

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



**Nacogdoches, Texas
July 16 and 17, 2012
Volume 276**

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MEETING 276

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**Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
July 16 and 17, 2012
Austin Building 307
Meeting 276**

Monday, July 16, 2012

The regular meeting of the Board of Regents was called to order in open session at 8:02 a.m. Monday, July 16, 2012, in the Austin Building Board Room by Chair Bob Garrett. The newly appointed student regent, Ms. Jourdan Dukes, was introduced and welcomed to her first board meeting.

PRESENT:

Board Members: Mr. Bob Garrett, Chair
 Mr. Carlos Amaral
 Dr. Scott Coleman
 Mr. James Dickerson
 Ms. Sarah Dukes
 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

The Building and Grounds Committee convened at 8:04 a.m. and adjourned at 10:55 a.m. The Finance and Audit Committee convened at 11:00 a.m. and adjourned at 3:25 p.m. The Academic and Student Affairs Committee convened at 3:25 p.m. and adjourned at 4:25 p.m.

The chair called for an executive session at 4:25 p.m. to consider the following items:

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to issues related to reported complaints, taxation, In Re: Dr. and Mrs. J.E. Watkins Scholarship Trust, Jacob Duffee v. Baker Pattillo, et al., Christian Cutler v. Baker Pattillo, et al. and intellectual property. (Texas Government Code, Section 551.071)

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

Possible naming opportunity

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

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the dean of the Nelson Rusche College of Business, director of athletics, head athletic coaches, the general counsel, director of audit services, coordinator of board affairs, vice presidents and the president. (Texas Government Code, Section 551.074)

The executive session ended at 7:18 p.m. and the board meeting was recessed for the evening with no further action.

Tuesday, July 17, 2012

The chair reconvened the board meeting in open session at 9:02 a.m. on Tuesday, July 17, 2012.

PRESENT:

Board Members: Mr. Bob Garrett, Chair
 Mr. Carlos Amaral
 Dr. Scott Coleman
 Mr. James Dickerson
 Ms. Jourdan Dukes
 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 Ware led the pledge to the flags and Regent Todd provided the invocation.

RECOGNITIONS

Kevin Stafford, Assistant Professor of Geology, was presented to report on the nationally recognized SFA chapter of the American Association of Petroleum Geologists. Robert Hill presented members of his staff in celebration of the presentation to SFA of the Southland Conference Commissioner's Cup.

APPROVAL OF MINUTES

BOARD ORDER 12-26

Upon motion by Regent Amaral, seconded by Regent Coleman, with all members voting aye, it was ordered that the minutes of the April 16 and 17, 2012, regular meeting of the Board of Regents and the June 8, 2012, special meeting of the Board of Regents be approved as presented.

ADMINISTRATION (Agenda Items 2 – 5)

BOARD ORDER 12-27

Upon motion by Regent Schaefer, seconded by Regents McCarty, with all members voting aye, the following items were approved:

ELECTION OF PRESIDENT

A performance evaluation was conducted, and Baker Pattillo was reelected as president of Stephen F. Austin State University at an annual salary of \$303,389, effective September 1, 2012.

ELECTION OF GENERAL COUNSEL

A performance evaluation was conducted, and Damon Derrick was reelected general counsel at an annual salary of \$122,720, effective September 1, 2012.

ELECTION OF DIRECTOR OF AUDIT SERVICES

A performance evaluation was conducted, and Gina Oglesbee was reelected director of Audit Services at an annual salary of \$110,323, effective September 1, 2012.

ELECTION OF COORDINATOR OF BOARD AFFAIRS

A performance evaluation was conducted, and Judy Buckingham was reelected coordinator of board affairs at an annual salary of \$38,000, with a change in work assignment to five hours each working day on campus and three hours each working day off campus, effective September 1, 2012.

PERSONNEL

BOARD ORDER 12-28

Upon motion by Regent Todd, seconded by Regent McCarty, with all members voting aye, it was ordered that the following personnel items be approved.

FACULTY APPOINTMENTS FOR 2012 – 2013

BUSINESS

Clive Muir, Associate Professor of Business Communication and Legal Studies, Ph.D. (New Mexico State University), at an academic year salary of \$78,000 for 100 percent time, effective September 1, 2012.

Martha Gail Weatherly, Assistant Professor of General Business, Ph.D. (Texas A&M University) at an academic year salary of \$75,000 for 100 percent time, effective September 1, 2012.

EDUCATION

Elizabeth M. Bellows, Assistant Professor of Elementary Education, M.S. (Texas A&M University), at an academic year salary of \$52,000 for 100 percent time, effective September 1, 2012, contingent upon completion of doctorate by September 1, 2012.

Brandon Fox, Assistant Professor of Elementary Education, Ph.D. (Texas A&M University) at an academic year salary of \$54,000 for 100 percent time, effective September 1, 2012.

Lorna Sheriff, Assistant Professor of Human Sciences, M.Ed. (Texas A&M University) at an academic year salary of \$54,000 for 100 percent time, effective September 1, 2012.

Todd Whitehead, Assistant Professor of Kinesiology and Health Science, Ph.D. (University of Southern Mississippi) at an academic year salary of \$57,000 for 100 percent time, effective September 1, 2012.

FINE ARTS

Richard Ellis, Visiting Assistant Professor of Theatre, MFA (New York University) at an academic year salary of \$44,500 for 100 percent time, effective September 1, 2012.

Zachary Hanks, Visiting Assistant Professor of Theatre, MFA (University of South Carolina) at an academic year salary of \$42,000 for 100 percent time, effective September 1, 2012.

Candace Hicks, Assistant Professor of Art, MFA (Texas Christian University), at an academic year salary of \$43,500 for 100 percent time, effective September 1, 2012.

Laura Rikard, Assistant Professor of Theatre, MFA (University of Virginia), at an academic year salary of \$44,500 for 100 percent time, effective September 1, 2012.

LIBERAL AND APPLIED ARTS

Paul Bellinger, Assistant Professor of Government, B.A. (Southern Illinois University), at an academic year salary of \$46,000 for 100 percent time, effective September 1, 2012, contingent upon completion of doctorate by September 1, 2012.

Carlos Cuadra, Visiting Assistant Professor of Spanish, Ph.D. (University of Colorado at Boulder) at an academic year salary of \$47,000 for 100 percent time, effective September 1, 2012.

Steven Estrada, Assistant Professor of Psychology, Ph.D. (Cornell University), at an academic year salary of \$46,000 for 100 percent time, effective September 1, 2012.

Milton Hill, Instructor of Government, M.S. (Sam Houston State University), at an academic year salary of \$43,000 for 100 percent time, effective September 1, 2012, contingent upon completion of doctorate by December 31, 2012.

Robert Polewan, Visiting Assistant Professor of Psychology, Ph.D. (University of Massachusetts) at an academic year salary of \$45,000 for 100 percent time, effective September 1, 2012.

Brook Poston, Assistant Professor of History, M.A. (University of Missouri-Kansas City), at an academic year salary of \$46,000 for 100 percent time, effective September 1, 2012, contingent upon completion of doctorate by August 31, 2012.

Latoya Wesley, Visiting Assistant Professor of Psychology, Ph.D. (Howard University), at an academic year salary of \$45,000 for 100 percent time, effective September 1, 2012.

STAFF APPOINTMENTS FOR 2012 – 2013

ADMISSIONS

Brittany Minchew, Admissions Counselor, at an annual salary of \$32,000 for 100 percent time, effective June 1, 2012.

ATHLETICS

Andrew Collins, Athletic Video Production Coordinator, at an annual salary of \$35,000 for 100 percent time, effective May 14, 2012.

Devin Ducote, Assistant Football Coach, at a 10.5 month salary of \$29,338 for 100 percent time, effective June 11, 2012.

Kendal Harper, Assistant Softball Coach, at a 10.5 month salary of \$34,816 for 100 percent time, effective June 18, 2012.

Talvin Hester, Assistant Men's Basketball Coach, at a 10.5 month salary of \$45,000 for 100 percent time, effective June 18, 2012.

Mark Mitchell, Athletic Strength and Conditioning Assistant, at an annual salary of \$32,500 for 100 percent time, effective August 6, 2012.

Jeffrey Smith, Head Athletic Trainer, at an annual salary of \$65,000 for 100 percent time, effective July 2, 2012.

CAMPUS RECREATION

Robert Kuykendall, Coordinator of Intramurals, at an annual salary of \$33,000 for 100 percent time, effective June 18, 2012.

Kati Van Dunk, Coordinator of Promotions and Sponsorships, at an annual salary of \$32,000 for 100 percent time, effective June 4, 2012.

EDUCATION

Robertha Frazier, Project Director of Deep East Texas P-16 Regional Council, at a nine month salary of \$29,250 for 75 percent time, effective April 2, 2012.

HEALTH SERVICES

Ann Drayman, Physician Assistant, at a 10.5 month salary of \$80,000 for 100 percent time, effective July 2, 2012.

Penny Jeffery, Director of Health Services, at a 10.5 month salary of \$107,500 for 100 percent time, effective August 27, 2012.

INFORMATION TECHNOLOGY SERVICES

Elijah Genskow, Programmer/Analyst I, at an annual salary of \$35,000 for 100 percent time, effective May 14, 2012.

Josh Radnitzer, Programmer/Analyst I, at an annual salary of \$35,000 for 100 percent time, effective June 25, 2012.

CHANGES OF STATUS FOR 2012 – 2013

ATHLETICS

Kevin Carberry, from Assistant Football Coach at a 10.5 month salary of \$35,000 for 100 percent time, to Assistant Football Coach with a change in job assignment at a 10.5 month salary of \$45,000 for 100 percent time, effective June 1, 2012.

David Gibbs, from Assistant Football Coach at a 10.5 month salary of \$82,139 for 100 percent time, to Assistant Football Coach with a change in job assignment at a 10.5 month salary of \$85,000 for 100 percent time, effective June 1, 2012.

Jake Morrison, from Assistant Football Coach at a 10.5 month salary of \$35,000 for 100 percent time, to Assistant Football Coach with a change in job assignment at a 10.5 month salary of \$45,000 for 100 percent time, effective June 1, 2012.

Arlington Nunn, from Assistant Football Coach at a 10.5 month salary of \$71,843 for 100 percent time, to Assistant Football Coach with a change in job assignment at a 10.5 month salary of \$74,000 for 100 percent time, effective June 1, 2012.

Richard Olin, from Assistant Football Coach at a 10.5 month salary of \$82,000 for 100 percent time, to Assistant Football Coach with a change in job assignment at a 10.5 month salary of \$85,000 for 100 percent time, effective June 1, 2012.

Nathan Schneider, from Assistant Football Coach at a 10.5 month salary of \$40,000 for 100 percent time, to Assistant Football Coach with a change in job assignment at a 10.5 month salary of \$45,000 for 100 percent time, effective June 1, 2012.

Harold Truax, from Assistant Football Coach at a 10.5 month salary of \$72,176 for 100 percent time, to Assistant Football Coach with a change in job assignment at a 10.5 month salary of \$74,000 for 100 percent time, effective June 1, 2012.

BUSINESS

Todd Brown, from Assistant Professor of Finance at an academic year salary of \$100,460 for 100 percent time, to Associate Professor and Chair of Economics and Finance at an 11 month salary of \$127,000 for 100 percent time, effective July 1, 2012.

CONTROLLER'S OFFICE

Eric Ashworth, from Accountant II at an annual salary of \$44,000 for 100 percent time, to Accountant III at an annual salary of \$50,000 for 100 percent time, effective June 1, 2012.

FINE ARTS

Christopher Talbot, from Associate Professor and Interim Director of the School of Art at an academic year salary of \$56,673 for 100 percent time with an additional stipend of \$500 per month for interim duties, to Director of the School of Art at an annual salary of \$91,000 for 100 percent time, effective September 1, 2012.

INFORMATION TECHNOLOGY SERVICES

Tristan Adams, from Programmer/Analyst II at an annual salary of \$42,000 for 100 percent time to Programmer/Analyst III at an annual salary of \$50,000 for 100 percent time, effective April 1, 2012.

LIBERAL AND APPLIED ARTS

Troy Davis, from Professor and Chair of History at an 11 month salary of \$103,475 for 100 percent time, to Professor of History at an academic year salary of \$74,400 for 100 percent time, effective September 1, 2012.

Marc Guidry, from Associate Professor of English at an academic year salary of \$57,673 for 100 percent time, to Associate Professor of English and Associate Dean of Liberal and Applied Arts at an annual salary of \$92,000 for 100 percent time, effective September 1, 2012.

Jerry Williams, from Professor and Chair of Social and Cultural Analysis at an annual salary of \$104,213 for 100 percent time, to Professor of Social and Cultural Analysis and Interim Chair of Psychology at an academic year salary of \$83,439 for 100 percent time with an additional stipend of \$2,818 per month for interim duties for 11 months, effective September 1, 2012.

OFFICE OF RESEARCH AND SPONSORED PROGRAMS

Jennifer Davis, from Assistant Director of Career Services in Counseling and Career Services at an annual salary of \$41,120 for 100 percent time, to Research Development Specialist at an annual salary of \$45,000 for 100 percent time, effective June 1, 2012.

PINEYWOODS AREA HEALTH EDUCATION CENTER

Lurah Bryant, from Coordinator AHEC at an annual salary of \$33,100 for 100 percent time to Assistant Director AHEC at an annual salary of \$38,000 for 100 percent time, effective April 1, 2012.

SCIENCES AND MATHEMATICS

Kenneth Farrish, from Professor of Forestry at an academic year salary of \$103,903 for 100 percent time, to Professor of Forestry and Interim Chair of Geology at an academic year salary of \$103,903 for 100 percent time with an additional stipend of \$1,000 per month for interim duties for 14 months, effective June 1, 2012.

Russell Nielson, from Professor and Chair of Geology at an annual salary of \$94,561 for 100 percent time, to Professor of Geology at an academic year salary of \$78,915 for 100 percent time, effective September 1, 2012.

UNIVERSITY ADVANCEMENT

Jill Still, from Director of Development at an annual salary of \$95,000 for 100 percent time, to Vice President for University Advancement at an annual salary of \$155,000 for 100 percent time, effective June 11, 2012.

RETIREMENTS

The following retirements were accepted:

Frances Beth Anson, Assistant Professor of Psychology, effective May 31, 2012.

Joseph McWilliams, Professor of Mathematics and Statistics, effective May 31, 2012.

John H. Miller, Director of Health Services, effective August 31, 2012.

Sanford Miller, Assistant Director of Athletics (Athletic Sports Medicine), effective August 31, 2012.

William Wilson, Project Coordinator, Advance Technical Credit, effective August 31, 2012.

PROMOTIONS

The following individuals were granted promotion to the academic rank indicated, effective fall semester, 2012.

To Associate Professor:

Brian Beavers	Mathematics
Jeremy Becnel	Mathematics
Kent Riggs	Mathematics

HOLIDAY SCHEDULE FOR 2012-2013

WHEREAS, the board considered the following: Thirteen holidays are allowed by the state for 2012-2013. The following schedule will allow SFA to be closed for Labor Day, two days at Thanksgiving, seven working days during Christmas, five working days during Spring Break, Memorial Day, and Independence Day, which totals 17 days. Employees will be required to take two days of vacation or compensatory time on December 27 and 28, and two days of vacation or compensatory time on March 14 and 15. Campus buildings will be shut down for 11 days during the Christmas break, and nine days during Spring Break, which will result in significant energy savings.

Sept. 3 Labor Day
Nov. 22-23 Thanksgiving Break
Dec. 24-Jan. 1 Christmas Break
Mar. 11-15 Spring Break
May 27 Memorial Day
July 4 Independence Day

THEREFORE, the holiday schedule for 2012-2013 was approved as presented.

ACADEMIC AND STUDENT AFFAIRS

BOARD ORDER 12-29

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

APPROVAL OF UNIVERSITY MISSION STATEMENT

WHEREAS, the board members considered the following: State law [Texas Education Code, Chapter 61, Section 61.051(e)] requires that the Texas Higher Education Coordinating Board review public universities' and health-related institutions' mission statements every four years. Stephen F. Austin State University's mission statement is scheduled to be considered by the coordinating board at its quarterly meeting in January 2013.

THEREFORE, the Board of Regents approved the current mission statement as appropriate for submission to the Texas Higher Education Coordinating Board for review and approval at its January 2013 meeting. The mission statement is:

Stephen F. Austin State University is a comprehensive institution dedicated to excellence in teaching, research, scholarship, creative work, and service. Through the personal attention of our faculty and staff, we engage our students in a learner-centered environment and offer opportunities to prepare for the challenges of living in the global community.

CONSIDERATION OF REQUEST FROM THE COLLEGE OF SCIENCES AND MATHEMATICS FOR CHANGE IN THE DEPARTMENT OF BIOLOGY

WHEREAS, the board members considered the following: The College of Sciences and Mathematics requests the relocation of the biotechnology program to the Department of Biology and the elimination of the Division of Biotechnology. The move will more accurately reflect the academic content of the program and how the program functions within the college. The program will be administered by the Department of Biology rather than functioning as a separate administrative unit.

THEREFORE, the Board of Regents approved the move of biotechnology to the Department of Biology and the elimination of the Division of Biotechnology.

INTERCOLLEGIATE ATHLETIC POLICIES AND PROCEDURES MANUAL REVISIONS

WHEREAS, the board members considered the following: In accordance with NCAA requirements the university adopted an Intercollegiate Athletic Policies and Procedures Manual in 1994. This policy manual is annually reviewed and approved by the board in its July meeting. Minor policy and/or procedure changes have occurred since the July 2011 revision and are included in Appendix 1.

THEREFORE, the Board of Regents approved the revisions to the Athletic Policies and Procedures Manual as presented in Appendix 1.

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 6:

- Concurrent and Dual Credit Enrollment Programs (A-50)
- Conflict of Interest in Sponsored Activities (A-11.5)
- Discrimination Complaints/Sexual Harassment (E-46)
- Faculty/Staff Traffic Appeals (D-12)
- Flag Display (D-15)
- Misconduct in Research and Scholarly Activities (A-31.5)

Misconduct in Scholarly or Creative Activities (A-80)
Performance Management Plan (E-57)
Prohibition of Campus Violence (D-55)
Semester Grades (A-54)
Service Awards (E-45)
Student Discipline (D-34)
Time Clock (E-51.1N)

BUILDING AND GROUNDS

BOARD ORDER 12-30

Upon motion by Regent McCarty, seconded by Regent Dickerson, with all members voting aye, the following building and grounds item was approved:

SELECTION OF AN ARCHITECTURAL FIRM FOR THE CONSERVATION EDUCATION CENTER

WHEREAS, the board members considered the following: At the April 19, 2012, Board of Regents meeting, the university was authorized to issue a request for qualifications (RFQ) for an architect for the Conservation Education Center project. The university reviewed submissions and developed a set of finalists to make presentations to the regents. These three finalists were interviewed by board members at the July 16, 2012, meeting of the Building and Grounds Committee: Ray+Hollington Architects, Sutton Mitchell Beebe & Babin, and Pollen Architecture & Design. Major discussion issues in the committee selection of Sutton Mitchell Beebe & Babin as the recommended architect for the Conservation Education Center project included:

- Attention to detail in the preliminary schematic design
- Availability during the project due to their regional location
- The quality of the presentation

THEREFORE, the Board of Regents approved the selection of Sutton Mitchell Beebe & Babin as the architectural firm for the Conservation Education Center project and authorized the president to sign all associated contracts and purchase orders.

BOARD ORDER 12-31

Upon motion by Regent McCarty, seconded by Regent Schaefer, with all members voting aye, the following building and grounds item was approved:

SELECTION OF A CONSTRUCTION MANAGER AT RISK FOR THE CONSERVATION EDUCATION CENTER

WHEREAS, the board members considered the following: At the April 19, 2012, Board of Regents meeting, the university was authorized to issue a request for proposals (RFP) for a construction manager at risk (CMR) for the Conservation Education Center project. The university reviewed submissions and developed a set of finalists to make

presentations to the regents. These two finalists were interviewed by board members at the July 16, 2012, meeting of the Building and Grounds Committee: J.E. Kingham Construction Company and Cox Contractors, Inc.

THEREFORE, the Board of Regents selected J.E. Kingham Construction Company as the most qualified firm to serve as construction manager at risk for the Conservation Education Center project and authorized the president to sign all associated contracts and purchase orders.

BOARD ORDER 12-32

Upon motion by Regent McCarty, seconded by Regent Amaral, with all members voting aye, it was ordered that the following four building and grounds items be approved:

TWILIGHT BALLROOM RENOVATION

WHEREAS, the board members considered the following: The Twilight Ballroom renovation was approved in the 2009-10 capital plan. The project scope included ceiling modifications, a new lighting system, life-safety enhancements, floor and wall refurbishing, and installation of an audio-visual system. The original budget for the project was \$300,000.

Engineering studies revealed the construction component of the renovation is estimated to cost \$300,000. Installation of an audio-visual system is an important component of the project, and is estimated to cost an additional \$150,000. The funds to support the entire project are contained in the fiscal year 2012 auxiliary renovation budget.

THEREFORE, it was approved that the Twilight Ballroom Renovation budget be increased to \$450,000 in order to accommodate the entire scope of the project. The source of funds will be budgeted auxiliary funds.

POWER PLANT WATER LINE

WHEREAS, the board members considered the following: At the July 19, 2011, meeting the regents approved the installation of a chilled water line that connected the power plant at Lumberjack Village to Kerr Hall. The project was budgeted for \$200,000 with auxiliary fund balance. The budget estimate was developed using previous campus projects as a basis. A subsequent engineering study determined the line route and size should be changed in order to realize a more efficient distribution. An additional \$75,000 is needed to complete the project.

THEREFORE, the budget for the chilled water line project was increased to \$275,000. The auxiliary contingency fund will be used to fund the additional \$75,000.

APPROVAL OF THE FISCAL YEAR 2012-13 CAPITAL PLAN

WHEREAS, the board members considered the following: The university has a long term campus infrastructure plan that addresses capital renewal, planned maintenance and

renovation projects. The 2012-13 capital plan addresses the university's current infrastructure need and includes academic, student life, building, and life safety initiatives.

THEREFORE, the Board of Regents approved the \$2,591,000 fiscal year 2012-13 capital plan by project. The plan is detailed in Appendix 2 and includes renovation, planned maintenance, and equipment replacement. Each project in Appendix 2 was funded at a level not to exceed the item cost, the source of funds used as described and the president was authorized to sign associated purchase orders.

BUILDINGS AND GROUNDS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 6:

- Building Design Standards (B-37)
- Energy Conservation (B-6)
- Fleet Management (B-33)
- Lease, Rental or Use of Off-Campus Facilities (B-35)
- Vehicle Repair and Maintenance (B-31)

BOARD ORDER 12-33

Upon motion by Regent McCarty, seconded by Regent Dickerson, with all members voting aye, the following building and grounds item was approved:

NAMING OF INA BRUNDRETT CONSERVATION EDUCATION BUILDING

WHEREAS, the board members considered the following: In accordance with Board Rules and Regulations, buildings and other facilities may be named for persons, both living and deceased, who make a significant donation to the university. The board will consider the appropriate naming of the facility to be constructed at 2900 Raguet Street, Nacogdoches, Texas, now commonly referred to as the Conservation Education facility at the Pineywoods Native Plant Center.

THEREFORE, the Board of Regents approved the naming of the facility to be constructed at 2900 Raguet Street, Nacogdoches, Texas, now commonly referred to as the Conservation Education facility at the Pineywoods Native Plant Center, the Ina Brundrett Conservation Education Building, to become effective upon completion of the facility.

FINANCIAL AFFAIRS

BOARD ORDER 12-34

Upon motion by Regent Coleman, seconded by Regent Todd, with all members voting aye, the Board of Regents acknowledged receipt of the audit services report, including an expenditure audit, payroll and human resources audit, update on audit plan and annual risk assessment.

BOARD ORDER 12-35

Upon motion by Regent McCarty, seconded by Regent Coleman, with all members voting aye, it was ordered that the following finance and audit items were approved.

RENEWAL OF THE INVESTMENT MANAGEMENT CONTRACT WITH MERRILL LYNCH

WHEREAS, the board members considered the following: Following a competitive proposal and screening process, the Board of Regents selected Merrill Lynch to continue to serve as the university's external fund manager on July 20, 2010. Pursuant to the Public Funds Investment Act, Texas Government Code Chapter 2256.003(b), a contract with an external fund manager must be renewed or extended every two years. The current contract with Merrill Lynch ends August 31, 2012.

THEREFORE, the Board of Regents approved the extension of an investment management contract with Merrill Lynch two years, beginning September 1, 2012, and authorized the president to sign the contract.

APPROVAL OF DUAL CREDIT ENROLLMENT COST

WHEREAS, the board members considered the following: Policy A-50 governs dual credit enrollment at the university. The policy currently specifies the cost of dual credit enrollment. The university wishes to remove dual credit enrollment costs from the policy and submit the cost as an item to be considered by the Board of Regents.

