurring during dead week will not be approved.

Cross Reference: Faculty Handbook

Responsible for Implementation: Provost and Vice President for Academic Affairs, Vice President for University Affairs

Contact For Revision: Provost and Vice President for Academic Affairs, Vice President for University Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs
Discipline and Discharge (E-11)

Original Implementation: December 6, 1983
Last Revision: January 27, 2009, January 31, 2012

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

Supervisory efforts should be concentrated on preventing serious personnel problems rather than on disciplining employees for misconduct. However, supervisors shall have the right to discipline or summarily discharge an employee for cause. If disciplinary measures are to be imposed, it is essential that each problem be investigated so that the facts of the situation are known and that any action taken be primarily corrective rather than punitive. An employee being disciplined should be told what they have done wrong and should be clearly instructed on what is expected of them. Any discharge must first be reviewed by the director of human resources.

Except in cases of discharge, the employee should be given a reasonable period of time to improve their performance or correct their actions or attitude. An employee may be discharged when reasonably corrective or rehabilitative methods have failed or when the serious nature of a violation or the accumulation of violations, warrants immediate separation.

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

1. Unauthorized, unexplained, or inexcusable absence or tardiness.
2. Failure to notify supervisor of absence at the earliest practical time.
3. Failure to observe assigned work schedules (starting time, quitting time, rest and meal periods).
4. Soliciting or collecting contributions for any purpose, or selling or offering for sale any goods or service, on university premises in violation of university policy.
5. Unsatisfactory work performance.
6. Loafing or other abuse of time during assigned working hours.
7. Interfering with any employee's work performance or duties by talking or by other distractions.
8. Circulating or distributing written or printed matter on university premises in violation of the university policy on petitions and handbills.
9. Leaving regularly assigned work location without notifying immediate supervisor.
10. Performing unauthorized personal work on university time.
11. Defacing bulletin boards or notices posted thereon.
13. Failure to punch time card or record card as instructed.
14. Discourteous treatment of the public or of other employees.
15. Improper political activity of a minor nature.
16. Minor violation of internal department work rules.
17. Engaging in excessive visiting, personal conversations, or use of the telephone for personal use.
18. Failure to follow any reasonable instructions issued by supervisor related to performing job tasks and/or job duties.
19. Abusive or unruly conduct of a minor nature.

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

1. Any act which might endanger the safety or lives of others.
2. Refusal to properly perform work properly assigned by a supervisor.
3. Violation of university safety rules.
4. Falsifying any university records.
5. Punching the time card or Clocking in or out for another employee or allowing yours one’s time to be punched entered by another employee.
6. Leaving university premises during working hours without permission from the supervisor.
7. Abusing, destroying, damaging, or defacing university property, tools, equipment, or the property of others on university premises.
8. Gambling on university premises.
9. Delaying or restricting work, or inciting others to delay or restrict work.
10. Fighting on university premises.
11. Carrying firearms or other dangerous weapons on university premises.
12. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.
14. Theft, misappropriation or unauthorized use of university funds or property, or other dishonest actions.
15. Continued unsatisfactory work performance.
16. Unauthorized, unexplained, or inexcusable leave for more than three days.
17. Excessive absences or tardiness.
18. Physical, mental or emotional inability to perform the job satisfactorily.
19. Major violation of internal department work rules.
20. Insubordination.
21. Abusive and unruly conduct.
22. Indecent or obscene conduct.
23. Conviction of a felony or of a misdemeanor involving moral turpitude by a trial court.
24. Flagrant or repeated minor rule violations.
25. Sexual harassment of any person by an employee during working hours or on university premises.
27. Bringing or consuming any liquor, marijuana, or narcotics on university premises (this rule applies to any habit-forming or disabling substance not prescribed by a physician).
28. Reporting for duty under the influence of liquor, marijuana, or narcotics (applies to any habit forming or disabling substance not prescribed by a physician).
29. Accepting any gifts or favors, which influence or tend to influence the performance of duties or the granting of service or favors to other university personnel, applicants, clients, or other persons.
30. Refusal to attend state and university mandated trainings within the appropriate timeframe including but not limited to EEO training and Performance Management Plan training.

**Corrective Disciplinary Actions**

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

Any corrective disciplinary action should be recorded on the Employee Counseling Form (available in Human Resources). The corrective action should include a section which documents specific, job related, and measurable actions identified to increase job knowledge, improve skills, or correct performance difficulties. Timetables shall be established for follow-ups and improvement or non-improvement and will be documented on all Employee Counseling Forms.

**Oral Warning:** Normally, initial disciplinary action should be in the form of an oral discussion and warning, especially for minor rule violations. If it appears that an employee has failed to perform their work or conduct themselves according to job requirements, the supervisor should first talk to the employee about the matter and informally inquire further into the situation. If facts indicate that the employee may have been at fault, the supervisor should discuss the matter with them. The supervisor may call on another person (preferably another supervisor) to be present as a witness. The employee should clearly be instructed of the gravity of the action and should be told that the warning is disciplinary in nature. Supervisors should maintain a complete and accurate written notation of the warning on an "Employee Counseling Record" form.
Written Reprimand: Reprimand involves both a formal interview with the employee and an official memorandum emphasizing the negative effect of the employee's conduct or work performance on their record and opportunities for advancement. If the immediate supervisor does not have the authority to discharge the employee, then the interview should be conducted by the department official who does have discharge authority. A written reprimand should include: the names of everyone involved, dates, a description of the incident or unsatisfactory performance, witnesses (if any), and the action taken. Use the "Employee Counseling Record" for this purpose. Reference should also include the dates and results of prior oral warning(s), or other written reprimand(s). It should also bear the employee's comments, if any, and the employee's signature. The employee should be informed that their signature indicates they have received a copy of the reprimand, but not necessarily that they agree with its contents. If the employee refuses to sign the reprimand, a witness, preferably another supervisor, should verify that the employee has read the reprimand and refused to sign an acknowledgement. A copy of the reprimand should be sent to the director of human resources to be filed in the employee's permanent file.

Suspension: Suspension may be a disciplinary action or the interruption (without or without pay) of the active employment of an employee pending an investigation and decision by the director of human resources, and in unusual circumstances, the general counsel. Suspension for a period of longer than three (3) days must be approved by the appropriate vice president. To suspend an employee from the payroll, the supervisor should:

- present the employee with a completed "Employee Counseling Record" indicating suspension, the period of suspension, and the reasons for the suspension;
- forward a copy of the "Employee Counseling Record" attached to a completed "Personnel Action Request" form through Human Resources to Payroll Services. The department will then complete a "Leave Without Pay" Personnel Action Request form should be completed, removing the employee from the payroll if the suspension is for any period of time that the employee is to be without pay.

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

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

**Discharge:** In cases other than serious offenses, discharge from employment should be used as a last resort. The supervisor who has authority to employ a person also has the authority to discharge a person. Prior to the action, the discharging supervisor must review the situation with his immediate superior, the director of human resources, and, in unusual circumstances, the general counsel. This review will assure that the case for dismissal has been objectively investigated and is both justified and properly documented. The appropriate vice president must approve each discharge. If the discharge is in order, an employee should be presented with a completed "Employee Counseling Record" indicating discharge, the reasons for the discharge, and the date of the discharge. Since discharge requires prior consultation and approval, it should not be done "on-the-spot". However, if the supervisor believes it is improper to leave the employee on duty until such approval can be obtained, the supervisor should, with review from the director of human resources, immediately place the employee on suspension for a period not to exceed three (3) days. This action also allows time for any investigation which may be necessary.

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

**Alternative Disciplinary Actions**
Other forms of disciplinary action may be appropriate in some cases. These may include making up lost time, docking, withholding salary increases, transfer to more suitable work, or compensating the university for damage. With the exception of making up lost time, these alternative disciplinary actions require the prior review of the director of human resources.

**Involuntary Terminations Other Than Discharge**
It is not the intent of this policy to prohibit, or in any way restrict, the university and its administrative officials from the right to terminate any employee for any non-disciplinary reason if it is in the best interest of the university to do so. An employee so terminated shall not have recourse through this policy or the Grievance and Appeals Procedure. Examples of termination for non-disciplinary reasons include, but are not limited to, terminations due to lack of work or funds (reduction in force), the redesigning of jobs, the termination of grant funding which eliminates positions, termination of a temporary position, and changes in the organizational structure in compliance with university policies and rules, i.e., retirement, nepotism, etc. Employees who are terminated for non-disciplinary reasons may appeal through the supervisory chain up to the vice president for
the area involved only on grounds of constitutional violations or other legal rights which may have been abridged.


**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Human Resources

**Forms:** Employee Counseling Report (available in Human Resources); Notice of Suspension (available in Human Resources); Notice of Discharge (available in Human Resources); Leave Without Pay Form (available on-line); Personnel Action Request (available in Human Resources)

**Board Committee Assignment:** Academic and Student Affairs
Disposition of Abandoned Personal Property (D-9)

Original Implementation: October 18, 1988
Last Revision: January 27, 2009, January 31, 2012

Lost property means any unclaimed personal property coming into the possession of the university, other than motor vehicles as defined in the Texas Transportation Code. Lost property shall be deemed abandoned if the rightful owner does not come forth and make a valid claim within ninety (90) days of the university's original possession.

Unless the abandoned property is being held as evidence to be used in a pending criminal case, the university may dispose of the abandoned property by public auction. The profits of the auction shall be used for student service activities as directed by the Office of the Dean of Student Affairs. However, if the rightful owner makes a valid claim to abandoned property before auction, then the university shall return the property to the rightful owner.

REPORTING OR CLAIMING ABANDONED PERSONAL PROPERTY

Any individual finding lost property on the university campus or seeking to claim lost property should follow the guidelines listed below.

1. A person finding lost or unclaimed property should turn in said property at the University Police Department or the information desk in the student center. Lost or unclaimed property found in Steen Library should be turned in to the circulation desk on the first floor. Lost or unclaimed property found in academic buildings should be turned in to the appropriate departmental office. Lost or unclaimed bicycles or other bulky items are stored in the University Police Department.
2. A written "Record of Unclaimed Personal Property" form indicating the date the lost or unclaimed property came into the university's possession shall be completed and retained by the receiving department.
3. After fifteen (15) days, all unclaimed property held in the University Police Department, in Steen Library, or in other campus areas such as departmental offices, shall be transferred to the student center information desk with the record indicating the date of receipt of the unclaimed property.
4. Lost items may be claimed at the student center information desk upon presentation of reasonable identification of the lost property.
5. A public auction is held annually under the direction of the dean of student affairs at a time and place announced during each academic year.

Cross Reference: Texas Education Code, § 51.213
**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student Affairs

**Forms:** Record of Unclaimed Personal Property (available in University Printing Services)

**Board Committee Assignment:** Academic and Student Affairs
Duties and Responsibilities of Offices Reporting to the Provost (E-13A) POLICY DELETED 1/31/2011

Original Implementation: September 4, 1979
Last Revision: July 21, 2009

The associate vice president for academic affairs, academic deans, dean of graduate studies, executive director of enrollment management, Student Financial Aid director, library director, Instructional Technology director, Information Technology Services director, director of the Office of Research and Sponsored Programs (ORSP), and director of the School of Honors report directly to the provost and vice president for academic affairs. The duties and responsibilities of these officers are defined as follows:

Associate Vice President for Academic Affairs

1. The associate vice president for academic affairs provides leadership in the areas of academic planning, program implementation, the curriculum, and the application of new technologies to the teaching/learning process.
2. Among the responsibilities of the associate vice president for academic affairs are:
   a. Coordinate assessment activities of academic units within the university;
   b. Ensure compliance with Southern Association of Colleges and Schools (SACS) accreditation policies in the context of academic affairs;
   c. Perform other duties as assigned by the provost.

Academic Deans

1. Deans are responsible for fostering excellence in teaching, research/scholarly/creative activities, and service in their colleges.
2. Among the responsibilities of the deans within the respective colleges are:
   a. Supervise, counsel and evaluate department chairs, program directors, faculty and staff;
   b. Exercise leadership in budget preparation, establish funding priorities, monitor budget administration and coordinate fund raising;
   c. Make recommendations on personnel actions;
   d. Facilitate college policy formulation and implementation;
   e. Coordinate the development, operation and assessment of programs;
   f. Interpret policy and adjudicate appeals;
   g. Oversee degree plan preparation and qualification for graduation, and monitor student progress;
h. advise the provost on matters affecting instructional and research programs;
i. perform other duties as assigned by the provost.

Dean of Graduate Studies

1. The dean of graduate studies is responsible for supervision of the university's graduate education programs.
2. Among the responsibilities of the dean of graduate studies are:
   a. recommend approval of graduate courses, programs, and degrees;
   b. serve as a resource person in budget, space, and personnel decisions affecting graduate education;
   c. recommend approval of faculty eligibility for the instruction of graduate courses;
   d. establish and maintain standards and procedures by which graduate students are admitted, enrolled, supervised, retained and awarded advanced degrees;
   e. assign and/or approve graduate committees, and accept final thesis, exhibition or dissertation documents;
   f. chair the University Graduate Council;
   g. recommend funding for graduate assistantships, oversee allocation of graduate assistantships to the colleges, monitor budget dispensation of graduate assistantship funds and appointments;
   h. prepare and administer the budget for the office of graduate studies;
   i. interpret graduate program policy and adjudicate appeals;
   j. oversee the masters degree in interdisciplinary studies;
   k. perform other duties as assigned by the provost.

Executive Director of Enrollment Management

1. The executive director of enrollment management is responsible for direct oversight of the Office of Admissions and indirect oversight of the Academic Advising Center, SFA 101 program and the Registrar’s Office.
2. Among the responsibilities of the executive director are:
   a. provide leadership to the directors of the Academic Advising Center, SFA 101 program, and Registrar’s Office;
   b. serve as the chief admission officer;
   c. prepare and administer the budget for the Office of Admissions and assist with budget preparations for the Academic Advising Center, SFA 101 and the Registrar’s Office;
d. supervise the development of promotional material used for recruiting purposes;
e. oversee the collection of data regarding student enrollment;
f. articulate programs and courses with schools, colleges, and universities;
g. supervise the recruitment and admission of undergraduate students;
h. assist with university-wide retention efforts;
i. make recommendations for all personnel actions within the enrollment management area;
j. perform other duties as assigned by the provost.

Library Director

1. The library director is responsible for the development and operation of various educational resource and information technology functions in addition to traditional library services.

2. Among the duties and responsibilities of the library director are:
   a. plan, organize, and direct library collection development as well as technical and information service programs;
   b. prepare and oversee the administration of the budget for library operations;
   c. oversee student tutoring services provided by the Academic Assistance and Resource Center;
   d. provide campus-wide technical support through the Library Information Network Center;
   e. plan and direct the university records management program and the university archives;
   f. promote development of a coherent and effective library web portal to facilitate access to information resources;
   g. facilitate library policy development, formulation, and implementation;
   h. seek grant opportunities to secure funding for library initiatives;
   i. perform other duties as assigned by the Provost and VPAA.

Director of the Office of Instructional Technology (OIT)

1. The director of instructional technology is responsible for coordinating, advising, and assisting academic units in integrating instructional technologies with teaching, learning, research, and outreach.

2. Among the responsibilities of the director are:
   a. serve as leader in recommending and evaluating instructional technology priorities and policies for the university;
b. collaborate with academic units to incorporate instructional technology into teaching/learning processes;
c. serve as an academic liaison in university-wide computing and telecommunication;
d. conduct strategic planning for instructional technology;
e. administer technology training;
f. coordinate distance learning;
g. develop and promote partnerships with business, industry, and the public sector;
h. seek funding in support of instructional technology;
i. assist academic units in the assessment of instructional technology;
j. prepare and administer the budget for OIT;
k. make recommendations on all personnel actions within OIT;
l. perform other duties as assigned by the Provost and VPAA.

Director of Information Technology Services (ITS)

1. The director of Information Technology Services is responsible for oversight of the university’s Enterprise Resource Process system, local and wide area networks, telecommunications, computer support, and help desk operations.
2. Among the responsibilities of the director are:
   a. provide leadership to the office of ITS;
   b. provide leadership to the project director in the projects office;
   c. communicate and implement the requirements of the Texas Department of Information Resources;
   d. prepare and administer the budget for ITS;
   e. create and implement a strategic plan for ITS;
   f. perform risk assessment and disaster recovery planning for ITS;
   g. perform other duties as assigned by the provost.

Director of the Office of Research and Sponsored Programs (ORSP)

1. The director is responsible for the development and operation of ORSP.
2. Among the responsibilities of the director are:
   a. plan, organize, and direct ORSP;
   b. conduct strategic planning of ORSP activities;
   c. review and provide signature approval of all proposals for external funding routed through the ORSP;
   d. chair the University Research Council;
   e. coordinate the development of policies relating to research and sponsored programs;
f. prepare state and federal reports on research and sponsored program expenditures;
g. provide oversight and guidance in the development of extramural grant applications and contractual agreements;
h. coordinate the management of grant accounting activities with the Controller’s Office;
i. implement procedures for monitoring compliance with state and federal regulations and standards;
j. prepare and administer the budgets for research enhancement, research development, and ORSP;
k. make recommendations on all personnel actions within ORSP;
l. perform other duties as assigned by the provost.

Director of the Office of International Programs

1. The director of international programs is responsible for supervising, coordinating, planning and organizing the Office of International Programs (OIP).
2. Among the responsibilities of the director are:
   a. supervise and monitor all staff of OIP, American English Language Institute, and Study Abroad Office;
   b. supervise all financial activity of OIP and related offices;
   c. coordinate issues and needs relevant to international students;
   d. market and manage international student recruitment;
   e. research, compile, review, and evaluate OIP activities;
   f. prepare periodic reports on operations of related activities of OIP;
   g. assist international students in applying to the University;
   h. assist in the development and implementation of international articulation agreements;
   i. design and conduct orientation workshops for international students and faculty members leading study-abroad programs;
   j. facilitate the development and implementation of study-abroad programs;
   k. perform other duties as assigned by the provost.

Director of the Financial Aid Office

1. The director of financial aid is responsible for overseeing the operation of the Financial Aid Office.
2. Among the responsibilities of the director are:
   a. manage and maintain efficient and effective administration and delivery of federal, state, and university financial aid programs;
b. manage the preparation of reports submitted to federal, state, university, and external agencies;

c. supervise personnel in the Financial Aid Office;

d. develop and implement financial aid operating budgets;

e. coordinate financial assistance with other student financial resources on campus;

f. interface with federal and state agencies on matters of financial aid;

g. implement procedures for monitoring compliance with financial aid standards;

h. assist with university-wide retention efforts;

i. counsel students and parents on financial aid;

j. perform other duties as assigned by the provost.

Director of the School of Honors

1. The director of the School of Honors is responsible for supervision of the university’s School of Honors.

2. Among the duties of the director are:

a. exercise leadership for the School of Honors, its staff, and its students;

b. supervise and assess the staff and programs of the School of Honors;

c. coordinate course schedules for the offering of Honors courses;

d. chair the University Honors Council;

e. review and approve Honors contracts;

f. supervise and award Honors scholarships;

g. administer the budget for the School of Honors;

h. perform other duties as assigned by the provost.

Cross Reference: None

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: None
Emergencies (F-10) POLICY DELETED 1/31/2011

Original Implementation: Unpublished
Last Revision: January 27, 2009

Any emergency situation or threat of violence should be reported immediately to UPD by calling 468-2608, ext. 911 from any university phone, or by utilizing any Emergency Call Box located throughout the campus.

Each department within the university is responsible for maintaining current emergency notification information for each employee working in the department. This information should be updated at least annually or whenever an information change occurs.

Certain specified emergencies will be reported and/or investigated as outlined below:

Accidents/Injuries:
The UPD dispatcher answering the call will determine needed action. If an ambulance is needed, UPD will contact the ambulance service and provide proper directions for the campus location. UPD also will dispatch an officer to the scene. UPD shall notify the Director of Environmental Health, Safety, and Risk Management immediately when responding to a call involving an injury to a university employee. After investigation, if a report is warranted, the officer will file the report. A copy can be obtained on the next working day at UPD.

Armed Robbery:
If confronted with an armed robbery situation, a university employee should follow the instructions of the person committing the robbery and, as soon as it is safe to do so, report the situation to UPD.

Bomb Threats:
Any university employee receiving a threat should obtain as much information as possible and report to UPD immediately. Any decision to evacuate the area will be made by the appropriate vice president and the chief of UPD.

Death:
UPD will conduct an investigation, notify other necessary authorities, and notify the immediate family.

Elevator Rescue:
Any person trapped in an elevator should use the elevator's emergency telephone, which is a direct line to UPD. UPD will give instructions to the person by telephone, dispatch an
officer to the elevator, rescue the trapped individual(s), lock the elevator to prevent further use, and place a service call for repairs.

**Fire:**
When a fire alarm is activated, either by an electronic device or by a telephone call to UPD, a university police officer will be dispatched for inspection. The officer will determine if the alarm is false or indicates an actual fire. If a fire exists, the officer will call the Nacogdoches Fire Department and evacuate the area if, in the opinion of the officer, this is necessary. If the alarm was false, the officer will reset the alarm and report the incident to the Criminal Investigative Division of UPD.

**Theft:**
Upon receiving a theft report, a university police officer will begin an investigation of the alleged theft. If the investigation reveals enough evidence for a conviction, the Criminal Investigative Division of UPD will file the appropriate charges at the Nacogdoches County Courthouse.

**Cross Reference:** None

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

**Contact For Revision:** Chief of University Police

**Forms:** None
Employee Training (E-64)

Original Implementation: January 28, 2003
Last Revision: January 27, 2009, January 31, 2012

It is the policy of the university to provide training and development opportunities to faculty and staff within the availability of funds and as authorized under the State Employees Training Act of 1969. Such training and development shall be aimed at the needs of the individual employee and the university. Training and development will be offered to improve personal and professional growth and to prepare the employee for assuming jobs of greater responsibility.

It is the goal of the university to promote professional and personal growth and learning opportunities that support lifelong learning and assist individuals in working effectively together within their departments and throughout the university community. Training and development will assist the university community in adapting to change, increasing productivity, and improving the quality of the work environment and the employees' relations with each other.

Employee Training and Development Programs: The State Employees Training Act of 1969 allows the university to use public funds for training and development programs related to either current or prospective duty assignments. The university has established regulations and guidelines for three areas of training and development. The three areas are:

1. In-Service Training Program: Training which is provided within the university to support the continued professional and personal growth of all employees in their work. Special training emphasis is made in the areas of service excellence, diversity, communication, and effective management. In-service training also includes on-the-job training, preparation for job assignment, and continuing training programs which are basically job oriented to equip an individual to properly perform assigned tasks, to develop additional work capabilities, or to increase the employees' level of competence.

2. Out-of-Agency Staff Development Program: Education or training authorized by the university for selected employees. May consist of workshops, seminars, institutes, training sessions, college courses (with or without academic credit) and other special programs or activities offered internally by departments of the university, or outside the university by another source within or outside the state of Texas.
If the training is paid for by the university, and during the training period the employee does not perform their regular duties for three (3) months or more, the employee must work for the agency following the training for at least one (1) month for each of the training periods or repay the university for the cost of the training and salary (SB 223, 1999).

The university shall require the employee to agree in writing to comply with the above requirements before the training begins. The university's Board of Regents may waive the requirements prescribed above and release the employee from the obligation if such action is in the best interest of the university or is warranted because of an extreme personal hardship suffered by the employee.

3. Internship Training Program: The type of learning experience which can be obtained only through actual work experience.

The following individuals are authorized to approve participation in the training and development program:

1. In-Service Training Program: Immediate supervisor and/or department head
2. Out-of-Agency Staff Development Program: Immediate supervisor, department head, dean or director
3. Internship Training Program: Department head, dean or director, vice president, and president

Training Responsibilities:

Supervisors and Managers: Training is the responsibility of every supervisor and manager at all levels of management. Supervisors and managers are responsible for:

- providing employees on-the-job training in the proper performance of tasks,
- providing a climate in which training and development of employees is encouraged,
- integrating an employee's growth and development needs with the goals and objectives of the university.

University Human Resources Department: Human Resources will:

- establish, administer and coordinate training policies and programs to meet university training requirements as authorized under the State Employees Training Act of 1969 and the policy established herein,
- develop programs which support the university's mission and goals and the continued growth and education of the faculty and staff,
- review and approve training programs open to the university community,
- monitor training programs and provide consulting training assistance to departments as resources allow, particularly in regard to In-Service Training Programs,
- maintain university training records and files.

Cross Reference: Chapter 656 Texas State Employees Training Act, Tex. Government Gov’t Code Ch. 656

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs
Employment of Persons with Criminal History (E-19)

Original Implementation: August 1, 1983
Last Revision: April 21, 2009
January 31, 2012

No person who has been convicted of a felony or is currently on probation for a felony or convicted of a misdemeanor of moral turpitude shall be employed at the university in a security sensitive position. Exceptions to this rule may be made on the basis of three factors:

1. the immediate past employment of the applicant or employee; or
2. the job relatedness of the crime, or
3. the time elapsed since the crime.

All employees are required to disclose a felony or misdemeanor conviction involving moral turpitude whether prior to or during employment. For purposes of this policy, moral turpitude shall include, but is not limited to dishonesty, giving of a false statement, fraud, and theft. Employees should disclose the conviction to their department head who shall inform the director of human resources.

This rule is designed to assure the safety and security of the students, faculty, and staff and property at the university.

For purposes of this rule, the term "offense that constitutes a felony" shall have the same meaning as the term is used in the Texas Penal Code or any United States codes.

This rule becomes effective and shall apply to all persons applying for, or granted, employment with the university on or after August 1, 1983.

Cross Reference: Security Sensitive Positions Policy (E-44)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs
Family and Medical Leave (E-58)

Original Implementation: August 5, 1993
Last Revision: January 27, 2009 January 31, 2012

Employees are eligible to take up to twelve (12) weeks of family/medical leave within any 12 month period and be restored to the same or an equivalent position upon return from leave, provided that the employee has worked for the state of Texas for at least twelve (12) months and for at least 1,250 hours within the previous twelve (12) month period. Leave without pay may begin after all available applicable paid leave has been exhausted and will be included in the twelve (12) weeks of Family and Medical Leave Act (FMLA). Applicable Sick Leave Pool benefits and leave resulting from Workers' Compensation claims (See Workers Compensation Coverage Policy E-55 for more details) will be included in the twelve (12) week period. For purposes of the FMLA, a rolling twelve (12) month period will be measured backward from the date leave begins.

Reasons for Family/Medical Leave:

Eligible faculty and staff may take family/medical leave for any of the following reasons:

1. The birth of a child and in order to care for such child;
2. The placement of a child with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent with a serious health condition; or,
4. Because of the employee's own serious health condition which renders the employee unable to perform the job functions essential to the employee's position.

Leave because of reasons (1) or (2) must be completed within the twelve (12) month period beginning on the date of birth or placement. An employee is allowed to use sick leave for the period of time that is certified by the physician to recover from childbirth. While an employee may take additional time off under FMLA (including annual leave, or leave without pay), the employee may not use sick leave for this additional time unless the employee or the infant is actually sick. In addition, spouses, employed by Stephen F. Austin State University who request leave because of reasons (1) or (2) or to care for an ill parent may only take a combined total of twelve (12) weeks during any twelve (12) month period.

Sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption. Furthermore, an employee, who is the father of a child, may use his sick leave in conjunction with the child's birth only if the child is actually ill, or to care for his spouse while she is recovering from labor and delivery.
Employees with less than 12 months of state service and/or less than 1,250 hours of work in the 12 months immediately preceding the start of leave are entitled to a parental leave of absence, not to exceed 12 weeks (480 hours), if the employee uses all available and appropriate paid vacation and sick leave while taking the parental leave. Such parental leave may only be taken for the birth of a natural child or the adoption or foster care placement with the employee of a child under three years of age. The leave period begins with the date of birth or the adoption or foster care placement.

Sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption. Furthermore, an employee, who is the father of a child, may use his sick leave in conjunction with the child's birth only if the child is actually ill, or to care for his spouse while she is recovering from labor and delivery.

On November 17, 2008, the Department of Labor (DOL) published its final rule to implement the first-ever amendments to the Family and Medical Leave Act (FMLA), signed into law by President Bush in January 2008, which provide new military family leave entitlements and to update the regulations under the FMLA.

Military Caregiver Leave (also known as Covered Servicemember Leave): Under the military family leave entitlements, eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. This 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.

Qualifying Exigency Leave: The second military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. This provision makes the normal 12 workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for “any qualifying exigency” arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The Department’s final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave:

1. Short-notice deployment;
2. Military events and related activities;
3. Childcare and school activities;
4. Financial and legal arrangements;
5. Counseling;
6. Rest and recuperation;
7. Post-deployment activities;
8. Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

**Notice of Leave:**

If the need for family/medical leave is foreseeable, the employee must give thirty (30) days prior written notice. If this is not possible, the employee must give notice within one to two working days of learning of the need for leave or as soon as practicable. Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, the employee is expected to notify the supervisor and Human Resources within 1 to 2 working days of learning of the need for leave, except in extraordinary circumstances. Requests for Family/Medical Leave forms are available from Human Resources. Employees should use these forms when requesting leave.

**Medical Certification:**

If an employee is requesting leave because of their own or a covered relation's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. Medical Certification Forms may be obtained from Human Resources. The form must be returned to the director of Human Resources within fifteen (15) days after the date leave is requested. Failure to provide requested medical certification in a timely manner may result in denial of leave until the certification is provided. The university, at its expense, may require an examination by a second health care provider designated by the university. If the second health care provider's opinion conflicts with the original medical certification, the university, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The university may require subsequent medical re-certification on a reasonable basis.

**Reporting While On Leave:**

If an employee takes FMLA because of a personal serious health condition or to care for a covered relation, the employee must contact the supervisor at least once each week, or as often as requested by the supervisor, regarding the status of the condition and the intention to return to work. The supervisor is responsible for reporting this information to the director of Human Resources. Additionally, you are required to call Human Resources on the 1st and 3rd Monday of each month during your leave to report your leave and/or return to work status. *Failure to communicate with the
supervisor and Human Resources on the approved reporting schedule may result in denial of leave.

**Leave Is Unpaid:**

Family/medical leave is unpaid leave after applicable vacation leave and sick leaves have been exhausted. Employees may apply for sick leave from the Sick Leave Pool which, if approved, will be included within the FMLA period. Employees may be eligible for short or long-term disability payments and/or workers' compensation benefits under the provisions of those plans. This leave time will also be included in the twelve (12) week period of FMLA. The use of paid leave time does not extend the twelve (12) week leave period.

**Medical and Other Benefits:**

During an approved family/medical leave, the university will maintain the state contribution for the employee's health benefits as if the employee continues to be actively employed. During periods of paid FMLA leave, the university will deduct the employee's portion of the insurance premiums as a regular payroll deduction. If the employee's FMLA leave is unpaid, the employee portion of the premium must be paid by the employee through the benefits manager in Human Resources. The employee's insurance coverage will cease if the premium payment is more than thirty (30) days late. If the employee elects not to return to work at the end of the FMLA leave period, the employee will be required to reimburse the university for the cost of the premiums paid by the university for maintaining coverage during the leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control. An employee on FMLA is not entitled to accrue state service credit for any full calendar months of leave without pay taken while on FMLA and does not accrue vacation or sick leave for such months of leave without pay.

**Intermittent And Reduced Schedule Leave:**

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per work week or work day), if medically necessary. A reduced schedule is subject to availability depending on the business need of the department or the university. If leave is unpaid, the university will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent leave or reduced schedule, the university may temporarily transfer the employee to an alternative position which better accommodates recurring leave and which has equivalent pay and benefits.
Returning From Leave:

If the employee takes leave because of a personal serious health condition, the employee is required to provide medical certification that the employee is fit to resume work. Return to Work Medical Certification Forms (Attachment C) may be obtained from Human Resources. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

Definitions:

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

Applicable Paid Leave - Sick leave and vacation accruals.

Spouse - Those recognized as spouses by the state of Texas.

Parent - Parent includes biological parents and individuals who acted as the employee's parents, but does not include parents-in-law.

Son or Daughter - Son or daughter, legally recognized, includes biological, adopted, foster children, stepchildren, and legal wards, who are under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of mental or physical disability.

Serious Health Condition - A serious health condition means any illness, injury, impairment, or physical or mental condition that involves: (1) any incapacity or treatment in connection with inpatient care; (2) an incapacity requiring absence of more than three calendar days and continuing treatment by a health care provider; or, (3) continuing treatment by a health care provider of a chronic or long-term condition that is incurable or will likely result in incapacity of more than three days if not treated.

Continuing Treatment - Continuing treatment means: (1) two or more treatments by a health care provider; (2) two or more treatments by a provider of health care services (i.e., physical therapist) on referral by or under orders of a health care provider; (3) at least one treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (i.e., a program of medication or therapy); or, (4) under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured (i.e., Alzheimer's or severe stroke).

Health Care Provider - Health care provider includes: licensed medical (MD) and osteopathic (OD) doctors, podiatrists, dentists, clinical psychologists, optometrists,
chiropractors authorized to practice in the State, nurse practitioners and nurse-midwives authorized under state law, and Christian Science practitioners.

"Needed To Care For" - "Needed to care for" a family member encompasses: (1) physical and psychological care; and, (2) where the employee is needed to fill in for others providing care or to arrange for third party care of the family member.

"Unable to Perform the Functions of the Employee's Job" - The phrase "unable to perform the functions of the employee's job" means an employee is (1) unable to work at all; or, (2) unable to perform any of the essential functions of their position. The term "essential functions" is borrowed from the Americans with Disabilities Act (ADA) to mean "the fundamental job duties of the employment position," and does not include the marginal functions of the position.

**Cross Reference:** The Family and Medical Leave Act of 1993 (FMLA), 29 C.F.R. §825 United States Department of Labor, Title 29, Part 825, Code of Federal Regulations, the Family and Medical Leave Act of 1993; Texas Gov't Code §661.912

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Human Resources and General Counsel

**Forms:** Family/Medical Leave Request for Leave Form, Certification of Physician or Practitioner Form, Family/Medical Leave Return to Work Medical Certification Form

**Board Committee Assignment:** Academic and Student Affairs
Financial Aid Code of Conduct (D-53)

Original Implementation: April 21, 2009
Last Revision: None January 31, 2012

This Code of Conduct is promulgated under the Higher Education Act (HEA) § 487(a)(25), as reauthorized and amended by the Higher Education Opportunity Act, and is not intended to conflict with any Texas law involving conflict of interest and/or ethics, specifically Texas Government Code § 572.051. This Code of Conduct helps to ensure that such laws are not violated; the Code and is consistent with Stephen F. Austin State University Policy-Ethics policy (E-56): Ethics. To help ensure public confidence in the financial aid system and to promote high ethical standards, provisions in this Code of Conduct may exceed the minimum limits required by law.

I. Definitions

A. “Lending Institution” or “Lender” shall mean: (i) any entity that itself, or through an affiliate, engages in the business of making loans to students, parents or others for purposes of financing higher education expenses, or that securitizes such loans; or (ii) any entity, or association of entities, that guarantees education loans. “Lending institution” or “Lender” shall not include the University or the state or federal government. The Texas Guaranteed Student Loan Corporation (TG) is exempt from this definition.

B. “University” shall mean Stephen F. Austin State University and those entities that subscribe to their policies and this Code of Conduct.

C. “Compensation” shall mean anything of value, including, but not limited to, money, credits, loans, discounts, payments, fees, forgiveness of principal or interest, reimbursement of expenses, charitable contributions, stock options, consulting fees, educational grants, vacations, prizes, gifts, or other items of value, whether given directly or indirectly.

D. “Trade Association” shall mean any higher education, financial aid, lending or banking trade, industry, or professional association that receives compensation within the preceding 12-month period from any Lending Institution or Lender.

E. “Outside Director” shall mean a member of a Lender’s Board of Directors or Board of Trustees who receives compensation from such Lender in connection with his or her service on the Board of Directors or Board of Trustees and who receives no other compensation from the Lender as an officer, employee, or agent of the Lender or otherwise.
F. “Agent” shall mean a person acting as a representative of and at the direction of or under the control of a University, where such person’s responsibilities with respect to the University relate primarily to the University’s activities involving financial aid or the business of higher education loans.

II. Code of Conduct

A. Prohibition of Certain Compensation to University Employees

1. No University trustee, director, officer, or Agent, or any employee who is employed in the financial aid office of the University or who otherwise has responsibilities with respect to higher educational loans or other financial aid at the University, and no spouse or dependent children of any such persons ("Family Member"), shall accept any compensation of more than nominal value (not to exceed $20), directly or indirectly, during any 12-month period, from or on behalf of a Lending Institution or Trade Association, except that this provision shall not be construed to prohibit any officer, trustee, director, Agent or employee of the University, or any of their Family Members, from receiving compensation for the conduct of non-University business with any Lending Institution or Trade Association or from accepting compensation that is offered to the general public.

2. Notwithstanding the prohibitions in subsection II.A.1 or any other provision of this Code of Conduct: (a) The University may hold membership in any nonprofit professional association; and (b) any University trustee, director, officer, or employee who is not employed in the financial aid office of the University and does not have responsibilities with respect to higher educational loans or financial aid, may serve as an Outside Director of a Lending Institution or Trade Association and receive compensation at the Lending Institution’s or Trade Association’s established compensation rates for Outside Directors, provided that any University trustee, director, officer or employee serving on the board of the Lending Institution or Trade Association is precluded from participating in such board’s discussions or decisions that might affect the interests of the University and provided further that such University trustee, director, officer or employee complies with the University’s policy on Ethics (E-56), and receives annual written notice of the requirements of both this Code of Conduct and the University’s conflict of interest policy. Further, notwithstanding the prohibitions in subsection II.A.1, a trustee, director, officer or employee of a Lending Institution or Trade Association who does not have responsibilities with respect to higher education loans or financial aid shall not be prevented from serving on the Board of Directors of a University solely by virtue of his or her position with the Lending Institution or Trade Association, provided that any such person serving on the board of the University is precluded from participating in such board’s discussions or decisions that
might affect the interests of such Lender or Trade Association or that relate to financial aid or higher education loans.

3. The prohibitions set forth in this subsection II.A shall include, but not be limited to, a ban on any payment or reimbursement by a Lending Institution or Trade Association to a University employee or Family Member for lodging, meals, or travel to conferences or training seminars unless such payment or reimbursement is related solely to non-University business. University employees whose duties relate to financial aid may accept food or refreshments of nominal value provided or paid for by a Lender or Trade Association at a meeting, conference or seminar related to their professional development or training. University employees are not precluded from attending any educational or training program related to financial aid or higher education loans where no registration fee is charged to any attendee because of a Lender’s or Trade Association’s sponsorship or support of the program, and provided that the registration fee is limited to covering the costs associated solely with the education or training component of the program.