THEREFORE, the Board of Regents approved the current dual credit enrollment cost of \$25 per hour plus a fee of \$25 per semester credit hour for online classes. In addition, it was approved that associated course-related fees be charged beginning with the spring 2013 semester.

GRANT AWARDS

WHEREAS, the board members considered the following: To date, the university has received multi-year grant awards totaling \$49,327,370 that include funds allocable to fiscal year 2012. This includes \$684,457 in new awards since the last report and a \$3,917,833 elected reduction in ARRA stimulus loan funds to be applied to the cost of the Building Efficiency and Retrofit programs. Of the multi-year total, grant awards allocable to fiscal year 2012 are \$12,576,769, which includes an increase of \$601,267 and the adjustment for the stimulus loan reduction.

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, the additional grant awards allocable to fiscal year 2012, detailed in Appendix 3 and totalling \$601,267, were approved and ratified by the Board of Regents.

ADOPTION OF THE FISCAL YEAR 2012-13 CAPITAL PLAN BUDGET

WHEREAS, the board members considered the following: The university has a long term campus infrastructure plan that addresses capital renewal, planned maintenance and renovation projects. The 2012-13 capital plan addresses the university's current capital needs and includes academic, student life, building, and life safety initiatives. The capital plan budget is submitted for adoption.

THEREFORE, the Board of Regents adopted the \$2,591,000 fiscal year 2012-13 capital budget, as presented. The plan is detailed in Appendix 4 and includes renovation, planned maintenance, and equipment replacement. It was ordered that each project in Appendix 4 be funded at a level not to exceed the item cost, the source of funds used as described and the president was authorized to sign associated purchase orders.

ADOPTION OF THE FISCAL YEAR 2012-13 INSTITUTIONAL BUDGET

WHEREAS, the board members considered the following: In accordance with Article III of the State of Texas General Appropriations Act for the 2013-13 biennium, the recommended institutional budget totaling \$227,891,123 for fiscal year 2012-13 is submitted for approval. The proposed budget includes a 7.95% increase in tuition and fees, a 2.5% increase in residence hall rates and a 2% increase in meal plan rates. The proposed budget also includes faculty promotions, staff reclassifications, and a 3% merit pool for faculty and staff. A detailed Higher Education Fund allocation is included in Appendix 5.

THEREFORE, the Board of Regents approved the submitted institutional budget totalling \$227,891,123 for fiscal year 2012-2013.

FINANCIAL POLICY REVISIONS

The Board of Regents adopted revisions to the following financial policies as presented in Appendix 6:

- Auditing a Course – Tuition and Fees (C-3)
- Budget Control (C-47)
- Central Stores (F-7)
- Check Cashing (C-6)
- Delegated Purchasing Authority (C-10)
- Ethics (E-560)
- External Bank Accounts C-54)
- Indirect Cost Recovery, Distribution and Use (A-51)
- Institutional Reserves Fund (C-55)
- Memberships (C-17)
- Payment Card Acceptance and Security (C-61)
- Physical Plant Charges (B-21)
- Purchase Requisition (C-30)
- Purchase Voucher (C-31)
- Restrictions on Purchasing and Contracting with Certain Vendors (C-48)

Travel (C-49)

President Baker Pattillo presented a report on the following:

- Upcoming Dates
- Legislative Comments
- Special Items Committee
- London Band Trip
- Southland Conference Update
- Angelina College

Dr. Linda Bobo, Chair of the Faculty Senate, presented a report on the actions of the 2011-2012 Faculty Senate and the goals of the 2012-13 academic year:

- to hold Faculty Senate committees accountable for their action goals by adhering to timelines
- to hold the Faculty Senate accountable to themselves by actively participating on the assigned university committees
- to become stakeholders of the university by becoming involved on more university committees
- to build relationships with the leaders of the colleges through the request of having a college's faculty senator serve on the college's council

Dennis Hagans, president of the Student Government Association gave the following report:

- Watermelon Bash on July 17
- Lumberjack Fan Buses
- Voter Registration Activities

The meeting was adjourned at 10:20 a.m.

Athletic Policy Manual Changes for 2012-2013

<u>POLICY NAME</u>	<u>NUMBER</u>	<u>ACTION/CHANGE</u>
Departmental Organization	301	Title changes
AAD Business Affairs	302B	Report to change
Media Relations Director	302I	Report to change
AAD Academic Services	302K	Title change
Coordinator of Athletic Ops	302N	Report to change
AAD External Affairs	302O	Report to change
Budget: Salaries & Wages	401B	Minor change
Accountability: Inventory Control	403B	Name change
Purchasing Procedures	404	Minor change
Disbursements: Payroll	405B	Minor change
Ticket Office Operations	408A	Minor change added baseball and softball
Ticket Office Sales	408B	Minor change added baseball and softball
SA Conduct & Ethics	501A	Changes to social media policy
SA: Recruitment	502A	Minor change
SA: Admissions	502B	Added international student info
SA: Eligibility	502C	Major rewrite to reflect NCAA rule changes
SA: Financial Aid	502D	Minor change
SA: Non-Recruited	502E	Minor change
SA: Academic Policy	503A	Minor change
SA: Summer School	503B	Minor change
Transfer Release Policy	506F	Major rewrite
Departmental Staff: Hiring	508B	Minor changes, title changes
Departmental Staff: Vacations	508D	Minor change
Amorous Relationships	508K	New Policy

Coaches: Employment	510A	Minor changes
Outside Employment/Promo	510B	Minor changes
Team Travel	601B	Update to passenger van limits; other minor changes
Scheduling: Events/Special Events	602A	Minor change
Facilities: Strength & Condition	604C	Minor change
Athletic Events: Concessions	605A	Added baseball & softball
Music & Entertainment	605C	Changes to tailgate policy

301:1

DEPARTMENTAL ORGANIZATION

The head of Stephen F. Austin State University's Department of Intercollegiate Athletics is the Director of Athletics who reports to the President who in turn reports to the Board of Regents. Reporting directly to the Director of Athletics are:

- The Associate Athletic Director for Compliance and Student Services.
- The Assistant Athletic Director for ~~Student Academic~~ Services.
- The Assistant Athletic Director for Business Affairs.
- The Assistant Athletic Director for External Affairs.
- The Supervisor of Facilities and Equipment.
- The Senior Woman Administrator; who serves in a dual role as Assistant Athletic Trainer.
- ~~The Assistant Athletic Director for Sports Medicine who supervises the Assistant Athletic Trainers.~~ *Head Athletic Trainer who supervises the Assistant Athletic Trainers.*
- The Director of the Wellness Center.
- The Head Coaches for all sports.

In addition, the Director of Athletics works closely with:

- The Faculty Athletic Representative and the
- Intercollegiate Athletic Council.

SFA

7/20117/2012

302B:1

JOB DESCRIPTION ASSISTANT ATHLETIC DIRECTOR FOR BUSINESS AFFAIRS

Reports To: Director of Athletics

Positions Directly Supervised: ~~Media Relations Director~~ *Coordinator of Athletic Operations*

Basic Function

Responsible for directly overseeing the Department business operations and assisting the Director of Athletics with the overall management and control of the Department budget. Attends to daily business operations and financial planning and oversight.

Duties and Responsibilities

1. Assists in the development of budgets for all programs, in conjunction with the Director of Athletics, Head Coaches and other administrative staff members. Monitors budgetary compliance.
2. Participates in special planning studies related to income projections. Complies budget estimate information for athletics program operations and special projects, as requested.
3. Assists coaches and administrative staff with the business operations pertaining to their programs.
4. Aids in the negotiation of all Departmental contracts to include, television and radio rights, business facilities, rental, maintenance and concessions at the direction of the Director of Athletics.
5. Works closely with appropriate University Offices to ensure that all developed contracts meet University, as well as State rules and regulations requirements.
6. Develops and implements capital equipment purchasing procedures and special remodeling/maintenance projects, working with the University's Business and Purchasing Offices.
7. Reviews game guarantees and other appropriate financial arrangements with visiting teams, and prepares contracts for events, as necessary.
8. Oversees the planning and coordination of team travel arrangements, including transportation, lodging, meals, etc., for regular and postseason events.
9. Assists in the development of Southland Conference, and NCAA Championship budgets and financial reports.
10. Keeps the Director of Athletics informed regarding Departmental fiscal operations, providing periodic budget status reports.

302B:2

11. Interfaces with internal and external auditors, as well as with other University Departments having fiscal management authority.
12. Handles University receipts and has receipt processing duties as per University policy.
13. Attends University, Southland Conference, NCAA and other organizational meetings, as assigned.
14. Participates on University committees and task forces, as required.
15. Initiates or participates in projects as requested by the Director of Athletics.
16. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
17. Compliance matters will also be included in your annual Performance Management Review.
18. Performs additional duties and special projects as assigned by the Director of Athletics.

SFA

| 7/2009-7/2012

302I:1

JOB DESCRIPTION MEDIA RELATIONS DIRECTOR

Reports To: Assistant Athletic Director for ~~Business~~ External Affairs

Positions Directly Supervised: Assistant Media Relations Directors,
Media Relations Specialist
Interns,
Student Assistants.

Basic Function

Responsible for the development, planning, supervision and implementation of the Department's overall media relations efforts. Provides general supervision of the Media Relations Office, all intercollegiate sports publicity and the Athletic Department's official website.

Duties and Responsibilities

1. Implements Departmental policies and procedures as related to media relations, ensuring the integrity and enhancing the public image of SFA's intercollegiate athletics program.
2. Remains current and ensures compliance with all applicable University, Southland Conference, and NCAA rules and regulations.
3. Establishes and maintains cooperative working relationships with local, regional and national media representatives. Serves as the press liaison, arranging press conferences and establishing procedures for interviewing student-athletes, coaches and administrators. Arranges interviews when appropriate and convenient with Departmental personnel.
4. Supervises Media Relations Office personnel in the performance of their duties related to daily sports media services, the production of news releases and statistics, and the development of sports publications.
5. Coordinates media requests from radio, television and press personnel. Issues press credentials. Directs press box and press row operations.
6. Directs the preparation, maintenance and distribution of current statistical records for all intercollegiate sports.
7. Coordinates the writing, editing, publication and distribution of all sports information, to include press releases, feature articles, media guides, game programs and website content.
8. Maintains updated files on past and present SFA student-athletes and staff, including biographical and photographic materials.

302I:2

9. Oversees photography activities, including photograph sessions for teams, as well as still and video coverage of athletic events.
10. Acts as the Department's public relations liaison with the University, community and media.
11. Supervises all support staff assigned to media relations activities. Delegates and prioritizes staff administrative responsibilities.
12. Ensures that results of athletic events for all sports are reported to the appropriate media outlets.
13. Plans and coordinates press functions for all sports, when deemed appropriate.
14. Coordinates the coverage of away events, to include working with the opponent's media relations office and scheduling Media Relations staff travel, when deemed appropriate.
15. Assists student-athletes in dealing with media representatives.
16. Attends national, regional and Conference meetings as assigned by the Assistant Athletic Director for ~~Business~~ External Affairs or the Director of Athletics.
17. Performs media related duties and coordinates special projects as requested by the Assistant Athletic Director for Business Affairs or the Director of Athletics.
18. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
19. Compliance matters will also be included in your annual Performance Management Review.
20. Performs additional duties and initiates special projects as directed by the Director of Athletics.

SFA

7/2009/2012

302K:1

JOB DESCRIPTION
ASSISTANT ATHLETIC DIRECTOR FOR ~~STUDENT~~ ACADEMIC SERVICES

Reports To: Director of Athletics

Positions Directly Supervised: Academic Services Assistants
 Graduate Assistants
 Tutors

Basic Function

Serves as a liaison between the academic and athletic branches of the University. Oversees student-athlete academic activities from admissions through graduation. Implements programs and services which help guide and assist student-athletes in their academic endeavors.

Duties and Responsibilities

1. Develops, implements and coordinates an Academic Counseling Program for student-athletes.
2. Proposes and oversees the administration of the Program's annual budget.
3. Interacts with University faculty concerning issues related to student-athletes and their academic progress.
4. Assists Head Coaches with admissions procedures, interfacing with the Admissions Office and faculty committees, as required. Assists in monitoring the admissions process for student-athletes.
5. Monitors the compilation and maintenance of student-athlete academic profiles. Uses this information to develop academic counseling plans and services and to identify resources for these student-athletes.
6. Monitors the class attendance and performance of sports specific student-athletes. This is accomplished using the GradesFirst software and direct personal contact with professors. Regularly disseminates academic information to appropriate coaches.
7. Regularly disseminates essential student-athlete information, in conjunction with the Associate Athletic Director for Compliance and Student Services, to the following individuals:
 - a. The Director of Athletics and Athletic Certification Officer: reports on academic progress and eligibility;
 - b. The College Deans: general exchange of pertinent information, lists of all student-athletes for collection of individual related to degree progress;
 - c. The Faculty: questionnaires on academic progress;
 - d. The Coaches: Mid-semester/final grades, class schedules and eligibility status and tutoring reports; and

302K:2

- e. The student-athletes: notices of academic deadlines; academic deficiencies in course selections or required classes; office appointments and release forms for academic records.
- 8. Informs sports specific student-athletes of all registration procedures and related due dates. Provides pre-registration counseling and registration services for these student-athletes.
- 9. Assists with the creation and maintenance of academic files on all student-athletes, including the compilation of academic information on student-athletes for Southland Conference, and NCAA eligibility reports and forms.
- 10. Counsels student-athletes with academic concerns. Refers them to appropriate counseling or support services when needs outside the Academic Counseling Program offerings are identified.
- 11. Assists with the recruiting program by familiarizing prospective student-athletes with the various academic programs and support services available at SFA.
- 12. Develops and continually updates student files on academic progress. Files will be discussed each semester with student-athletes as to current standing and expectations for the upcoming semester. Head coaches will be provided updated copies of all progress reports.
- 13. Coordinates registration and advising activities for student-athletes.
- 14. Develops and oversees study programs designed to meet the needs of student-athletes, which include trained tutors, academic support counseling services.
- 15. Supervises Study Hall operations for the Department.
- 16. Plans and coordinates summer and fall orientation sessions for incoming student-athletes.
- 17. Refers student-athletes to appropriate University offices (e.g., Office of Admissions, Financial Aid, Housing, and University Counseling Center, etc.) when needs outside the academic counseling area are identified.
- 18. Assists student-athletes and coaches in rectifying "system problems" that require extended contact with one or more University offices.
- 19. Interacts with college registrars and faculty advisors to facilitate appropriate course enrollment.
- 20. Coordinates all student-athlete outreach activities.
- 21. Acts as advisor co-chairperson for the Student-Athlete Advisory Board.

302K:3

22. Attends professional meetings, seminars and continuing education classes (as time allows) to update and increase professional knowledge. Serves on various University committees.
23. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
24. Compliance matters will also be included in your annual Performance Management Review.
25. Performs additional duties and special projects as assigned by the Director of Athletics.

SFA

| 7/2011-7/2012

302N:1

JOB DESCRIPTION COORDINATOR OF ATHLETIC OPERATIONS

Reports to: Assistant Athletics Director for ~~External~~ Business Affairs

Positions Directly Supervised: Student Assistants; Event Management Personnel

Basic Function

Responsible for directly overseeing the staging of all home intercollegiate athletic events and the implementation of Southland Conference and NCAA rules and regulations pertaining to game management activities. Serves as the department's liaison to outside groups using athletic department facilities and works to troubleshoot potential conflicts with existing scheduled events. Attends to the daily oversight of the departmental calendar to include the scheduling of team practices and games, as well as non-athletic department events.

Duties and Responsibilities

1. Coordinates the preparation of the overall calendar of events for the Department, in conjunction with Head Coaches and other personnel involved with facility scheduling and services.
2. Attends to the daily supervision of the department calendar to accommodate the demanding practice and game schedules of all athletic department teams.
3. Oversees the staging and management of home athletic events, including the hosting of pre-season tournaments and championships.
4. Coordinates all Southland Conference and NCAA championship events.
5. Acts as the coordinator for UIL athletic events hosted by Stephen F. Austin State University. Activities include the planning and staging of the championships, and serves as the departmental liaison to the UIL office in Austin.
6. Serves as the departmental liaison to the following game management entities: concessionaires, ticket personnel, University Police Department, the band and other spirit groups.
7. Negotiates rental agreements and contracts, on behalf of the University.
8. Disseminates necessary information to visiting intercollegiate teams concerning trip procedures (i.e. restaurant and hotel guides, maps of campus, etc.).
9. Oversees the execution of Game Confirmation Letters to all opponents, pursuant to Southland Conference policy.
10. Oversees the coordination of departmental special events and post-season tournaments, as requested.

302N:2

11. Attends University, Southland Conference, and other organizational meetings, as assigned.
12. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
13. Compliance matters will also be included in your annual Performance Management Review.
14. Performs additional duties and special projects as assigned by the Director of Athletics or Assistant Athletics Director for ~~External~~ Business Affairs.

SFA

7/20057/2012

302O:1

JOB DESCRIPTION
Assistant Athletic Director for External Affairs

Reports To: Director of Athletics

Positions Directly Supervised: ~~Coordinator of Athletic Operations~~ *Director of Media Relations*
 Video Coordinator
 Graduate Assistant – Marketing & Promotions

Basic Function

Responsible for all external programs conducted on behalf of the athletic department, including planning, directing, coordinating and securing private gifts and athletic sponsorships from corporations, foundations and individuals, as well as developing and implementing an overall marketing plan for the department, oversee athletic promotional, public relations and ticket efforts. Serves as liaison for the athletic department to the office of development, alumni associations, public relations and booster groups in developing fund raising priorities and strategies. Work with athletic department administrative staff and coaches, university administration and community/state leaders in furthering the presence and image of SFA Intercollegiate Athletics. Develop and implement strategies to increase ticket sales and overall attendance at athletic events.

Duties and Responsibilities

1. Develop, implement and coordinate a comprehensive athletic fund-raising, corporate partnership and a marketing and promotions plan for the University.
2. Coordinate the Athletic Department's public relations effort.
3. Oversee the Athletic Annual Fund.
4. Communications and coordinates activities with all University fund raising agencies, including the Alumni Office, the Advancement office and outside parties.
5. Plan all athletic fund raising events.
6. Designs proposals requesting gifts and/or sponsorships from donors, businesses or corporations and private foundations.
7. Informs donors/sponsors on a consistent basis regarding the location of their donations/sponsorships and how it is benefiting the Athletic Department and the University.
8. Manage the University's licensing program, and serve as primary liaison with the University's licensing representative, CLC-IMG College.
9. Coordinate and supervise volunteer effort.
10. Adhere to all applicable NCAA and Southland Conference rules and regulations.
11. Serve as the athletic department liaison with the Office of Public Affairs.

302O:2

12. Attends luncheons or meetings with volunteers as needed.
13. Engages in speaking commitments to promote the University.
14. Travels in order to locate potential donors.
15. Handles university receipts and has receipt processing duties as per university policy.
16. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
17. Compliance matters will also be included in your annual Performance Management Review.
18. Performs other duties as assigned by the Athletic Director.

SFA

| 7/2009/2012

401B:1

BUDGET: SALARIES AND WAGES

The Department of Intercollegiate Athletics strives to provide salaries and wages to its staff commensurate with their duties and responsibilities and in compliance with University guidelines established by the Texas State Legislature and the Board of Regents. The Director of Athletics may make annual salary recommendations for the *departmental* employees—of the Department's. The final approval for Departmental salary and wage increases rests with the Board of Regents. Approved salary and wage increases become a component of the Department's proposed annual budget.

For budgetary purposes, salaries and wages are covered in the designated cost-center's budget. All salary and wage recommendations must comply not only with University guidelines but also with Southland Conference and NCAA rules and regulations.

The Stephen F. Austin State University Policies and Procedures Manual and specific job descriptions outline the conditions of employment for staff positions within the Department of Intercollegiate Athletics. Staff members with budgetary responsibilities are expected to consider annual performance evaluations in making recommendations for salary increases. (For additional information see Policy 405B, Disbursements: Payroll, Policy 508B, Departmental Staff: Hiring, and Policy 508C, Departmental Staff: Performance Evaluations, in this Manual.)

Employment Classification

Classification is based on: duties performed, scope and level of assigned responsibility, supervision received or provided, and qualifications required to perform the duties associated with the position.

The University classifies its personnel as follows:

- ~~Non-Classified~~ *Exempt* - This group includes academic staff, coaches, administrative and professional employees;
- ~~Classified~~ *Non-exempt* - This group includes office/service personnel; and
- Students.

Exempt Employees

As defined by the Fair Labor Standards Act, employees whose responsibilities include executive, managerial and/or administrative duties, or whose positions require an advanced educational degree or specific experience level within the designated area of responsibility and authority are exempt from the provisions of the Wage and Hour Law and, as such, **do not receive overtime payments.**

401B:2

Compensatory Time

In lieu of overtime payments, ~~classified and exempt~~ non-exempt employees are eligible for compensatory time off ("comp" time) at a rate of 1.5 hours off for each hour worked over 40 hours in a workweek and must be paid for any unused accumulated comp time at the time of separation from employment. Comp time is calculated, recorded, monitored, and accrued in the same manner as overtime payments and is tracked in the on-line time clock system. ~~Non-classified exempt~~ Exempt employees ~~who are requested to perform duties outside their assigned job description~~ are not subject to the overtime provisions of the Fair Labor Standards Act and may be allowed comp 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. ~~may receive comp time~~. Comp time hours taken are not allowed to exceed 80 hours in a fiscal year. ~~per year~~. An exempt employee will not be paid for any unused comp time earned in this manner. Any comp time that is to be taken is at the discretion of the supervisor and must be authorized in advance. No employee may accrue comp time for work performed at any location other than the employee's regular place of employment or duty point. ~~Classified employees receive comp time in accordance with the University's policy and conformance to budget guidelines.~~

The Administrative Assistant to the Director of Athletics monitors overtime usage to ensure compliance with the University policy and conformance to budget guidelines.

Salary Increases

Guidelines established by the Texas State Legislature and the Board of Regents set parameters for annual salary increases for all employees. Recommendations for annual increases, which are made during final budget preparation, are based upon merit and equity, as well as cost-of-living considerations.

As staff salaries are generally a component of each cost-center's budget, annual salary recommendations are first approved by the Director of Athletics and then forwarded to the President for final approval. (See Policy 401A, Budget: Formulation in this Manual for additional information.)

Salary increases are recommended during annual budget preparation, except for football coaches which are recommended at the January Board meeting.

SFA

7/2007/2012

403B:1

ACCOUNTABILITY: INVENTORY CONTROL PROCEDURES

All capital equipment which is the property of Stephen F. Austin State University must be properly identified, registered and secured. This includes equipment acquired through the University's purchasing system or by donation to the Department of Intercollegiate Athletics.

Capital Property/Equipment

All items of non-consumable personal property with a value of \$5000 or greater per unit are maintained in SFA's perpetual inventory control system; except that certain "controlled" items valued at \$500 or greater, or in some cases any value, are also maintained in the SFA perpetual inventory control system. Items are placed in the State Property Accounting (SPA) system at the time of acquisition and are carried in the system at original cost value until disposed of through surplus. The ~~Inventory and Purchasing Department~~ *Procurement and Property Services Department* is responsible for assignment and control of inventory numbers and maintenance of inventory records. Inventory control tags are normally applied by the Central Receiving Department prior to delivery to individual University Departments. For additional information, see Policy 403A, Accountability: State Property Law, in this Manual.

The Department of Intercollegiate Athletics conducts a physical inventory of capital property/equipment on an annual basis, generally during the time period from February through April, or at the completion of a sports season, in accordance with University policy. The Supervisor of Facilities and Equipment, working with the Assistant Athletic Director for Business Affairs, has been designated as the "Property Manager" for the Department and oversees the inventory (see below).

All incoming property and equipment is to be reported to the Department's Property Manager. This report should include a description of the item, its location and serial number, if applicable. Additionally, any time a piece of equipment is moved to a new location, the Property Manager is to be notified **in writing**, where the equipment was previously located in the Department and its new location. Again, a description of the item and a serial number, if applicable, should also be included on the notification.

Excess property is removed from the Department's inventory only after a Property Transfer Form (Appendix 403A-1) or Salvage Property Request is completed and returned to the Purchasing and Inventory Department. This form must include information detailing the condition of the item(s) being removed.

Lost or Stolen Property

When it has been determined that SFA equipment is lost, the Supervisor of Facilities and Equipment reports the loss to the ~~Purchasing and Inventory Department~~ *Procurement and Property Services Department* by completing a Lost or Stolen Property Report (Appendix 403B-1). SFA is required to report the loss of equipment to the State Attorney General when negligence is determined to have been involved.

In the event that Department equipment appears to be stolen, it is the responsibility of the Supervisor of Facilities and Equipment to report the theft of the property to the University Police Department and the ~~Purchasing and Inventory Department~~ *Procurement and Property Service Department*. A Lost or Stolen Property Report must be completed as soon as possible after the theft occurs. This report and a written police report are necessary before deletion of the item

from inventory. SFA is required to report the theft of equipment to the State Auditor. Theft is additionally reported to the State Attorney General when negligence is determined to have been involved.