B. Limitations on University Employees Participating on Lender Advisory Boards

Any person who is employed in the financial aid office of a covered educational institution, or who otherwise has responsibilities with respect to private education loans or other financial aid of the institution, and who serves on a lender advisory board, commission, or group established by a private educational lender or group of such lenders shall be prohibited from receiving anything of value from the private educational lender or group of lenders except reimbursement for reasonable expenses. An annual report will be provided to the Secretary of Education of any reasonable expenses paid. Each report shall include: the amount for each specific instance of reasonable expenses paid or provided; the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided; the dates of the activity for which the expenses were paid or provided; and a brief description of the activity for which the expenses were paid or provided. Lenders can obtain advice and opinions of financial aid officials on financial aid products and services through Trade Associations, industry surveys, or other mechanisms that do not require service on Lender advisory boards, and provided that any reimbursement for expenses is limited to reasonable expenses as defined for service on advisory boards. This provision shall not apply to participation on advisory boards that are unrelated in any way to financial aid or higher education loans. This paragraph does not apply to serving in the Texas Guaranteed Student Loan Corporation (TG).

C. Prohibition of Certain Compensation to the University
1. Neither the University, nor any alumni association, booster club, foundation, athletic organization, social organization, academic organization, professional organization or other organization affiliated with the University ("Affiliated Organizations"), may accept any compensation from any Lending Institution or Trade Association in exchange for any advantage or consideration provided to the Lending Institution or Trade Association related to the Lending Institution’s or Trade Association’s financial aid or education loan activity. This prohibition shall include, but not be limited to: (i) revenue sharing by a Lending Institution or Trade Association with the University or Affiliated Organizations; (ii) the receipt by the University or Affiliated Organizations from any Lending Institution or Trade Association of any equipment or supplies, including without limitation, computer hardware and software, for which the University pays below-market prices; and (iii) printing costs or services, provided that a University or Affiliated Organizations shall not be prohibited from accepting a Lender’s or Trade Association’s own standard printed brochures or informational material that does not contain the University’s logo or otherwise identify the University.

2. Notwithstanding anything else in this subsection II.C., the University may accept assistance comparable to the kinds of assistance provided by the Secretary of the U.S. Department of Education to schools under or in furtherance of the Federal Direct Loan Program.

3. Nothing in this subsection shall prohibit a University from accepting endowment gifts, capital contributions, scholarship funding, or other financial support from a Lender or Trade Association, so as long as the University gives no competitive advantage or preferential treatment to the Lender or Trade Association related to its education loan activity in exchange for such support.

D. Preferred Lender Lists

In the event that the University promulgates a list of preferred or recommended lenders or similar ranking or designation ("Preferred Lender List"), then the following restrictions and provisions apply.:

1. Every brochure, web page, or other document that sets forth a Preferred Lender List must clearly disclose, textually or by clearly designated hyperlink, the process and criteria by which the University-selected Lenders for said Preferred Lender List, including but not limited to the payment of origination fees, competitive interest rates or other terms, high-quality servicing, and additional benefits beyond the standard terms.:

2. Every brochure, web page, or other document that sets forth a Preferred Lender List or identifies any Lender as being on said Preferred Lender List shall state in the same
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font and same manner as the predominant text on the document that students and their parents have the right and ability to select the education loan provider of their choice, are not required to use any of the Lenders on said Preferred Lender List, and will suffer no penalty from the University for choosing a Lender that is not on said Preferred Lender List;

3. Every brochure, web page, or other document that sets forth a Preferred Lender List or identifies any Lender as being on said Preferred Lender List shall state in the same font and same manner as the predominant text any affiliations between the lenders on the Preferred Lender List.

4. The University’s selection of Preferred Lenders and the University’s decision as to where or how prominently on the list the Lending Institution’s name appears shall be based solely on the best interests of student and parent borrowers, utilizing stated criteria that are limited to benefits provided to borrowers (such as competitive interest rates and repayment terms, quality of loan servicing, and whether loans will be sold), and the ability to work efficiently and effectively with the University to process loans, without regard to the pecuniary interest of the University or to any benefits provided by Lending Institutions to the University or any of the University’s officers, trustees, directors, agents or employees or their family members. The University’s selection of any Preferred Lender shall be limited to the types of loans for which that Lender has been selected, based on the benefits to the borrower for those types of loans, and the University’s Preferred Lender list shall indicate the types of loans for which each Lender has been selected as a Preferred Lender. Nothing in this provision is intended to restrict the University’s ability to exercise its discretion in making its own, final judgment about which lenders best meet the University’s criteria and the needs of its student and parent borrowers.

5. The University shall review its Preferred Lender List at least annually.

6. The University shall require that all Preferred Lenders commit, in writing to disclose to the borrower, at the time a loan is issued: (a) whether the loan may be sold to another Lender; (b) that the loan terms and benefits will not change if the loan is sold to another Lender; and (c) that the loan benefits may change if the borrower chooses to consolidate his or her loans.

7. The University shall ensure that any Preferred Lender list that it publishes to students contains no less than three (3) unaffiliated Lending Institutions for Federal Family Educational Loans (FFEL) and two (2) unaffiliated Lending Institutions if for private loans.

E. Prohibition of Lending Institutions’ Staffing of University Financial Aid Offices
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1. No employee or other agent of a Lending Institution may staff the University financial aid offices at any time. The University shall ensure that no employee or other representative of a Lending Institution is ever identified to students or prospective students of the University or their parents as an employee or agent of the University. The foregoing prohibitions notwithstanding, if the University believes that it would benefit students, the University may allow representatives of Lenders to conduct informational sessions, such as exit interviews and presentations on loan payment and loan consolidation options, so long as: (a) student attendance is voluntary; (b) a University representative explains that other Lenders may provide similar services; (c) the affiliation of the Lender representative is disclosed at the start of the presentation; (d) the Lender representative does not promote the products or services of any Lender; and (e) the University takes reasonable steps to ensure compliance with the requirements of this paragraph.

2. In the event that the University permits a Lender to conduct information sessions or exit interviews as set forth in subsection E.1. above, the University must retain control of any interview or presentation offered by Lenders. Control may be evidenced by: (a) a University employee attending such interview or presentation; (b) the University recording or videotaping the interview or presentation; or (c) with respect to an exit interview conducted electronically via the internet, the University creating or approving in advance the content of such electronic exit interview.

F. Proper Execution of Master Promissory Notes

The University shall not link or otherwise direct potential borrowers to any electronic Master Promissory Note or other loan agreement unless the Master Promissory Note or agreement allows borrowers to enter the Lender code or name for any Lender offering the relevant loan, or the University’s link to the electronic Master Promissory Note or agreement informs borrowers of alternative means of entering into a Master Promissory Note or agreement with any Lender of the borrower’s choice. Any information the University provides to borrowers about completing a Master Promissory Note or agreement with a Preferred Lender must provide the information required in subsections II.D.1 and II.D.2 above. This paragraph shall not apply to telephone conversations in which a student merely seeks assistance in completing the Master Promissory Note and has already selected a lender.

G. Revolving Door Prohibition

1. In the event a University hires an employee who will be employed in the financial aid office of the University, or who otherwise will have responsibilities with respect to higher educational loans or other financial aid and such employee was employed by a Lender during the 12–month period prior to the date of hire by the University, such
employee shall be prohibited from having any dealings or interactions with such lender on behalf of the university for a period of 12 months from the date such employee’s employment with the lender was terminated.

2. In the event a lender hires an employee who was employed by the university during the 12-month period prior to the date of such employee’s hire by the lender, the university shall be prohibited from having any dealings or interactions with such employee that relate to financial aid or higher education loans for a period of 12 months from the date such employee’s employment with the university was terminated.


Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Office of Financial Aid and General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee
Gifts, Loans, Endowments and Bequests (C-16)

Original Implementation: July 18, 1981
Last Revision: January 27, 2009, January 31, 2012

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/Public Information 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 Office of Development for safekeeping.

The Office of Development 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 Office of Development 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 Sponsored Programs, 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.

1. 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.

2. 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 Office of Development 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/documents/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 $100,000 or more, utilization shall be as directed by the Board of Regents after consideration of recommendations by the president and the vice president for development. If a purpose is not designated, and the amount of the gift is less than $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. All in-kind gifts of $100,000 or more 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;
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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 Office of Development.

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 cannot be disposed of, sold, or transferred without written permission from the Office of Development and the president.

Publicity

The Office of Development, 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 development finance and administration or 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 $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 $20,000 level, and if after five years from the date of the original gift, the value of the assets has not reached $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. Exceptions to the $20,000 minimum level may be made if a donor made contributions with the understanding that a prior minimum amount was required, contributions were made toward that minimum and the minimum is reached during the applicable five year period.

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

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

Cross Reference: Texas Tex. Education Educ. Code Chapters 101 & §§ 51.001-.009, 95.34, Ch. 101 Chapter 51, Subchapter A; Uniform Prudent Management of Institutional Funds Act, Texas Tex. Property Prop. Code, Chapter Ch. 163; Texas Public Funds Investment Act, Texas Government Code, Chapter 2256; Uniform Prudent Investor Act,
Texas Prop. Code Ch. 117; Texas Public Funds Investment Act, Texas Gov’t Code Ch. 2256.

**Responsible for Implementation:** Vice President for Development

**Contact for Revision:** Vice President for Development

**Forms:** Request for Endorsement to Cultivate/Solicit Funds from Private Source, Gift-in-Kind Form

**Board Committee Assignment:** Finance and Audit
Historically Underutilized Businesses (C-16.5)

Original Implementation: August 2, 1994
Last Revision: July 20, 2010 January 31, 2012

MISSION

The mission of the Stephen F. Austin State University Historically Underutilized Business (HUB) program is to insure that all vendors, including Historically Underutilized Businesses, receive full and equal opportunity to participate in contracting opportunities through race-, ethnic-, and gender-neutral policies.

GOAL

Stephen F. Austin State University adopts the state comptroller’s rules outlined in In accordance with Texas Government Code § 2161 and 34 Tex. Tex. Administrative Code §§ 20.11-.28 related to administering Texas. Government’t Code Ch. 2161. Stephen F. Austin State University will make a good faith effort to utilize Historically Underutilized Businesses (HUBs) in contracts for construction, services, including professional and consulting services, and commodities contracts. The university is committed to making a good faith effort to increase business with historically underutilized businesses (HUBs) by contracting directly with HUBs or indirectly through subcontracting opportunities, setting goals that recognize both underutilized and overutilized businesses identified in the State of Texas Disparity Study.

Heavy Construction other than building contracts:

Underutilized Goals—6.6% (BL, HI, AS, AI)
Overutilized Goals—5.3% (WO)

Building Construction including general contractors and operative builders contracts:

Underutilized Goals—25.1% (BL, HI, WO)
Overutilized Goals—1.0% (AS, AI)

Special Trade construction contracts:

Underutilized Goals—47.0% (BL, HI)
Overutilized Goals—10.2% (AS, AI, WO)

Professional Services Contracts:

Underutilized Goals—18.1% (BL, HI, WO)

Overutilized Goals—1.9% (AS, AI)

Other Services contracts:

Underutilized Goals—33.0% (BL, HI, AS, AI, WO)

Overutilized Goals—None

Commodities contracts:

Underutilized Goals—11.5% (BL, HI, WO)

Overutilized Goals—1.1% (AS, AI)

AI-American Indian; AS-Asian American; BL-Black American; HI-Hispanic American; WO-Woman

ADMINISTRATION

The director of Procurement and Property Services shall serve as the official HUB coordinator, executing all responsibilities associated with the position, and ensuring full participation in the HUB program by the Department of Procurement and Property Services Department and that purchasing policies are written to ensure HUBs have maximum opportunity to participate in all procurement opportunities. HUB utilization goals will be reviewed and adjusted annually by the procurement director and reported to the president and vice president for finance and administration. University HUB goals will be posted on the procurement website.

OBJECTIVES

In development of a HUB plan in accordance with Texas Government Code, Section 2161.123, the university. A detailed implementation plan will be developed and implemented annually by the director of Procurement and Property Services/HUB coordinator and reported to the president and vice president for finance and administration. The annual plan will include specific objectives to ensure compliance
with this policy, audit findings, and/or the following HUB program goals. The university has established the following objectives and specific programs in support of our stated goal.

**Objective #1 HUB PROGRAM GOALS**

The university will ensure that best value HUB procurement policies and procedures regarding solicitations are written to ensure compliance with good faith effort requirements. They must meet or exceed the state's HUB solicitation requirements outlined in Tex. Gov’t Code § 2161.123(d) and 34 TAC Tex. Admin. Code § 20.13(d). Reference the HUB procedure manual.

The university will ensure that HUB and procurement policies and procedures are written to ensure HUBs have maximum opportunity to participate in all procurement opportunities. Reference Best Value Procurement (C-7), the procurement procedure manual and the HUB procedure manual.

A. Solicitations over $5,000, but less than $25,000 will include a minimum of three informal solicitations, with no less than 50% being HUB's.

B. Solicitations over $25,000 will include a minimum of five formal solicitations, with no less than 50% being HUB's.

C. Formal solicitations will be posted to the Procurement Department web site unless Procurement Services determines that no value is added by the posting.

D. Solicitations exceeding $25,000 will be posted to the Electronic State Business Daily (ESBD) unless Procurement Services determines that no value is added by the posting.

E. Solicitations $100,000 and greater will require a HUB Subcontracting Plan (HSP) to be submitted unless the HUB coordinator makes a determination that HUB subcontracting is not probable.

F. Opportunities for subcontractors will be posted on the SFA Procurement web site and on the ESBD, upon request by prime contractors.

G. Tabulations for all formal and informal solicitations will be sent to all participating vendors after award, so that HUBs can see how their pricing compared to the awarded vendor.

**Objective #2**

The university will pursue various forms of outreach to identify HUB vendors and non-certified minority and women-owned businesses with which to develop a business relationship. Non-certified minority and women-owned businesses will be advised of and/or assisted with the state's certification process.
A. The university Procurement Department will host a vendor fair at which vendors across the state will be invited to participate. Vendors will be provided with information regarding how to do business with the university, as well as information about the HUB certification process, and other state rules and guidelines. The university campus, other state agencies, ISD's, and city and county governments will be invited to attend. HUB vendors will be clearly identified on their company label and in the program. Other state agencies will be invited to co-host and attend.

B. The HUB coordinator and/or assistant HUB coordinator will attend and participate in economic opportunity forums in the Houston, Dallas and Austin Metroplexes and East Texas. HUB vendor information from these forums will be disseminated to purchasers and targeted end-users, as appropriate.

C. The university Procurement Department will utilize the HUB directory provided by TPASS on-line when soliciting potential suppliers and subcontractors for commodities, services, and construction contracts.

D. The university Procurement Department will send a mail piece to all new Texas vendors added to the university's vendor database advising them of the State's HUB certification process.

E. The university will host quarterly Supplier Showcases at which HUB vendor(s) will be invited to present their business to appropriate personnel from the procurement office as well as end users with delegated purchasing authority. When appropriate, contracted construction managers or architect/engineers will be invited to attend.

F. The university will work with prime contractors assisting them in identifying HUBs, providing lists of potential subcontractors from the TPASS Centralized Master Bidder's Lists where appropriate, and posting subcontracting opportunities on the ESBD and SFA Web site upon request.

G. The HUB coordinator and assistant HUB coordinator actively participate in the Texas Universities HUB Coordinators Alliances, learning and sharing best practices and lessons learned from other higher education agencies. One or two HUB vendors are spotlighted at each of these quarterly meetings.

Objective #3

Stephen F. Austin State University The university will seek to contract with HUBs indirectly through subcontracting opportunities in accordance with Texas-Gov’t Code, §§ 2161.251-.253 Chapter 2161, Subchapter F and Commission HUB Rules, 34 TAC-Tex. Admin. Code § Section 20.14.

A. Solicitations $100,000 or greater will include the TPASS HUB Subcontracting Plan (HSP) requirements unless the HUB Coordinator determines that HUB subcontracting is not probable. Respondents will be required to submit a HUB
Subcontracting Plan (HSP) as required by the solicitation documents in order for the response to receive consideration.

B. Cooperative and emergency procurements completed without a solicitation and valued at $100,000 or greater will include HUB Subcontracting Plan (HSP) requirements unless the HUB coordinator determines that HUB subcontracting is not probable.

C. Contractors will be provided information about the university's mentor-protégé program at pre-bid conferences where the expected contract value is $100,000 or greater.

D. The assistant HUB coordinator will monitor HUB subcontracting plans and attend regularly scheduled prime contractor meetings to ensure compliance with HUB subcontracting plans and provide assistance to prime contractors as needed.

Objective #4

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

A. The university Procurement Department will conduct training seminars for all campus departments advising them of all current purchasing policies and procedures, including HUB good faith effort requirements.

B. ProCard training will include an emphasis on the need to make small purchases from HUBs.

C. The Procurement Department will disseminate information about HUB vendors to SFA departments by phone in daily conversation and through campus email lists as appropriate.

Objective #5

The university will gather and report HUB data to comply in compliance with state reporting requirements.

A. Semi-annual and annual report data will be submitted within the timeframe and in the format required by TPASS.

B. Semi-annual and annual reports will be scrutinized closely for correct vendor number data.

C. HUB Subcontracting information will be compiled on a monthly basis and reported semi-annually and annually.

D. Monthly HUB reports will be submitted to the vice president of finance and administration of the university providing HUB expenditure data for each vice presidential division and including individual department contributions to the university's overall HUB percentage.
**Objective #6**

The university will maintain a program to foster long-term relationships between leaders of mature established companies and emerging minority and women owned companies (that are HUB certified or eligible to be HUB certified,) in order for the latter to benefit from the knowledge and experience of the established firm.

A. The university offers a Mentor-Protege program patterned after the TPASS program and in accordance with Government Code § 2161.065.

B. The university's Mentor-Protégé program will be advertised at all HUB Economic Opportunity Forums attended.

C. Vendors with whom expenditures of $100,000 or more are recorded annually will receive an annual mailing with information about the university's mentor-protégé program requesting that they consider participating.

**Cross Reference:** Tex. Gov’t Code § Ch. 2161; 34 Tex. Admin. Code §§ 20.11-.28; Best Value Procurement (C-7)

**Responsible for Implementation:** Vice President of Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** None

**Board Committee Assignment:** Finance
Honorary Degree (D-18)

Original Implementation: October 18, 1988

Stephen F. Austin State University may, on occasion, grant honorary degrees to individuals who have over an extended period, rendered exceptional contributions to the university or the public interest through public service, philanthropic activity, intellectual or artistic performance, or leadership roles. Honorary degrees may not be awarded to individuals officially associated with the university at the time of the award nor to individuals holding elective office unless they have achieved distinction in another field of endeavor.

Nominations for honorary degrees may be submitted to the president by faculty, staff, administration, or members of the Board of Regents of the university. Nominations will be evaluated by an advisory committee appointed by the president with representation from the faculty, staff, student body and administration. The committee will make recommendations to the president who, in turn, will make recommendations to the chair of the Board of Regents. Only the Board of Regents can authorize an honorary degree, which will be granted at a regularly scheduled commencement time appropriate to the circumstances.

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Academic and Student Affairs
Illicit Drugs and Alcohol Abuse (D-19)

Original Implementation: September 1, 1986
Last Revision: July 19, 2011 January 31, 2012


Definitions

1. Controlled substance means a controlled substance in schedules I through V of the Schedules of controlled substances, 21 U.S.C. § 812. Examples include, but are not limited to: heroin, marijuana, 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 5 U.S.C. § 551(1).

Standards of Conduct

It is the university's policy that all members of the university community and guests are required to comply with federal, state and local laws regarding the possession, consumption and distribution of alcoholic beverages. University policy 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.

University policy further stipulates that the unauthorized use of intoxicating beverages on university-controlled property or at university-sponsored activities, including, but not limited to, intercollegiate and intramural athletic events is prohibited. Alcoholic beverages are not permitted in university residence halls.
apartments, alcohol is permitted in apartments only for individuals 21 years of age or older.

Alcoholic beverages will be permitted for authorized university-sponsored or co-sponsored events on university controlled property only as follows:

- **Official university tailgate events;**
- **Homer Bryce Stadium Pressbox (only if catered or sold through a licensed vendor);**
- **Baker Pattillo Student Center (only if catered or sold through a licensed vendor and subject to the criteria in the Student Center Operations policy B-29);**
- **The Ed and Gwen Cole Art Center at the Old Opera House (only beer and wine may be served for events approved in advance by the dean of fine arts);**
- **Juanita Curry Boynton House (both interior and exterior).**

In all cases, possession or use of alcohol must be in full compliance with applicable state laws including the Texas Alcoholic Beverage Code. Nothing herein shall be taken as an assumption of risk or responsibility on the part of the board of regents, the university or its employees for any injuries or damages, whatever kind, resulting from any person's possession or use of alcohol, whether such use is legal or illegal. The only university funds that may be used to purchase alcohol are approved discretionary accounts. Under no circumstances will appropriated funds, funds under the control of the athletics department, or funds generated by research grants and contracts be used to purchase alcohol. Texas Government Code § 2113.012 prohibits use of appropriated funds to compensate an officer or employee who uses alcoholic beverages on active duty; therefore, alcoholic beverages may not be served at official functions between 8 a.m. and 5 p.m., Monday through Friday.
It is the policy of Stephen F. Austin State University that any unlawful manufacture, possession or delivery of any controlled substance or illegal drug is strictly prohibited. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be.

Health Risks

ALCOHOL ABUSE

Alcohol is a primary and continuous depressant of the central nervous system. Impairment of judgment and of recently learned, complex and finely tuned skills begins to occur at blood alcohol concentrations as low as 0.025 percent. These impairments are followed by the loss of more primitive skills and functions, such as gross motor control and orientation at concentrations in excess of 0.05 percent. Alcohol in moderate doses impairs nearly every aspect of information processing, including the ability to abstract and conceptualize, the ability to use large numbers of situational cues presented simultaneously, and the cognitive ability to determine meaning from incoming information. Alcohol consumption can therefore promote action on impulse without full appreciation of, or concern about, the potential negative consequences of such action. Chronic long-term effects of heavy drinking over a period of years can result in brain damage; cancer of the mouth, esophagus or stomach; heart disease; liver damage resulting in cirrhosis, alcoholic hepatitis, and cancer of the liver; peptic ulcer disease; and possible damage of the adrenal and pituitary glands. Prolonged, excessive drinking can shorten life span by 10 to 12 years.

ILLICIT DRUGS

Illicit drugs include narcotics, such as heroin or morphine; depressants, such as barbiturates, Quaaludes, or valium; stimulants, such as cocaine or "crack"; hallucinogens, such as PCP, LSD or mescaline; cannabis, such as marijuana or hashish; inhalants, such as nitrous oxide, amyl nitrite (poppers) or various hydrocarbon solvents; and designer drugs, such as α-methylfentanyl (China White), methamphetamine (Ecstasy) or meperidine (Demerol).

Narcotics. Narcotics initially produce a feeling of euphoria that is often followed by drowsiness, nausea and vomiting. Tolerance may develop rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, endocarditis (inflammation of the lining of the heart) and hepatitis.

Depressants. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but a somewhat larger dose can cause slurred speech, ataxia or unstable gait, and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.
Stimulants. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils; elevated blood pressure, heart and respiratory rate; and increased body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose with long-term use eroding the nasal septum. The injection of cocaine with unsterile equipment can cause AIDS, hepatitis and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Overdoses occur easily.

Hallucinogens. Phencyclidine (PCP) users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens, and senses are dulled. Speech is blocked and incoherent. Chronic PCP users report persistent memory problems and speech difficulties. Mood disorders, such as depression, anxiety and violent behavior, may also occur. In late stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart failure, lung problems and/or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

Inhalants. The chemicals in most inhalants are rapidly absorbed in the lungs and exert their central nervous system effects within seconds, producing an altered mental state for about five to fifteen minutes. Immediate effects of inhalants include nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination and loss of appetite. Solvents and aerosol sprays can decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite can cause rapid pulse, headaches, and involuntary passing of urine and feces. Inhalation of toluene as well as other hydrocarbons has been associated with kidney and liver damage, peripheral nerve problems, convulsions, encephalopathy (organic brain damage) and other central nervous system disorders. Sudden death associated with both glue sniffing and especially the inhalation of aerosols containing halogenated hydrocarbons (Freon) has been reported and is thought to be secondary to cardiac arrhythmias (abnormal electrical conduction patterns in the heart).

Marijuana. The short term effects of marijuana include distortion of time perception, increased heart rate, dilation of blood vessels and loss of short-term memory. Also decreased are visual perception and psychomotor skills, which have adverse effects on driving ability. The effects of long-term use include loss of motivation, chronic bronchitis, decreased vital lung capacity and an increased risk of lung cancer. Tolerance
and psychological dependence do develop with marijuana.

Designer Drugs. Designer drugs are synthetic chemical modifications of older drugs of abuse that are designed and manufactured in covert laboratories and sold at great profit for recreational use. These drugs can be several hundred to several thousand times stronger than the drugs they are designed to imitate. Designer drugs similar to opiates include fentanyl, demerol, and "china white." The narcotic analogs of designer drugs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pain.

University Penalties

STUDENTS

Any student who is determined, through the regular disciplinary procedures of the university, to have violated the policy on the use of illicit drugs will be suspended from the university for no more than two years and no less than the remainder of the current semester. At the discretion of the vice president for university affairs, a student suspended under this policy may, under certain conditions, remain enrolled at the university on disciplinary probation. These conditions can include substance abuse evaluation, treatment and/or counseling. Any cost for services or treatment not offered as a student service on campus will be the responsibility of the student.

University sanctions imposed for alcohol possession or consumption can include progressive levels of probation leading to suspension for multiple offenses, attendance at an alcohol education class offered by the university, community service, substance abuse evaluation, treatment and/or counseling. Any cost for services or treatment not offered as a student service on campus will be the responsibility of the student.

EMPLOYEES

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.

Observance of the policy regarding alcoholic beverages and illegal drugs is a condition of employment for all university employees. An employee violating this policy shall be subject to employment discipline up to and including termination, or shall be required to undergo satisfactory participation in a drug abuse assistance or rehabilitation program,
such as the Employee Assistance Program of the university.

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's 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.

**Federal Law**

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<tr>
<th>Offense</th>
<th>Minimum Punishment</th>
<th>Maximum Punishment</th>
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<tbody>
<tr>
<td>Manufacture, distribution or dispensing drugs (includes marijuana)</td>
<td>A term of imprisonment not more than 20 years, and a minimum fine of $1,000,000</td>
<td>A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed $4,000,000 (for an individual) or $20,000,000 (if other than an individual)</td>
</tr>
<tr>
<td>Possession of drugs (including marijuana)</td>
<td>Civil penalty in amount not to exceed $10,000</td>
<td>Imprisonment for not more than 20 years or not less than 5 years, a fine of not less than $5,000 plus costs of investigation and prosecution</td>
</tr>
<tr>
<td>Operation of a common carrier under the influence of alcohol or drugs</td>
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<td>Imprisonment for up to 15 years and a fine not to exceed $250,000</td>
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**Texas Law**

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<tr>
<th>Offense</th>
<th>Minimum Punishment</th>
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<tbody>
<tr>
<td>Manufacture or delivery of controlled substances (drugs)</td>
<td>Confinement in the Texas Department of Criminal Justice State Jail facility for a term of not more than two years or less 180 days, or confinement in a</td>
<td>Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed $250,000</td>
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<tr>
<td>Offense</td>
<td>Community Correctional Facility for not more than 1 year, and a fine not to exceed $10,000</td>
<td>Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed $250,000</td>
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<tr>
<td>Possession of controlled substances (drugs)</td>
<td>Confinement in jail for a term of not more than 180 days, and a fine not to exceed $2,000</td>
<td>Confinement in jail for a term of not more than 180 days, and a fine not to exceed $2,000</td>
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<tr>
<td>Delivery of marijuana</td>
<td>Confinement in jail for a term of not more than 180 days, and a fine not to exceed $2,000</td>
<td>Confinement in jail for a term of not more than 180 days, and a fine not to exceed $2,000</td>
</tr>
<tr>
<td>Possession of marijuana</td>
<td>Confinement in jail for a term of not more than 180 days, and a fine not to exceed $2,000</td>
<td>Confinement in jail for a term of not more than 2 years or less than 30 days, or confinement in TDCJ for a term of not more than 10 years or less than 2 years and a fine of not more than $10,000</td>
</tr>
<tr>
<td>Driving while intoxicated (includes intoxication from alcohol, drugs, or both)</td>
<td>Confinement in jail for a term of not more than two years or less than 72 hours, and a fine of not more than $2,000, possible loss of driver’s license and license surcharge up to $2,000 per year for three years.</td>
<td>Confinement in jail for a term of not more than two years or less than 30 days, or confinement in TDCJ for a term of not more than ten years or less than two years and a fine of not more than $10,000</td>
</tr>
<tr>
<td>Public intoxication</td>
<td></td>
<td>A fine not to exceed $500</td>
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<tr>
<td>Purchase or consumption or possession of alcohol by a minor</td>
<td>Fine of not more than $500</td>
<td>For a subsequent offense a fine of not less than $250 nor more than $2000</td>
</tr>
<tr>
<td>Sale of alcohol or furnishing alcohol to a minor</td>
<td>Fine of up to $4,000 and/or up to 1 year in jail</td>
<td>Both</td>
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<tr>
<td>Purchase of alcohol or furnishing alcohol to a minor at a gathering involving abuse of alcohol, including binge drinking or coercion</td>
<td>In addition to any other penalty, community service for not less than 20 hours, attendance at an alcohol awareness program, and suspension of driver’s license for 180 days.</td>
<td>In addition to any other penalty, community service for not more than 40 hours, attendance at an alcohol awareness program, and suspension of driver’s license for 180 days.</td>
</tr>
<tr>
<td>Driving under the influence of alcohol by a minor</td>
<td>Fine of not more than $500 and community service related to education about or prevention of misuse of alcohol.</td>
<td>A fine of not less than $500 or more than $2,000, confinement in jail not to exceed 180 days and/or both; community service related to education about or prevention of misuse of alcohol.</td>
</tr>
</tbody>
</table>

**Limited Immunity When Requesting Medical Assistance**

*A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor (1) requests emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance; and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person, the minor remained on the scene until medical assistance arrives and cooperated with medical assistance and law enforcement personnel.*

*This immunity shall also apply to the imposition of any university sanction.*

Counseling, Treatment and Rehabilitation

**STUDENTS**

Stephen F. Austin State University, through the counseling services office, provides alcohol/drug abuse prevention service which is available to all students. Services include assistance in abstaining from the use of chemical substances, early intervention when chemical abuse is detected, and referral to a campus support system and/or a community referral for inpatient/outpatient services not available on campus. Medical counseling and printed information on chemical dependency are available through University Health Services, the campus student health facility. Students may seek individual counseling or request printed information at either campus location.

Prevention/Education. The objectives of this element of the assistance program are to: increase awareness of the students, faculty, and staff concerning the psychological and health risks associated with chemical use; provide information to students regarding a variety of wellness issues which promote successful college adjustment; and, orient students, faculty and staff to the services available through the assistance program. Presentations are available to student groups on a variety of topics including alcohol and substance abuse, adult children of alcoholics, assertiveness skills, stress and time management, self-esteem and related issues. A group representative should contact the counseling services office to schedule a presentation. The assistance program also offers an Alcohol Awareness Workshop. The workshop provides basic information, tools for self-assessment, information on university and state regulations, and an orientation to the assistance program. Students may request to attend the workshop or be referred by the
judicial officer.

Referral/Assessment. Any SFA student requiring information about, or assistance with, a chemical abuse problem may be referred to the assistance program. A student may initiate a self-referral by contacting the counseling office; university faculty and staff may initiate a student referral. Participation by a student is voluntary, except when mandated by the judicial officer. A counselor conducts an assessment interview on the student's initial visit and provides the student with details regarding confidentiality and record keeping requirements. The counselor informs the student of alternatives and makes recommendations based on the student's needs.

Campus Support System. Counseling services serves as a link between the individual student and support groups which are available for chemical dependency, adult children of alcoholics and victims of sexual abuse. Support groups function under guidelines established by counseling services.

Community Referral. Services for chemical dependency are available in the Nacogdoches community and include: private practitioners offering individual counseling or intellectual/psychological assessment; self-help groups such as Alcoholics Anonymous and Narcotics Anonymous; and inpatient/outpatient treatment.

EMPLOYEES

University employees with supervisory responsibilities should be cognizant of employee behavior related to unacceptable job performance which may result from drug or alcohol abuse. Any decision to initiate employee counseling or a referral to personnel services should be based on the employee's unacceptable job performance. Employee counseling, referral and related record keeping should be conducted with the degree of care and confidentiality appropriate to such personnel matters. Alcohol and drug abuse seminars are among the services provided cost-free to university employees. Other services for employees with a chemical dependency are available in the community, including private practitioners offering individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous, and inpatient/outpatient treatment at various health care facilities.

It is the intent of Stephen F. Austin State University to continue to strive for a drug-free campus and to comply with state and federal regulations regarding prevention programs established to eliminate the illegal use of drugs and alcohol abuse. To this end, SFA will provide annually to each student and employee a copy of this drug and alcohol abuse prevention program. In addition, the university will conduct a biennial review of this program implemented to provide a learning and working environment free of drug and alcohol use. The purposes of the biennial review will be to: 1) determine the effectiveness of the program and implement needed changes; and 2) ensure that the sanctions included in the program are consistently enforced. The university's general counsel will be responsible for initiating the biennial review.

Responsible for Implementation: President

Contact for Revision: General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs
Insurance and Other Benefits (E-28)

**Original Implementation:** Unpublished  
**Last Revision:** January 25, 2011, January 31, 2012

Employee insurance and benefits include the following: Benefits-eligible employees are offered a basic insurance plan, which is fully funded by the state for full-time employees and is funded at one-half of the premium for part-time employees. The basic plan includes hospitalization insurance, $5,000 term life insurance and $5,000 accidental death and dismemberment insurance. Enrollment in health insurance coverage may be subject to a 90-day waiting period for employees hired on or after September 1, 2003. The 90-day health coverage waiting period does not apply to:

- Employees enrolled in COBRA health coverage under the Texas Employee's Group Benefit Program at the time they are hired, if there is no break in coverage.
- Enrollment in the optional coverage during the first 30 days of employment, including Tex Flex accounts.
- Direct transfers from one agency to another (employees rehired without a break in coverage), including direct transfers from UT or Texas A&M, if there is no break in coverage.
- An employee who has health insurance as a dependent of another Group Benefit Plan member when hired.

Each employee must elect to enroll or waive this plan within the first 31 days of employment. If a Multipurpose Form is not completed, the full-time employee will be enrolled in the basic plan, and may be subject to the 90-day waiting period. Part-time employees and graduate assistants are not eligible for automatic enrollment. These employees must complete the Multipurpose Form within thirty-one (31) days of the first active duty date.

An employee does not have to participate in the basic plan to apply for optional coverage(s). There is no waiting period for optional coverage.

**Group Hospitalization Insurance**  
A major medical health/hospitalization plan is provided, based on residency or work zip code, and/or a choice of HMO; (when available).

Employees may select from the following hospitalization categories shown below:

- **Coverage Category**  
  - Employee  
  - Employee & Child/Children  
  - Employee & Spouse  
  - Employee & Family
Details on coverage and rates are available from the Benefits Office in Human Resources (HR) or at the web site: [www.ers.state.tx.us](http://www.ers.state.tx.us/).

Application for coverage for employees and their dependents must be made in the first 31 days of employment. Employees may change their health coverage selection at any time during the 90-day waiting period.

Continuation of coverage upon termination of employment is allowed by federal law with specific limitations. All separating employees will be informed of their right to continue coverage during their exit interview in Human Resources. COBRA forms will be mailed by the Employee Retirement System of Texas to the home address of the terminating employee and/or covered dependents for completion. Covered dependents also are eligible for continued coverage following certain qualifying events such as divorce, death of the employee, attainment of maximum age of coverage for children, etc. An employee or the covered dependent must notify the Benefits Office within thirty (30) days of the qualifying event date. Questions concerning procedure and benefits should be directed to the Benefits Office in Human Resources.

**Group Term Life Insurance**

Optional Term Life Insurance. Coverage of up to twice the annual salary may be selected within thirty-one (31) days of employment. Evidence of insurability must be provided for Election III or Election IV.

**Coverage Amount:**
- Election I - 1 times annual salary
- Election II - 2 times annual salary
- Election III - 3 times annual salary
- Election IV - 4 times annual salary

Coverage is reduced at age 70 for active employees based on the carrier's standard reduction schedule.

**Monthly Premium Cost.** The monthly premium cost is based on age and salary on September 1 of the current fiscal year.

Dependent Life Insurance. Coverage is available to all employees insured under the Texas Employee's Group Benefit Program. Coverage includes the spouse of the employee and each unmarried child from the age of 14 years of birth to 25-26 years in the amount of $5,000 life and $5,000 AD&D. Application for coverage must be made within thirty-one (31) days from the date of employment, or dependent's eligibility date; otherwise evidence of insurability is required.

**Long-Term Disability**

Long-term disability insurance is available to benefits-eligible employees. This benefit will pay 60 percent of the employee's monthly salary (maximum salary $10,000) after a
90-day waiting period in the event the employee is disabled because of injury or illness. The monthly benefit will be integrated with Workers Compensation, Social Security Disability, Teacher Retirement Disability, and/or any disability benefit. Maximum benefit, if integration is used, is 70 percent of insured monthly salary. Minimum benefit, if integration is used, is 10 percent of monthly salary for one year. The following age and time limits apply:

<table>
<thead>
<tr>
<th>Age When Disability Starts</th>
<th>Maximum Duration of Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under age 60</td>
<td>Age 65</td>
</tr>
<tr>
<td>Age 60, but less than age 64</td>
<td>60 months</td>
</tr>
<tr>
<td>Age 65 – 69</td>
<td>Age 70 or 12 mos. (the greater)</td>
</tr>
</tbody>
</table>

Short-Term Disability
Short-term disability is available to benefits-eligible employees. This benefit will pay 66 percent of the employee's monthly salary (maximum salary $10,000) after a thirty (30) day waiting period, for up to five months in the event the employee is disabled because of injury or illness. The monthly premium cost is based on the current rate per $100 of monthly salary. Application for this coverage must be made within thirty-one (31) days of employment; otherwise evidence of insurability is required during summer enrollment.

Accidental Death and Dismemberment Benefits
Benefits eligible employees have the option of participating in the AD&D program. This coverage is available starting at $10,000 in increments of $5,000 up to $200,000. After age 70, minimums and maximums are reduced. Double coverage of dependent children will be allowed, if both parents are Group Benefit Plan employees participants. The monthly premium is based on current rate per $1,000 of coverage. Application for this coverage must be made within thirty-one (31) days of employment or could be added during the summer enrollment period.

Dental Insurance
Benefits-eligible employees may elect to participate in either of the two group dental insurance programs. If application for coverage is not made within thirty-one (31) days of employment, dental plan benefits cannot be acquired until the beginning of the next plan year and enrollment forms must be completed during the summer enrollment period.

Cancer Care
Benefits eligible employees may elect to participate in cancer-care coverage. Employees should contact the insurance company representative to make an application.

Long Term Care
A long term care plan is offered by Employees Retirement System of Texas to active employees and their families through CNA John Hancock Insurance. The active employee may enroll at the time of employment (or within 31 days), without evidence of insurability. However, any family members must go through evidence of insurability to enroll in the plan. For information, or to sign up, go to www.ers.state.tx.us or call CNA at (877) 895-6762 John Hancock at 1-800-400-9396 or visit their website at www.JohnHancock.lt.com.