Gifts and Purchases

In the event the Department receives a gift of capital equipment, the ~~Purchasing and Inventory Department~~ *Procurement and Property Services Department* is notified, in writing, and a tag is sent to the Department with the inventory identification number. The item is added to the University's computerized inventory list at this time.

Annual Inventory

To validate the accuracy of the inventory system, an annual physical inventory is normally conducted during the time period from February through April. During this annual inventory, the Supervisor of Facilities and Equipment acting as the Director of Athletics' designee, is responsible for physically counting and verifying by tag number and room location all items on the official Departmental inventory. Once completed, the inventory is sent to the ~~Department by of Purchasing and Inventory~~ *Procurement and Property Services Department*. Inventory validation spot-checks are made by Inventory personnel in a routine fashion to allow independent verification approximately every other year. Other spot-checks may be performed.

Current inventory listings in either inventory number sequence or location sequence are available at any time from the Purchasing and Inventory Department.

Athletic Equipment

The Supervisor of Facilities and Equipment, with assistance from Equipment Managers and Assistant Equipment Managers, maintains a continuous inventory of all athletic equipment (i.e., game equipment, uniforms and general supplies). These records facilitate the reordering of expendable equipment items and provide data which is useful in budget formulation.

In June, or at the completion of each sport's season, as appropriate, all equipment is counted and all items are evaluated as to their status for the next year (e.g., current, obsolete, in need of repair, etc.). Obsolete stock is transferred to the ~~Purchasing and Inventory Department~~ *Procurement and Property Services Department* to be discarded or salvaged for miscellaneous use the next year. Although athletic equipment is not tagged by the University, it is marked as property of the Department of Intercollegiate Athletics. A copy of the athletic equipment inventory should be submitted by the Supervisor of Facilities and Equipment to the Head Coach of each sport.

The Supervisor of Facilities and Equipment, or designee, ensures that athletic equipment areas are secured by key or padlock. Whenever feasible, equipment cages are utilized to maintain control points for the distribution and collection of equipment. In addition, a check-out system for clothing is maintained. (See Policy 603A, Equipment: Athletic, in this Manual for more information.)

SFA

7/2007/2012

PURCHASING PROCEDURES

The Stephen F. Austin State University's Procurement and Property Services Department has been charged by the Board of Regents with the responsibility for securing maximum value from University expenditures, maintaining liaison with vendors, coordinating the procurement of goods and services for the University and developing the most cost effective supplier sources for equipment, services and materials for the University.

It is the policy of the Department of Intercollegiate Athletics that all Departmental purchase transactions are conducted by the Assistant Athletic Director for Business Affairs. It is the responsibility of the Assistant Athletic Director for Business Affairs to ensure that proper purchasing procedures are followed.

Purchase Requests

All requests for the purchase of goods and service must be made by the Assistant Athletic Director for Business Affairs. Requests for goods and services from internal service units, as well as outside vendors are made electronically through the University financial system (Banner). The Assistant Athletic Director for Business Affairs completes the form and electronically transmits the document to the Procurement and Property Services Department.

A staff member requesting an item for purchase must provide the Assistant Athletic Director for Business Affairs with a specific description of the required item, a vendor name, if appropriate, and an estimated unit cost of each item requested.

Staff Reimbursement for Purchases

There are times when a member of the athletic staff, using personal funds, must make a purchase on behalf of a team or departmental project. This may occur during a holiday, weekend or in case of an emergency when it is impossible to complete a purchase requisition or use a P-Card. Staff members are encouraged to plan ahead to avoid such purchases. Staff members are also encouraged to contact the Assistant Athletic Director for Business Affairs before making a purchase to determine if it can be reimbursed.

Employees of the University are cautioned, under no circumstances to accept payments or gifts from vendors. (See Policy 508A, Departmental Staff: Conduct and Ethics in this Manual for additional business ethics directives.

- **Interdepartmental Transfer (IDT)**

The Department may charge purchase of goods and services from other departments within the University by an Interdepartmental Transfer (IDT). Interdepartmental transfers are initiated by the Department through several channels, as appropriate. The Department strictly adheres to the normal purchasing process except for goods or services acquired through the use of an IDT.

Interdepartmental transfers are not to be used to transfer capital equipment from one Department to another. Such transfers are handled by property management personnel within the Procurement and Property Services Department; *and may include an Interdepartmental Transfer (IDT).*

Purchases over \$5,000

Requests for items costing more than \$5,000 but less than \$25,000 require a minimum of three (3) informal solicitations, minimum 50% HUBs included in solicitation including one woman-owned and one minority-owned business, unless purchased through an existing University, State or Cooperative contract, or other purchase process that does not require a solicitation.

404:2

Procurement Card

Departmental staff members, with oversight provided by the Assistant Athletic Director for Business Affairs, may order supplies and small items in amounts not exceeding \$2000 using a University Procurement Card (P-Card). The only person authorized to use the P-Card is the cardholder whose name appears on the card. The cardholder may not allow someone else to use their card unless the cardholder and account manager have completed a P-Card Use form and it is on file with the Program Coordinator in the Procurement Office.

The Assistant Athletic Director for Business Affairs with approval from the Director of Athletics will determine those staff members who can be issued Procurement Cards. All staff members will be required to attend training and sign a Cardholder Agreement before being issued a card. Refresher training/testing is required every 2 years.

The Transaction Detail entries are required and provide an audit trail for expenditures made with the P-Card. Each individual purchase must be detailed in Banner. See the P-Card Detailing Banner Guide for detailed instructions on completing the Transaction Detail entries. Transaction Detail entries are completed on-line through the University financial system (Banner).

Upon receipt of the monthly statement from the credit card vendor, the cardholder shall reconcile the statement with the Transaction Detail Summary and forward the reconciled statement, Transaction Detail Summary and all supporting documentation to the Account Manager or his/her designee for review and signature. The Account Manager is responsible to verify that all purchases are appropriate expenditures and should take necessary disciplinary action with employees making inappropriate expenditures.

The documentation identified in the P-Card Program Guide must be kept for three (3) years plus the current fiscal year to comply with the University's Records Retention Schedule. These are the official University records. The records for procurement card purchases will be required for periodic audits by the Procurement Office or when SFASU is audited by the Texas Procurement and Support Services, the State Auditor or Internal Audit Services.

Food and Beverage Purchase

With the exception of food supplies purchased for travel, funds which may be expended for food and/or beverage are only to be taken from Auxiliary, Designated or Restricted Accounts. To be allowable, the expenditure of such funds must serve a legitimate public purpose or further the educational mission of the Department. The Banner form must indicate the time and place of the function, must identify the direct beneficiaries of the function, and must be approved by the Director of Athletics. The purchase of alcoholic beverages must be approved in advance by the Vice President for University Affairs.

The following statement is included in the Banner form when the food commodity is selected:

"I hereby certify under penalty of law that the expenditure of funds for the purchase of food and beverage is necessary for the completion of the functions of this department, qualifies as a legitimate public purpose, or that the educational function of this University is well served thereby."

State funds and funds under the control of the Department of Intercollegiate Athletics may not be used to purchase alcoholic beverages.

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405B:1

DISBURSEMENTS: PAYROLL

The Department of Intercollegiate Athletics adheres to established University policies for the administration of payroll procedures. While the Director of Athletics has ultimate responsibility for approving payroll expenditures and related amendments to the budget, the Administrative Assistant to the Director of Athletics administers the payroll function for the Department.

Copies of all documents which initiate an employee into the payroll system (Electronic Personnel Action Form-EPAF) are processed by the Administrative Assistant in conjunction with the Director of Athletics. Although the Department maintains a personnel file for each Departmental employee, all SFA employees' official personnel files are maintained by the University Personnel Service's Centralized Records. All requests to verify employment or other types of employee information should be referred directly to the SFA Office of Human Resources. (Specific information regarding the determination of salaries and wages can be found in Policy 401B, Budget: Salaries and Wages, in this Manual.)

Payroll Reporting Procedures

On a daily basis, non-exempt departmental employees are required to enter time worked, vacation, sick leave, comp time and furlough, earned or taken, using the TimeClock Plus web based system (www.tm.sfasu.edu/webclock30). As an additional backup, a Request for Vacation, Compensatory Time, Sick Leave Taken form (see [Appendix 405B-1](#)) must be completed on a weekly basis and forwarded to the Office of the Athletic Director. The Administrative Assistant to the Director of Athletics approves entries made by departmental non-exempt employees on a weekly basis.

Student -employees are required to clock in and out using the TimeClock Plus web based system. Each athletic department staff member who supervise student employees are required to approve time recorded through the TimeClock Plus web based system on a weekly basis.

Departmental exempt staff are responsible for reporting leave taken through their mySFA account using Self-Service Banner. This reporting should be done following leave taken. At the end of each month all exempt staff members are required to submit for approval the leave time reported.

Departmental exempt staff members are also required to account for sick leave, vacation leave and comp time taken on a monthly basis on a Request for Vacation, Compensatory Time, Sick Leave Taken form (see [Appendix 405B-1](#)). This form is to be completed by the employee and signed by his/her supervisor and forwarded to the Director of Athletics. The completed and approved form is filed in the Office of the Director of Athletics who approves each on a monthly basis

Departmental staff members are able to access their vacation, sick leave and comp time totals through their mySFA account

Any change in number of dependents or change of address should be reported immediately to the SFA Payroll Office.

405B:2

Distribution of Payroll Checks

University employees are paid monthly or semi-monthly for work done in the previous month. Salaried employees are paid on the 1st ~~first working day~~ of the month. Hourly employees are paid on the 1st and 15th of the month. If the 1st or 15th falls on a weekend or holiday, employees are paid on the first working day following the weekend or holiday. It is SFA's intent to pay all employees by direct deposit. Employees must complete a direct deposit form, which is available in the payroll department of the Controller's Office. Direct deposits can be made electronically to any financial institution that accepts electronic transfers. It is the employee's responsibility to insure that their pay has been deposited into their account.

If an employee has not authorized direct deposit, a payroll check will be produced. Payroll checks are released at the Business Office at 11:00 a.m. on paydays. Picture identification is required of each person picking up a payroll check.

Release of payroll check to another person

An employee wishing to have his/her payroll check released to another individual must provide that individual with signed authorization. The authorization must be presented to the Business Office, along with picture identification of both the employee and the person obtaining the check. The employee's identification must also include a sample of the employee's signature, which can be compared with the signed authorization (e.g., a state driver's license).

Mailing of payroll check

An employee wishing to have his/her payroll check mailed must provide a signed authorization and self-addressed stamped envelope to the Business Office. The check will be mailed on the payday.

Holiday Wage Compensation

Regular, full-time ~~classified-non-exempt~~ and ~~non-classified~~ *exempt* employees receive pay for all University-approved administrative holidays, provided the employee is in pay status. Payroll reporting procedures and details concerning holiday compensation are discussed in Policy 508G, Departmental Staff: Holidays, in this Manual.

Overtime Compensation

Employees are eligible for compensatory time off (comp time). Non-exempt employees are eligible for comp time in accordance with the University Overtime Policy and Fair Labor Standards Act. Exempt employees may receive comp time, but may not be used in excess of 80 hours per fiscal year.

For more detailed information regarding overtime classifications and compensation rates, consult SFA's *Policies and Procedures Manual*. Additional information on overtime eligibility and compensation may also be found in Policy 401B, Budget: Salaries and Wages, in this Manual.

405B:3

Bonus Compensation

Head coaches and assistant coaches are eligible to receive bonus compensation as an incentive for their teams winning SLC Championships and making NCAA Championship appearances. Bonus amounts are calculated as a percentage of each coach's annual salary. Bonus compensation will be paid following the conclusion of each team's competition season.

Coaches assigned to football, men's and women's basketball, volleyball, soccer, softball, baseball, golf and tennis are eligible to receive 3.5% of their annual salary for winning a Southland Conference Championship. They will also be eligible to receive an additional 1.5% of their annual salary if their team qualifies for an NCAA Championship. No coach will receive more than 5% of their annual salary as bonus compensation unless by Board of Regents approval.

Since bowling is not a Southland Conference sponsored sport, the bowling head coach will receive 5% of his/her annual salary for the team being selected to compete in the NCAA Championship Tournament.

Coaches assigned to men's and women's cross country, indoor track & field and outdoor track & field are eligible to receive bonus compensation as per the following:

	<u>HEAD COACH</u>	<u>ASSISTANT COACH</u>
Cross Country	\$500/SLC Team Title	\$250/SLC Team Title
Indoor Track & Field	\$1000/SLC Team Title	\$500/SLC Team Title
Outdoor Track & Field	\$1500/SLC Team Title	\$750/SLC Team Title

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408A:1

TICKET OFFICE: OPERATIONS

Ticket sales and operations are a function of Stephen F. Austin State University. The Department of Intercollegiate Athletics interfaces with the University's Ticket Office specifically with regards to: ticket pricing, seating priorities, seating distribution and allocation, and complimentary admissions for intercollegiate athletics events. These tickets are a negotiable commodity and a source of revenue for the University and the Department. The mishandling or misappropriation of tickets can result in revenue losses or NCAA sanctions. For this reason, the policies and procedures prescribed for the printing, handling, sale and distribution of tickets are to be strictly followed.

Ticket Office operating objectives are as follows:

1. To properly handle and account for the distribution of tickets, priority parking and admissions to all events held on campus;
2. To properly deposit and record income obtained from ticket sales; and
3. To maintain a proper public relations posture with customers in order to promote continued support for the University and the intercollegiate athletics program.

Ticket Office policies and procedures are developed by the Student Center Director in conjunction with the Ticket Office Manager. Policies related to ticket sales for athletic events are coordinated with the Director of Athletics, the Assistant Athletic Director for ~~Business-External~~ Affairs and the Assistant Athletic Director for Compliance, as appropriate. All University staff members involved in the sale and distribution of tickets to athletic events are responsible for maintaining a current knowledge of University, Southland Conference and NCAA rules and regulations governing ticket operations. Questions regarding the intent or interpretation of specific policies are to be directed to the Ticket Office Manager and/or Student Center Director.

(For additional Ticket Office policies, see Policies 408B, Ticket Office: Sales; 408C, Ticket Office: Complimentary Tickets, and 408D, Ticket Office: Distribution, in this Manual.)

Printing

The Ticket Office Manager prepares the layout and design for all tickets. The printing of the ticket stock is put out to bid by the University's ~~Business and Purchasing Office~~ *Procurement and Property Services Department* in accordance with University purchasing guidelines (see Policy 404, Purchasing Procedures in this Manual). Tickets for all home football games are pre-printed with all pertinent information included on the ticket (i.e., date, opposing team, section/row/seat, price, kick-off time). The Ticket Office Manager verifies the accuracy of the printing with the ticket manifest.

Roll stock for all ticketed events other than football and for general admission tickets for football, is put out to bid. Numbered roll stock includes the name of the University and the price, only.

408A:2

Accountability and Security

The Ticket Office Manager is responsible for receiving and maintaining the inventory of printed tickets. Tickets are stored in the Ticket Office vault in the Student Center prior to game-day. Only the Student Center Director, Ticket Office Manager, Assistant Ticket Office Manager and the Administrative Secretary have access to the ticket inventory.

All deadwood and unused tickets are stored in the Ticket Office storage room in the University Center. Unsold tickets are verified from the sales report compiled by the Ticket Office Manager, with assistance from the Assistant Ticket Office Manager and Ticket Office student assistants.

Game Settlements

After a season has ended, game settlements are prepared by the Ticket Office Manager. Upon completion of the post-game report, the Ticket Office Manager prepares a payment voucher for any payment due. This voucher is approved by the Student Center Director and the Vice President for University Affairs and is forwarded to the Controller's Office for payment.

Ticket Office Hours

The main Ticket Office is located in the Student Center. The operating hours are 8:00 a.m. - 5:00 p.m., Monday - Friday. On football game days, event venue sales windows at Homer Bryce Stadium are open one and a half (1 1/2) hours prior to kick-off and remain open until half-time.

At Johnson Coliseum, windows are open ~~one (1) hour~~ *one and a half (1 1/2) hours* prior to tip-off and remain open until half-time of single games, or until half-time of the second game if there is a double header. *Baseball and softball ticket booths open one and a half (1 1/2) hours prior to the start of each scheduled game and remain open until the bottom of the fifth inning for baseball and the bottom of the fourth inning for softball.*

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408B:1

TICKET OFFICE: SALES

The Ticket Office issues tickets for University events, football ~~and~~, basketball, *baseball and softball* games and other selected events within the community and state. The Ticket Office Manager, working with the Student Center Director, coordinates the day-to-day sale of tickets.

Any individual involved in the sale of tickets at the University is expected to use care in communicating with customers. In the event that a difficult situation arises, the employee should consult with a supervisor to resolve the problem. The Ticket Office Manager ensures that applicable University, Conference, and NCAA regulations are followed.

For additional Ticket Office information, see Policies 408A, Ticket Office: Operations; 408C, Ticket Office: Complimentary Tickets; and 408D, Ticket Office: Distribution, in this Manual.

Ticket Prices

Price structures for tickets to athletic events are established ~~by the Intercollegiate Athletic Council and review by the Director of Athletics and with approval by the President.~~ The criteria for establishing ticket prices may include ticket demand, facility seating, strength of schedule and revenue needs.

Methods of Payment

Tickets may be paid for with cash, checks, money orders or credit card (VISA, MasterCard, American Express & Discover only). Checks returned due to insufficient funds are forwarded to the University Business Office. Credit card purchases are validated by the Ticket Office using a card validation system and transmitted via electronic transfer.

For mail order, a handling fee of ~~\$1.50~~\$2.00 is added. Mail orders may be paid for with a check, money order or credit card.

Record of Sales

All over the counter ticket sales are recorded on the Ticket Office cash register as the sale is made. The cash register is balanced at the end of each working day. However, during high volume sales periods, the register may be balanced more frequently.

Credit card sales totals are cumulative on the credit card verification machine. The Ticket Officer verifies the amount of purchases made by credit card any time the cash register is balanced. Credit card purchase totals are printed when a settlement number is requested from the machine. This transaction clears the machine of all previous transactions.

Mail order sales are recorded on the cash register as the check and order are received, verified and tickets distributed.

The daily report is made up of the combined individual reports (for game day sales) the credit card report, Ticket Outlet Agreement (see Appendix 408B-1), and the "Z" tape from the cash register in the Ticket Office. The Assistant Ticket Office Manager is responsible for generating the daily report and forwarding it to the University's Business Office along with a copy of the deposit receipt (see below for information regarding the deposit of funds).

408B:2

- **Game Day Sales**

Eight (8) to 12 walk-up sales windows are used on football game days at Homer Bryce Stadium and four (4) windows are used for events at Johnson Coliseum. *There are two (2) windows at both baseball and softball venues.*

Each sales window is manned by a ticket seller with an individual window balance sheet prepared in advance by the Assistant Ticket Office Manager. This balance sheet records the beginning numbers of each roll of consecutively numbered general admission tickets, as well as the total number of reserved seats they are issued.

At the conclusion of sales, the ending ticket numbers and the total count of reserved deadwood is entered into the appropriate spaces on the balance sheet and the sales indicated are compared to the actual cash balance at the window to determine whether the window is balanced, or is "over or short."

Game day sales revenues are deposited the following business day into the appropriate bank by an armed courier provided by the University Police Department. The Assistant Ticket Office Manager generates the deposit.

Season Ticket Applications

Season Ticket Applications are mailed to those individuals who purchased season or individual game tickets for the previous season, as well as to members of the SFA faculty and staff. Additionally, applications are mailed to various persons and groups showing an interest in SFA athletics. (See Appendix 408B-2 for sample Season Ticket Applications for new and renewing ticket holders.) Renewal of season ticket is offered to season ticket holders for the same seating held the previous year. The deadline for renewing season tickets is normally four (4) weeks after the applications are mailed. (For additional information, see Policy 408D, Ticket Office: Distribution, in this Manual.)

Some ticket allocations, prices and reserved parking are based on levels of giving to the Varsity Club (see Appendix 408B-3 for the Athletic Fund Drive brochure and Policy 801, Athletic Fund Drive, in this Manual).

Student Tickets

At SFA, athletic event admissions are incorporated in registration fees for all students. However, student have the opportunity to purchase reserved season tickets at the same rate as faculty and staff are charged. Individual reserved tickets for football and basketball may be purchased at the Ticket Office or any walk-up window on game days.

General student admission is free for all full-time students and their spouses and dependents upon presentation of a valid SFA photo I.D. at any Stadium or Coliseum admission gate.

Communication Between the Ticket Office and the Department

Athletics donations and ticket sales are closely related. For this reason, it is necessary that the Ticket Office keep the Department of Intercollegiate Athletics up-to-date on any changes and/or additional sales made by the Ticket Office. Conversely, it is imperative that the Department work closely with the Ticket Office regarding any information that might affect ticket sales or seating allocations.

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STUDENT-ATHLETES: CONDUCT AND ETHICS

Stephen F. Austin State University has established a tradition of ethical conduct at all levels of University life. In accordance with this tradition, all student-athletes involved in the intercollegiate athletics program are expected to represent the University in an honorable manner at all times. Coaches and professional staff members are expected to instruct student-athletes on appropriate behavior and to assist them with understanding the intent of rules and regulations imposed upon them by all relevant governing authorities.

Governing Authorities

Standards of ethical conduct are established and enforced by:

- National Collegiate Athletic Association

Student-athletes are subject to the rules and regulations of the NCAA governing unsportsmanlike behavior, non-therapeutic drug use, gambling and bribery, the acceptance of non-permissible awards, benefits and expenses, and other forms of misconduct. All such rules and regulations are found in the *NCAA Manual*.

- The Southland Conference

The Southland Conference has authority similar to that of the NCAA with regard to regulating the practices of member institutions to ensure that individuals conduct themselves in an honorable and sportsmanlike manner. Conference rules and regulations are detailed in the *Southland Conference Operating Manual*.

- Stephen F. Austin State University

Student-athletes are subject to the University rules and regulations, specified in the SFA "Student Code of Conduct," published in the *Stephen F. Austin State University General Bulletin*.

- Department of Intercollegiate Athletics

Team rules may be established by each individual sport's Head Coach and his/her staff within parameters set forth by the Director of Athletics and the University.

The Head Coach is responsible for informing team members of the established team and training rules at the beginning of the academic year. Furthermore, student-athletes are to be encouraged to obtain clarification regarding Departmental, University, Conference, or NCAA rules and regulations from a member of the coaching staff, the Associate Athletic Director for Compliance & Student Services or the Assistant Athletic Director for Student Services, as appropriate. In addition to the rules and regulations of the afore-mentioned authorities, general Department conduct policies are set forth below.

501:2

Personal Conduct and Responsibilities

The Department of Intercollegiate Athletics makes every effort to offer a program which meets the objectives of the University by assisting student-athletes in securing their degrees as they strive to achieve their full potential both on -and off the field. The Director of Athletics, the Associate Athletic Director for Compliance & Student Services, professional staff members associated with the various sports programs, individual Head Coaches and the Assistant Athletic Director for Student Services work together to develop appropriate standards for personal conduct.

Student-athletes accepted into the University athletics program are extended the privilege of participating in intercollegiate athletics. This privilege in no way constitutes a right to participate. Therefore, in agreeing to join the intercollegiate athletics program, **student-athletes must be willing to accept personal responsibility for behavior.** Obligations include, but are not limited to, responsible conduct as specified below:

- Academic Obligations
 1. Attend classes regularly and complete all academic assignments.
 2. Consult with academic counselors and attend tutoring sessions, as directed.
 3. Maintain an academic course load of at least 12 hours per semester and make satisfactory progress toward a degree.
 4. Accept responsibility for maintaining academic eligibility.
 5. Strive to obtain a college degree within five (5) years.
 6. Communicate to the appropriate parties (e.g., instructors) in a timely manner when an academic/athletic conflict occurs.
 7. Understand and live by the academic regulations of the University, as described in the *SFA General Bulletin*.
- Athletic Obligations
 1. Abide by all team, Departmental, University, Conference, and NCAA team rules.
 2. Achieve and maintain optimum physical conditioning within accepted health standards.
 3. Attend all organized practices, unless officially excused.
 4. Take proper care of equipment and return it in good condition.
 5. Treat officials and opponents with respect, and avoid undue confrontations (See "Sportsmanlike Conduct" below).

501:3

- General Conduct Obligations
 1. Read, understand and follow the University's "Student Code of Conduct Code." Code.
 2. Obey residence halls policies and regulations.
 3. Obey all federal, state and local laws.
 4. Abstain from using tobacco, alcohol and non-therapeutic drugs (see Policy 506B, Student-Athletes: Drug Education and Screening Policy).

Dress Code

Head Coaches are encouraged to set dress code standards for student-athletes, especially when traveling as a team. Coaches may also specify what constitutes appropriate dress while representing the University at other times.