Retiree Insurance Coverage
University employees may continue their health insurance coverage providing they have 10 or more years of creditable service, have been covered under the Texas Employee's Group Benefit Program, for at least three years prior to September 1, 2001, or 10 years, after September 1, 2001, and meet the criteria for retirement benefits. Beginning September 1, 2003, the qualification for retiree insurance is age 65, or age plus years of service equals 80. Those who become totally disabled are entitled to participate in retiree insurance coverage, if they meet the criteria (age 65, or age plus years of service equals 80). The state will continue to fund the amount funded prior to retirement toward retiree and dependent coverage. A thirty-one- (31) day enrollment period is provided for persons retiring or qualifying for retiree insurance coverage. If employed at the time of retirement, and eligible for insurance benefits, there will be no waiting period for enrollment in the health plan. However, if the retiring member is not in an active status at the time of reaching eligibility for retiree insurance, (age 65 or age plus years of service equal to 80), there will be a ninety-day (90) waiting period for participation in the health plan, unless changed by the Texas legislature.
Complete information will be made available to all qualified retirees by Human Resources prior to their date of retirement.

Social Security
All employees of the university are covered by the Federal Insurance Contribution Act (FICA). Currently, the employee contributions are broken down as follows:
- 4.20 percent of base salary of $106,800 in 2010 for Old Age and Survivor's and Disability Insurance (OASDI);
- 1.45 percent of base salary for Medicare (MQFE).
This information is based on the Year 2010 rates and limits withheld based on federal rules.

Flexible Benefit Plan
Benefits eligible employees may participate in the Flexible Benefit Plan established in accordance with Section 125 of the Internal Revenue Code. The plan permits employees to pay for certain eligible expenses with pre-tax money.
Through this plan, participants are automatically enrolled in Redirection of Insurance Premiums. Allowable insurance premiums will be paid with pre-tax money, with the exception of Short-Term Disability, Long-Term Disability and Dependent Life.
Through this plan, the employee may choose to participate in one or both of reimbursement accounts:
Medical Reimbursement Account - The participant may specify an amount of pre-tax money to be deposited in a medical reimbursement account. The participant can then apply for reimbursement when certain allowable out-of-pocket health care expenses are incurred.

Dependent Care Reimbursement Account - The participant may specify an amount of pre-tax money to be deposited in a dependent care reimbursement account. The participant can then apply for reimbursement when dependent care expenses are incurred.

Substantial tax savings may be realized through the Flexible Benefit Plan. However, several restrictions are important to keep in mind when enrolling in one or both of the reimbursement accounts.

- Amounts designated to be tax sheltered cannot be changed during a plan year unless there is a change in family status. Forms must be completed within thirty (30) days of the qualifying life event; otherwise, no changes may be made until the next summer enrollment period.

- Reimbursement accounts are on a use-it-or-lose-it basis. During a plan year, expenses should be incurred for all tax-sheltered money because any amount not reimbursed to the participant reverts to the insurer.

Eligible employees may enroll at the time of employment or during the summer enrollment period prior to the next plan year. To continue to participate, employees may make changes or stop participating each year during the summer enrollment period.

State Deferred Compensation Plan/TexasAVER
This plan is available to all employees. This plan allows employees to allocate a specified amount of their earnings to a tax-sheltered plan purchased by the state of Texas. Employees interested in learning more about this plan should contact the Benefits Office in Human Resources or the web site at www.ers.state.tx.us.

Tax Sheltered Annuities
All faculty and staff members are eligible to purchase a supplemental tax sheltered annuity.

Individuals electing to participate in the Tax Sheltered Annuity Plan should contact an authorized company for information and request to complete the proper forms. The employee must complete a written agreement authorizing the deduction from their monthly salary.

The authorization initiating a tax sheltered annuity should be executed before the 25th 20th of the month to be effective the next pay period. This agreement will remain in effect until the employee initiates a change of authorization or the maximum amount has been contributed.

Changes to the salary reduction authorization are permitted. Employees may change carriers at any time. An employee may terminate an authorized reduction in salary by completing the proper forms in Human Resources.
Once an annuity contract has been purchased for an employee, any questions concerning the contract's relation to the income tax laws are strictly between the faculty or staff member and the Internal Revenue Service. Information on Tax Sheltered Annuities may be obtained from the Benefits Office in Human Resources.


Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Finance and Audit
Investments (C-41)

Original Implementation: April 30, 1996
Last Revision: October 18, 2011 January 31, 2012

Policy Statement

Stephen F. Austin State University invests the public funds in its custody with primary emphasis on the preservation and safety of the principal amount of the investment. Secondarily, investments must be of sufficient liquidity to meet the day to day cash requirements of the university. Finally, the university invests to maximize yield within the two previously indicated standards. All investments within this policy conform to all applicable state statutes and local rules governing the investment of public funds. This policy is promulgated in accord with the Public Funds Investment Act (Government Code, Chapter 2256), and related portions of the Texas Education Code.

Scope

This policy establishes rules for the investment of all university funds that are governed by Chapter 2256 of the Government Code and agency funds except endowment funds. Endowment funds are invested in accordance with a separate policy approved by the Board of Regents, and are the responsibility of fund managers selected by the Board of Regents. Quasi-endowment funds that are considered to be public funds will be governed by this policy.

Objectives

The foremost objective of all investment decisions shall be safety of principal. All investments must be undertaken with the fiduciary responsibility associated with that of a reasonable and prudent person. Investments must be in accord with Texas law. Investment maturity must be diversified to match the university’s liquidity requirements.

Investments shall incur no unreasonable risk in order to maximize potential income.

Investments shall remain sufficiently liquid to meet all reasonably anticipated operating requirements.

Investments may be diversified in order to respond to changing economic and/or market conditions.
No investments within the portfolio or investment practices conducted to effect investment activities shall violate the terms of this policy.

**Authorized Investments**

All university funds and funds held in trust for others may be invested only in the securities listed below. Credit rating requirements will be monitored at least monthly for applicable securities. If or when a rating drops below the established minimum, the investment will be liquidated as soon as prudently possible.

A. obligations, including letters of credit, of the United States of America, or its agencies and instrumentalities;
B. direct obligations of the state of Texas or its agencies and instrumentalities;
C. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States of America, the underlying security for which is guaranteed by an agency or instrumentality of the United States of America;
D. other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state of Texas or the United States of America or their agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
E. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm of not less than A or its equivalent;
F. certificates of deposit issued and share certificates by a depository institution that has its main office or a branch office in Texas that is:
   1. guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
   2. secured by obligations that are described in Authorized Investments section A-E listed above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the following nature:
      a. obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgaged-backed security collateral and pays no principal;
      b. obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
      c. collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
d. collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

3. In addition to the authority to invest funds in certificates of deposit in Section (F), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under Subchapter 2256.010:
   a. the funds are invested by an investing entity through a broker that has its main office or a branch office in Texas and is selected from a list adopted by the investing entity as required by Section 2256.025; or
   b. the broker or the depository institution selected by the investing entity under Subsection (a) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever location, for the account of the investing entity;
   c. the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States;
   d. the investing entity appoints the depository institution selected by the investing entity under Subsection (a), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission (SEC) and operating pursuant to SEC Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

G. fully collateralized repurchase agreements with a definite termination date, secured by a combination of cash and obligations described by Authorized Investments section A-E, requiring the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity’s name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state;

H. bankers acceptances having a stated maturity of 270 days or fewer from the date of issuance, to be liquidated in full at maturity, eligible for collateral for borrowing from a Federal Reserve bank, and accepted by a bank organized and existing under the laws of the United States of America or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency;

I. commercial paper that has a stated maturity of 270 days or fewer from the date of its issuance, and is rated not less than A-1 or P-1 or an equivalent rating by at least
two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States of America or any state;

J. no-load money market mutual funds registered and regulated by the Securities and Exchange Commission, having a dollar-weighted average stated maturity of 90 days or fewer, and including in their investment objectives the maintenance of a stable net asset value of $1 for each share; and no-load mutual funds that conform to Section 2256.014 of the Government Code;

K. guaranteed investment contracts conforming to Section 2256.015 of the Government Code;

L. investment pools conforming to Sections 2256.016 and 2256.019 of the Government Code;

M. cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

N. negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency;

O. corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories;

P. assets and/or funds reportable within the scope of the university's annual financial report may not be invested in or used to purchase securities, including obligations, of a private corporation or other private business entity that owns 10% or more of a corporation or business entity which records or produces any song, lyrics or other musical work that explicitly describes, glamorizes or advocates

1. acts of criminal violence, including murder, assault, assault on police officers, sexual assault, and robbery;

2. necrophilia, bestiality, or pedophilia;

3. illegal use of controlled substance;

4. criminal street gang activity;

5. degradation or denigration of females; or

6. violence against a particular sex, race, ethnic group, sexual orientation, or religion.

Insurance or Collateral
All deposits and investments of university funds other than direct purchase of United States Treasury securities or United States Agency securities and in money market funds invested in U. S. Treasury or Agency securities shall be secured by a pledge of collateral with a market value equal to no less than 100% of the deposits or investments less any amount insured by the FDIC or FSLIC and pursuant to Chapter 2257, the Public Funds Collateral Act. Evidence of the pledged collateral associated with bank demand accounts and investments shall be maintained by the director of financial services. Eligible repurchase agreements shall be documented by a specific agreement noting the collateral pledged in each agreement. Collateral shall be reviewed monthly by the controller and director of financial services to assure the market value of the securities pledged equals or exceeds the related bank and certificates of deposit balances.

Pledged collateral shall be maintained for safekeeping by a third party depository.

**Collateral Defined**

The university shall accept only the following securities as collateral:

A. AFDIC and FSLIC insurance coverage;
B. United States Treasury, Agency, or Instrumentality securities;
C. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or the United States of America;
D. Obligations of states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of no less than A or its equivalent.

**Investment Strategy**

All investments will be made in accordance with the university’s investment policy. Investments may be diversified as needed to provide investment suitability to the university's financial requirements. The preservation and safety of principal is the first priority, however, it is recognized that unrealized losses will occur in a rising interest rate environment, just as unrealized gains will occur during periods of falling interest rates. Investments will be of the type to provide sufficient liquidity and marketability for any operating requirements. The investment portfolio may be diversified with authorized securities to accommodate changing market conditions. However, United States Treasury securities are preferable because of their low risk and high liquidity. An investment decision shall consider yield only after the requirements for principal preservation, liquidity, and marketability have been met.
Investments may be categorized and described as:

A. **Short Term** - less than 90 days Funds needed to meet short term operating requirements normally will be invested in the Texpool investment vehicle managed by the state treasurer or overnight sweep accounts established with banking institutions. The benchmark is the average three month Treasury Bill yield.

B. **Intermediate Term** - 90 days to one year United States Treasury and Agency securities, United States Agency Discount Notes are the primary investment vehicles. United States Treasury securities are preferable because of their low risk and the ease with which they are traded. The benchmark is 95 percent of the average one-year Treasury Bill yield.

C. **Long Term** - over one year United States Treasury and Agency securities are the primary investment vehicles. Normally, investments are laddered so that most principal is returned over a five year period in increments sufficient to meet anticipated operating and capital needs. The 30 Year Treasury Bond rate is the benchmark for long term funds.

D. **Maturity** - The length of time for investments within this policy will vary according to fund type and will be dependent on funding requirements. As a general rule, funds will be invested for the time periods indicated:

   - **Current Unrestricted and Restricted Funds** - 2 days to one year
   - **Plant Funds** - 3 months to 3 years

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**Delegation of Authority**

The vice president for finance and administration (VPFA) of Stephen F. Austin State University is responsible for investment management decisions and activities. The VPFA delegates the day-to-day management of the investment activities to the director of financial services.

The VPFA shall be ultimately responsible for all transactions undertaken and shall establish a system of controls (Appendix A) to regulate the activities of officials and staff involved in investment transactions.

The VPFA shall develop and maintain written administrative procedures and guidelines for the operation of the investment program which are consistent with and part of this Investment Policy (Appendix B).
The VPFA and director of financial services shall be designated as the university’s investment officers and are responsible for the duties outlined herein. The names and titles of the investment officers shall be filed with the Board of Regents. Changes of names and/or titles must be filed with the Board of Regents as they occur.

*The VPFA may establish an investment committee. The committee may review investment reports, monitor investment activity or review and revise qualified investment brokers that are eligible to serve in an investment capacity for the university. The chair of the Board of Regents may designate a board member to serve as a liaison on the investment committee.*

The maximum stated maturity date of any security may not exceed ten years, and the weighted average duration of the portfolio shall not exceed five years without approval by the VPFA and ratification by the Board of Regents. No officer or designee may engage in an investment transaction except as provided under terms of this policy as approved by the Stephen F. Austin State University Board of Regents.

**Prudence**

The "prudent person" standard will be used in the investment function and shall be applied in the context of individual transactions as well as management of the overall portfolio.

Accordingly, all investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived.

**Internal Controls**

Stephen F. Austin State University has established a system of written internal controls designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees of the university. These controls are shown in Appendix A of this investment policy. These controls are subject to the review of and recommendations from the university’s Department of Audit Services’ office.

**Investment Authority**

The VPFA or director of financial services shall invest only those funds regulated by this policy and shall purchase only those securities authorized by the Authorized Investments section of this policy.
**Authorized Financial Dealers and Institutions**

Investment transactions (bids and offers) will occur only between the university and board authorized broker/dealers. A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with Stephen F. Austin State University. The qualified representative of the business organization offering to engage in an investment transaction with Stephen F. Austin State University shall execute a written instrument substantially to the effect that the business organization has (a) received and reviewed the investment policy of the university and (b) acknowledges that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the university and the organization that are not authorized by Stephen F. Austin State University’s investment policy.

Securities may not be bought from any organization whose representative has not provided the university with the acknowledgment required in the above paragraph.

**External Financial Advisor Contract Renewal or Extension**

Pursuant to Chapter 2256 of the Texas Government Code, a contract with an external investment manager may not exceed two years. A renewal or extension of the contract by the board must be made by order, ordinance, or resolution. Disclosure Requirements for Outside Financial Advisors External financial advisors and service providers shall comply with Texas Government Code Chapter 2263, Ethics and Disclosure Requirements for Outside Financial Advisors and Service providers.

**Disclosure Requirements for Investment Officers**

Pursuant to Texas Government Code Sec. 2256.005, an investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

1. the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;
2. funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or
3. the investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

Diversification

Investments may be diversified to minimize the risk of loss resulting from unauthorized concentration of assets in a specific maturity, specific issuer, or specific class of securities. The diversification limits by security type and issuer shall be:

<table>
<thead>
<tr>
<th>Category</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. S. Treasury securities and securities having principal and interest guaranteed by the U. S. Government</td>
<td>100%</td>
</tr>
<tr>
<td>U. S. Government agencies, instrumentalities and government sponsored enterprises (excluding mortgage backed securities)</td>
<td>50%</td>
</tr>
<tr>
<td>Collateral mortgage backed securities</td>
<td>25%</td>
</tr>
<tr>
<td>Fully insured or collateralized certificates of deposit</td>
<td>100%</td>
</tr>
<tr>
<td>Bankers' acceptances</td>
<td>25%</td>
</tr>
<tr>
<td>Commercial paper</td>
<td>25-50%</td>
</tr>
<tr>
<td>Repurchase agreements</td>
<td>100%</td>
</tr>
<tr>
<td>Registered money market funds</td>
<td>80%</td>
</tr>
<tr>
<td>Local Government Investment Pool</td>
<td>100%</td>
</tr>
<tr>
<td>Corporate Bonds</td>
<td>25-50%</td>
</tr>
</tbody>
</table>

The VPFA may diversify investment maturity to limit interest rate risk. Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment the greater the sensitivity of its fair value to changes in market interest rates. To the extent possible, investment maturity will be matched with anticipated cash flow requirements. Matching maturity and cash flow requirements will minimize occasions for sale of securities prior to maturity, thereby reducing market risk. However, no provision of this policy shall be interpreted as prohibiting the sale of any security prior to maturity, provided that it is in the university’s financial interest to affect the sale. The weighted average maturity of the entire portfolio
shall be maintained at no more than 10 years and shall be reported quarterly to the Board of Regents. Pooled fund groups eligible for university investment shall have a maximum weighted average maturity of 10 years.

Credit risk is the risk that an issuer or counterparty to the investment will not fulfill its obligations to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. To limit credit risk, this policy limits investments in corporate bonds, debentures or similar debt obligation to the two highest long-term rating categories.

**Safekeeping and Collateralization**

All securities transactions, including collateral for repurchase agreements, but excluding mutual funds and investment pools, must be settled on a delivery versus payment basis. Collateral for certificates of deposit shall be held by a third party custodian in the name of the university. The third party custodian shall be required to issue a safekeeping receipt to the university listing the specific instrument, rate, maturity, safekeeping receipt number, and other pertinent information. Any collateral safekeeping receipt shall be clearly marked on its face that the security is "pledged to Stephen F. Austin State University". Collateralization shall be required on certificates of deposit and repurchase agreements. The collateralization level shall be no less than 100% of the market value of the principal and interest due on these instruments. Collateral for certificates of deposit and repurchase agreements shall consist of any of the securities authorized for investment within this policy.

**Performance Evaluation**

The VPFA and director of financial services shall submit quarterly reports to the Board of Regents through its finance/audit committee and the president of the university in the format prescribed by the Public Funds Investment Act, within a reasonable time after the end of the quarter. The reports must: (A) describe in detail the investment position of the university on the date of the report; (B) be prepared by the investment officer(s) of the university; (C) be signed by the investment officer(s) of the university; (D) contain a summary statement of each pooled fund group that states the: (1) beginning market value for the reporting period; (2) ending market value for the period; and (3) fully accrued interest for the reporting period; (E) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested; (F) state the maturity date of each separately invested asset that has a maturity date; (G) state the account or fund or pooled group fund for which each individual investment was acquired; and (H) state the compliance of the investment portfolio of the university as it relates to the relevant provisions of the Public Funds Investment Act.
Training

The investment officer(s) will attend training as required by Section 2256.007 of the Texas Government Code. Training for the investment officer(s) will be conducted by an organization or firm that is approved by the Texas Higher Education Coordinating Board.

Audits

In order to comply with the audit requirements of the Texas Public Funds Investment Act, the university’s Department of Audit Services shall conduct audits and reviews of the university’s investment function and report the findings to the appropriate oversight authorities.

Investment Policy Adoption and Certification

Upon adoption by the Stephen F. Austin State University Board of Regents, the university’s investment policy shall be reviewed annually to ensure current applicability and significant modifications thereto submitted to the Board of Regents for approval.


Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit

INTERNAL CONTROLS

The university has prepared an investment policy as of April 12, 1996. The policy was approved by the Board of Regents April 30, 1996. The investment policy will be reviewed and/or updated no less than annually. All pledged securities shall be held by a third party custodian in the name of the university. A safekeeping receipt will be issued to the university listing the specific instrument, rate, maturity, safekeeping receipt number, and other relevant information. The signature of the president, VPFA or director of financial services is required for release of pledged securities from safekeeping. Only
changes in the level of collateralization require approval by the president, VPFA or
director of financial services. The controller’s office will reconcile the appropriate
investment accounts to broker’s statements and other supporting documents monthly. All
purchases of securities from and deposits of funds to or withdrawals of funds from
TexPool investment pools require the signature of the VPFA, and either the director of
financial services, budget director or the controller.

APPENDIX B

ADMINISTRATIVE PROCEDURES

The bursar's office will maintain a daily list of cash balances held in depository bank
accounts. All investment transactions and related cash transfer requests, except for
investment "rollovers" as defined, will be prepared by the director of financial services
and will require an appropriate second signature. "Rollovers" are investment
transactions whereby an investment of certain type held by an entity matures and the
proceeds are then used to purchase an investment of the same type within the same
account within the same entity. The controller’s office will record investments in
compliance with Governmental Accounting Standards Board (GASB) and state
comptroller’s reporting requirements and reconcile the appropriate investment accounts
to broker’s statements and other supporting documents monthly. Quarterly investment
reports are prepared by the director of financial services and approved by the vice
president of finance and administration in accordance with the Performance Evaluation
section of this investment policy. The market price of securities will be monitored
quarterly using industry published data or appropriate financial publications.
GENERAL

This Investment Policy Statement (IPS) applies to all Stephen F. Austin State University (the "university") endowment funds. These funds are given to the university by individuals and institutions to promote, encourage and advance education and to improve the degree and non-degree educational functions by establishing scholarships, fellowships, professorships, academic chairs and other academic endeavors at the university, as specified by donors. Quasi-endowment funds that are not considered to be public funds may be governed by this policy.

As provided in the Texas Education Code, each member of the Board of Regents (board) has the legal responsibilities of a fiduciary in the management of funds under the control of the university. The board recognizes its responsibility to insure that the assets of the endowment funds are managed for the exclusive benefit of the university in accordance with its donors’ intentions, effectively and prudently, in full compliance with all applicable laws.

Separate fund balance accounts are maintained for all funds. Funds may be restricted either by the donor or the board. Restricted funds are available primarily for specific purposes considered beneficial to the university.

The investment of the endowment funds is governed by Section 51.0031 of the Texas Education Code. This section states that the university "... with regard to donations, gifts and trusts, may establish endowment funds that operate as trusts and are managed under prudent person standards… As used in this section, „prudent person standard” is the standard of care described in Article VII, Section 11b, of the Texas Constitution, and means that standard of judgment and care that prudent investors, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.”

In the management of the university endowment investments, consideration will be given to the need to balance a requirement for current income for present activities with a requirement for growth in principal to compensate for inflation. Consideration will be given to the need for safety of principal, liquidity, diversification, yield and quality.
The overall objective of the IPS is to assure that the university’s endowment funds are invested in a manner to achieve as high a level of return as can reasonably be expected to be achieved given the primary objective of safety and preservation of principal. The IPS clearly and concisely states the responsibilities of all parties involved with the endowment funds. The IPS will assist the board, the finance/audit committee ("committee") and the university administration in effectively communicating with and monitoring the investment manager(s) and the investment firm(s) that will be engaged from time to time to facilitate the management of the endowment assets of the university. It states the boards' attitudes, guidelines and objectives in the investment of the endowment assets.

RESPONSIBILITIES

The university acknowledges that the ultimate responsibility for satisfactory investment results rests with the board. The board believes that this responsibility is best discharged by delegating certain authority to the university administration and by appointing one or more investment management organizations to assume certain responsibilities.

The specific responsibilities of the board in the investment process include and are limited to developing a sound and consistent investment policy, developing sound and consistent investment policy guidelines, establishing reasonable investment objectives, allocating the endowment assets between equity and fixed-income investments, and other investment mediums which it may deem appropriate and prudent, communicating clearly the major duties and responsibilities of those accountable for investing the endowment assets and achieving investment results, evaluating performance results, and abiding within all applicable laws, including conflict of interest provisions therein.

The vice president for finance and administration (vice president) and director of financial services are designated as the investment officers for the university. As such, the vice president or designee are responsible for accounting for investments, monitoring and evaluating performance results, and ensuring that policy guidelines are being adhered to and investment objectives are being met. In addition, the vice president is responsible for the purchase, sale, assignment, transfer and management of investments, for communicating with investment managers, brokers and dealers, for compiling performance results, and for determining the proper distribution of investment returns to the various accounts. The vice president is also responsible for determining the appropriate distribution of income in accordance with the distribution policy in the distribution policy section. The vice president, or designee, will submit an annual investment perspective to the Board of Regents.

The vice president may establish an investment committee. The committee may review investment reports, monitor investment activity or review and revise qualified investment
brokers that are eligible to serve in an investment capacity for the university. The chair of the Board of Regents may designate a board member to serve as a liaison on the investment committee.

INVESTMENT POLICY

The board believes that the endowment assets should be managed in a way that reflects the application of sound investment principles.

The board adheres to the traditional capital market theory that maintains that over the long term, the risk of owning equities should be rewarded with a somewhat greater return than available from fixed-income investments. This reward comes at the expense of higher volatility of returns and more exposure to market fluctuations than with fixed-income investments. Fixed-income investments provide a more predictable return and higher current income than do equities. Thus assets should be allocated between fixed-income investments, equities, and alternative investments in such a manner as to provide for current income while providing for maintenance of principal in real terms.

Avoiding large risks is essential. The university is willing to trade off some potential opportunities for gain from high-risk investments (with high loss potential) by assuming a moderate-risk posture in order to have a more stable positive return. This may result in sacrificing some potential opportunities for gain during rising markets in order to avoid large short term declines in market value during falling markets. Since the university is adverse to large downward fluctuations in the value of its investments resulting from volatile market value fluctuations, such year-to-year volatility should be minimized.

INVESTMENT POLICY GUIDELINES

For the purpose of this policy, all securities which use long-term credit ratings must be rated the equivalent of "A" or better by a nationally recognized credit rating service. Securities using short-term credit ratings must be rated at least A-2, P-2, F-2 or the equivalent by a nationally recognized credit rating service.

The following categories of securities are permissible investments:

a. Direct obligations of the United States government or its direct agencies.
b. Direct obligations of federally-sponsored agencies in accordance with the above paragraph.
c. United States dollar denominated bonds, debentures, or commercial paper and convertible securities issued by corporations in accordance with the above paragraph.
d. Common stock and preferred stock issued by United States domiciled corporations and common stocks of foreign companies listed on the major U.S. or foreign security exchanges.

e. Certificates of Deposit issued by federally insured state banks, federally insured savings and loan associations and saving banks or federally insured credit unions. Amounts over the insurance limit of the institutions must be secured by pledged securities.

f. Bankers’ acceptances accepted by a bank organized and existing under laws of the United States or any state in accordance with the above paragraph.

g. Money Market Mutual Funds. Funds must be registered with the Securities and Exchange Commission, have a maximum dollar weighted average maturity of no longer than 13 months, and be no-load funds. Funds must have assets consisting of securities described in the paragraphs above and seek to maintain a stable net asset value of $1.00 per share (or unit).

h. Direct Security Repurchase Agreements. Direct Repos must be fully secured (collateralized) by securities authorized under the sections (a) through (f) above. Such collateral must be held by a third party. All agreements will be in compliance with Federal Reserve Bank guidelines.

i. Shares of investment companies as defined by the Investment Company Act of 1940. These companies include both closed-end investment companies and open-end investment companies (mutual funds). Shares in these companies may be purchased if they own securities described in sections (a) through (h) above.

j. Shares of Exchange Traded Funds, known as ETFs, are permissible investments under this section.

k. Certain types of transactions and purchase of certain types of securities are specifically prohibited by this policy. Commodity trading including all futures contracts, purchasing of letter stock, short selling, option trading, and margin trading are specifically prohibited. Neither tax-exempt debt of state and local governments, private placements, nor guaranteed investment contracts may be purchased. No investments will be made in derivative products as defined by the Financial Accounting Standards Board in Statements of Financial Accounting Standards, No. 133. Collateralized mortgage obligations that do not pass the Federal Financial Institution’s Examination Council test may not be purchased.

l. Assets and/or funds reportable within the scope of the university’s annual financial report may not be invested in or used to purchase securities, including obligations, of a private corporation or other private business entity that owns 10% or more of a corporation or business entity which records or produces any song, lyrics or other musical work that explicitly describes, glamorizes or advocates: (1) acts of criminal violence, including murder, assault, assault on police officers, sexual assault, and robbery; (2) necrophilia, bestiality, or pedophilia; (3) illegal use of controlled substance; (4) criminal street gang activity; (5) degradation or
denigration of females; or (6) violence against a particular sex, race, ethnic group, sexual orientation, or religion.

m. No more than six percent (6%) of the portfolio, including convertible securities, can be invested in any one company. This will be measured on a cost basis. No more than ten percent (10%) of the portfolio can be invested at any time in one company based on the market value of the stock and portfolio. This section is not applicable to investments in U.S. government securities.

n. No more than fifteen percent (15%) of the portfolio can be invested in any one industry sector, as defined by Standard and Poor’s broad categories, based on the cost value of the portfolio. No more than thirty percent (30%) of the portfolio can be invested in any one industry sector based on the market value of the portfolio. The holdings do not have to be invested in industry groups that represent a cross-section of the economy.

o. Permitted alternative investments in the portfolio may include hedge funds, managed futures funds, private equity funds, or real estate. Investments in other strategies shall be reviewed and recommended by the investment officer prior to purchase. Permitted alternative investments in the Portfolio are limited to diversified commingled trust fund vehicles or limited partnerships offered through a third party distribution channel, such as what is offered through many broker-dealer firms. Any investment vehicles where the portfolio’s liability can exceed the value of the portfolio’s investment are strictly prohibited. The portfolio shall emphasize investments in fund-of-fund vehicles that are diversified by investment style and typically utilize multiple investment managers within a fund. The portfolio, however, may invest in single manager funds, but these investments shall not comprise the majority of the investment. Permitted alternative investments in the portfolio are limited to investment vehicles that offer the ability for the portfolio to make contributions or receive distributions at least quarterly (but preferably monthly) without restriction or incurring additional fees. The maximum allocation to any one fund shall not exceed 25% of the total investment portfolio. If the allocation to alternative investments exceeds the limit at any point in time, the investment officer shall rebalance the allocation to the fund at the next opportunity when the fund permits liquidation of fund holdings.

p. All of the equities purchased for the portfolio (based at market value) should have a minimum market capitalization of $250 million. The allowable range and target asset allocation for the endowment funds is:

<table>
<thead>
<tr>
<th>Class</th>
<th>Allowable Range</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equities securities</td>
<td>0% - 70%</td>
<td>55%</td>
</tr>
<tr>
<td>Fixed income securities</td>
<td>0% - 60%</td>
<td>35%</td>
</tr>
<tr>
<td>Cash or cash equivalents</td>
<td>0% - 100%</td>
<td>0%</td>
</tr>
<tr>
<td>Alternative Investments</td>
<td>0% - 25%</td>
<td>10%</td>
</tr>
</tbody>
</table>
For the equity portion of the portfolio, the International Equities should represent at a maximum 30% and minimum 0%.

For the fixed income portion of the portfolio, the asset mix should be: maximum U.S. government bonds 100%, minimum government bonds 0%, maximum corporate bonds 50%, minimum corporate bonds 0%, maximum cash 100%, minimum cash 0%. Gifts of individual securities will be liquidated or transferred to an equity fund manager currently employed by the university under the Use of Investment Firms section. The liquidation or transfer will take place as soon as possible. If liquidated, the proceeds will be invested in accordance with the allowable range and target asset allocation set forth in this policy. Exceptions to this policy are securities described by sections (a), (b) and (c) above. Such securities may be held so long as the asset allocation ranges are maintained. The policy in this section can be overridden by a written directive from a donor.

The university will insure the safety of its invested funds by limiting interest rate, credit and foreign currency risks. Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment the greater the sensitivity of its fair value to changes in market interest rates. The VPFA vice president may diversify investment maturity to limit interest rate risk. The average weighted duration of the portfolio should not vary from industry benchmarks by more than +/-20%.

Credit risk is the risk that an issuer or counterparty to the investment will not fulfill its obligations to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. To limit credit risk, this policy requires investments in US dollar denominated bonds, debentures, or commercial paper and convertible securities issued by corporations to be rated the equivalent of “A” or better using long-term ratings and at least A-2, P-2, F-2 or equivalent using short-term credit ratings.

Foreign currency risk is the risk that changes in exchange rates will adversely affect the fair value of investment. In order to mitigate this risk, foreign investments are limited to a maximum of 30% of the portfolio.

USE OF INVESTMENT FIRMS

The vice president or designee is responsible for the selection of brokers and dealers for the execution of security transactions and for the safe keeping of securities. Sales, purchases and exchanges will be transacted through well-capitalized, nationally recognized investment firms which are major participants in the equity and fixed-income markets. Firms should be selected to provide the maximum benefit to the university. The
vice president may choose to use a request for proposals to select the firm or firms with which the university deals.

Selection of outside investment managers will follow these guidelines:

a. The vice president or designee, within statutory and other regulatory authority, may place selected funds of the university with investment managers outside the university for investment purposes. The investment of such funds will be subject to the provisions of this investment policy statement. The vice president or designee is authorized to negotiate with outside investment managers for the benefit of the university.

b. Outside investment manager(s) will receive a copy of the IPS and a Letter of Instructions outlining investment instructions and asset allocation parameters expressed in writing by the vice president or designee. The Letter of Instructions will state return objectives that are reasonable and achievable within the guidelines provided herein. These return objectives should be achieved over a reasonable time frame, thus it is not necessary for the outside manager(s) to exceed the return expectations each quarter. In addition, each outside investment manager must execute a written statement to the effect that the registered principal of the organization has received and thoroughly reviewed the investment policy of the university. The statement must also acknowledge that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities.

c. Consistent with this investment policy statement and their Letter of Instruction, the outside investment manager(s) will be responsible for making decisions on a discretionary basis. This includes buy, hold, sell and timing decisions. The outside manager(s) must make responsible decisions in the selections of specific securities and the general timing of purchases and sales necessary to achieve a satisfactory overall return for the assets.

d. Outside manager(s) will invest only into the security class(es) for which they were retained to manage. The manager(s) have discretion to place funds into cash, however, their performance will be measured against an index which measures their security class without deducting the cash position.

The overall portfolio and the individual managers will be evaluated on a periodic basis using industry benchmarks.

The annualized Alpha should exceed both individual managers’ and total portfolio fees. Alpha measures the excess return for the amount of risk taken. Portfolio turnover will be monitored. If the performance results of the portfolio meet the objectives stated herein, the rate of turnover in the portfolio will not be an evaluative factor. However, a portfolio
turnover higher than the average of similar fund managers is considered a negative. Files will be maintained on investment firms with which the university deals. The files will contain information that supports the financial stability of the firms. These files will be updated annually. A list of approved brokers and firms will be maintained and changes will be approved by the Board of Regents.

**DISTRIBUTION POLICY**

The spending policy should balance the long-term objective of maintaining the purchasing power to the endowment funds with the goal of providing a reasonable, predictable, stable, and sustainable level of income to support current needs. At the end of the investment year, in consultation with the investment manager, the investment officer will review the total return on the endowment accounts and recommend an annual distribution. The target distribution will be between 4% and 5%. The investment officer will recommend an amount up to 5.00% of the average invested balance for the purposes delineated in the endowment memorandum of understanding. If returns permit, an amount equal to the rate of inflation will be added back to each endowment principal balance. If there are positive total returns beyond the inflation rate, then the investment officer will recommend that this amount be added to a contingency reserve that may be distributed during years of poor investment performance as determined by the officer. When the contingency reserve has reached a balance in excess of two years of normal distributions, the investment officer may recommend that additional distributions be made from the contingency reserve.

**PERFORMANCE EVALUATION**

The vice president will submit quarterly reports to the board on the performance of the investment portfolio. The reports will disclose the book value and market value of the portfolio at the beginning and ending of the reporting period by the type of asset and fund type invested. The reports will disclose the realized and unrealized gains/losses on the portfolio for the reporting period. Additions and changes in the market value of the portfolio during the period will be reported. The reports will show the pooled fund value as well as individual assets by fund type. The reports will state the maturity date of each asset that has a maturity date. The total return on the portfolio, on each asset class and for each manager will be reported.

The performance of the total portfolio, each asset class and each manager will be compared to appropriate benchmarks and included in the quarterly reports to the board. The report will contain sufficient information for the board to determine if actions should be taken to correct any deficiencies that may exist.

**CONFLICTS OF INTEREST**
Members of the board are frequently persons of wide-ranging business interests. Therefore, a prudent, independent investment decision process may result in investments in firms or organizations with which a member of the board is affiliated. Affiliation shall be interpreted within this section to mean an employee, officer, director, or owner of five percent or more of the voting stock of a firm or organization. The investment staff or an unaffiliated investment manager may invest in such securities. However, the following restrictions shall apply:

a. a member of the board shall not direct nor participate in the decision to purchase or sell securities of a firm with which such member is affiliated; and
b. investments will not be purchased from or sold to a member of the board.

DISCLOSURE REQUIREMENTS

Disclosure Requirements for Outside Financial Advisors

External financial advisors and service providers shall comply with Texas Government Code Chapter 2263, Ethics and Disclosure Requirements for Outside Financial Advisors and Service providers.

Disclosure Requirements for Investment Officers

Pursuant to Texas Government Code Sec. 2256.005(i), an investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

1. the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;
2. funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or
3. the investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.
AUDITS

The Department of Audit Services of the university shall include endowment assets as a component of its annual audit risk assessment. If the department determines that the endowment assets meet its risk assessment criteria, audit services may perform an annual audit of the endowment assets to ensure compliance with the endowment investment policy.


Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit
Kennedy Auditorium Reservation and Use (B-16)

Original Implementation: September 1, 1975
Last Revision: April 21, 2009 January 31, 2012

Reservations for Kennedy Auditorium shall be made with the dean of the College of Sciences and Mathematics. A Facility Reservation Agreement form must be completed and approved by the dean.

1. No admission fees shall be charged. A Facility Reservation Agreement form must be completed and approved by the dean.

2. Verification shall be required that no space is not available in the Baker Pattillo Student Center prior to a student organization requesting being given permission to use of Kennedy Auditorium.

3. The university shall not be responsible for items left in the auditorium.

4. The person making the reservation shall be responsible for obtaining any needed equipment, e.g., such as a podium, projector, public address system, etc.

5. The person reserving the auditorium shall be responsible for keeping the facility clean and for repairing any damage.

6. No materials shall be taped or in any way affixed in any way to the auditorium’s walls, doors (interior or exterior), chalkboards, or screens without prior written approval of the dean.

Violation of the above regulations guidelines shall result in denial of future use.

Cross Reference: Policy B-1, Use of University Facilities (B-1)

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Dean of the College of Sciences and Mathematics

Forms: Facility Reservation Agreement

Board Committee Assignment: Building and Grounds Committee
Appendix 4

Overtime and Additional Compensation

Compensatory Time

(E-36)

Original Implementation: Unpublished
Last Revision: April 21, 2009 January 31, 2012

This policy applies only to non-academic employees.

Non-Exempt (Classified) Employees:

A non-exempt employee who works in an excess of 40 hours in a workweek is entitled to compensation for the excess hours through one of the following methods:

1. The employee should be allowed (or required) to take compensatory time off within twelve (12) months following the end of the workweek in which the overtime occurred at the rate of 1-1/2 hours off for each hour of overtime. Time that is to be taken is at the discretion of the supervisor and must be authorized in advance.

2. When granting compensatory time off is impractical, the employee receives pay for the overtime at the rate of 1-1/2 times the employee's regular rate of pay. Payment must be made for all overtime in excess of 240 hours, which is 160 straight time hours.

Any paid leave or holidays taken are not counted as hours worked in determining overtime hours under the preceding paragraph. In situations in which the employee has not worked more than 40 hours in a workweek but the total hours worked and hours of paid leave or paid holidays exceeds 40 hours, the employee shall be allowed equivalent compensatory time off for the excess hours. The compensatory time must be taken during the 12-month period following the end of the workweek in which the compensatory time was accrued. Compensatory time under this paragraph may not be carried forward past the end of the 12-month period and only in specially approved instances may an employee, whose compensatory time off would be disruptive to normal teaching, research or other critical function, be paid for the unused time.