Sportsmanlike Conduct

Sportsmanlike conduct means more than the absence of negative actions in public. The Associate Athletic Director for Compliance & Student Services, as well as each individual Head Coach, is expected to provide instruction on appropriate conduct, including positive techniques for handling the following playing-field situations:

- Communicating with officials and opponents on routine matters during athletics events;
- Maintaining control during emotionally charged situations, including assisting a teammate or colleague who appears to be losing control; and
- Reacting in a positive manner to an aggressive action by an individual or a group.

Coaches are to define actions which constitute inappropriate conduct, and suggest ways to avoid such behavior. Unacceptable behavior on the playing field includes, but is not limited to, the following:

- Physically abusing officials, coaches, opponents or spectators;
- Throwing objects;
- Seizing equipment from officials or the news media;
- Inciting players or spectators to negative actions or to any behavior which insults or defiles an opponent's traditions;
- Using obscene or otherwise inappropriate language or gestures;
- Making public statements which are derogatory, controversial or outside the Department's media policy;
- Engaging in negative recruiting by making derogatory statements about another institution or its personnel; and/or
- Participating in any action which violates the generally recognized ethical standards of intercollegiate athletics, the University or the community.

501:4

Acquaintance Rape

Because acquaintance rape, commonly called “date rape,” is an increasingly serious concern nationwide, the Department publicly addresses such behavior with its student-athletes. All student-athletes are expected to conduct themselves in a manner which avoids any association with such a charge. Coaches and staff members who counsel student-athletes should make them aware of the consequences of such a charge. Student-athletes should be advised to:

1. Understand the definition of rape;
2. Be conscious of the signals they transmit to others;
3. Be careful not to place themselves in situations that could be misunderstood or misread.
4. Respect and accept a negative response to their overtures (e.g., “no” does **not** mean “yes”); and
5. Avoid drinking or taking drugs at all times, but especially when on a date.

Gambling and Bribery

The NCAA has established specific guidelines concerning involvement in gambling and bribery at the intercollegiate and professional sports levels. The Assistant Athletic Director for Compliance and the individual sports coaches are responsible for educating student-athletes concerning these guidelines.

In addition to awareness of the gambling and bribery threat to the integrity of intercollegiate sports, student-athletes are responsible for the following:

1. Reporting any offers of gifts, money or favors in exchange for supplying team information or for attempting to alter the outcome of any contest;
2. Maintaining a clear understanding of what constitutes gambling and bribery activities and reporting any suspected infractions;
3. Contacting the coach or other Departmental personnel (i.e., Sports Information Director) when questions concerning the release of team information occur; and
4. Increasing one’s awareness that participation in gambling or bribery activities can result in disciplinary actions by the University and the NCAA (see “Enforcement” below), as well as local, state and/or federal prosecution of the involved individuals(s).

Hazing

As stated in the *General Bulletin*, “Stephen F. Austin State University is unequivocally opposed to any activities, on or off campus, by individuals or organizations which endanger the mental or physical health or safety of a currently enrolled or prospective student for the purpose of pledging, being initiated into, affiliating with or maintaining membership in any organization.”

501:5

Hazing, which is prohibited in any form at SFA, includes (but is not limited to) situations which would require any of the following:

1. Whipping, beating, striking, branding, or electronic shock;
2. Any activity that subjects the student to extreme mental or physical stress, such as sleep deprivation, confinement in a small space, extended isolation from social contact, or exposure to the elements;
3. Any activity involving the consumption of food, liquid, alcoholic beverage, drug or substance which could adversely affect the health of well-being of the individual;
4. Any activity that harasses, intimates or threatens the student with ostracism, shame or humiliation; and or/
5. Any activity that induces, cause or requires the student to violate the Penal Code.

Organizations found to be encouraging or authorizing hazing will be subject to both University disciplinary sanctions and criminal prosecution.

Agents

It is essential that student-athletes know the NCAA rules related to professional sports. An infraction of the rules concerning agents could have severe negative consequences for the University and the student-athlete (see "Maintaining Amateur Status" in Policy 502C, Student-Athletes: Eligibility). NCAA rules make a student-athlete ineligible for participation in an intercollegiate sport if:

- He or she ever has agreed, orally or in writing, to be represented by an agent or organization for the purpose of marketing his or her athletics ability or reputation in that sport;*
 - He or she enters into a written or verbal agreement with an agent for representation in future professional sports negotiations that are to take place after the student-athletes has completed his or her eligibility in that sport; and/or he or she (or his or her relatives or friends) accepts transportation or other benefits from any person who wished to represents the individual in the marketing of his or her athletic ability.
- * An agency contract not specifically limited in writing to a sport or particular sports is deemed applicable to all sports and the student-athlete is ineligible to participate in any sport.

Social Networking

Playing and competing for Stephen F. Austin State University is a privilege not a right. Student-athletes at SFA are held in high regard and are seen as role models in the community. As leaders we have the responsibility to portray our team, our University and ourselves in a positive manner at all times. Sometimes this means doing things that are a personal inconvenience, but benefit the whole team.

501:6

| In recent years, Facebook, MySpace, Twitter and other social networking sites have increased in popularity and are used by the majority of student-athletes at SFA.

Student-athletes may not be aware that third parties including the media, faculty, future employers and NCAA officials can easily access their profiles and view all personal information. This includes all pictures, videos, comments and posters. Inappropriate material found by third parties affects the perception of the student, the athletic department and the University. This can be detrimental to a student-athletes future employment options

Before participating in any online community, student-athletes should understand that anything posted online is available to anyone in the world. Any text or photo placed online is completely out of the student-athlete's control the moment it is placed online.

Student-athletes should not post information, photos, or other items online that could embarrass them, their family, their team, the athletic department, or Stephen F. Austin State University. This includes information about team activities and teammates.

Student-athletes cannot post any information that is proprietary to the Athletic Department which is not public information such as tentative or future schedules, or information that is sensitive or personal in nature, such as travel plans and itineraries.

Student-athletes are personally liable for any copyright violations committed, such as posting photographs, audio, or video that is not the student-athlete's personal property. This includes the use of the logos and marks of Stephen F. Austin State University.

| Student-athletes are personally liable for any violations of other students or student-athletes' privacy rights, especially those that fall under federal privacy laws (FERPA or ~~HIPPA~~ HIPAA) or that violate Stephen F. Austin State University student codes of conduct or codes of computing practices.

Student-athletes should not post their home address, local address, social security number, phone numbers (s), birth date, or other personal information such as their whereabouts or their plans. This could be opening up themselves to predators.

| The malicious use of online social networks such as derogatory language about any member of the Stephen F. Austin State University community, demeaning statements about or threats to any third party, and incriminating photos or statements ~~depicting~~ *involving racial slurs, hazing, sexual harassment, vandalism, stalking, underage drinking, illegal drug use or other inappropriate behavior* will be subject to disciplinary action by the head coach and/or Director of Athletics if they gain knowledge of such violations *and the conduct is not protected by law*. Sanctions may include written notification requiring the unacceptable content be removed, temporary suspension from the team, dismissal from the team and loss of athletic aid, if applicable.

501:7

Enforcement

Any student-athlete conduct violation should be reported immediately to the Director of Athletics, who is ultimately responsible for investigating all such charges and enforcing sanctions imposed for conduct violations. The Associate Athletic Director for Compliance & Student Services assists in the investigation and resolution of any suspected violation involving a student-athlete, as requested.

- Legal Violations

When a student-athlete violates a local, state or federal law and the misconduct involves a violent action, drugs and/or a felony charge, the student-athlete may be suspended from participation in intercollegiate athletics until the charges have been addressed by the legal system. By suspending the student-athlete the Department and the University are in no way pre-judging the situation; rather, such action is taken in order to protect the intercollegiate athletics program and, specifically, the student-athlete's team from negative media attention. Moreover, it is assumed that the accused student-athlete will have neither the time nor the mental concentration required for effective sports participation until the matter has been resolved. A determination regarding further action by the Department and the University is made on a case-by-case basis once the charge has been resolved by the court.

The student-athlete is to be given written notification of the suspension, signed by the respective Head Coach and the Director of Athletics. The student-athlete may appeal this decision. Such an appeal must be submitted within 72 hours of the notice of suspension. Based on all available information, the Director of Athletics may lift or modify the suspension or leave it in place until the case has been decided by the legal system.

While on suspension, the student-athlete may not practice or compete; however, his/her financial aid will remain in place. Further, as determined by the Institutional Athletics Representative, Director of Athletics, and Head Coach, the student-athlete's name will remain on the squad list and he/she may utilize student-athlete support services, such as the weight and training rooms, and academic support services.

Student-athletes and staff are encouraged to refrain from addressing the student-athlete's case with the media in order to protect the accused and to limit media attention. All questions concerning the situation should be referred to the Sports Information Director for a prepared statement release.

- University, Conference and NCAA Violations

Conduct violations of the University's rules of conduct are reported to the Judicial Office ~~the Office of Student Rights and Responsibilities~~ while violations of Conference or NCAA conduct rules are reported to the student-athlete's Head Coach, the Associate Athletic Director for Compliance & Student Services, the Director of Athletics, the Southland Commissioner and the NCAA, as appropriate.

501:8

If a student-athlete is found to be in violation of University, Conference or NCAA policy, the penalty imposed depends upon the severity of the offense and may include the following:

1. Written warning;
2. Disciplinary probation;
3. Dismissal from the squad;
4. Cancellation or gradation of the grant-in-aid; and/or
5. Suspension or expulsion from the University.

For additional information regarding actions which may result in the withdrawal of financial aid, please consult Policy 502D, Student-Athletes: Financial Aid, in this Manual.

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502A:1

STUDENT-ATHLETES: RECRUITMENT

Participation in athletics is an important component of the student-athlete's college experience, although academic achievement must remain of primary concern. Athletic success gained and maintained through the recruitment of student-athletes who possess the necessary skills to successfully compete on both levels at Stephen F. Austin State University. Therefore, the University endeavors to recruit only those individuals who have demonstrated exceptional abilities in the classroom as well as on the playing field.

Moreover, the University prides itself in conducting its recruiting program with integrity. The Department of Intercollegiate Athletics has established rules within each sport which meet or exceed the rules and regulations established by the NCAA and the Southland Conference to govern recruiting activities. As the University's delegated administrator of the athletics program, the Director of Athletics accepts full responsibility for actions related to recruiting taken by Departmental staff members. The Director ensures that all recruiting activities are carefully coordinated and documented by each Head Coach and monitored by the Associate Athletic Director for Compliance & Student Services to ensure total compliance with established guidelines and procedures.

To achieve full compliance, it is particularly important that each staff member involved in recruiting activities be knowledgeable of established recruiting rules and regulations and any revisions related to them. They include, but are not necessarily limited to the following:

- Offers and Inducement;
- Contracts;
- Evaluation Periods;
- Publicity
- Use of Funds;
- Tryouts
- High School All-Star Games;
- Official and Unofficial Visits (Transportation, Visitation and Entertainment);
- Pre-College Expenses;
- Specialized Sports Camps, Coaching Schools and Clinics; and
- Booster Activities

The Associate Athletic Director for Compliance & Student Services with assistance from the Assistant Athletic Director for Student Services, is responsible for monitoring recruiting rules and regulations and informing staff members involved with recruiting operations of all pertinent updates and changes in a timely manner. Furthermore, the Associate Athletic Director for Compliance & Student Services is available to assist recruiting staff in the interpretation of NCAA rules and regulations, and to answer specific questions concerning recruiting. The Associate Athletic Director for Compliance & Student Services may request assistance from the Director of Athletics, or directly consult with NCAA or Southland Conference staff when questions concerning compliance issues arise.

All rules and regulations relevant to recruiting are carefully detailed in Bylaw 13 of the NCAA *Manual* and in the *"The NCAA Guide for the College-Bound Student-Athlete."*

502A:2

Recruiting Violations

Recruiting violations, however unintentional, have resulted in adverse publicity and sanctions for many colleges and universities throughout the United States. The Department's best defense against recruiting violations is a thorough knowledge of strict adherence to all pertinent NCAA rules and regulations by all Departmental staff when recruiting student-athletes.

All representatives of the Department involved in recruiting and/or related athletic activities are required to certify annually that, to the best of their knowledge, they and their colleagues have complied with University policy and NCAA rules and regulations governing the recruitment of prospective student-athletes (see Policy 510A, Coaches and Administrators: Employment Contracts).

The Southland Conference requires that a Coaching Staff and Off-Campus Recruiters Designation form (see [Appendix 502A-1](#)) be completed for each sport and submitted to the Conference office by September 15 of each year. The Associate Athletic Director for Compliance & Student Services is responsible for the administration of this form and for securing the required signatures of each Head Coach and the Director of Athletics. In addition coaches recruiting off-campus must be certified annually and pass a standardized test on recruiting regulations before engaging in any off-campus recruiting. A list of all coaches certified to recruit is maintained in the Office of the Director of Athletics.

When involved in recruiting activities, it is especially important to keep in mind these two facts:

1. Any violation (intentional or accidental) of NCAA, Conference or University rules and regulations must be reported **immediately** to the Associate Athletic Director for Compliance & Student Services. If the Associate Athletic Director for Compliance & Student Services is not available, violations should be reported to the Director of Athletics or the Institutional Athletics Representative.
2. Anyone found guilty of a serious recruiting violation (including persons who only have knowledge of violations but fail to report them) are subject to financial penalty and/or immediate dismissal from the University.

Alumni Activities

Over the past several years, NCAA bylaws governing recruiting activities have been amended to greatly limit the role of alumni in recruiting activities. NCAA Bylaw 13 in the NCAA Manual specifies the restrictions which apply to "athletics representatives." In general this legislation prohibits telephone conversations with prospects, contact at athletic contests, contact with coaches for evaluation purposes and visits to the prospects institution to pick up films, transcripts, etc.

Alumni recruiting activities are permitted provided they relate to the normal admissions procedures which are applicable and available to all prospective students. Personal contacts may **not** be made for the purpose of athletic recruiting. Extreme caution must be taken at all times to insure that the distinction between **athletic** and **academic** recruiting is absolutely clear.

502A:3

PROCEDURES

The key to recruiting is careful planning and successful implementation. Taking into consideration budget limitations, coaches are urged to identify particular geographic concentrations of prospective student-athletes for their respective sport. These prospective student-athlete pools become the basis of the program's overall recruiting strategy and should be prioritized according to specific need. The Head Coach for each sport is responsible for initiating the following recruiting activities:

- Identification of Prospects

Head Coaches may develop and send questionnaires to high school and junior college coaches in target areas requesting the identification of prospects. Questionnaires may also be sent to individual prospective student-athletes identified by athletic boosters, friends of the Department, coaches, etc.

Questionnaires may not serve as a recruiting brochure or poster promoting Stephen F. Austin State University.

Additional information on prospects may be gained by:

1. Observing video and actual play;
2. Reviewing published literature;
3. Monitoring the prospect's level of academic progress; and
4. Reviewing the Recommendation Form, if available.

Evaluation periods are scheduled for the various sports in accordance with NCAA guidelines.

- Distribution of Information

Materials on the University, including its academic and athletics programs, may be sent to high schools and two-year colleges, as well as individual students. University materials may be sent to prospective student-athletes at any time during their secondary school attendance if the information is part of a regular institutional mailing to all prospective students. However, Department of Intercollegiate Athletics materials may not be sent to a prospective student-athlete **before September 1 of his/ her junior year of high school (except men's basketball, which may begin sending materials on June 15, following the prospects sophomore year)**. All recruiting materials must comply with NCAA rules and regulations governing printed recruiting aids. Facsimiles (FAX) and electronic mail communications to prospects are subject to restrictions on general correspondence.

Organized mailing campaigns to identified prospects are usually initiated in the spring semester of the prospect's junior year. Permissible publications include the following:

1. General correspondence, including letters, postcards issued by the U.S. Postal Services, institutional note cards and schedule cards;

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2. Official academic, admissions and student services publications, produced by the institution and available to all students; and

*Note: Game programs may **not** be mailed to prospects, however, game programs **without posters** may be provided free of charge to prospects on official or unofficial visits to the campus.*

———Questionnaires and summer camp brochures may be mailed prior to September 1 of a prospect's junior year in high school. Prospective student-athletes may also receive NCAA educational information related to recruiting, including ~~"The NCAA Guide for College-Bound Student-Athlete" publication.~~

Once the prospect has been officially accepted for enrollment and has signed the National Letter of Intent, institutions are permitted to provide pre-enrollment information regarding orientation, conditioning, academic and practice activities (e.g., play books).

- Videotaping

Videotapes highlighting the academic, enrichment, social and athletic programs (within NCAA guidelines) at Stephen F. Austin State University may be sent to a prospective student-athlete by the Office of Admissions only, provided it is the institution's policy to send or make available such materials to all prospective students.

- Recruiting Timetables

Head Coaches for each sport, with the assistance of the Assistant Athletic Director for Compliance, maintain timetables and appropriate checklists to assist with recruiting efforts. Timetable information varies from sport to sport according to NCAA regulations and may include:

1. Recruiting and evaluation periods;
2. Contact periods;
3. Organized bulk mailing campaigns;
4. Admissions and financial aid application deadlines;
5. Off-campus recruiting schedules;
6. On-campus recruiting weekends;
7. "Dead Periods;" and
8. National Letter of Intent signing dates.

The Associate Athletic Director for Compliance & Student Services distributes for the Department recruiting information each month prepared by the NCAA specifying quiet periods, contact and evaluation periods, and signing dates in each sport.

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Evaluation of Academic Records

At the time of the **initial** contact with a prospective student-athlete, the recruiting coach should request a copy of all transcripts which reflect the academic performance of the student through his/her junior year, as well as a listing of subjects in which the student is currently enrolled or is scheduled to complete prior to registration at the Stephen F. Austin State University.

Such transcripts from all secondary and post-secondary institutions, as well as SAT/ACT test scores, should be reviewed by the coach and if needed, by the Assistant Athletic Director for Student Services *or that sport's academic services contact* in order to properly evaluate the prospective student-athlete's chances of becoming a "qualifier" and thus of meeting the University's admission requirements. (For specific academic qualifications, see Policy 502B, Student-Athletes: Admissions, and 502C, Student-Athletes: Eligibility, in this Manual.)

Coaches should carefully consider the evaluation of a prospect's academic record in determining further recruiting efforts. Coaches are encouraged to complete an academic evaluation **before** an invitation is extended to a recruit for the official campus visit. Transcripts must be sent directly from the prospect's institution to SFA's Office of Admissions. Moreover the prospect's National test score must be received prior to an official visit. Prospects must also be registered with the NCAA Eligibility Clearinghouse prior to any official visit.

Contact and Evaluation Forms

A contact and evaluation record is kept for each prospective student-athlete in each sport on the Southland Conference Recruiting Log or on an electronic recruiting package approved by the Associate Athletic Director for Compliance and Student Services (see [Appendix 502A-4](#) for Football, [502A-5](#) for Basketball, and [502A-6](#) for all other sports for sample forms). This form includes the recruiting coach's name, prospect's name, address, phone and social security numbers, date(s), time(s) and sites of contacts and evaluations, the name of the high school or junior college, and its address and phone number plus the name of the school's head coach, guidance counselor and principal, as well as a section to list all phone call contacts made and their dates and times.

A Recruiting Log form for each prospective student-athlete is kept on file in the Head Coaches' office and made available to the Associate Athletic Director for Compliance & Student Services, as requested. Copies of completed Recruiting Logs and relevant recruiting materials are to be filed in the offices of the Head Coach for each sport and the Associate Athletic Director for Compliance & Student Services.

Off-Campus Evaluations

The evaluation of a prospective student-athlete, as defined by the NCAA, includes any off-campus activity designed to assess the academic qualifications or athletic ability of a prospect. Such an evaluation includes any visit to a prospect's institution or observation of a practice or competition at any site at which the prospect participates. If no contact is made, this "activity" counts only against the limitation placed on evaluations. However, if the prospect is also contacted at this site, the "activity" is counted as an evaluation **and** a contact.

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All off-campus evaluations must be authorized by the Director of Athletics or designated representative **prior** to the visit. When scouting prospective recruits off-campus, the coach's name must first appear on the written list of full-time coaches on file in the Director of Athletics' Office. This certification is in compliance with the NCAA's limitation on the number of full-time coaches.

In sports other than football and basketball, each institution shall be limited to **seven recruiting opportunities**, contacts and evaluations combined per prospect at any site (which shall include contacts made with the prospect's relatives or legal guardians but shall not include contacts made during an official visit, and **not more than 3 of the 7 opportunities may be contacts**).

1. If a prospect is being evaluated for multiple sports, then **each** sport is permitted the maximum number of evaluations per sport per academic year, however, only one visit per prospect per week is permitted.
2. When two (2) or more prospects are practicing or competing on the same or opposing teams, an observation counts as one (1) evaluation for **each** prospect.
3. Once the maximum number of evaluations per sport have been made on any prospect(s) at an institution, it is not permissible to visit that institution to evaluate **any other prospect(s) participating in that sport**.
4. During the academic year, an evaluation of a tournament counts as one evaluation (e.g., all competition that occurs on consecutive days within a tournament or that involves a tier of a tournament counts as a single evaluation).
5. In football, prospects may be evaluated only one (1) time during the fall evaluation period and two (2) times during the May evaluation period.
6. Talent scouts may **not** be employed to evaluate prospects; however, subscriptions to regularly published scouting reports are permissible provided they meet all current criteria defined in NCAA legislation for such scouting services.
7. Representatives of the SFA's athletics interest (e.g., boosters) may not pick up a prospect's academic records or athletic performance films or tapes for the Department.
8. Evaluations of prospects are for the Department's exclusive use and may not be distributed or "leaked" to media or to a recruiting service.

Off-Campus Recruiting Contacts

The NCAA defines a "prospective" student-athlete as an individual who has started classes for the ninth grade and a "recruited" student-athlete as an individual who has received transportation to campus, is contacted by telephone, receives correspondence other than a generic letter, and/or is visited or arrangements are made to visit or entertain him/her (or his/her family) for the purpose of recruiting. Since many less obvious activities may also constitute recruiting activities, all contact with potential prospects must be reported to the Associate Athletic Director for Compliance & Student Services.

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- Definition of a Contact

An in-person contact is defined as any face-to-face encounter (pre-arranged or by chance) that a coach has with a prospective student-athlete or the prospect's parents or legal guardians during which a dialogue other than a simple greeting is exchanged. Furthermore, any face-to-face, pre-arranged contact with a prospective student-athlete, no matter how brief the encounter, must be counted as an in-person, off-campus contact if it takes place at the either of these sites:

1. The prospect's educational institution; or
2. The site of an organized competition or practice.

It is permissible to make in-person, off-campus contacts and telephone calls with prospective student-athletes, their relatives or legal guardians provided that all three (3) of the conditions below apply:

1. The contacts or calls are in compliance with all current NCAA recruiting legislation.
2. They are made by coaches or recognized staff members of the University; and
3. They are **not** made by a "representative of the University's athletics interests" i.e., alumni or booster club members).

In sports other than Football, designated athletic staff members may only make a total of **three (3) contacts per staff member with a prospect**, either at the prospect's educational institution or at any other sites. Coaches from the same University are permitted to visit a prospect's educational institution **only once per week**. Therefore, when a prospect is recruited for multiple sports, the coaches of the various sports must make contact with the prospect on the same day of the week. However, coaches visiting a prospect's educational institution on consecutive days to observe a multi-day tournament during the academic year are permitted to log the tournament as the one permissible visit per week.

To reduce the risk of unintentional violations of recruiting contact limits, all visits should be coordinated with the Head Coach and, as appropriate, with the Associate Athletic Director for Compliance & Student Services. Additional, in the sports of football and basketball contacts and evaluations must be restricted to the periods specified for those. (For additional information regarding recruiting restrictions for transfer student-athletes, see Policy 502C, Student-Athletes: Eligibility, in this Manual.)

Other important contact rules include the following:

1. Recruiting contacts are prohibited **prior** to any athletics competition (including club sports, intramurals, etc.) in which a prospect is a participant; however, contact is permitted, during applicable contact periods, once the prospect has been released by the appropriate authority (e.g., prospect's coach).

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2. Prospective student-athletes may not be contacted for 48 hours prior to and 48 hours after 7:00 a.m., on the National Letter of Intent signing date.
3. Before contact is made with a student attending another four-year institution, **written permission** must be obtained from the original institution's Director of Athletics (or designated representative). A letter of release must be on file in the Director of Athletic's Office.

Daily records of recruiting contact must be kept on the applicable Southland Conference Recruiting Log or on an electronic recruiting package approved by the Associate Athletic Director for Compliance and Student Services (see Appendixes 502A-4, 5 and 6), copies of these forms are kept in the appropriate sport's recruiting office and the Associate Athletic Director for Compliance & Student Services.

Telephone Calls

Telephone calls initiated by Departmental staff members must be logged on the prospect's individual Southland Conference Recruiting Log. Telephone calls to prospective student-athletes are subject to the following restrictions:

1. In sports other than football and basketball, telephone calls to a prospective student-athlete may not be made before July 1 following completion of the prospect's junior year in high school; thereafter, staff members shall not make such calls more than once per week.

In the football, one telephone call to a prospect may be made during the period April 15 – May 31 of the prospects junior year in high school. Additional telephone calls may not be made before September 1 of the beginning of the prospects senior year in high school; thereafter, such telephone contact is limited to once per week outside of a contact period. During a contact period, such telephone calls may be made at the institution's discretion.

In the sports of men's basketball, one call to a prospective student-athlete may be made on or after July 15 following the prospects sophomore year in high school. ~~until July 31 of the junior year. Coaches may make 2 calls per week beginning August 1 to the start of classes of the prospects senior year. After that, only one call per week is permitted~~ *If an individual attends an educational institution that uses a nontraditional academic calendar (e.g. Southern Hemisphere) telephone calls to the individual (or his/her relatives or legal guardians) may be made before the day after the conclusion of the individual's sophomore year in high school. Thereafter, an institution may make telephone calls to a prospective student-athlete at its discretion.*

In the sport of women's basketball, during the prospects junior year in high school, one call in April on or after the Thursday following the conclusion of the Women's Final Four. One call in May. One call June 1 – June 20. One call June 21 – June 30. Three calls during July, but only one per week and then once call per week thereafter.

2. Only coaches or recognized staff members may make telephone calls to a prospect, his/her parents or legal guardians.

3. **No calls** may be made **from the field/floor** during any of University's athletics contests in the prospect's sport.

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4. SFA students or student-athletes are **not** permitted to make telephone calls to prospects at the direction of a staff member of athletic representative.
5. However, telephone calls from enrolled students to prospects are permitted provided they are part of the University's regular admissions programs directed at all prospective students.

There are ~~not~~ limitations placed on collect telephone calls made to the Department by a prospect or calls made to SFA students or student-athletes by a prospect, provided these calls occur after July 15 following the prospects junior year in high school. In men's basketball, collect calls can be received after the conclusion of prospects sophomore year in high school. However, the Department is not permitted to utilize a toll-free (1-800) number to receive such calls.

- Unlimited phone calls are permitted by SFA staff members as follows:
 1. Staff members may make unlimited telephone calls to a prospect during the five (5) days immediately preceding the prospect's official visit.
 2. Staff members may make unlimited telephone calls to a prospect on the initial date for the signing of the National Letter of Intent and during the two (2) days immediately following the initial signing date.
 3. In the sport of football, staff members may make unlimited telephone calls to a prospect during the 48 hours prior to and 48 hours after 7:00 a.m. on the initial signing date for the National Letter of Intent.
 4. Staff members may make unlimited telephone calls to a prospect on the day a permissible, in-person, off-campus contact occurs.

Unofficial Campus Visits

Prospective student-athletes are welcome to visit the University at their own expense, **except during "dead periods."** During unofficial visits to the campus, prospective student-athletes may be provided with complimentary admission to Departmental athletics events, as allowed by the NCAA. In addition, the sport's designated recruiting coach may arrange for the prospect to meet with faculty, student-athletes, Departmental administrators and other appropriate individuals in order to help the prospect gain pertinent information. Prospects may also be provided transportation to an off-campus practice site within a 30 mile radius of the campus when accompanied by a Departmental staff member.

Each sport maintains an Unofficial Visitation Form (see [Appendix 502A-7](#)) for all prospects completing an unofficial visit. **Extreme care must be taken to ensure that prospects are not involved in any on-campus activity that might be construed as entertainment or given financial assistance with travel, meals or lodging while making an unofficial visit to the campus.** Additionally, prospects and their traveling companions, are not allowed to receive special (i.e., VIP) seating at on-campus athletic events.

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Official Campus Visits

Prior to the visit, the following steps are taken:

1. The Head Coach or designate provides that Associate Athletic Director for Compliance & Student Services with copies of high school transcript(s) and scores from SAT or ACT exams, along with a copy of the Official Visit Notification Letter and Official Visit Checklist (see Appendix 502A-14). A prospective student-athlete may not make an Official Visit until he/she has submitted a score from a PSAT, SAT, PACT or ACT taken on a national testing date and must be registered with the NCAA Eligibility Center and placed on the institutions IRL.
2. At least 48 hours prior to the visit, the prospect is notified by letter that the scheduled visit counts as one of his/her five (5) allowable paid visits (see Appendix 502A-9) for a sample letter). A photocopy of the letter is to be sent to the Associate Athletic Director for Compliance & Student Services.
3. The Head Coach or designate plans itineraries for official visits. The itinerary should include complete travel plans, lodging, meal plans and attendance at scheduled games and practices. Itineraries may also include scheduled visits to classes on campus; attendance at planned University activities (e.g. pep rallies and concerts); meetings with coaches, staff, players, academic counselors and admission representatives; and a tour of campus and sports facilities. The completed itinerary and any additions or changes are kept in the prospect's recruiting file.
4. The Southland Conference Official Visitation Form (see Appendix 502A-10) is maintained during the official visit. This form lists persons accompanying the prospect, transportation, lodging, meals, itineraries and reimbursements made to the prospect. Copies of this form along with a completed Official Visit Exit Interview form (see Appendix 502A-15), a Student Host Instruction form and completed Southland Conference Official Visit Roster form (see Appendix 502A-11) are submitted to the Associate Athletic Director for Compliance & Student Services, within one and one-half (1-1/2) days of the completion of the official visit. Additionally, a copy is retained for insertion in the prospect's recruiting file.

Planning Activities for the Official Visit

In order to have a productive official visit, particular objectives should be kept in mind when planning activities. Basically, those planning the visit should strive to provide a safe, informative visit for each prospect and his/her parents, guardians, or spouse, with an appropriate amount of enthusiasm demonstrated toward the prospect's chances of attaining a place at Stephen F. Austin State University. Likewise, after visiting SFA, the prospect should be able to adequately assess whether the campus environment, as well as its academic and athletic programs, are best suited to his/her needs. During the visit the prospect should also be made fully aware of all procedures associated with admission, and his/her obligations to the University and the Department of Intercollegiate Athletics.

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Each visit should be individually tailored to the prospect's needs, focusing upon his/her individual academic interests or specialties. The Head Coach or designate, arranges for meetings with faculty, student-athletes, students, coaches, trainers, equipment managers and the Director of Athletics, as appropriate.

A prospective student-athlete may attend athletic events while on his/her one, official visit. The Head Coach or his/her designate, makes arrangements for complimentary admissions with the Ticket Office, ensuring compliance with NCAA rules and regulations. For additional information related to the entertainment of prospects, see Policy 408D, Ticket Office: Complimentary Tickets, and Policy 601C, Travel: Prospective Student-Athletes, in this Manual.

Those involved in planning the official visit should be aware and take advantage of any on-campus social events, such as faculty gatherings, student organization functions, fraternity parties, etc., that introduce the University's student life to the prospect. However, care should be exercised so as not to violate any NCAA rules and regulations.

Departmental policies prohibit any consumption of alcohol by the prospect during his/her visit, as well as gambling, illegal drug use and arrangement of sexual activities for entertainment.

Student Hosts

SFA student-athletes acting as host during official visits must be fully informed regarding all NCAA rules and regulations which affect recruiting. Only student athletes are permitted to serve as hosts. Student athletes must meet and be certified by the Associate Director of Athletics for Compliance and Student Services before serving as hosts.

The Head Coach or designate assigns each prospect a host/hostess for the official campus visit. The host/hostess is expected to provide general information concerning campus life, answer questions about the University and the Department, ~~show~~ *tour* the prospect around the campus and the surrounding area, and most importantly, make him/her feel welcome.

NCAA rules allow the University to give a student host/hostess \$30 per day which is to be used to pay for all entertainment and snacks while the prospect is on-campus for the official visit. Prior to the prospect's arrival, the Head Coach obtains the student host funds from the ~~Associate Athletic Director for Compliance & Student Services~~ *Assistant Athletic Director for Business Affairs* and disburses it to the student host upon completion of the review and signing of the Student Host Instructions for Official Visits form (see Appendix 502A-12). Each student host is required to sign and date the form, agreeing to comply with applicable regulations and acknowledging the receipt of host funds.

Administration of National Letter of Intent

The Southland Conference annually subscribes to the voluntary National Letter of Intent program administered by the Collegiate Commissioner's Association (CCA). As a member institution of the Southland Conference, Stephen F. Austin State University and the prospective student-athletes who signs the Letter of Intent are bound by the policies in effect at the time of signing.

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The National Letter of Intent is initiated by the Head Coach and completed by the Associate Athletic Director for Compliance & Student Services.

Once approved, all paperwork will be sent next-day delivery by the Associate Athletic Director for Compliance & Student Services to the student athlete for signature.

Upon receiving notification that a prospective student-athlete has signed a National Letter of Intent with an institution other than Stephen F. Austin State University, no further recruiting efforts are to be made by Departmental staff members.

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502B:1

STUDENT-ATHLETES: ADMISSION

Entering freshmen and transfer student-athletes must meet Stephen F. Austin State University's admission requirements and all applicable deadlines, as well as the eligibility requirements of the NCAA. (See Policy 502C, Student-Athletes: Eligibility, in this Manual, for specific NCAA initial eligibility requirements.)

Entrance Requirements for Freshmen

Candidates for admission to the University must complete an application for admission, which is available on-line.

To be admitted as a first-semester freshman, prospective student-athletes must submit test results from either the American College Test (ACT) or the Scholastic Assessment Test (SAT), and an official high school transcript.

Official Test Scores

Freshman applicants must submit test results from either the American College Test (ACT) or the Scholastic Assessment Test (SAT). Students graduating from accredited schools who are in the ~~upper 25~~ top 10% of their high school graduating class are eligible for admission to SFA regardless of their scores on the ACT or SAT.

For scores to be considered official, the University and the NCAA require that all college entrance test results be received directly from the Educational Testing Service in Princeton, New Jersey (for SAT scores) or the American College Testing Service in Iowa City, Iowa (for ACT scores). Therefore, the student-athlete must initiate a request for SAT and/or ACT test scores to be transmitted directly to SFA's Office of Admissions by the appropriate College Entrance Examination Board.

NCAA regulations require that student-athletes complete an ACT or SAT entrance examination prior to an official visit. Therefore, Head Coaches must inform prospects of this requirement as soon as the recruiting process is begun in order to insure timely receipt of all test scores.

Admission Officers

The Office of Admissions is responsible for supervising the admission process for each sport's prospective student-athletes, in order to ensure compliance with NCAA, Conference, and University rules and regulations. Head Coaches must direct all inquiries concerning the admissions status of a prospective student-athlete to the Office of Admissions staff member assigned to prospective student-athletes' applications.

Head Coaches or their designates are to work with the Associate Athletic Director for Compliance and Student Services when processing student-athletes' applications.

502B:2

Entrance Requirements for Transfer Students

By University admissions standards, a transfer student must have been enrolled at an accredited post-secondary institution and have completed a minimum of 15 semester hours with a GPA of 2.00 on a 4.00 scale and must be in good standing with and eligible to return to the previous institution(s). Students transferring with fewer than 15 semester hours must also satisfy the eligibility requirements of first-semester freshmen.

Transfer applicants must submit by prescribed deadline dates the following items to the Transfer Admissions Office:

1. Completed SFA application form; and
2. Records of all post-secondary work.

Complete official transcripts of all work taken at other institutions (whether or not credit was desired or granted) must be submitted as a part of the admissions procedure.

Previous collegiate studies are evaluated for transferable credit upon receipt of the completed application and all transcripts. Applicants are notified of their admission status and the transferability of coursework by mail. The student's major department advisor and Dean determine if transferred courses may be used to satisfy University degree requirements. NCAA and Conference transfer requirements are discussed in Policy 502C, Eligibility.

Students transferring from post-secondary educational institutions to SFA may appeal the denial of transferability of course work completed at institutions from which they are transferring. The institution whose credit has been denied (sending institution) or the student must initiate the appeals process. The student has 15 calendar days after the transfer credit evaluation has been delivered to submit a Transfer Dispute Resolution form (available from the Office of Admissions). The law allows a maximum of 45 days for the resolution of the dispute.

International Students

Admission of international students must follow university guidelines. Students must complete the on-line application and either submit official TOEFL scores or IELTS scores to demonstrate English proficiency. Official transcripts and transcript evaluations from all secondary schools are required.

Admissions Procedures

To insure the timely processing of all applications, the Head Coach, or his/her designate, is responsible for directing the prospective student-athlete to submit the following information to SFA's Office of Admissions:

1. A completed application for undergraduate admission;
2. Official SAT or ACT test score (as described on 502B:2);
3. An official high school transcript, including class rank and date of graduation.
4. Official transcripts from all post-secondary educational institutions attended regardless of whether transcript credit was earned, or desired.
5. *Proof of a bacterial meningitis vaccination.*

*An official high school transcript is one that bears the official seal of the high school and is sent directly by the high school administration to the Admissions Office.

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STUDENT-ATHLETES: ELIGIBILITY

A student-athlete's athletic eligibility can be affected by academic performance and progress, as well as conduct and participation in outside competitions or activities. Adherence to all University, Southland Conference, and NCAA rules governing athletic and academic eligibility is mandatory for all Department of Intercollegiate Athletics staff members and student-athletes.

The Head Coach, with the support of the Director of Athletics, and in conjunction with the Associate Athletic Director for Compliance & Student Services and the Assistant Athletic Director for Student Services, ensures compliance with the rules and regulations regarding student-athlete eligibility. The University's Director of Admissions determines the initial eligibility of student-athletes and provides the academic information for certification purposes to the Department's Assistant Athletic Director for Student Services.

- In general, to be considered eligible for participation in intercollegiate athletics, a student-athlete must:
- Be accepted for enrollment under the rules of the University
- Be eligible to practice and compete according to Conference and NCAA eligibility rules and regulations; and
- Be registered in a full-time program of studies (at least twelve (12) credit hours each regular term for undergraduate students, nine (9) hours for graduate students).

Student-athletes may compete for four (4) years, provided their final year of competition occurs within (5) calendar years of the initial date of full-time enrollment in a post-secondary institution. An additional year of competition may be granted if a student-athlete meets the requirements of a hardship waiver, as defined in the NCAA Manual (i.e., medical hardship, foreign-aid services, church missions, pregnancy and specified athletics activities).

INITIAL ELIGIBILITY REQUIREMENTS

Student-athletes enter the University initially as high school graduates or as transfer students from another college. NCAA initial eligibility requirements differ according to the type of entrance into the University, as outlined below.

High School Graduates

The NCAA Initial-Eligibility Clearinghouse must certify the eligibility of each freshman student-athlete. Prospective student-athletes register with the Clearinghouse by completing and processing the NCAA Clearinghouse Student-Release-Form. Prospective student-athletes must meet the following criteria in order to satisfy NCAA requirements for initial eligibility and be considered a qualifier for intercollegiate athletics participation.

- Grade with a minimum GPA, as specified in the chart on Appendix 502C-1, based on a maximum 4.0 scale in a successfully completed core curriculum of at least 16 academic courses including;

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English	4 Years
Mathematics (one (1) year of Algebra and one (1) year of Geometry or a high level math course for which geometry is a prerequisite)	3 Years
Natural or Physical Science (includes at least one 91) lab class)	2 Years
Additional Course From English, Math or Science	1- Year
Social Science	2 Years
Additional Academic Courses (any of the above areas or foreign language, computer science, philosophy or nondoctrinal religion)	4 Years

Furthermore, minimum required SAT or ACT score must be achieved prior to the student's initial full-time enrollment in any collegiate institution.

Stephen F. Austin State University's admission standards meet or exceed the criteria for admission required by the NCAA. For specific University admissions requirements, see Stephen F. Austin State University's General Bulletin and policy 502B, Student-Athletes: Admissions in this Manual.

Transfer Student-Athletes

The Office of Transfer Admissions evaluates the academic record of all students who are interested in transferring to Stephen F. Austin State University. Athletic eligibility requirements are imposed by the Conference for intra-conference transfers and by the NCAA as summarized below.

Initial academic eligibility requirements for transfer student-athletes, per NCAA regulations, vary according to whether previous enrollment was at a two-year or four-year institution. In all transfer situations, NCAA rules and regulations apply unless Conference rules are more stringent. Head Coaches, prior to any contact with a student attending a four (4) year institution, must receive approval from the Director of Athletics who must obtain written permission from the original institution's Director of Athletics.

Intra-Conference Transfer

Southland Conference Intra-Conference Transfer rules adhere to the NCAA's eligibility rules related to student-athletes transferring from one (1) institution to another. While NCAA regulations require the student-athlete to complete one full academic year of residence before becoming eligible to compete in a sport, the Conference requires that the student-athlete forfeit one (1) season of competition eligibility and be ineligible to receive athletically related financial aid and/or practice during the NCAA's imposed residency requirement. Exceptions to this policy do exist if the transferring student has never received athletic aid from the departing school.

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The following summarizes the NCAA's eligibility provisions for transfers.

- Transfers From a Two-Year Institution (High School Qualifiers)

To be eligible for practice, regular season competition and athletically-related financial aid, a student who transfers from a two-year college that conducts an intercollegiate athletics program must meet the NCAA initial eligibility requirements, as well as the transfer requirements of the University. Additionally, the student must:

1. Have attended the first institution for at least one full time semester & averaged 12 hours of transferable-degree credit per semester of attendance.
2. Present a 2.00 GPA (on a scale of 4.00) in all transferable course work
3. Have passed a minimum of 6 hours of credit in their last full-time semester of attendance

For student-athletes (high school qualifiers) initially enrolling fulltime in a collegiate institution on or After 8/1/2012.

1. *Has spent at least one fulltime semester in residence at the two-year institution.*
2. *Has presented a minimum grade point average of 2.500.*
3. *Has satisfactorily completed an average of at least 12 semester hours of transferable degree credit acceptable toward any baccalaureate degree program at SFA for each fulltime academic term of attendance at the two-year institution.*
4. *Has passed a minimum of 6 hours of transferable degree credit in their last fulltime term of attendance at the two-year institution.*

- Transfers From a Two-Year Institution (High School Non-Qualifiers)

A student who was not a qualifier is eligible for financial aid, practice and competition during the first year in residence as SFA if the student has accomplished the following:

1. Graduated from the two-year institution with a minimum of 48 semester or 72 quarter hours of transferable degree credit toward any degree offered at the certifying institution, including six semester hours of transferable English credit and three semester hours of transferable Math Credit
2. Has attended a two-year college as a full-time student for at least three (3) semesters or four (4) quarters (excluding summer sessions); and
3. Earned a cumulative GPA of 2.000 for all transferable course work.
4. Have passed a minimum of 6 hours of credit in their last full-time semester of attendance.
5. Transfers in men's basketball, not more than two credit hours of physical education activity courses may be used to fulfill the transferable degree credit and grade-point average requirements

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For student-athletes (not a qualifier) initially enrolling fulltime in a collegiate institution on or after 8/1/2012.

A transfer student from a two-year institution who was not a qualifier (per Bylaw 14.3.1.1) is eligible for institutional financial aid, practice and competition the first academic year in residence only if:

1. *Has graduated from the two-year institution.*
2. *Has completed satisfactorily a minimum of 48 semester hours of transferrable degree credit acceptable toward any baccalaureate degree at SFA, including 6 semester hours of transferable English credit, 3 semester hours of transferable math credit and 3 semester hours of transferable natural/physical science credit.*
3. *Has attended a two-year institution as a fulltime student for at least 3 semesters.*
4. *Has achieved a cumulative grade point average of 2.500.*

The NCAA Manual should be consulted for additional two-year college transfer regulations as related to the following issues:

1. Students who have attended multiple two-year colleges;
2. Students who have competed in a sport at the two-year college of residence;
3. Credits earned as a part-time student at a four-year institution;
4. Minimum course load requirements;
5. Competition in year of transfer; and
6. Academic versus vocational degrees.

- Transfers From a Four-Year Institution

The NCAA requires that a transfer from one four-year institution to another four-year institution establish residency (usually one year) at the new institution before he/she can compete. In most cases, however, if the student is granted a release from the previous institution, he/she can engage in practice and receive financial aid. In sports other than basketball, a student may compete immediately without establishing residency provided the following NCAA conditions are met:

1. The student has not transferred before from one four-year institution to another;
2. The first institution certifies that the student met satisfactory progress requirements and he/she would have been eligible had he/she returned; and
3. The first institution certifies in writing that it has no objection to the transfer and waiver of the residency requirement.
4. Have passed a minimum of 6 hours of credit in their last full-time semester of attendance

Additional exceptions to the residency requirement for transfers from a four-year institution are described in detail in the NCAA Manual.

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- 4-2-4 Transfers

A student-athlete who transfers from a four-year college to a two-year college and then to SFA must fulfill a one-year residency requirement unless the following conditions have been met:

1. The student has completed a minimum of 24 semester or 36 quarter hours at the two-year college following transfer from the four-year college.
2. One calendar year has elapsed since the student's departure from the previous four-year college; and
3. The student has graduated from the two-year college and has achieved a cumulative GPA of 2.000; or
4. The student returns to the original four-year college from which he or she transferred to the two-year college; or
5. The student was initially enrolled in a four-year college that never sponsored his/her sport on an intercollegiate level while the student attended that institution; and
6. ~~6.~~—Have passed a minimum of 6 hours of credit in their last full-time semester of attendance.
7. *The student has completed an average of 12 semester hours of transferable degree credit with a cumulative minimum grade point average of 2.500, acceptable toward any baccalaureate degree program at the certifying institution for each term of fulltime attendance at the two-year institution following transfer from the four-year institution most recently attended.***
8. *One calendar year has elapsed since the student's departure from the previous four-year institution.***
9. *The student has graduated from the two-year institution.***

***For student-athletes initially enrolling fulltime on or after 8/1/2012.*

For a detailed description of 4-2-4 transfer regulations, see Bylaw 14 in the NCAA Manual.

CONTINUING ACADEMIC ELIGIBILITY REQUIREMENTS

NCAA Academic Requirements

In order to maintain academic eligibility for athletic participation after the initial year, NCAA regulations require student-athletes to make satisfactory progress toward a baccalaureate or equivalent degree. More specifically, a student-athlete must satisfy these requirements:

1. Remain academically eligible to attend SFA by maintaining a grade point average that places the student-athlete in good academic standing.
2. Complete 24 acceptable degree credits ~~hours the first year with a minimum of 75% of these courses to be completed in the academic year (fall & spring) with no more than 25% taken during a summer session(s) or by correspondence prior to the start of the second year of enrollment.~~

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- ~~2.3.~~ Earn 18 semester hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters (hours earned during the summer may not be used to fulfill this requirement).
- ~~3.4.~~ Pass 6 new credit hours each semester and earn a minimum GPA of 1.800.
- ~~4.5.~~ After the fourth semester of attendance, complete minimum of 18 credit hours during the fall and spring semesters with a minimum GPA of 1.900. Pass 6 new credit hours each semester and have completed 40% of the student's degree plan.
- ~~5.6.~~ After the sixth semester of attendance, complete minimum of 18 credit hours during the fall and spring semesters with a minimum GPA of 2.000. Pass 6 new credit hours each semester and have completed 60% of the student's degree plan.
- ~~6.7.~~ After the eighth semester of attendance, complete minimum of 18 credit hours during the fall and spring semesters with a minimum GPA of 2.00. Pass 6 new credit hours each semester and have completed 80% of the student's degree plan.

University Academic Requirements

The University requires all undergraduate students to maintain a grade point average which ensures that they are making progress toward the cumulative grade point average minimum required for graduation. Students are required to have a minimum 2.0 GPA.

Student-athletes are to be encouraged to declare a major program of study by the middle of their sophomore year. Once a major has been declared, only grades acceptable for degree credit in that major may be applied toward the satisfactory progress requirement. Degree applicability is determined by the school or college offering the program of study.

- Probation

Students are placed on academic probation after the first regular semester in which the grade point average fails to meet the minimum standards stated above.

Scholastic probation does not affect the athletic eligibility of a student-athlete unless he/she fails to meet academic standards for students on probation. A coach may impose practice sanctions or additional study requirements to ensure improvement in the student-athlete's academic standing at the University. (See Policy 503, Student-Athletes; Academic Policy in this Manual for more information.)

- Suspension

Per University standards, a student is placed on academic suspension for one (1) regular semester after the second consecutive regular semester of enrollment in which he/she fails to meet the minimum standard grade point average.

Failure to achieve the minimum standard grade point average in summer school will not result in Academic Suspension.

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- Reinstatement

A student on academic suspension may be allowed to continue his/her studies at the University by:

1. Attending summer school at SFA and raising his/her GPA to the minimum University standard; or
2. Passing with a C average or better at least nine (9) semester credit hours as specified by his/her college dean; or
3. Being reinstated on probation automatically after one regular semester's absence from the University.

Additional conditions for readmission may be imposed by the college deans.

Further, if a student-athlete is declared academically ineligible, in accordance with provisions of NCAA Bylaw 14.12, and the institution has a documented appeal process for all such students, the student-athlete's eligibility during the appeal process is based on the institutional regulations applicable to all such students. Additionally, if the institution's appeal process extends into the following term, an eligibility declaration for purposes of NCAA legislation must be made before the beginning of that term.