Employees subject to the FLSA may not accrue straight compensatory time for work performed at any location other than the employee’s regular or temporarily assigned place of employment. For compensatory time purposes, the employee’s personal residence may not be considered to be their regular or temporarily assigned place of employment.
Non-exempt part-time employees must be paid for hours worked over their designated hours; they may not accrue compensatory time.

Exceptions to the workweek overtime calculation for University Police Department law enforcement officers shall be made in accordance with the Fair Labor Standards Act.

To receive overtime pay:

1. **Hourly** - Semi-monthly and monthly paid non-exempt employees record all time worked in the approved timekeeping system. The system calculates overtime based on the rules established in this policy. Overtime on the Semi-Monthly Time Record is recorded for overtime. This overtime is then recorded on the semi-monthly time sheet (computer print-out) which is provided by Payroll Services.

2. **Monthly** - Non-exempt employees must obtain approval from the department head to receive overtime pay in lieu of compensatory time off. Overtime hours are to be recorded on the "Monthly Time Record" which is kept in the departmental office. If the employee is to be paid for overtime on a recurring basis, the employee's name, and social security number CID, and dates worked as overtime only are to be written on the semi-monthly time sheet (computer print-out). Payroll Services will add the employee's name to the list on the Time Record and submitted to Payroll Services.

If the overtime is to be paid on a one-time basis from a funding source different from the employee’s regular task code, the department head must approve and submit a request for payment in memorandum form to the appropriate vice president for signature, then route to Payroll for payment. The memorandum will be submitted to Payroll Services and overtime payment will be processed.

Non-exempt employees (or their estates) must be paid for any unused accumulated compensatory time at the time of separation from employment or when transferring to an exempt classification.

**Exempt (Non-Classified) Employees:**

An exempt employee who is not subject to the overtime provisions of the FLSA and may be allowed compensatory time off for hours in excess of 40 hours in a work week in which the combination of hours worked, paid leave, and holidays exceeds a total of 40 hours. Each department is responsible for submitting the “Comp Time Earned Record” (found on SFA Business Forms) for all exempt employees in the department. The form must contain the employee’s name, CID, total comp time hours earned for the month and
the signature of each employee. The department head must sign the report and then route to Payroll for processing.

An employee who is exempt as an executive, professional, or administrative employee, may be allowed compensatory time off during the 12-month period following the end of the workweek in which the overtime was accrued, at a rate not to exceed equivalent time, but limited to ten (10) days during any one fiscal year. An exempt employee will not be paid for any unused compensatory time earned in this manner. *It is the department head’s responsibility to ensure that no more than 80 hours of compensatory time are taken in a fiscal year for each exempt employee.*

Part-time exempt employees may accrue compensatory time when the number of hours worked plus holiday or other paid leave taken during that week exceeds the number of hours that the employee was designated to work.

Time that is to be taken is at the discretion of the supervisor and must be authorized in advance on a Request for Vacation, Compensatory Time, Sick Leave Taken form which is maintained in the employee's departmental file.

Employees not subject to the FLSA may not accrue compensatory time for work performed at any location other than the employee’s regular or temporarily assigned place of employment. For compensatory time purposes, the employee’s personal residence may not be considered to be their regular or temporarily assigned place of employment.

**All Employees:**

No employee may accrue compensatory time for work performed at any location other than the employee's regular place of employment or duty point. For compensatory time purposes, the employee's personal residence may not be considered to be their regular place of employment or duty point.


**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Human Resources

**Forms:** Semi-Monthly Time Record, Monthly Time Record, Request for Vacation (both available in Human Resources and Payroll Services), Comp Time, and Sick Leave Taken
Form (available on-line at mysfa under myServices and on the Payroll website); Comp Time Earned Report

**Board Committee Assignment:** Academic and Student Affairs
Professional and Consulting Services (C-45)

Original Implementation: October 26, 1999
Last Revision: October 18, 2011, January 31, 2012

DEFINITIONS

"Professional services" means those services within the scope of the practice, as defined by state law, of:

1. accounting
2. architecture
3. landscape architecture
4. land surveying
5. medicine
6. optometry
7. professional engineering
8. real estate appraising
9. professional nursing

or those services provided in connection with the professional employment or practice of a person who is licensed or registered as

1. a certified public accountant
2. an architect
3. a landscape architect
4. a land surveyor
5. a physician, including a surgeon
6. an optometrist
7. a professional engineer
8. a state certified or state licensed real estate appraiser
9. a registered nurse

"Consulting service" means the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee.

A consultant may be used only if there is a substantial need for the consulting services and only if the agency cannot adequately perform the services with its own personnel or obtain the consulting services through a contract with a state governmental entity.
"Major consulting services contract" means a consulting services contract for which it is reasonably foreseeable that the value of the contract will exceed $25,000.

The $25,000 threshold is not a one-time cost, but rather a cumulative amount for ongoing consulting services.

"Consultant" means a person that provides or proposes to provide a consulting service. The term includes a political subdivision but does not include the federal government, a state agency, or a state governmental entity.

**SELECTION OF A PROVIDER**

Professional or consulting services contracts that may require Board of Regents approval are governed by university policy D-20.5, Reference Items Requiring Board of Regents Approval (D-20.5). Submission of a requisition is required, and other purchasing procedures may apply.

Professional or consulting service solicitations greater than $25,000 will be posted on the electronic state business daily unless procurement determines that no value is added by the posting.

*Professional Services*

A "professional service" provider is not to be selected on the basis of competitive bid but rather 1) on the basis of demonstrated competence and qualifications to perform the services; and 2) a fair and reasonable price, as long as professional fees do not exceed any maximum provided by law. Architectural, engineering, or land surveying services must be procured in the following manner:

1. Select the most highly qualified provider based on demonstrated competence and qualifications;
2. Attempt to negotiate a contract with the selected provider at a fair and reasonable price;
3. If a satisfactory contract cannot be negotiated with the most highly qualified provider, formally end negotiations with that provider; select the next most highly qualified provider; and attempt to negotiate a contract at a fair and reasonable price. The selection process for architectural, engineering, or land surveying services shall continue in this manner until a contract is accepted by all parties.
If a solicitation will enhance the selection process for professional services, contact the procurement director to discuss options for making informal price comparisons or preparing a formal request for proposal or request for qualifications.

Consulting Services

*If consulting services are purchased using processes allowed under Best Value Procurement (C-7), this policy section does not apply.*

An invitation for consultants to provide offers on major consulting services contracts must be submitted to the secretary of state for publication in the Texas Register for a minimum of 30 days prior to entering into the contract. The published invitation must include a finding and explanation by the president that the consulting services are necessary. Contact the procurement director or general counsel’s office for assistance in completing the Major Consulting Contract Request form.

Not later than the 20th day after the date in which a major consulting contract is entered into by the university, the university shall file with the secretary of state for publication in the Texas Register: a description of the activities that the consultant will conduct; the name and business address of the consultant; the total value and the beginning and ending dates of the contract; and the dates on which any document, films, recording or reports required of the consultant are due.

All renewals, amendments, and extensions of a major consultant contract shall follow any procedures for posting in the Texas Register as required by applicable law.

Upon submittal of an offer by a private consultant to provide consulting services to SFA, any officer or employee shall report to the president within 10 days of receipt of the offer: 1) any financial interest that the officer or employee has in the private consultant, or 2) any financial interest in the private consultant of anyone related to the officer or employee within the second degree by consanguinity or affinity as determined under Texas Government Code Chapter 573. Reference Texas Government Code Sec. 2254.032 and the SFA Ethics policy (E-56).

**Restrictions on Hiring Former or Retired Employees**

1. **Hiring a Former Employee or Retiree as a Professional Service Provider, Consultant, or for Personal Services**
   - State Funds — strictly prohibited within 12 months of the employee's separation date
   - Local Funds — allowed within 12 months of the employee's separation date ONLY with presidential approval and ONLY with local funds.

   Contracting with a former employee or retiree for professional or consultant services is prohibited on state funds within 12
months of the employee’s separation date from the university. The use of local funds is allowed within 12 months of the employee’s separation date with approval of the university president.

2. **HIRING A FORMER EMPLOYEE/RETIREE AS A CONSULTANT**
   All Funds—If a past employee or retiree is hired as a consultant within 2 years of leaving SFA or any other state agency, the consultant must disclose in his/her offer the following information: a) nature of employment at the agency; b) the date employment was terminated; c) the annual rate of compensation at termination. This requirement does not apply to professional services.

1. **HIRING A COMPANY EMPLOYING A FORMER OR RETIRED EMPLOYEE**
   All Funds—allowed under a professional services contract only if the former or retired employee does not work on a project that was similar to his/her duties while employed by SFA, within the first 12 months of leaving SFA. Contracting for professional services with a company employing a former employee or retiree within 12 months of the employee’s separation date from the university is allowed only if the former or retired employee does not work on a project that is similar to his/her duties while employed by SFA.

2. **HIRING AN EXECUTIVE DIRECTOR OF ANY STATE AGENCY FOR ANY CONTRACT**
   All Funds—Restrictions apply to contracts with a) the executive head of the state agency; b) a person who at any time during the four years before the date of the contract was the executive head of the state agency; c) a person who employs a current or former executive head of a state agency. Reference Texas Government Code Sec. 669.003.

**PROCEDURES FOR SECURING PROFESSIONAL OR CONSULTANT SERVICES**

1. Determine if the need is that of a professional or a consultant service. Contact the procurement director or Office of the General Counsel if assistance is needed in making this determination. If a grant fund, contact the research and sponsored programs office for assistance.

2. Determine if the selection of a professional or consulting service provider would be enhanced by a solicitation process. Contact the procurement director to discuss options.

3. Enter a requisition in the banner system. Amounts may be estimated. If the vendor will perform essentially the same service on multiple dates, only one requisition is to
be entered with separate lines for each date. Do not wait until other paperwork is complete. Enter the requisition as soon as the need is known and defined.

4. If the contract is a "major consultant contract", the department must complete a Major Consulting Contract Request form at least 60 days prior to the need for service. The form is to be forwarded to the Office of the General Counsel to facilitate the finding and posting requirements stated above under "Selection of a Provider".

5. Negotiate a contract, either directly or through procurement. All applicable rules associated with the amounts specified in 'Selection of a Provider' must be followed.

6. Professional or consultant agreements require a formal contract be reviewed by the Office of the General Counsel and signed by the president. See "When Is a Contract Needed" on the procurement website.

7. The department may draw up a contract using samples provided by general counsel, or procurement can assist in completing the contract. If a grant, contact the research and sponsored programs office for assistance. The contract may be complex or simple depending on the nature of the services to be provided and must clearly define:

   a. The responsibilities of each party, in clear detail;
   b. The period of time the contract is to be in effect;
   c. The amount of payment;
   d. The terms of payment;

The contract must be reviewed by general counsel and signed by the president or other administrator with written delegated contracting authority.

The completed contract with signatures of all parties must be forwarded to procurement for completion of the purchase order.

A receiving entry must be submitted. Payment will be made through normal accounts payable procedures. To insure inclusion in a particular week's check run, the department should have payment information to accounts payable by the previous Friday.

The consultant's report, if applicable, must be on file in accounts payable before payment will be made.

Cross Reference: Tex. Gov't Code § 669.003; Tex. Gov't Code § 2252.901; Tex. Gov't Code Ch. 2254; Tex. Gov't Code Ch. 573, Subchapter B; Nepotism (E-33); Ethics (E-56);
Purchasing Ethics and Confidentiality (C-33); Items Requiring Board of Regents Approval (D-20.5); Purchase Requisition (C-30)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** Major Consulting Contract Request Form

**Board Committee Assignment:** Finance and Audit
Purchases from Employees (C-27)

Original Implementation: Unpublished
Last Revision: January 27, 2009, January 31, 2012

Purchases, including but not limited to (including p-card, requisition, purchase order and purchase voucher) from an SFA officer, or employee or any person or entity with which the officer or employee has a Family, Financial or Personal Relationship is prohibited unless conflict of interest is disclosed and avoided except as provided herein. In addition, purchases from any person or entity with whom the SFA officer or employee has a family, financial or personal relationship must be disclosed and managed. Reference Purchasing Ethics and Confidentiality (C-33).

To disclose and avoid conflict of interest the SFA employee:

- will “not participate” in and have no involvement in the procurement decision making process and must not communicate with anyone about the procurement decision; to “not participate” includes, but is not limited to, not processing electronic documents as noted in item 2 below as well as not being involved in any request, selection, evaluation or justification process;
- will not enter a requisition, approve a requisition, enter a purchase order, approve a purchase order or receive a purchase order in the university’s financial system when such requisition or purchase order is being requested or ordered from an SFA officer, employee or any person or entity with which they have a Family, Financial or Personal Relationship;
- will annually file a Disclosure of Substantial Interest form identifying any person or entity with which the employee has a Family Relationship, Financial Relationship or Personal Relationship that might give rise to a conflict of interest situation. The information provided in the annual disclosure will be used only to ensure that conflicts of interest are avoided and the procedures herein are followed. The annual disclosure will be considered confidential information and will be released only to those individuals involved in purchasing decisions; i.e., procurement, accounts payable, department heads, vice presidents, president, general counsel, etc. See Purchasing Ethics and Confidentiality Policy C-33.

Family Relationship—means

4. employee’s spouse/partner
5. employee’s children, grandchildren, parents, grandparents, brothers and sisters (including half brothers and sisters)
6. the spouses of any of the persons listed in the above bullet
7. the spouse’s/partner’s parents, brothers, sisters and children
8. any firm in which any of the above persons is a partner or sole proprietor, or any corporation in which any of those persons holds 5% or more stock either directly or indirectly, or any other individual living in the same household.

Personal Relationship—means relationship with a person or entity sufficiently close that a reasonable person would believe that it would be difficult for the SFA employee to deal with the person as he or she would deal with a stranger.

To avoid conflict of interest, Procurement Services will process purchases as follows:

1. The purchase of COMMODITIES from any SFA officer, or employee, or any person or entity with which they have a Family, Financial or Personal Relationship is prohibited unless the price is equal to or less than that which can be obtained from any other known and ethical source, regardless of the dollar amount.

2. The purchase of SERVICES from any person or entity with which an SFA officer or employee has a Family, Financial or Personal Relationship is prohibited unless the price is equal to or less than that which can be obtained from any other known and ethical source, regardless of the dollar amount.

3. Solicitation documentation showing pricing from a minimum of two other sources is required for any purchasing including, but not limited to, Procurement Card, Purchase Order, or purchase voucher submitted for payment. A proprietary purchase from an officer or employee may be acceptable, but only with a completed and signed Sole Source/Product Justification and approval from the Director of Procurement and Property Services.

4. Professional Service contracts or agreements between employees and the university are normally processed through the university payroll system. Contracts or agreements of this nature must be approved in advance by the director of procurement and the general counsel. Contracting for SERVICES with an SFA officer or employee is prohibited through the purchasing process unless approved by the Director of Procurement and Property Services in consultation with General Counsel. Otherwise, a request to purchase SERVICES from any officer or employee of Stephen F. Austin State University must be initiated by submitting an additional compensation form to human resources. The standard procedure is to submit an additional compensation form to human resources. The request will not be considered unless the service being performed is significantly different from the employee’s regular duties. See

5. Contracting for PROFESSIONAL OR CONSULTING SERVICES requires additional disclosures to avoid conflict of interest or when contracting with former or retired employees. See Ethics Policy E-56 and Professional and Consultant Services Policy C-45.

Cross Reference: Policy E-9 Salary Supplements, Stipends and Additional Compensation (E-9); Policy C-33 Purchasing Ethics and Confidentiality (C-33)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Procurement and Property Services/HUB Coordinator

Forms: Disclosure of Substantial Interest; Sole Source/Product Justification

Board Committee Assignment: Finance and Audit
Purchasing Ethics and Confidentiality (C-33)

Original Implementation: Unpublished
Last Revision: January 27, 2009, January 31, 2012

Credibility and public confidence are vital throughout the purchasing and contracting process. If any involved party displays a lack of honesty, integrity or openness, the entire program is injured. Even the shadow of doubt, The appearance of impropriety, can be as harmful as the conduct itself.

For the purpose of protecting both the integrity and objectivity of its employees in the performance of their university obligations it is the policy of the university that conflicts of interest should be avoided where possible or otherwise disclosed and managed.

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

- participate or work on a contract by taking action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation or similar action knowing that the employee, or any person or entity with whom the employee has a Family Relationship, Financial Relationship or Personal Relationship, has an actual or potential financial interest in the contract, including prospective employment;
- participate or work on a contract as noted above knowing that the employee has an actual or potential financial interest in the contract, including prospective employment;
- solicit or accept gifts or gratuities which might tend to influence purchasing decisions;
- be employed by, or agree to work for, a vendor or potential vendor;
- knowingly disclose confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of another person.

Employees will be required to annually file a Disclosure of Substantial Interest form identifying any possible conflict of interest situations that may arise in regard to any type of procurement process, including but not limited to, p-card, purchase requisition, purchase order or purchase voucher. The Disclosure of Substantial Interest form must be completed no later than November 30 of each year for the calendar/fiscal year and shall be completed during the year as needed to identify applicable changes. The information provided in the annual disclosure will be retained in Procurement Services, will be considered confidential information and will be released only to those individuals involved in purchasing decisions and only as needed or required by law; i.e.,
procurement, accounts payable, department heads, vice presidents, president, general counsel, etc.

Definitions:

Family Relationship – means

- employee’s spouse/partner
- employee’s children, grandchildren, parents, grandparents, brothers and sisters (including half brothers and sisters)
- the spouses of any of the persons listed in the above bullet
- the spouse’s/partner’s parents, brothers, sisters and children
- any firm in which any of the above persons is a partner or sole proprietor, or any corporation in which any of those persons holds 5% or more stock either directly or indirectly, or any other individual living in the same household.

Financial Relationship – means

indicates a partnership or other commercial relationship involving a joint venture between the employee and another person or entity. Examples are: research grants, consultancies, honoraria and travel, self-managed equity interest in a company, employment of an immediate family member in a company and/or other benefits or substantial gifts from a company.

Personal Relationship – means

indicates a relationship with a person or entity sufficiently close such that a reasonable person would believe that it would be difficult for the SFA employee to deal with the person as he or she would deal with a stranger.

Specific rules apply to purchases from an SFA employee or any person or entity with whom the employee has a Family, Financial or Personal Relationship. See Purchasing From Employees Policy (C-27).

If not related to a particular transaction, university employees may accept from vendors and others: (1) unsolicited advertising or promotional material such as pens, pencils, scratch pads, and calendars; (2) occasional business lunches or food and refreshments of insignificant value; and (3) other items of nominal or minor value (i.e., a box of candy, or fruitcake, etc.) that are merely tokens of appreciation. Refer to Ethics Policy (E-56) for the statutory definition of a "benefit." Refer to Gifts, Prizes and Awards Policy (C-58) regarding the giving of gifts, prizes and awards.
Written disclosure specific to the procurement must be signed by all parties involved in the procurement process for major contract awards of $1 million or more in value. All such written disclosures will be retained in Procurement Services. Reference Ethics Policy (E-56) for specific information regarding the disclosure.

Specific disclosure is required by SFA employees for consultant contracts in which there is a financial interest in the private consultant by an officer or employee, or by anyone related to the officer or employee within the second degree of affinity or third degree of consanguinity or affinity by any officer or employee with a financial interest or an individual related to the officer or employee with a financial interest. Reference Professional and Consultant Services Policy (C-45) or Ethics Policy (E-56) for specific information regarding the disclosure.