Exceptions to the *Progress-Toward-Degree* ~~Satisfactory Progress~~ Rule

The NCAA permits exceptions to the *progress-toward-degree* ~~satisfactory progress~~ rule under certain circumstances. These are explained in detail in the NCAA Manual, Bylaw 14, and include the following:

- Missed Term

A student-athlete may miss up to one academic year of enrollment for one time only if he/she:

1. Fulfilled satisfactory progress requirements while previously enrolled;
2. Was eligible for enrollment during the intended absence;
3. Did not participate in any outside competition while not in attendance at the University.

- Midyear Enrollment

~~A student-athlete entering the University at the beginning of the second semester, may have his/her required credit hours prorated to 12 credits for the initial regular academic year of attendance. Must earn 6 hours of credit.~~

- Non-Recruited, Nonparticipant

A student-athlete may qualify for an exception to the application of the *progress-toward-degree* ~~satisfactory progress~~ regulation for the initial season of eligibility if the student-athlete:

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- ~~1. Has been in residence at the University for more than one (1) academic year;~~
- ~~2.1. Was not recruited;~~
- ~~3.2. Has not received athletically related financial aid; or~~
- ~~4.3 Has never practiced or participated in intercollegiate athletics, except for participation in limited preseason tryouts.~~

The student-athlete's eligibility in subsequent seasons is governed by the provisions of the ~~satisfactory progress~~*progress-toward-degree* rule which is applied from the beginning of the first semester in which the student participates in intercollegiate athletics. *This exception shall not apply to percentage-of-degree and minimum grade point average.*

- Medical Absence

A Medical Absence Waiver may be pro-rated at 9 hours per term when a student-athlete sustains an illness or injury that precludes full-time enrollment. Medical documentation is required and the waiver is granted by the Conference Office. Credits earned during this period may ~~not be used in determining satisfactory progress~~*be used to satisfy the 24 hour, percentage-of-degree and grade point average requirements.* (See Policy 506A, Student-Athletes: Medical Policy, in this Manual for additional information.)

- International Competition

Academic and enrollment waivers may be granted to student-athletes participating in Pan American, Olympic or World University Games. The waiver is granted by the Conference Office.

Change of Major

As stated above, a major or designated major must be selected no later than the beginning of the fifth term of college enrollment. Thereafter, a change of major during any term is permissible, but credits used to meet ~~satisfactory progress~~*progress-toward-degree* requirements prior to the change must be acceptable for the degree previously sought.

CONDUCT AND SPORTS PARTICIPATION ELIGIBILITY REQUIREMENTS

Student-athletes are expected to uphold ethical standards of conduct and demonstrate ethical behavior, especially in matters related to gambling and bribery and unsportsmanlike conduct, as discussed in Policy 501, Student Athletes: Conduct and Ethics, in this Manual. In addition, a student-athlete's eligibility is jeopardized if he/she takes any of the following actions

- Arranges for fraudulent credit or false transcripts;
- Violates relevant Conference or NCAA rules and regulations; or
- Furnishes the NCAA or other regulatory bodies with false or misleading information about other individuals.

Maintaining Amateur Status

NCAA regulations regarding amateurism and permissible awards, benefits and expenses should be carefully reviewed in order to avoid violations. In general, student-athletes cannot commit to any of the following:

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- ~~Agree to make an appearance or have their pictures or name used to promote a commercial product; Uses his or her skill (directly or indirectly) for pay in any form.~~
- ~~Accept benefits such as gifts, meals and loans of cars or money, as offered by athletic interest groups (e.g., alumni or booster organizations) or anyone within the athletics program of the University. Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletic participation.~~
- ~~Be represented by an agent or organization in order to market their athletic skills or reputation; Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received; except as permitted by NCAA By-law 12.2.5.1.~~
- ~~Receive any benefit that is not available to other students at the University; Receives directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletic skill or participation, except as permitted by NCAA rules and regulations.~~
- ~~Participate in a summer sports league not approved by the NCAA; Competes on any professional athletics team per By-law 12.02.5, even if no pay or restitution for expenses was received, except as permitted by By-law 12.2.3.2.1.~~
- ~~Accept payment, or a promise of payment (e.g., in cash prizes, gifts, or travel) for intercollegiate athletics participation; Enters into a contract or agreement with an agent.~~
- Enters into an agreement of any kind to compete in professional athletics or negotiate a professional contract;
- ~~Request to be put on a professional sports draft list or try out with a professional sports organization;~~
- ~~Play on any professional athletics team~~
- ~~Have athletically related financial aid determined by anyone other than the Student Financial Aid Office at Stephen F. Austin State University; or~~
- ~~Participate on teams other than those of Stephen F. Austin State University during the season. (This includes exhibition, all-star team or tournament games.)~~

However, NCAA regulations allow a student-athlete to request information about his/her professional market value and to undergo a medical examination by a professional league's recognized scouting bureau. Additionally, the student-athlete, ~~or legal guardian or the University's career sports counseling committee~~ may negotiate with a professional sports organization without the loss of the individual's amateur status. *An individual who retains an agent shall lose amateur status.* See Policy 507C, Student-Athletes: Professional Sports Counseling Panel, in this Manual for additional information.

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Outside Sports Competition

A student-athlete that participates as a member of any outside team in any non-collegiate amateur competition during the academic year becomes ineligible for intercollegiate competition in that sport for the remainder of the year and for the next academic year.

However, a student-athlete may compete as a member of a competitive, non-collegiate, amateur team during any official vacation period published in the University's catalog. In addition, student-athletes may participate as individuals in events such as track meets, golf and tennis tournaments, provided such participation is approved in writing by the Director of Athletics and the Head Coach of that sport and does not violate NCAA regulations.

In the sports of soccer, women's volleyball, field hockey and men's water polo, a student-athlete may compete outside of the institution's declared playing season as a member of an outside team in any noncollegiate, amateur competition, provided:

- a. Such competition occurs no earlier than May 1.
- b. The competition is approved by the institutions Director of Athletics.
- c. No class time is missed for practice or competition.

Organized competition exists (as specified by NCAA Bylaws) where any of the following conditions are present:

- Teams are regularly formed or have team rosters;
- The competition is scheduled and publicized in advance;
- Official score is kept;
- Individual or team standings are maintained;
- An official timer or game officials are used;
- Squad members are dressed in team uniforms;
- Admission is charged;
- The competition is privately or commercially sponsored; or
- The competition is either directly or indirectly sponsored, promoted or administered by an individual, or organization or any other agency.

Several exceptions exist to the outside competition rulings; therefore, student-athletes should be directed to consult their Head Coach or the Associate Athletic Director for Compliance and Student Services prior to participating in such activities.

ELIGIBILITY CERTIFICATION PROCESS

The Director of Athletics, Associate Athletic Director for Compliance and Student Services, Assistant Athletic Director for ~~Student Academic Services~~ and ~~Director of Admissions~~ *Executive Director of Enrollment Management* work together to comply with the eligibility certification procedures established for all student-athletes. New student-athletes and transfer students are initially certified by the ~~Director of Admissions~~ *Executive Director of Enrollment Management*. Such student-athletes are certified as eligible to participate in practice and outside competition or as eligible only to participate in practice.

Copies of all certification forms are maintained on file by the ~~Associate Athletic Director for Compliance and Student Services~~ *Assistant Athletic Director for Academic Services*. The Director of Athletics and *Executive Director of Enrollment Management*, in conjunction with the Southland Conference Office, retains ultimate responsibility for the final certification of all student-athletes.

The official certification process for the Department begins with a team meeting, held prior to each sport's first competition of the year. The Head Coach is responsible for scheduling the meeting with the Director of Athletics, or his designate. At this time, each student-athlete is required to complete the NCAA Student-Athlete Statement and the NCAA Drug Testing Consent Form as described below.

NCAA Student Athlete Statement

The NCAA Student-Athlete Statement (see Appendix 502C-3) must be signed annually by each student-athlete certifying that he/she understands and abides by the NCAA rules and regulations. (NOTE: All formal student-athlete documents must also be signed by the student-athlete's parents or legal guardian if he/she is under 18.)

The Student-Athlete Statement includes the following:

1. The NCAA verification of eligibility, whereby the student-athlete states to the best of his/her knowledge he/she is eligible to participate in intercollegiate athletics;
2. The Buckley Amendment Statement form, whereby the student-athlete agrees to the release of private information (e.g., health records, financial aid and academic information) to appropriate authorized University personnel in order to verify eligibility;
3. A Summary of NCAA regulations related to ethical conduct, amateurism, financial aid, academic standards, etc. and recruitment (for new student-athletes, only);
4. An Affirmation of Eligibility which is signed and kept with the NCAA Student-Athlete Statement; and
5. The NCAA Drug Testing Consent form, whereby the student-athlete agrees to participate in NCAA drug testing procedures.

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Each student-athlete is responsible for reporting any changes in information provided (e.g., address, financial aid status, etc.) as they occur to the Associate Athletic Director for Compliance and Student.

NCAA Squad List

The NCAA Squad List (see Appendix 502C-5) is prepared prior to the student-athlete's first contest each academic year. This form is completed by the Associate Athletic Director for Compliance and Student Services.

Student-athletes may not participate in competition until they have been listed as eligible via the NCAA Squad List. A copy of each sport's Squad List is kept on file in the Associate Athletic Director for Compliance and Student Services Office. Upon certification, student-athletes are eligible for practice, unless they are partial or non-qualifiers.

Additions or changes to the Squad Lists are to be reported to the Associate Athletic Director for Compliance and Student Services within 24 hours of when they occur. New student-athletes wishing to participate in intercollegiate athletics may not do so until they have been certified as eligible.

NCAA Admissions and Graduation Disclosure Procedure

The NCAA Graduation-Rates Disclosure Sheet (Form 95-6a) (see Appendix 502C-6) is to be compiled by the President of the University, or designate, and the Director of Athletics, signed and submitted to the NCAA by ~~March 1 of each year~~ *the designated date of the report each year*. Information required on this form includes the following:

1. University enrollment data;
2. Average admissions data;
3. Freshman - cohort graduation rates;
4. Standards for transfer student-athletes;
5. Degree programs;
6. Exhausted eligibility graduation rates;
7. Time spent to graduate; and
8. Transfer cohort graduation rates.

Temporary Certification

A recruited student-athlete entering the University as a freshman or transfer student may practice once they have a completed TRYOUT/WALKON CLEARANCE FORM, but not compete, for a period not to exceed ~~two (2) weeks~~ *21 days* while the University is certifying his/her initial eligibility requirements. *SFA shall not provide athletically related financial aid to the student-athlete during this period.* At the end of this ~~two-week~~ *21 day* period, the student-athlete must have been certified eligible to continue practice ~~or to, compete or receive athletically related financial aid.~~

A non-recruited student-athlete entering the University as a freshman may practice, but not compete, for a period not to exceed 45 days while the academic records and core requirements of the student-athlete are being evaluated and certified. After this period, the student-athlete must have established eligibility in order to continue to practice or to compete.

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The eligibility certification process for the above student-athletes follows the same process as for all other student-athletes. It includes the completion of the following forms:

- ~~NCAA Initial Eligibility Clearinghouse~~ *Eligibility Center* approval (~~via computer modem or by paper report~~);
- NCAA Student-Athlete Statement (Appendix 502C-3); and
- NCAA Squad List (Appendix 502C-5).

EXIT INTERVIEWS

Exit interviews are to be conducted with student-athletes, in each sport, whose eligibility has been exhausted. Interviews are conducted by the Chairman of the IAC, who after review, forwards the information to the Director of Athletics. The purpose of the interview is to aid in developing athletics programs that continue to meet the needs of students and to aid in developing specific sport's programs.

SFA

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STUDENT ATHLETES: FINANCIAL AID

Stephen F. Austin State University awards financial aid to student-athletes in accordance with University policy, as well as Southland Conference, and NCAA rules and regulations governing financial aid. Athletically related grants-in-aid are limited to bona fide educational expenses such as tuition, fees, room, board and course-related books not to exceed the cost of 30 hours of tuition and fees, room, board and course-related books each academic year (fall/spring).

The Associate Athletic Director for Compliance and Student Services administers the financial aid program for the Department and works with the University's Director of Financial Aid in meeting the financial needs of student-athletes.

While it is understood that athletically related grants-in-aid are awarded on an annual basis and are limited to bona fide educational expenses, the Department of Intercollegiate Athletics is philosophically committed to providing the student-athlete with four (4) years of scholarship funding. Financial aid provided to student-athletes is not considered a reimbursement for services performed and cannot be graduated or discontinued, on the basis of athletic performance, during the period of its award.

However, athletically related aid may be reduced or canceled if the student-athlete becomes academically or athletically ineligible to participate (See Policy 502C, Student-Athletes: Eligibility, in this Manual for additional information).

Allocation of Grant-in-Aid Awards

Each intercollegiate sport is provided a specific number or amount of grant-in-aid awards, according to budgetary restrictions and within NCAA rules and regulations. Head Coaches are informed early each fiscal year of the amount of scholarship aid available to their programs. Grants-in-aid are allocated upon the recommendation of the Head Coach and with the approval of the Director of Athletics. The University's Office of Financial Aid awards grants-in-aid based on these recommendations. Recipients of financial aid are notified of the offer of award scholarship on the ~~Southland Conference Grant-in-Aid Offer Form~~ *Stephen F. Austin State University Athletic Scholarship Agreement form* (see Appendix 502D-1) which details the terms and conditions of the grant. Awards are tendered, along with the National Letter of Intent, at the appropriate signing dates, as provided by the NCAA.

Head Coaches are encouraged to work with their prospective student-athletes and their families prior to the award deadline. They should assess each student-athlete's financial need and encourage them to file the necessary paperwork for other types of assistance well before the deadline date. This allows coaches the opportunity to use athletic financial aid award funds in the most effective manner possible for their student-athletes.

Allowable grants-in-aid are calculated according to NCAA guidelines for head-count and equivalency sports, as described below. Further, the number of grants-in-aid for any team may be affected by NCAA sanctions which may be imposed against the Department's sport.

502D:2

Head Count and Equivalency Sports

For purposes of financial aid computations, a player is considered a Counter when he/she receives financial aid based on athletic ability, and/or was recruited, receives financial aid and is competing as a member of an intercollegiate team.

- Head-Count Sports

A head-count sport is one, designated by the NCAA, in which athletically related aid is calculated by the number of student-athletes receiving any amount of aid, regardless of the amount of aid received by individual team members. Student-athletes designated to receive any type of financial aid, including textbooks only scholarships, are to be included in the number of student-athletes receiving aid in head-count sports.

The following are the maximum awards allowed by the NCAA that may be in effect at any one time for the various head-count sports sponsored at SFA:

Sport	Men	Women
Basketball	13	15
Tennis		8
Volleyball		12

- Equivalency Sports

Equivalency sports, as designated by the NCAA, are those in which athletically related aid is calculated by the percentage of a full, athletically related scholarship awarded to a team member. The University may administer such awards to any number of recipients on the basis of value (equivalency), provided the total dollar amount expended does not exceed commonly accepted educational expenses at the University multiplied by the number of maximum awards permitted for the particular sport.

The following are the maximum awards allowed by the NCAA that may be in effect at any one time for the various equivalency sports sponsored at SFA:

Sport	Men	Women
Cross Country/Track	12.6	18
Golf	4.5	
Women's Golf		6
Bowling		5
Football	63 *	
Soccer		14
Softball		14
Baseball	11.7	

*In Division FCS Football, there is an annual limit of 30 initial counters and 63 equivalency sports to total 85 annual counters.

Although grant-in-aid allocations within each sport are recommended by the Head Coach, the procedures for administering grants-in-aid are the same for all student-athletes. These procedures are summarized as follows:

502D:3

Processing of Grant-in-Aid Awards

Grants-in-aid are allocated upon the recommendation of the Head Coach and the approval of the Director of Athletics and the University's Director of Financial Aid. The ~~Southland Conference Grant-in-Aid Offer~~ *Stephen F. Austin State University Athletic Scholarship Agreement* forms are prepared by the Associate Athletic Director for Compliance and Student Services. The approved forms are forwarded to the Associate Athletic Director for Compliance and Student Services which checks equivalencies to ensure compliance with NCAA grant-in-aid limitations for each sport.

The University's Financial Aid Office awards grants-in-aid based on the recommendations of the Director of Athletics. ~~Recipients of financial aid are notified of the awarded scholarship via the completed Southland Conference Grant-in-Aid Offer form which details the amount of aid and the terms and conditions of the grant.~~ Copies of Team Rosters and Grant-in-Aid lists are kept on file in both the Associate Athletic Director for Compliance and Student Services Office and with each sport's secretary.

Prospective Student-Athletes

Financial aid agreements are issued to prospective student-athletes with the National Letter of Intent (see Appendix 502A-14). Prospects may not be offered financial aid prior to the times and dates ~~noted on the Letter~~ *permitted by the National Letter of Intent*.

To be valid, the National Letter of Intent Agreement must be signed *and dated by the prospective student-athlete and his/her parent or guardian* within 14 days after it is issued and returned to the Associate Athletic Director for Compliance and Student Services.

A copy of the Financial Aid Agreement is forwarded to the Office of Financial Aid. If the student fails to be admitted following the University's regular admission process, the grant-in-aid becomes null and void. (See Policy 502B, Student-Athletes: Admissions, in this Manual for admissions standards and procedures.)

Enrolled Students

A student-athlete eligible for a grant-in-aid who enrolls at the University without having received a financial aid offer may, thereafter, be given aid at any time.

A Head Coach who wishes to make an initial offer of athletically related financial aid to a previously enrolled student must submit a ~~revised Squad List~~ *Scholarship Request form* to the Associate Athletic Director for Compliance and Student Services. Prior to tendering an offer of financial aid to the enrolled student-athlete, it is necessary to verify the eligibility of the student and comply with squad limitations. With the recommendation of the Director of Athletics and the signatory approval of the Director of Financial Aid, the Grant-in-Aid Offer is considered fully executed and ready for the student-athlete's signature.

Continuing Student-Athletes

Athletically related financial aid is awarded on a year-by-year basis and cannot be increased, reduced or discontinued during the period of its award for any athletically related reason. As stipulated by NCAA Bylaw 15, grants-in-aid are renewed on or before July 1st of the academic year in which they are to be effective. Student-athletes are asked to sign and return the agreements by July 15.

502D:4

Renewal notifications (see Appendix 502D-2 for sample) must be mailed out on or before June 30th. The Associate Athletic Director for Compliance and Student Services coordinates the processing of *scholarship* renewals ~~letters~~ with each sport's *Head Coach, sport* secretary, the Director of Athletics, the Assistant Athletic Director for Student Services and the Director of Financial Aid.

Graduation or Cancellation of Aid

By July 1, student-athletes must be notified in writing by the Director of Athletics if the renewal of aid is to be reduced or canceled. (See Appendix 502D-2 for a sample cancellation letter.) Student-athletes may appeal if they believe they were unjustifiably denied the renewal of aid.

The request for an appeal must be filed in writing and directed to the Director of Athletics within ten (10) days of the cancellation notification. Upon receipt, the Director of Athletics schedules a review for the appeal. If the appeal is not granted, then it can be appealed to the Financial Aid Appeals Committee. The Scholarship appeal process must be completed prior to the commencement of the academic year for which the scholarship is renewed, reduced or canceled. In general, the renewal of aid may be denied if the student-athlete:

1. Fails to meet all established eligibility requirements related to University academic standards or intercollegiate competition;
2. Engages in serious misconduct which results in substantial disciplinary action by the University;
3. Voluntarily withdraws from participation in a sport for personal reason;
4. Fails to meet the Department of Intercollegiate Athletics' team rules governing discipline, training or conduct;
5. Is found guilty of fraudulent misrepresentation on his/her application, National Letter of Intent or Financial Aid Agreement;
6. Is found guilty of falsifying a statement concerning his/her attendance at another institution;
7. Fails to comply with the requirements of the drug education, testing and rehabilitation program; or
8. Is found guilty of withholding information which could affect his/her eligibility status.

502D:5

Summer School

Athletically related financial aid does not normally include summer session classes. However, financial aid may be extended to cover summer school if attendance is warranted. The Head Coach of each sport makes a determination regarding those student-athletes to be offered financial assistance for summer school provided funding is available.

As per NCAA legislation, an enrolled student-athlete, if awarded financial aid for summer school, may only receive athletically related financial assistance in proportion to the amount of athletically related aid received during the prior academic year, he/she may not be provided athletically related aid during the ensuing summer term.

Summer school for incoming freshmen prior to initial, full-time enrollment in the fall are required by NCAA legislation to enroll in a minimum of six hours of academic course work, other than physical education activity courses, that is acceptable degree credit toward any of the university degree programs.

For student-athletes who meet the NCAA's criteria for summer school aid, the following circumstances may dictate the need for summer school assistance as determined by the Head Coach:

1. Student-athletes who need the hours to be eligible for fall competition;
2. Fourth-year athletes who intend to graduate that summer;
3. Fifth-year student-athletes who intend to graduate that summer;
4. Student-athletes who have maintained their eligibility for the fall, but who need hours to keep on schedule for graduation within four (4) years; and
5. Incoming freshmen who may benefit academically.

All applicants for summer school are considered on an individual basis. Once approved, each student-athlete is required to sign a financial aid agreement for summer school reflecting the amount, terms and duration of aid.

Additionally, summer school scholarship recipients will be asked to repay the cost of tuition & fees of any class that was dropped or receives the grade of 'F'.

Fifth Year/Injured

The Department of Intercollegiate Athletics is not able to automatically grant Fifth-Year/Injured financial aid. Therefore, each request is reviewed by the Director of Athletics and granted based on the individual merits of the situation and on the recommendation of the Head Coach for each sport. Post eligibility grants-in-aid will be funded not to exceed the cost of tuition and fees (maximum of 15 hours per semester) or the amount of their last award if it was less.

Requirements to receive this award include:

1. Return academically eligible just as if they still had a season of competition remaining.
2. Enroll full-time unless they are in the final semester of degree plan/
3. Work at an Athletic Department assigned job for 10 hours each week.

502D:6

To receive athletic aid the following semester, the recipient must pass at least 9 new hours towards their degree plan with a GPA of 2.00 or higher.

Lastly, it should be understood that this scholarship award will be made in 3 payments during the semester. The first payment will be 50% of the total cost of tuition and fees, and will be applied to their account at the beginning of each semester. The remaining two payments will be made in equal amounts approximately 30 and 60 days following the first payment. Should a recipient choose not to fulfill their assigned work detail, one or both of the remaining payments will not be applied to the billing statement.

Moreover, post-eligible aid is not awarded to any student-athlete under contract or receiving compensation from a professional sports organization.

- **NCAA Sixth Year Scholarship Program**

The NCAA has a program for awarding scholarship money to student-athletes who require an 11th semester or a full sixth year to complete graduation requirements. Applications are available from the Assistant Athletic Director for Student Services. The deadline for returning the applications is May 15th and the applications require extensive documentation. Therefore student-athletes interested in applying should be encouraged to begin the process as early as possible.

Non-Institutional Financial Aid

Should a student-athlete qualify for non-institutional financial aid and exceed the maximum scholarship aid allowed, University funds are reduced dollar-for-dollar. NCAA Manual Bylaw 15, regarding Financial Aid should be consulted to determine the types of outside aid student-athletes may receive without reducing University aid (i.e., non-countable, outside aid) when totals do not exceed NCAA ceilings. Further, a student-athlete may receive a Pell Grant in combination with other institutional financial aid, provided the overall total does not exceed the cost of attendance ceiling.

All outside aid received by a student-athlete must be reported to the ~~Southland Conference and the NCAA-University Office of Financial Aid~~ at the beginning of each academic year. Individuals reporting outside aid may have their athletic grant-in-aid reduced to avoid an award in excess of a full-ride amount. permissible outside scholarship awards must meet NCAA criteria and may cause athletic grant-in-aid to be adjusted to NCAA ceiling amounts.

All non-athletically related aid received is to be reported to the Office of Financial Aid. The Associate Athletic Director for Compliance and Student Services is responsible for ensuring that the aid is permissible and for notifying the appropriate parties to make any necessary adjustments to the athletically related aid.

University Charges Not Paid by the Department

Certain expenses which may be incurred by the student-athlete while enrolled at SFA are not covered under the his/her grant-in-aid. Per NCAA regulations, only tuition, room, board and required books are legitimate components of athletically related financial aid. The following list of expenses are not part of a grant-in-aid and therefore must be paid by the student-athlete.

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They include, but are not necessarily limited to:

- Cost of treatment for non-athletically related injuries.
- Non-legitimate hotel charges (e.g., long distance telephone, laundry, movies, etc.) incurred during travel to away contests.
- Library fines and fines for damage to University property, including residence halls.
- Key deposits or replacement of a lost residence hall key.
- School supplies, reference books, pens, notebooks, paper, drafting kits, etc.
- Vehicle registration fees.
- Parking fines.
- Personal insurance for non-athletically related injuries and illnesses.
- Residence hall penalty fees incurred for breaking contract agreements.
- *Late registration fees.*
- *Graduation fees*
- *Fees associated with student-teaching and internships.*

Non-Scholarship Student-Athletes

The University extends to all non-scholarship (recruited or non-recruited) student-athletes the same benefits as scholarship athletes (excluding grant-in-aid awards). Once certified as eligible to participate, the benefits received are as follows:

- Academic counseling assistance (e.g., tutoring, career and peer counseling, etc.)
- Training room treatment for athletically related injuries.
- Strength and conditioning facility use.
- Referrals for vacation and permanent employment.
- Team travel and equipment use.
- ~~Training table participation provided NCAA rules are adhered to.~~
- Athletic letter awards.

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STUDENT-ATHLETES: NON-RECRUITED

The Department of Intercollegiate Athletics recognizes the right of individuals who have not been recruited to try out for an intercollegiate sports team and includes non-recruited, as well as recruited, student-athletes on their team rosters. Non-recruited student-athletes are students who are entering or presently enrolled at SFA and who have not been recruited or offered financial aid based on athletic ability.

The Head Coach of each sport has sole authority for establishing tryout guidelines and for determining the success or failure of a tryout. The Associate Athletic Director for Compliance and Student Services works closely with the Head Coaches of all sports to ensure that applicable compliance records are maintained on all non-recruited student-athletes.

A non-recruited student-athlete not receiving institutional financial aid is not considered a counter. A non-recruited student-athlete receiving institutional financial aid is not considered a counter if there is certification on file in the Director of Athletics Office signed by the Director of Admission and the Director of Financial Aid certifying that the financial aid was granted without regard to athletic ability.

Eligibility Certification

A non-recruited student-athlete entering the University as a first semester freshman or transfer student may practice once they have a completed TRYOUT/WALKON CLEARANCE FORM, but not compete, for a period not to exceed 45 days while the academic records and core requirements of the student-athlete are being evaluated and certified. *Approval for practice is only granted after the student has passed a medical examination, as well as registering and providing all required academic documentation to the NCAA Eligibility Center.* After this period, the student-athlete must have established eligibility in order to continue to practice or compete.

The eligibility certification process for non-recruited student-athletes follows the same process as for other student-athletes as described in Policy 502C, Student-Athletes: Eligibility, of this Manual.

Benefits Extended to Non-Recruited Student-Athletes

Excluding grand-in-aid awards, the University extends to all non-recruited student-athletes the same benefits as scholarship student-athletes. These benefits may include:

- Academic Services (e.g., study hall, tutoring, academic counseling, etc.);
- Training Room treatment for athletically related injury;
- Strength and conditioning facility use;
- Team Travel and equipment use; and
- Athletic achievement awards.

Additionally, non-recruited student-athletes may eventually be offered athletically related financial aid at the discretion of the Head Coach and according to the provisions described in Policy 502D, Student-Athletes: Financial Aid, in this Manual.

STUDENT-ATHLETES: ACADEMIC POLICY

Stephen F. Austin State University and the Department of Intercollegiate Athletics are committed to excellence in education. Academic standards and requirements for student-athletes at SFA are no less stringent than for the general student population. Both the University and the Department of Intercollegiate Athletics are aware that participation in varsity athletics makes exceptional demands upon a student-athlete's time and energy. Student-athletes, however, must assume ultimate responsibility for their academic endeavors while attending the University.

The Assistant Athletic Director for Student Services is responsible for the daily administration of the academic support program and works closely with the Office of Admissions and the Registrar's Office to institute program services which help ensure continuing eligibility for SFA's student-athletes.

Philosophy and Objectives

The University believes in the development of a well-rounded individual, sound in mind and body. To achieve this, the University and the Department strive to offer a balanced academic and athletics program that encourages student-athletes to develop characteristics that will make them better citizens and assist them in their life endeavors. Further, the University and the Department are committed to helping each student-athlete achieve a quality education and graduate. This philosophy encompasses helping the motivated student-athlete to learn faster and more completely, and the under-motivated student-athlete to become more motivated and better able to succeed in the academic arena.

In fulfilling its philosophy, the Department, as a whole, strives to:

- Recruit only student-athletes with the potential to succeed academically, as well as athletically;
- Maintain the athletic eligibility of every student-athlete;
- Graduate all student-athletes;
- Protect the academic integrity of the University; and
- Comply with all rules, regulations and procedures of the University, the Southland Conference and the NCAA.

Coach's Responsibility

Although it is the University's and Department's goal to create an academically supportive environment, it is the student-athlete's responsibility to work within the parameters of this environment. Coaches are asked to support the efforts of the Assistant Athletic Director for Student Services and Academic Services Assistants to impose logical consequences for those student-athletes who are not fulfilling their academic obligations. If problems with specific student-athletes cannot be resolved jointly by the coach and the Assistant Athletic Director for Student Services, the student-athlete may be in jeopardy of losing his/her academic support services privileges.

The Department requests that coaches not only support the program with encouragement and appropriate sanctions, but also be supportive of the program's requirements and allow flexibility with student-athletes who may be on occasion late to practice due to academic counseling or related responsibilities.

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In an attempt to advise coaches of scheduled workshops and tutorials, regular reports are sent by the Assistant Athletic Director for Student Services and/or Academic Services Assistants. These reports address the student-athletes participation, performance and attitude as related to services offered by the Academic Support Program.

Student-Athlete's Responsibilities

As stated previously, the student-athlete is ultimately responsible for his/her academic progress at the University. General academic requirements and responsibilities are contained within this policy.

Academic Programs and Services for Student-Athletes

The Department's goal is to provide student-athletes with an academic support program which utilizes Departmental and University resources to address a variety of academic, personal and career issues. To accomplish this goal, the Academic Support Program, in concert with University student services strives to make available to student-athletes the services described below.

- SFA 101 - Each new student-athlete is requested to enroll in SFA 101. This class will include campus life and survival skills presentations; the explanation of academic support programs and academic counseling services, etc. The class is specialized for student-athletes and taught by members of the athletic department staff.
- Personal Counseling - Confidential assistance is provided to student-athletes by Licensed professional Counselors to help them with transitional issues, stress management, academic focus and personal crisis intervention.
- Career Counseling - Vocational counseling, including interest testing, career library and SIGI (computerized guidance system) is made available to student-athletes
- Testing Services - National tests such as GRE, MAT, LSAT, GMAT, and the TASP are administered to student-athletes, as appropriate. Preparation counseling is also available.
- Placement and Career Services - A liaison service between employers and prospective employees is offered. All students are encouraged to begin a placement file early in their senior year.
- Career Planning - Job development skills are offered in the form of resume development, cover letter writing, job search strategies, interviewing skills and professional school placement assistance.
- Student-Athlete Advisory Committee - The purpose of this established Board is to encourage student leaders and staff to discuss concerns, set goals and identify projects.
- Service Program - This program encourages and facilitates the involvement of student-athletes with students in the community as peer counselors and role models.

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- Educational Assessments - A proactive approach is utilized to help develop a personalized academic support plan for student-athletes by offering: reading, writing and listening assessments, services for students with disabilities and in-depth academic assessments and evaluations.
- Tutorial Support - Various programs are offered to help student-athletes experience academic success. They include: subject tutoring, mentor tutoring, group tutorials, time management counseling and supplemental instruction.
- Academic Supervision - Short and long term supervision includes study halls, grade report updates from instructors informing academic staff and coaches of course performance, class attendance monitoring and evaluation of overall academic progress. The GradesFirst software program ~~was introduced in the Summer 2009 and~~ utilizes the latest computer technology to track attendance, grade status, comments from professors and arranging appointments with tutors.
- Computer Resources - Computers and computer assistance are made available to student-athletes.
- Degree Audit Program - This program contains a tracking system which is used to insure accurate course selection and to monitor progress towards graduation through evaluation, maintenance of records and their updating, semester by semester, via an evaluation of academic transcript and degree requirements.

Intercollegiate Athletics-Kinesiology 200.012

Students who are members in good standing of any intercollegiate team are eligible to enroll in this two-hour activity/participation course up to a maximum of six times. Hours earned in this course can only apply as electives if permitted by each individual academic degree plan. *This course may be taken for 1 or 2 hours of credit.*

This is a pass-fail course with students receiving either an A or F. In order to earn an "A" in the course, enrolled students must begin and end the semester as a team member in good standing. Failure to do so will result in a grade of "F".

If prior to the last day to drop during the semester, a student voluntarily quits or is cut/dismissed by the coach from the team, the student should drop this course to avoid receiving a grade of "F". Students who voluntarily quit or are cut/dismissed from the team after the last day to drop will receive a grade of "F".

All students enrolled in this course can receive a syllabus detailing the requirements expected from the Kinesiology & Health Science Office-HPE204. The Associate Athletic Director for Compliance and Student Services is responsible for the athletic administration of this course.

~~Satisfactory Progress~~Progress-Toward-Degree

To comply with the NCAA's ~~satisfactory-progress-toward-degree~~ rule, each student-athlete must designate a program of studies leading toward a specific baccalaureate degree by the beginning of the third year of enrollment (i.e., the fifth semester). The Assistant Athletic Director for Student Services confirms, with the assistance of the Office of Admissions, that each student-athlete meets this requirement, and then works with the student-athlete to ensure that satisfactory progress toward to specified degree is being made.

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Each student-athlete's on-going academic status is monitored via the Southland Conference Eligibility Verification form (Appendix 502C-4). All Information is verified by the Office of Admissions, using University computer data. A copy of the completed form is kept on file with the ~~Associate Athletic Director for Compliance and Student Services~~ *Assistant Athletic Director for Academic Services*.

In order to remain academically eligible to participate in intercollegiate athletics, a student-athlete's course load must not drop below 12 hours. If dropping a class results in a student-athlete being registered for less than 12 hours, the Assistant Athletic Director for Student Services immediately informs the individual's Head Coach of the potential eligibility problem.

Drops and Adds

All student-athletes are required to receive signatory approval for drop/add from the Assistant Athletic Director for Student Services before preceding with changes in approved schedules. No schedule changes may be made after the deadline specified in the academic calendar without the approval from the course instructor and the departmental dean.

Class Attendance

Student-Athletes are expected to attend class on a regular and punctual basis. In any university course, professors have discretion over whether or not to accept excuses. Further, course instructors establish specific attendance policies to which student-athletes must adhere. The University recognizes the legitimacy of intercollegiate competition while striving to minimize the number of classes missed due to competition. Absences due to personal reasons unrelated to athletics competition and not in accord with the University's attendance policy may significantly affect grades.

Arrangements for taking any examination or completing work assignments affected by team travel are the student-athlete's responsibility. Instructors are aware of the problems involved in scheduling athletic competitions, and are usually willing to provide some flexibility if the student-athlete requests consideration in advance. Student-athletes should identify themselves to their professors as early as possible in each course and provide professors with their team and travel schedule to eliminate potential conflicts.

Additionally, your class attendance will be regularly monitored by Athletics staff (Assistant Athletic Director for Student Services and coaching staff). Professors routinely provide information to the Assistant Athletic Director for Student Services regarding missed classes and concerns they may have about academic performance.

Each head coach will be responsible for enforcing class attendance and deciding penalties for unexcused and excessive absences. Penalties could include additional study hall time, loss of game participation and loss or reduction of athletic scholarship.

Exams

When a student-athlete learns that an exam is scheduled during the time he/she will be participating in the intercollegiate athletics program, the student-athlete is responsible for notifying the instructor and making arrangements to make up the exam. The instructor should be contacted at the earliest possible date.

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Incomplete Grades

Student-athletes are required to complete all course assignments by the last day of classes for the semester. However, student-athletes may petition the dean of their college prior to the last day of classes to request an extension, if circumstances warrant the extension. The course instructor must endorse the petition for the extension. Extensions are granted only if the student has completed the major requirements of the course. If an extension is granted, a grade of I (incomplete) is given. The incomplete is removed at the end of the extension period. If the student has not completed the course requirements, a grade of zero is assigned to all missing grades and the final grade is assigned by the instructor.

Study Hall

The Assistant Athletic Director for Student Services identifies minimum recommended study hall hours for all freshmen and transfer student-athletes. Additionally, study hall attendance may be mandated by the Assistant Athletic Director for Student Services and Academic Services Assistants in consultation with the student-athlete's Head Coach. Student-athletes attending study hall sessions are required to verify their attendance by electronic login using their University ID. The Assistant Athletic Director for Student Services or designate, monitors the sessions to verify the presence of these student-athletes. A student-athlete's failure to attend required study halls is reported to his/her Head Coach for counseling.

All study hall sessions are open to all student-athletes.

Tutoring Services

The Assistant Athletic Director for Student Services coordinates a variety of tutoring services for student-athletes. These programs include individualized subject tutoring, small group tutorial sessions, supplemental instruction and time management counseling.

At-risk students are identified and assigned tutors at the beginning of each semester. Any student-athlete requesting tutoring must receive permission form the Assistant Athletic Director for Student Services.

Academic Monitoring and Evaluation

The Assistant Athletic Director for Student Services compiles and maintains a file on each student-athlete. The file contains all materials documenting the academic profile of the student-athlete (e.g., academic transcripts, SAT and/or ACT scores, grade point averages, plan and/or program of study), as well as various forms verifying the eligibility status of the student-athlete.

The Assistant Athletic Director for Student Services and Academic Services Assistants monitor all grades and class attendance for student-athletes designated as high risk. The student-athlete and the Head Coach are contacted to review problems and offer possible solutions as necessary.

STUDENT-ATHLETES: SUMMER SCHOOL

The Department of Intercollegiate Athletics is aware that time demands placed on student-athletes during the academic year may limit the number of credit hours a student-athlete may be able to handle beyond what is required by NCAA legislation. Summer school is often an option for timely completion of specific academic courses. For entering freshmen it is an opportunity to get a head start on their academics. However, summer school is not automatically financed. The Director of Athletics determines the amount of funding available from budgetary sources, endowments, SAF/SOF funds and private giving. The amount for each sport is determined and reported to each Head Coach prior to the end of the spring semester.

Student-athletes wishing to attend summer school must discuss their decision with their Head Coach and the Assistant Athletic Director for Student Services. Student-athletes requesting financial assistance for summer school fees must have approval of their Head Coach who in turn will send an official list and the amounts to be awarded to the Associate Athletic Director for Compliance and Student Services who will enter the financial aid into the Banner system. (see Policy 502D, Student-Athletes: Financial Aid, in this Manual for additional information). When approved, NCAA regulations stipulate that funding may only be awarded in proportion to the grant-in-aid received during the preceding academic year.

Summer school attendance ~~is mandatory~~ *is highly recommended* for student-athletes on academic suspension and in some cases where the student-athlete's eligibility is at risk. Other requests are considered if the student-athlete's Head Coach approves financial aid for summer school. All requests must be evaluated by the Assistant Athletic Director for Student Services, the Director of Admissions and the Director of Financial Aid, basing the provision of financial aid on the following criteria:

- Individual sports' budgetary constraints;
- Class standing (i.e., freshman, sophomore);
- Availability of necessary classes (i.e., only offered during summer);
- Continuing eligibility requirements (i.e., the for 24 hours of classes per year);
- Grades achieved in previous course work;
- Course completion necessary for graduation following summer session; and/or
- Course required for post graduate study.

All applicants for summer school are considered on an individual basis.

Student-athletes who receive athletic funding for summer school, and drop a class(es) or receive a grade of 'F', will be required to repay all tuition & fee costs associated with class(es). Those charges will be placed directly on the students Billing Statement and will be payable at the Business Office.

Student-athletes wishing to attend summer sessions, at their own expense at another institution must obtain the prior approval of the Assistant Athletic Director for Student Services. Credit is transferred only if a grade of C or better is obtained. Moreover, the grade does not transfer to SFA, only the credit.

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DEPARTMENT OF INTERCOLLEGIATE ATHLETICS TRANSFER RELEASE POLICY

A student-athlete who wishes to transfer to another NCAA institution should follow these steps. First, notify your head coach that you desire to transfer and are requesting your release. If approved by the head coach, your release will be prepared by the Associate Athletic Director for Compliance and Student Services upon notification by the head coach. *This release will only give institutions permission to contact you about transferring.*

~~If the head coach decides to deny your request for release, you may appeal his/her decision immediately to the Director of Athletics. If your request is still not granted, the Athletic Department will notify you in writing, that upon your request, a hearing opportunity will be arranged with Intercollegiate Athletic Council to render a final decision. This hearing will be conducted within 10 days of the request. If the request to permit any other institution to contact the student-athlete is denied, the student-athlete will be informed in writing by the Director of Athletics and given the opportunity to request, in writing, a hearing conducted by the Intercollegiate Athletic Council. The hearing will be conducted and written results provided to the student-athlete within 15 business days of receipt of the written request for hearing. The student-athlete shall be provided the opportunity to actively participate in the hearing. If the hearing is not conducted or written results are not provided within the 15 business day window, permission to contact the student-athlete is granted by default and a written permission will be provided.~~

~~In the event that the student-athlete is also seeking a One-Time Transfer ReleaseException release, and the University denies his/her request, then the same appeals process as outlined above will be provided. You may appeal this decision immediately to the Director of Athletics. If your request is still not granted, the Athletic Department will notify you in writing, that upon your request, a hearing opportunity will be arranged with Intercollegiate Athletic Council to render a final decision. This hearing will be conducted within 10 days of the request. the request must be in writing to the Director of Athletics. A decision to grant or deny the request will be made in writing by the Director of Athletics within 7 business days. If denied, the student-athlete will be provided a hearing upon written request. The hearing will be conducted by the Intercollegiate Athletic Council. The hearing will be conducted and written results provided to the student-athlete within 15 business days of receipt of the written request for hearing. The student-athlete shall be provided the opportunity to actively participate in the hearing. If the hearing is not conducted or written results are not provided within the 15 business day window, permission for the release shall be granted by default and written permission will be provided.~~

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DEPARTMENTAL STAFF: HIRING

Stephen F. Austin University is committed to achieving an adequate representation of well-qualified men, women and minorities in all operational areas and at all employment levels. As a reflection of this commitment, the Department of Intercollegiate Athletics recruits and employs the most qualified applicants available, consistent with the requirements of the position and the long-range objectives of the Department. All decisions regarding the recruitment, selection and placement of employees are made solely on the basis of job-related criteria. Furthermore, every effort is made to allow existing employees the opportunity for advancement within the Department or University and to place new employees in positions which best utilize their abilities and in which they are able to achieve both personal satisfaction and career opportunities.

Within the Department, the Director of Athletics coordinates the hiring process and ensures compliance with the University's policies for recruiting, interviewing and selecting applicants. Supervisors wishing to fill an existing vacancy or create a new position should contact the Director of Athletics for approval to initiate the hiring process. Staff members involved in the hiring process are expected to comply with established University procedures for selecting candidates. All related activities are subject to the approval of the University's Director of Human Resources.

For additional information, see SFA's Policies and Procedures Manual, Index E-27N and the University's Affirmative Action Policy E-4.

Equal Employment Opportunity

State and federal laws, as well as institutional policies, provide for equal employment opportunities for all individuals seeking employment with Stephen F. Austin State University, regardless of ~~gender, marital status, race, creed, handicap, age, ancestry, sexual orientation, political affiliation or veteran status~~ *race, color, sex, religion, age, national origin, veteran status, genetic information, or physical or mental disability*. (See Policy 102, commitments, in this Manual, for additional information.) Additionally the University is committed to more than simply non-discrimination in its compliance with U.S. Statutes and Executive Orders. By asserting the need for even-handedness in employment decisions, the University recruits a diverse group of individuals, while assisting all employees to prepare for advancement.

Affirmative Action

The Department also follows the University's affirmative action policy, which requires making additional efforts to recruit, hire and promote qualified minorities, women and disabled individuals.

Nepotism

The University restricts the hiring or appointment of a candidate for a University position of employment, if the candidate is related within the second degree of affinity (*marriage*) or within the third degree of consanguinity (*blood*) to a University officer or employee responsible for the hiring and/or supervision of the candidate. ~~Exceptions to the rule are at the discretion of the Director of Human Resources.~~

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Additionally, ~~no person related to~~ *no relative of* a member of the Board of Regents of the University ~~within the second degree of affinity or the third degree of consanguinity~~ may be employed in any position within the University, unless the ~~candidate for the position~~ *relative* has been continuously employed in the position for a period of ~~one (1) year~~ *thirty (30) days* prior to the appointment of the related Regent.

Relatives of a person within the second degree of affinity include the person's spouse and the parents, children, brother, sisters, grandchildren, nephews, nieces, uncles, aunts, and first cousins of the employee's spouse.

The relatives of a person within the third degree of consanguinity include the parents, children, brothers and sisters, grandparents, uncles and aunts, first cousins, nephews and nieces, grandchildren, great-grandchildren, *and* great-grandparents, ~~great-uncles, great-uncles' children, second cousins, first cousins' children, and grand-nephew and nieces of the person.~~

Employment of Aliens

The University abides by regulations of the U.S. Citizenship and Immigration Services in the hiring of employees.

New Staff Positions

Departmental administrators (e.g., Directors, Supervisors, etc.) who wish to create a new position within their area of responsibility must provide the Director of Athletics with a position justification. A job analysis questionnaire must also be completed for Human Resources who will develop the job description for the department. This information is used to justify the position to the President.

The position justification should specify the position to be filled, describing primary and secondary responsibilities, as well as the required/desired preparation, qualifications and experience. The justification should provide the rationale for the position's creation, as well as describe how this position will help meet the needs of the Department and the hiring unit. In requesting the creation of a new position, the Director of Athletics retains final Departmental approval.

The President, must approve the creation of a new position. Human Resources determines the position's classification and pay level, based on the position's scope of responsibilities and job duties. The University has adopted a Compensation Plan which designates uniform titles and grants equitable compensation for employees engaged in comparable work. The Director of Human Resources is responsible for the administration of the Plan. Once a position for appointment is approved, the appropriate hiring procedure may be initiated.

Filling An Existing Position

When an existing position becomes vacant, the supervisor for the position must decide whether the position is to be filled. If the position is to be filled, it must be approved by the Director of Athletics.

Recruitment Assistance

Recruitment to fill positions at SFA is a service provided by the Office of Human Resources. Vacant positions are posted on-line with non-exempt positions being posted for a minimum of 5 day and exempt positions posted for a minimum of 10 days.

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Prior to publication, employment advertisements for exempt positions must be approved by the Director of Human Resources and the Office of Public Affairs. In addition to listing the positions on-line, ~~they are Human Resources also listed~~ lists the position with the Texas Workforce Commission.

National searches are conducted for open coaching and some administrative staff positions. The Intercollegiate Athletics Council acts in an advisory capacity to the President and the Director of Athletics in the selection of Head Coaches for football and men's and women's basketball.

Candidates for other positions may be recruited using contacts with professional organizations and advertisements in national and local publications, ~~in addition to requesting a list of well-qualified employees maintained by the Office of Human Resources.~~

Interviews

In compliance with Affirmative Action guidelines, all candidates are to be treated equally and allotted equal interview time. A well planned interview, that begins in a timely manner and provides the candidate an opportunity to represent him/herself appropriately, as well as one that allows the supervisor an opportunity to obtain the necessary job-related information, is important to the recruitment process.

Supervisors are advised to develop questions ahead of time and to ask follow-up questions based on the candidate's responses. The same questions should be asked of each candidate to provide a basis of comparison and an opportunity to select the most qualified candidate. The interview questions must be approved by Human Resources prior to the start of the interview process. As a matter of courtesy, candidates should be given a time-frame in which they can expect an employment decision and all candidates should be informed when the decision is made.

Selection

The requesting supervisor, after consultation with the Director of Athletics makes a recommendation to hire the best qualified candidate and indicates his/her choice. The Director of Athletics must approve the recommendation and clearance must be obtained from the Office of Human Resources prior to offering the position to the applicant. A criminal history check must be run on the final candidate before the hiring offer can be completed.

All written and on-line records must be maintained on each applicant as well as other materials related to the hiring process including the *required* hiring matrix and any other notes taken during meetings. These records must be kept in the department for ~~a~~ two years and one day from the close of the search and are subject to audit. In addition, copies of all related materials are retained in the personnel file of the new employee in the Director of Athletics' Office. The Administrative Assistant to the Director of Athletics ensures that the following forms are completed and processed according to University specifications:

- Letters of offer and acceptance (exempt employees only);
- ~~Personnel Action Requests~~ Electronic Personnel Action Form (EPAF) on all employees;
- Job description (all employees)

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Probationary Period

All newly hired non-academic employees must serve a 180 calendar days probationary period. This probationary period is an extension of the ~~selection~~ process and is used to determine an employee's suitability for the position. During the probationary period the University (e.g., Department) is free to terminate an employee at any time upon written notice.

One month prior to the completion of the probationary period, the Office of Human Resources forwards a New Employee 180-Day Evaluation form to the supervisor. The supervisor is responsible for evaluating the candidate objectively and recommending the continuation of employment or ~~decision~~ termination. The evaluation form is submitted to the Office of Human Resources with a copy retained in Departmental files. Before deciding on termination, the decision must be reviewed by the Director of Human Resources. If employment is to be terminated, a ~~Personnel Action Request form~~ EPAP should be completed.