When an actual violation of any of these standards is discovered, the person involved shall promptly file a written statement concerning the matter with the director of Procurement and Property Services. If an actual violation occurs or is not disclosed and remedied, the employee involved may be either reprimanded, suspended, or dismissed. The vendor or potential vendor may be barred from receiving future contracts and/or have an existing contract canceled.

Purchasing professionals have the right under law to have any ethics question reviewed and decided by the State Texas Ethics Commission. If you wish to learn whether a specific action violates the ethics rules, please contact the State Texas Ethics Commission, 1101 Camino La Costa 201 East 14th St., 10th Floor, Austin, Texas 78752-78701 or call them at 1-800-325-8506 or 512-463-5800.

Cross Reference: Ethics Policy (E-56), Professional and Consultant Services Policy (C-45); Purchasing From Employees Policy (C-27); Gifts, Prizes and Awards (C-58); Texas Tex. Government Gov’t Code § 2262.004; Texas Tex. Government Gov’t Code § 2254.032

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Procurement and Property Services/HUB Coordinator

Forms: Disclosure of Substantial Interest

Board Committee Assignment: Finance and Audit
Records Management (D-28)

Original Implementation: February, 1975

The university shall adhere to state regulations for the management of its records. All university records, regardless of medium, created by or received by an office or employee in connection with the normal course of business are considered state records. Extra copies maintained only for reference are not subject to this Records Management Policy. Certain inactive records are retained to meet legal and fiscal requirements or future administrative needs, or because of historical significance. Department heads are responsible for the management of their department's records, including the records of all staff and faculty within their departments. In managing their records, they should adhere to the following guidelines.

1. Records of the official activities of university officers and offices are the property of the university.
2. Official records should not be destroyed without the approval of the officer in charge of the department where the records accumulate. They should be destroyed in accordance with the approved SFASU Records Retention Schedule. Records that are not listed on the Records Retention Schedule may not be destroyed without the approval of the Records Management Division of the State of Texas Library and Archives Commission. In addition, the approval of the State Auditor is required in the case of the destruction of a state record of a fiscal or financial nature.
3. When records cease to have current value for an office and when they are listed on the Records Retention Schedule as having archival value, the officer in charge shall arrange for their systematic transfer to the East Texas Research Center of the library. For records determined to have archival value, but not listed as such on the schedule, contact the Director of the East Texas Research Center.
4. Administrative officers shall consult with the general counsel on any question of compliance with the Texas Public Information Act.
5. Each administrative office shall designate an individual to consult with the East Texas Research Center's Records Management Retention Assistant with questions regarding implementation of the records management program in his/her office. The name and telephone number of this person should be given to the ETRC Records Management Retention Assistant.
   A. Each department is responsible for evaluating files at least once a year to ensure that records are being retained in accordance with the approved SFASU Records Retention Schedule.
   B. Records determined to be obsolete by the department should be disposed of according to the SFASU Records Retention Schedule.
   C. Before final disposition of records listed on the Records Retention Schedule, a Records Disposition Log must be prepared. Enter the records series title, retention period, inclusive dates of the records, and appropriate
disposition method on the log. The person authorizing disposition of the records series, usually the department head, must sign the log.

D. If a department has records not listed on the schedule, special permission from the state must be obtained to dispose of them. Records exempted from the need to be listed on the Records Retention Schedule by rules adopted by the State Library need not receive approval for destruction. The Records Retention Assistant should be contacted for specific instructions.

E. Before final disposition of records, regardless of whether the records are listed on the Records Retention Schedule, a Records Disposition Log must be prepared. Enter the records series title, retention period, inclusive dates of the records, and appropriate disposition method on the log. The person authorizing disposition of the records series, usually the department head, must sign the log.

F. After the log authorizing disposition is signed by the department head, the records must be disposed of in the appropriate manner. If a records series has archival requirements as indicated by the schedule, contact the Records Retention Assistant for specific instructions. If records are to be destroyed, destruction is to be accomplished by shredding if the records are confidential; by recycling or trash if the records are open; and by erasure if the records are electronic. Enter the volume and actual date of records disposition on the log.

G. The records disposition log is maintained in the department responsible for disposing of the records until the end of the fiscal year and is then forwarded to the Records Retention Assistant at Steen Library, Box 13055.

Records Retention Schedule

1. The approved SFASU Records Retention Schedule establishes the official life span for records series maintained in university offices. This schedule shall be reviewed and approved by the State Library and State Auditor as periodically required by the State Records Administrator.

2. The Records Retention Schedule is a listing of SFASU’s records series; it identifies special considerations regarding a records series, such as legal, audit, or archival requirements, and the length of time a records series must be retained before final disposition. Statutory confidentiality requirements must be maintained regardless of the special identifications noted on the Records Retention Schedule.

3. The university’s Records Retention Schedule, detailing the length of time records series must be retained (examples of records series include correspondence, time sheets, travel requests, expenditure vouchers, and numerous others) is available in the East Texas Research Center and in university departments upon request from the Records Retention Assistant in ETRC.
4. The Records Retention Assistant in the East Texas Research Center of the Ralph W. Steen Library is the central contact person for information about policy compliance in records retention and disposal procedures.

**Cross Reference:** Subchapter L of Chapter 441 of the Texas Government Code Tex. Gov’t Code §§ 441.180-.205; 13 Tex. Admin. Code Ch. 6

**Responsible for Implementation:** President

**Contact for Revision:** SFASU Records Administrator; General Counsel

**Forms:** Records Inventory Worksheet (RMD 103); Records Disposition Log; Request to Dispose of Records not listed in Records Retention Schedule (RMD 102); and Records Retention Schedule (SLR 105C)

**Board Committee Assignment:** Academic and Student Affairs
Request to Establishing a New Departmental Account: Fund – Organization – Program (FOP) (C-34)

Original Implementation: Unpublished
Last Revision: January 27, 2009 January 31, 2012

Requests to establish a new departmental account, Fund – Organization – Program (FOP), must be submitted on the "Request to Establishing a New Departmental Account" form for non-grant accounts or the “Establishing a New Banner Fund – External Awards and Contracts” form for grant accounts. These forms originates in the requesting department and is submitted through appropriate division channels for approval. The form for external awards and contracts is also routed to the office of the research and sponsored programs for approval in addition to being routed to the controller’s office.

After division approval, the request is submitted to the controller’s office after division approval. The controller’s office may approve the request and establish the account or obtain the approval of the vice president for finance and administration or budget director to establish the account or notify the department why an account will not be established.

Requests for departmental expenditure accounts must include a detailed budget. No account will be established until funding for the account is available. No funds will be obligated or expended until the account is established.

The Request to Establishing a New Departmental Account form can be used to establish a new Banner fund or a new Banner organization (org) as appropriate. The Controller’s Office will notify the account manager or the originating department of new fund, org, and program FOP code that is to be used as the new account.

The controller’s office will notify the account manager when the account is ready for use.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration, Controller
Forms: Request to Establish a New Departmental Account and Establishing a New Banner Fund – External Awards and Contracts. Both forms are available online on the forms link: http://www.sfasu.edu/3386.asp

Board Committee Assignment: Finance and Audit
Retirement Programs (E-43)

Original Implementation: September 1, 1983
Last Revision: January 25, 2011

Employees of the university working 20 hours per week (50 percent time) or more for a period of at least four and one-half months must participate in a retirement program. Either the Teacher Retirement System of Texas (TRS) or an Optional Retirement Program (ORP). This excludes students employed in positions requiring student status as a condition of employment.

Contribution amounts for the employee, and the employer matching monies, are determined by the Texas State Legislature. These amounts are subject to change with any legislative session. The amounts listed are those in effect at the time of publication of this policy and in no way reflect a contract between Stephen F. Austin State University and any employee.

With regard to federal, private and other non-education and general contributions to retirement programs, matching contributions into both ORP and TRS based on salaries and wages paid from these sources will be direct fringe benefits charged against these sources.

Teacher Retirement System:
Employees who participate in the Teacher Retirement System of Texas are required to contribute 6.4% of their gross annual salary to the Retirement System. The employer matching contribution is 6.44% of the gross annual salary beginning 1-1-2010. Contributions are obtained through monthly payroll deductions. An employee’s contributions are tax-deferred.

Optional Retirement Program
An Optional Retirement Program is available to the following employees of the university who must be employed at 100% FTE for a full semester or four and one-half months: full-time members of the faculty whose duties include teaching or research; faculty members; administrators responsible for teaching and research; faculty administrators; professional librarians; executive administrators, other key administrators, athletic coach, and professionals as those terms are defined in 19 Tex. Admin. Code § 25.4; and the president, vice presidents, or other professional staff members whose national mobility requirements are similar to those of faculty members and who fill a position that is the subject of nationwide searches in the academic community. Eligibility to participate is also subject to rules adopted by the Texas Higher Education Coordinating Board. Positions listed as non-exempt are ineligible to participate. Eligibility in ORP is in lieu of present or future active membership in the Teacher Retirement System of Texas.
The university Board of Regents utilizes the following definitions, promulgated by the Texas Higher Education Coordinating Board, for determining eligibility for participation in the Optional Retirement Program:

- "a member of the faculty whose duties include teaching or research" shall mean: all persons whose specific assignments are made for the purpose of conducting instruction or research as a principal activity (or activities), and who hold titles of professor, associate professor, assistant professor, instructor, lecturer, or equivalent faculty title;
- "an administrator responsible for teaching and research faculty" shall mean: deans, directors, associate deans, assistant deans, chairpersons or heads of academic departments if their principal activity is planning, organizing and directing the activities of faculty as defined in subsection (1) of this section;
- "professional librarian" shall mean: a librarian with a degree in library science;
- "other professional staff person" shall mean: administrative and professional positions customarily recruited by advertising in national publications such as The Chronicle of Higher Education or in newsletters of national professional associations or at meetings of such associations. In addition, each administrative or professional position must be at a salary rate equivalent to the rate for faculty for the institution.

  — administrative positions shall normally report to the office of the president, vice president or dean. Incumbents in such positions serve as director or other administrative head of a major department or budget entity. Incumbents of such positions must be:
    — appointed by the governing board or the chief administrative officer of the institution, or his/her delegate; and
    — responsible for the preparation and administration of the budget, policies and programs of the department or entity.
  — professional positions shall include positions in nationally recognized fields, which require advanced degrees and/or specialized professional and artistic training, experience and achievement. These would include titles such as physicians, athletic coaches, engineers and lawyers.

TIME LIMIT FOR ELECTION OF ORP--Eligible new employees have 90 days after employment by the university in an ORP-eligible position to elect to participate in ORP. An employee who elects to participate in ORP must complete the Form TRS 28 and the proper payroll forms. If applicable, the employee will complete Form TRS 29 to withdraw all contributions they made to TRS prior to election ORP.

CONTRIBUTIONS TO ORP--Contributions of participants in ORP shall be 6.65% of gross annual salary. The employer matching contribution is 8.5% of the gross annual salary for grandfathered employees (ORP participants prior to 9-1-95.) New employees hired on or after 9-1-95 and before 8-31-2007, received a 6.0% employer matching contribution. Beginning 9-1-2009, the state has changed the amount for employees hired on or after 9-1-1995 from 6.58% to 6.4% and all new employees receive 6.4% employer matching contributions.

Federal, Private and other Non-Education and General Contributions to Retirement Programs. As a result of House Bill 2083 passed by the Texas 66th Legislature, and
Senate Bill 745 passed by the Texas 69th Legislature, matching contributions into both ORP and TRS based on salaries and wages paid from these sources will be direct fringe benefit charges against these sources.

A listing of authorized vendors and agents is available in Human Resources.

**Cross Reference:** Tex. Gov’t Code Ch. 821-830; 19 Tex. Admin. Code § 25

**Responsible for Implementation:** President

**Contact for Revision:** Director of Human Resources

**Forms:** Form TRS 28 and the ORP-1, (both forms are available in Human Resources)

**Board Committee Assignment:** Finance and Audit
Security Sensitive Positions (E-44)

**Original Implementation:** May 1, 1989  
**Last Revision:** January 27, 2009  
**January 31, 2012**

Security sensitive positions are those in which employees handle currency, have access to financial, legal, medical, personnel or student academic records, use a computer terminal, have access to a master key, or work in an area of the university which has been designated as a security sensitive area. Positions designated as security sensitive will be identified as such in individual job descriptions, in any advertising for job applicants, and in all personnel transaction forms and correspondence with Human Resources concerning recruitment.

Department heads and/or account managers having the authority to employ, who desire to establish, change, or delete a position as security sensitive must submit, through administrative channels, a recommendation to the appropriate vice president. If approved, the vice president will forward the recommendation to the director of Human Resources who will identify the position as security sensitive in the personnel records of the university. All advertisements and notices released for security sensitive positions shall include the statement: "Security Sensitive Position."

At or prior to employment, Human Resources will conduct a Criminal Record Check prior to employment. The candidate may be offered continued employment by the university contingent upon the evaluation of the criminal history record check. If the check reveals a criminal record, the director of Human Resources will evaluate the record in light of the university's policy on employment of persons with criminal history and confer with the department head on whether the employee will be "recommended" or "not recommended" for continued employment. A recommendation to continue employment will be made when there is no criminal record, or when there is a record but it is not considered a bar to employment of the candidate by the university for that position. The appropriate vice president or president will make the final decision on continued employment of the candidate.

After the expiration of the employee's probationary term of employment, all criminal history information relating to the employee shall be destroyed.

**Cross Reference:** Texas Educ. Code § 51.215; Tex. Gov't Code § 411.094

**Responsible for Implementation:** Vice President for Finance and Administration
Contact for Revision: Director of Human Resources and General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs
Special Purchases (C-36) POLICY DELETED 1/31/2011

Original Implementation: Unpublished
Last Revision: January 27, 2009

The following items require special consideration for proper processing:

1. **Advertising copy**: Requires approval by the Office of Public Affairs prior to release. See Policy D-39 University Publications.

2. **Account Types**: Procurement generally views the distinction between types of accounts as follows:

   1-xxxxx (except for the 1-7xxxx series): State Appropriated Funds—Use of funds must relate directly to the educational purpose of the university.

   1-7xxxx; HEF and Instructional Capital (IC)—Use of funds must be for the purchase of equipment only. Books and videos may also be purchased with HEF and IC. Maintenance may be purchased only if purchased concurrently with equipment.

   2-xxxxx: Designated Funds other than Course Fee Accounts—Use of funds is designated by the university and must relate to the educational purpose of the university or be of benefit to the university department.

   2-xxxxx: Course Fee Accounts—Use of funds must be for the specific course to which it applies.

   3-xxxxx: Auxiliary Funds—Use of funds must be related to a university business type enterprise.

   4-xxxxx: Restricted Grant Funds—Use of funds is restricted to the purpose and/or restrictions of the grant.

   5-xxxxx: Discretionary Funds—Use of funds is restricted to certain departments or specific purposes including use at the discretion of the account manager/department head.

   0-9xxxx: Agency Funds—Use of funds is never processed through the requisition/purchase order process. See Policy C-01.2 Agency Accounts for detailed information about the use and disbursement of funds from these accounts.
3. **Purchase Order Total $100,000 Or Greater:** Requires Board of Regents approval unless otherwise exempted by Policy D-20.5 Items Requiring Board of Regents Approval or Policy C-9 Contracting Authority.

4. **Bus Charters:** Requires standard contract from vendor plus Addendum to Charter Bus Contract. See Preferred Vendor Contracts for annual contracts.

5. **Consultant Contracts:** Review Policy C-45 Professional and Consultant Services carefully before making any commitment on behalf of the university.

6. **Purchases from Employees:** See Policy C-27 Purchases from Employees and Policy C-33 Purchasing Ethics and Confidentiality.

7. **Food Purchases:** All purchases of food must be certified by the account manager in accordance with Policy C-13 Food Purchases and is prohibited on certain accounts.

8. **Insurance:** Purchase of insurance is to be submitted on a purchase requisition and requires approval by the State Office of Risk Management. Specific insurance requirements should be brought to the attention of the Environmental Health, Safety and Risk Management Office.

9. **Interagency and Interlocal Contracts:** See Policy C-18 Interagency and Interlocal Contracts.

10. **Memberships:** See Policy C-17 Memberships.

11. **Moving Expenses:** See Policy C-21 Moving Expenses.

12. **Printing:** University Printing Services is to be utilized to the extent possible for printing and duplication. All official university publications require editorial approval prior to printing regardless of the source of printing services. See Policy D-39 University Publications.

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

14. **Proprietary Purchases:** See Policy C-26 Proprietary Purchases.

15. **Radioactive or Radiation Producing Materials or Equipment:** See Policy D-27 Radioactive or Radiation Producing Material or Equipment.

16. **Real Property — Rental, Lease or Purchase:** The rental, lease or purchase of real estate requires approval of the vice president for finance and administration.

17. **TIBH (Texas Industries for the Blind and Handicapped):** Required source if using state funds. If TIBH is not used an exception report must be completed and submitted to the director of procurement.

18. **Used Equipment:** The purchase of used equipment valued over $5,000 requires additional documentation. See Policy C-29 Purchase of Used Equipment or Supplies.

**Cross Reference:** Agency Accounts, Policy C01.2; Food Purchases, Policy C-13; Memberships, Policy C-17; Moving Expenses, Policy C-21; Proprietary Purchases, Policy C-26; Purchases From Employees, Policy C-27; Purchase of Used Equipment or
Appendix 4

Supplies, Policy C-29; Purchasing Ethics and Confidentiality, Policy C-33; Professional and Consultant Services, Policy C-45; Radioactive or Radiation Producing Materials or Equipment, Policy D-27; University Publications, Policy D-39

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** Purchase Requisition (Use FRS System); Preferred Vendor Contracts (Purchasing website); Addendum to Charter Bus Contract (General Counsel’s website)
Temporary Employment (E-49)

Original Implementation: September, 1988
Last Revision: January 27, 2009, January 31, 2012

When it becomes necessary for a department to seek temporary employees, and temporary assistance is not available from within the department, division or college, the following procedures must be followed.

Temporary Casual Employment

A department may employ a temporary, casual employee either on a part-time or full-time basis for a period not to exceed ninety (90) consecutive working days. Departments may hire a casual employee without posting the position. Casual employees must be paid at least minimum wage and must complete the appropriate paperwork with the Human Resources office within the first three (3) days of employment and attend the mandatory EEO Training within the first thirty (30) days of employment. Departments should complete a PAR, the EPAF (Electronic Personnel Action Form) to hire the casual employee, fax a copy to Human Resources, and then route the PAR for signatures.

Temporary Services

Temporary employees may also be secured through the temporary agency which has contracted with SFA to provide temporary labor services. The SFA department needing assistance should contact the temporary agency to make the order and negotiate the wage to be paid to the temporary services employee. Upon agreement between the department and the temporary agency, the temporary agency will contact the SFA Human Resources and Procurement and Property Services Departments to notify them of the agreement. More detailed information regarding the temporary agency and how to secure a temporary employee can be found on the SFA Human Resources and Procurement and Property Services Departments’ websites.

Temporary Staff Appointments

A department may occasionally have a need to fill a temporary position for a time period which would extend beyond the 90-day temporary casual employment category. A “temporary staff appointment” is available for a terminal period of time which would be determined and clearly communicated by the president or appropriate vice president before the employment could take place. These temporary positions will be required to be posted for 5 days. The appointment will be communicated in writing to the selected candidate and it will be clearly stated that the position is temporary, for a specified period
of time. These positions will be eligible for benefits, if they are employed for a period of more than four and one-half months and have at least a 50% FTE. The employment of the selected candidate will be “at-will” and may be terminated at any time during the employment period for any reason other than for a discriminatory or other illegal cause.

**Cross Reference:** Personnel Action Request, see Index E-39

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** President

**Forms:** Personnel Action Request, see Index E-39, *Electronic Personnel Action Form (EPAF)*

**Board Committee Assignment:** Academic and Student Affairs