Newly hired, probationary employees do not have grievance rights unless they believe they have been the victim of discriminatory conduct or have had their constitutional rights violated. However, any employee who believes his or her legal rights with respect to employment have been violated by a dismissal action may appeal through the Office of Human Resources.

Transfers

Employees may apply for transfer to other positions within the Department or University. The procedure utilized for a transfer to a vacant position is the same as that for external applicants. Salaries for transfer employees are the same or higher than the minimum advertised level.

Temporary Positions

Requests for temporary employees, to assist the Department during peak operations or to substitute for absent employees, require advanced planning and are processed through the Director of Athletics' office, in conjunction with the Office of Human Resources. Written justification for the temporary hiring of an employee should be included in the request. All requests for temporary hiring are to receive the prior approval of the Director of Athletics.

Dual Employment

Employees who are already employed in a position within the Texas government must receive prior Board approval before assuming an additional State Job, and are obligated to inform both employers of the intent to accept additional employment with the state. Additionally, specific limitations are placed upon leave accrual, state payroll deductions and employee benefits. The Director of Human Resources is responsible for informing employees of these limitations.

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New Employee Orientation

All newly hired employees are to receive orientation to assist them in performing their assigned duties. It is the responsibility of each department within the University to require their new employees to participate in the New Employee Orientation program. The program consists of two parts:

1. The formal, group session conducted by Human Resources staff during the first three days of employment. At this session new employees complete certain employment documents, receive detailed information about SFA, receive a New Employee Orientation packet, attend mandatory EEO and Safety Training; and
2. Individual employee orientation conducted by the employee's immediate supervisor, to be completed within the first six (6) weeks of employment.

The Office of Human Resources provides a "New Employee Orientation Checklist" to the supervisor to insure that all essential information is covered during the individual orientation. The completed checklist is returned to the Office of Human Resources for inclusion in the employee's personnel file upon conclusion of the orientation.

The orientation process may be modified by the supervisor to fit the employee's needs.

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DEPARTMENTAL STAFF: VACATIONS

The Department of Intercollegiate Athletics, in conjunction with the University, grants vacation leave to all employees, other than faculty with appointments of less than 12 months, as an opportunity for each employee to have a time for relaxation and recreation away from the job. The Administrative Assistant to the Director of Athletics is responsible for documenting the use of earned vacation leave for all Departmental staff.

Vacation time should be requested in writing, scheduled in advance, and taken at a time consistent with work requirements. Staff members are to submit their requests to their immediate supervisors. Supervisors should verify the availability of vacation leave with the Administrative Assistant to the Director of Athletics prior to granting vacations. Vacation time must be requested using the Request for Vacation, Compensatory Time, Sick Leave Taken form (see Appendix 405B-1). Every effort is made to accommodate the vacation request, however supervisors may request that such leave be restricted to non-peak work periods.

Rules for Use

Eligibility for vacation benefits is granted after the completion of six (6) months of continuous, regular employment. Vacation time accrues from the employee's official date of hire. The number of vacation hours is based on years of continuous service.

In keeping with the purpose of vacation, there is no payment in lieu of accrued vacation except in the event an employee terminates employment in good standing. If a staff member leaves the University after completing six (6) months or more of employment, and resigns, is dismissed or departs from State employment, he/she is entitled to be paid for all vacation time duly accrued at the time of separation. Accrued vacation time, approved for payment is paid after 30 days from the time of separation. This policy will not apply if alternative leave benefits were negotiated in a contract agreement with an employee.

Accrual Rates

The annual vacation rate of accrual is based upon the employee's number of continuous years of service. Years of service are calculated from the employee's hire date.

In general, vacation is granted at an hourly rate based on the total number of years of employment by the state. Based on this formula, hourly staff accrue paid vacation leave as follows:

Years of Total Service	Hours Accrued per Month	Max. Hours Carried Forward
Less than 2 yrs	8	180
2 but less than 5 yrs	9	244
5 but less than 10	10	268
10 but less than 15 yrs	11	292
15 but less than 20 yrs	13	340
20 but less than 25 yrs	15	388
25 but less than 30 yrs	17	436
30 but less than 35 yrs	19	484
35 and over years	21	532

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The net balance of unused accumulated leave, not to exceed the maximum cited above, may be carried forward for any employee from one fiscal year to the next.

The annual leave hours in excess of the maximum allowable carryover left at the end of a fiscal year shall be credited to the employee's sick leave balance. If the employee is on any type paid leave that extends into the following month, the accrual will not be posted until the employee returns to duty. An employee forfeits this accrual if he or she fails to return to duty.

Reporting Leave Taken

On a daily basis, non-exempt departmental employees are required to enter time worked, vacation, sick leave, comp time and furlough earned or taken using the TimeClock Plus web based system (www.tm.sfasu.edu/webclock30).

Departmental exempt staff are responsible for reporting leave taken through their mySFA account using Self-Service Banner. This reporting should be done following leave taken. At the end of each month all exempt staff members are required to submit for approval by the Director of Athletics the leave time reported.

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AMOROUS RELATIONSHIPS

The purposes of this policy are: (1) to provide a safe and healthy environment for student-athletes so that they may reach their full potential as students and as athletes; and (2) to ensure that all coaches and other athletic department staff adhere to ethical practices and do not develop inappropriate relationships with student-athletes, regardless of their age or consent. Additional reference to university policy E-46, Discrimination Complaints/Sexual Harassment.

Definitions

Coach: Any person serving as a head coach, assistant coach, graduate assistant coach, student coach or volunteer coach in the athletics department.

Staff: Any employee or student serving in the athletics department in an administrative, management, or support capacity, or in any capacity in which they supervise student-athletes or have responsibility for the provision of services or other benefits to student-athletes.

Supervisory control or authority: this includes any responsibility with the potential to affect the student-athlete's participation in the athletics program, and includes the provision of direct services and benefits to the student-athlete, such as: training, health services, academic and student life program support, tutoring, counseling, eligibility determinations, program compliance, and control over the student-athlete's team.

Student-Athlete: Any student of the university who is a member of a varsity athletics team as defined by university and NCAA regulations.

Amorous Relationship: Any sexual, romantic, or dating relationship.

Scope and Requirements

Coaches & Staff: This policy strictly prohibits amorous relationships between any coach or staff member and any student-athlete. Every coach and staff member has an ethical obligation to maintain a professional relationship with student-athletes and to place the well-being of student-athletes ahead of the coach or staff member's personal interests. This responsibility includes the duty to provide a safe and healthy environment for the student-athletes to flourish, and to serve as a role model within the confines of a professional relationship. As a result, no amorous relationship between a coach or staff member and a student-athlete, regardless of the perception of consent by one or both participants, can exist without jeopardizing the professionalism of the coach-athlete relationship and creating a significant conflict of interest. The respect and trust the student-athlete places in a coach or staff member, and the vulnerability of the student-athlete in that relationship, make "consent" unreliable in this setting. Conflicts of interest are endemic to such amorous relationships, and the costs to the athlete, the team, the athletics program, and the university, necessitate a strict prohibition on amorous relationships between coaches or staff members and student-athletes.

Even when the coach or staff member has no direct professional responsibility for that student-athlete, other student-athletes may perceive that the student-athlete who has a sexual relationship with a coach or staff member may receive preferential treatment. Such relationships are incompatible with the ethical obligations of the coach or staff member and the integrity of the athletics program. Accordingly, this prohibition applies to such relationships between all coaches or staff members and all student-athletes in the intercollegiate athletics program.

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Enforcement

Reporting a violation: Any person may allege a violation of this policy by contacting the Director of Athletics or any other Assistant Director or Senior Woman Administrator, or, if the person does not feel comfortable making the report to a person within the athletics department, to the Director of Human Resources. Any person receiving such a report must immediately notify the Director of Athletics. Any coach or staff member with information suggesting a possible violation of the policy must promptly report it to the Director of Athletics, and the failure to do so will be considered a violation of the athletics department policy. (If the report or information implicates the Director of Athletics in a violation of the policy, it should be directed to the Director of Human Resources instead. Additionally, any person who believes that he or she has been subjected to any form of sexual harassment may report the incident to any university official, administrator, or supervisor. Any person receiving such a report must notify the Title IX Coordinator and appropriate deputy coordinator(s). Reference policy E-46, Discrimination Complaints/Sexual Harassment.

Investigation: Upon receiving such a report or information, the Director of Athletics shall immediately notify the Director of Human Resources. The investigative procedure detailed in university policy E-46, Discrimination Complaints/Sexual Harassment shall be followed. The investigation shall include interviews with any coaches, staff, and student-athletes with relevant information, and shall provide any coach or staff member accused of violating the policy with an opportunity to respond to the allegations. In investigating a possible violation of the policy, the standard of proof to be used is whether it is more likely than not that the policy was violated (a “preponderance of the evidence” standard, not the higher standard of proof used in criminal proceedings, “beyond a reasonable doubt”). Using this standard, the investigation will result in a determination of whether the policy was violated.

Disciplinary Action: If an investigation determines that a coach or staff member has violated the policy, that coach or staff member shall be subject to disciplinary action, up to and including dismissal. The Director of Athletics shall determine the disciplinary action to be imposed. Any disciplinary action shall be taken in accordance with applicable university policy.

Confidentiality: Complaints, reports and information relating to possible violations of this policy shall be handled as confidentially as possible without jeopardizing the enforcement of the policy, and the ability to conduct a fair investigation, or the safety of student-athletes and other persons connected with the athletics program. Information received in connection with a suspected violation of the policy shall be disseminated only on a “need to know” basis; that is, only when necessary to ensure compliance with the policy and/or to ensure the safety of student-athletes or other who come in contact with the athletics program.

Retaliation: Any retaliation for reporting a violation of this policy, or for participating in good faith in any investigation of a violation of this policy, is strictly prohibited. Any persons taking retaliatory action in violation of this policy shall themselves be subject to discipline, up to and including dismissal.

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COACHES: EMPLOYMENT CONTRACTS AND APPOINTMENTS

The Department of Intercollegiate Athletics is committed to employing coaches and administrative staff members who are capable of performing as professionals in an educational community where high standards of integrity and ethical behavior, as well as sportsmanship, are valued and expected (see Policy 101, Philosophy and Objectives). Employment contracts are negotiated within University guidelines by the Director of Athletics and the President of the University.

All SFA Head coaches are hired by letters of appointment or written contracts with terms specified in writing. The Head Football Coach's contract and *Football* Assistant coaching appointments are renewed on February 1 each year, all other contracts and Assistant coaching appointments are renewed on September 1. Assistant coaching appointments in all sports are not for a specified term and serve at the pleasure of the Head Coach.

Employment Negotiations

The Department recruits and hires personnel who display a quality image in athletics, as well as foster academic success. In order to hire this type of individual, candidates may be recruited from other educational institutions. However, the University does not enter into negotiations with an individual who is under contract to another educational institution without first contacting that institution and securing permission. After negotiations have been completed, the selected candidate is not hired until he/she has been released from all contractual obligations *with the other institution.* ~~prior to employment by another institution.~~

Likewise, if a coach under contract to Stephen F. Austin State University is contacted by another institution, he/she is expected to notify the Director of Athletics **before** entering into negotiations. Once negotiations have begun, the coach is also expected to keep the University informed regarding the status of those negotiations, and to fulfill all contractual obligations prior to employment by another institutions.

Commitment to the NCAA

The policies of the Department regarding employment contracts reflect both the philosophy of the University and of the NCAA. All contractual agreements and letters of appointment with coaches are to contain a provision stipulating that the University has the right to terminate an employment contract with any staff member found in violation of NCAA legislation.

Recent NCAA regulations also require that all contractual agreements, including letters of appointment (not considered contracts), with full-time and part-time athletics department staff members include a clause requiring the employee to receive **prior** written approval from the President for all generated athletically related income and/or benefits from sources outside the University. The request must be in writing and include the amount of compensation to be received and the source of the income.

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Contractual agreements, including letters of appointment, between a full-time or part-time athletics department staff member and an institution shall include the stipulation that the staff member is required to provide a written detailed account annually to the chief executive officer for all athletically related income and benefits from sources outside the institution. In addition, the approval of all athletically related income and benefits shall be consistent with the institution's policy related to outside income and benefits for all full-time and part-time employees. Such sources of income shall include but are not limited to the following:

- a) Income from annuities
- b) Sports camps
- c) Housing benefits
- d) Country Club benefits
- e) Complimentary ticket sales
- f) Television and radio programs
- g) Endorsements
- h) Courtesy Cars

Contract Provisions

All contracts must be in compliance with the applicable rules and regulations of Stephen F. Austin State University, the Southland Conference and the NCAA. The University recognizes its moral obligation, as well as its legal responsibility, to uphold all contractual agreements. Likewise, administrative and coaching staff members are expected to represent the University in a positive professional manner, while abiding by all applicable University, Conference and NCAA rules and regulations.

While appointments and contracts with individual staff members may vary according to duties and responsibilities, the sport involved, and the budget and revenue-producing capability of the unit, they all must:

- State clearly all salary and benefit agreements, as well as funding sources;
- Specify any special concessions or additional provisions that are to be included;
- Stipulate the duration of the contract/appointment; and
- Include an NCAA compliance clause.

All Coaches contracts must be reviewed by the General Counsel and are signed by the President with appropriate approvals.

Contract Renewal/Non-Renewal

- | Employment contracts with *head* coaches are reviewed annually. Multi-year contracts may be renewed prior to their expiration by recommendation of the Director of Athletics, with the approval of the President and the Board of Regents.
- | Non-renewal of *head* coaches' contracts is determined by the Director of Athletics with the approval of the President. Non-renewals are within the discretion of the University and may be with or without cause.
- | ~~Coaches~~ *Head coaches* whose contracts are not being renewed are notified in writing by the Director of Athletics prior to the recruitment and hiring of replacement staff.

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Appointments of Assistant Coaches

Assistant Coaches do not receive employment contracts. They serve without a specified term at the pleasure of the Head Coach. Separation from such appointments may be initiated at any time by the Head Coach, with the approval of the Director of Athletics and the President.

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COACHES AND ADMINISTRATOR: OUTSIDE EMPLOYMENT AND PROMOTIONAL ACTIVITIES

Department of Intercollegiate Athletics professional staff members and coaches are expected to comply with both University and NCAA rules and regulations related to outside employment and promotional activities. Moreover, the University and the NCAA have established certain policies requiring prior approval and the accurate reporting of athletically related outside employment, and promotional activities, as well as related income.

Coaches and professional staff members, particularly in those sports which receive a great deal of media attention, are often asked to make public appearances or perform other services for charity, as a community service, or for additional compensation. While they are encouraged to participate in such activities because they often present a unique opportunity for the individual to promote and clarify the goals of the athletics program, it is essential that staff members do not allow outside activities to interfere with their job responsibilities or place them in conflict of interest situations.

NCAA Regulations

NCAA legislation stipulates that all professional staff members as well as coaches (i.e., full-time head and assistant coaches) must report an annual detailed account of all athletically related income and benefits from sources outside the institution. (See Reporting Athletically Related Income on page 3 of this policy).

University Regulations

University policy requires that all salaried, full-time ~~non-classified~~ *exempt* employees ~~of~~ receive prior written approval from the President before engaging in outside employment. Request for Approval for Outside Employment forms (see Appendix 510B-1) are submitted to the Director of Athletics for preliminary approval, which is based upon the time required, the nature of the service, the potential for conflicts of interest and the contribution the activities may make to the professional advancement of the staff member. The request is then routed to the President of the University.

University employees who plan to engage in outside employment must adhere to the following guidelines as stipulated ~~in the Business Policies and Procedures, Index~~ *in University policy E-35, Outside Employment*, and quoted verbatim below:

“Outside employment, for purposes of university policy, is engagement in any activity other than for Stephen F. Austin State University for a fee, salary, or profit. If one establishes or joins a firm, private business, or engages in the private practice of some professional skill, it is considered outside employment if it requires, on the average, more than ten hours per month, including weekends. Such employment must be approved annually in writing and in advance by the appropriate academic dean, director or vice president. This policy applies to all ~~non-classified~~ *exempt*, full-time employees of Stephen F. Austin State University whose employment obligations are not limited to a standard eight-hour day, and to officers of the University Police Department.

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University employees who propose to engage in outside employment must adhere to the following guidelines and any applicable laws.

1. Proper performance of the employee's university assignment is paramount and outside work will assume a position secondary to university duties.
2. The employee may not use any materials or facilities of Stephen F. Austin State University in the course of outside employment.
3. The employee will make a reasonable effort to assure that his/her outside employment is not identified with Stephen F. Austin State University.

An individual desiring permission to engage in outside employment must complete the "Request for Approval for Outside Employment" form and route it through administrative channels to the appropriate academic dean, director or vice president for approval, prior to beginning outside employment and annually at the beginning of the fiscal year. Each academic dean or director will provide a summary report of individuals approved for outside employment to the vice president by mid-term of the fall semester. Each vice president will provide the president with a summary report from each respective division."

Further, if outside employment is agreed to in contractual form, the contract must be reviewed by the Director of Athletics prior to signing. Staff members should schedule a meeting with the Director of Athletics to review any such document prior to completion of the agreement. Moreover, any such agreements currently in effect are not to be renewed at the end of the expiration of the current term (even if there is an automatic renewal (clause) without first being reviewed by the Director of Athletics.

Due to the unique environment of athletics where publicity and endorsements can lead to certain promotional types of agreements, all athletic staff must request **advance written approval from the President** for any source of income, benefit or agreement that uses, directly or by implication, SFA's name, marks or logo or commits the University to use a specific product or brand in equipment and uniforms. Promotional endorsements or agreements that commit the University in any manner must be signed by the President and reviewed by the General Counsel. Agreements that accept outside compensation or gratuities (personal gain) from athletics shoe, apparel or equipment manufactures in exchange for the use of such merchandise during practice or competition could create a conflict of interest for the athletic staff member unless reviewed and approved through appropriate channels.

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General Guidelines

As employees of the University and, therefore, its representatives, coaches and Departmental administrators must be careful in accepting invitations for public appearances, choosing commercial sponsors or endorsing products. No athletic department employee may enter into any oral or written agreement, letter of understanding, contract, or any other arrangement that seeks to bind, obligate, or involve SFA or the Athletic Department in any transaction whatsoever. All such agreements will be disclaimed by SFA, unless the employee submits any contemplated arrangement to the Director of Athletics for development, processing and approvals, if warranted.

If an athletic department employee is determined to be involved in any such activities or arrangements without having obtained prior written consent of the Athletic Director, then SFA may, at its sole discretion, (a) suspend the staff member, with or without pay, pending a final decision about the matter and/or (b) terminate the staff member's employment.

All staff members making public appearances in a professional capacity are expected to familiarize themselves with the guidelines concerning conduct and ethics, found in Policy 508A, Departmental Staff: Conduct and Ethics in this Manual. Additionally, prior to making speeches or statements which contain information about Departmental policies or procedures, staff members should consult the Director of Media Relations or the Director of Athletics. This ensures that all information is accurate and appropriate.

The Associate Athletic Director for Compliance and Student Services may be consulted to clarify or advise coaches and/or staff members concerning permissible outside activities.

Reporting Athletically Related Income

As stated previously, coaches and administrators must report annually all athletically related income from sources outside the University to the Director of Athletics. As required by NCAA rules and regulations, this information is reported to the President. Therefore any coach or professional staff member generating outside income must file, on or before September 15, a Southland Conference/NCAA Estimated Athletically-Related Income & Benefits Form Sources Outside the Institution form (see Appendix 510B-2 for sample form) with the Director of Athletics and an annual report of consulting activities to be approved by the Director of Athletics and forwarded to the President. Sources of income include, but are not limited to:

- Annuities;
- Sports camps;
- Ownership interests;
- Speaking engagements;
- Television and radio programs;
- Complimentary ticket sales;
- Endorsements or consultation contracts with athletic shoe, apparel or equipment manufacturers;
- Extra compensation for postseason competition;
- Housing benefits (including preferential housing arrangements);
- Eating/Country Club memberships; and
- Consultations provided as an expert witness.

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Reimbursement

In some instances, primarily speaking engagements, staff members may request reimbursement for travel and lodging expenses, as allowable under state regulations. The staff member must follow normal expense reporting procedures, as designated in Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual. Reimbursement is approved, provided the staff member is not being reimbursed by the sponsoring organization, or receiving a fee.

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TRAVEL: TEAMS

The Department of Intercollegiate Athletics is committed to following all State of Texas, University, Southland Conference and NCAA rules and regulations related to transporting student-athletes to and from practice and competition sites. Since team travel represents a major expense to the Department, individuals involved in making such arrangements must strive to negotiate terms which are in the best interest of the University and the Department. ~~Moreover, when warranted by the size and related costs of the traveling party, transportation and lodging arrangements are to be let out for bid according to University and State guidelines.~~

~~All team travel arrangements for away contests are itemized, trip by trip, by the respective Head Coach during the budget formulation process. Head Coaches are responsible for developing competition schedules that will allow team travel to away competitions to comply within budgetary limits. These limits are set by the Assistant Athletic Director of Business Affairs during formulation of the budget for each sport. Coaches are then expected to remain within established budget limitations (for additional information, see Policies 401A, Budget: Formulation, and 401C, Budget: Accountability Control, Reports and Revision, in this Manual). Each sport's Head Coach or designated Assistant Coach or Athletic Trainer coordinates team travel arrangements for all sports teams. The Assistant Athletic Director for Business Affairs should be consulted for advice and assistance in arranging team travel.~~

In general, travel arrangements include:

1. Developing the team itinerary;
2. Completing travel authorization paperwork;
3. Arranging for ~~transportation~~, lodging and team meals;
4. Obtaining team travel advances and
5. Reporting all expenses and reconciling the cash advance with appropriate documentation upon completion of travel.

Each team's Head Coach is responsible for setting conduct standards (e.g., dress, conduct, curfews, free time activities, etc.) during trips. Each team should be accompanied by a member of the coaching staff. When this is impossible, an adult representative of the Department must be present.

Travel Requirements for Team Members

In general, all team members must travel to and from an away event with their teammates and must stay with them at assigned lodgings. However, exceptions may be made for separate travel arrangements for a student-athlete to return from an athletic event at the discretion of the Head Coach, with the approval of the Director of Athletics.

Separate Student-Athlete Travel

For any student to travel separate from the team, he or she must submit a completed SFA Department of Athletics Request for Student-Athlete Travel form (see Appendix 601B-1). This form includes: event, date of travel, sport, name, name(s) of traveling companions and their relationship to the student-athlete, signature of the student-athlete and signature of the Head Coach.

Additionally, the form includes a liability waiver. The original is maintained on file with the Department. The Head Coach retains a copy of the waiver and the original accompanies the student-

athlete. This form releases the Department and the University from any liability or risk involved in the alternate travel plans.

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The completed request must be submitted to and approved by the Head Coach no later than 48 hours prior to the athletic contest listed on the form.

Circumstances calling for separate travel are typically one of the following:

- A student-athlete traveling at a different time because of academic commitments or competitive uniqueness, or
- A student-athlete wishing to spend time with parents/guardians.

Student-athletes, with prior approval to travel separately, may be reimbursed for expenses that are within NCAA rules and regulations. ~~Effective August 1, 1996, the~~ The Department may provide transportation expenses for a student-athlete to travel from campus to the site of a regular season contest and back to campus during the vacation period, even if the student-athlete does not travel with team, provided the student-athlete pays the difference in cost associated with traveling to another site. Regardless of route, the student-athlete must leave the event site within 48 hours of the conclusion of the event.

Additional information on this policy and other permissible student-athlete travel expenses is detailed in NCAA Bylaw 16, Permissible Awards, Benefits and Expenses for Enrolled Student-Athletes, in the NCAA Manual. Note: Student-athletes cannot accept free or discounted airfare for personal use (per NCAA regulations). This rule includes the offer of a free ticket when an overbooking occurs and a student-athlete volunteers to miss a scheduled flight.

Official Travel Party

Prior to the travel date, an official travel party list must be submitted to the Director of Athletics. Only persons with their names on the list may travel with the team. Only student-athletes who are eligible and who have been officially certified by the University to compete as per Southland Conference, and NCAA regulations may be allowed to travel.

In addition, while injured, an eligible student-athlete whose development might be enhanced through team travel may be allowed to travel on occasions approved by the Director of Athletics. However, injured team members may not be included in the travel party if travel requires an overnight stay or missed class time. Factors taken into consideration are NCAA regulations, budget duties and role performed by student-athlete during injury.

For all away games, schedules must be provided to the Athletic Business Office. Further, a listing by name and category must be submitted for each individual for whom travel expenses are provided. For charter flights, the Department must provide a flight manifest identifying by name and category each passenger on the charter.

The NCAA allows the University to provide travel expenses to the spouse of a student-athlete to accompany the player to a certified postseason football game, provided the student-athlete is certified eligible to participate. The use of Departmental funds for a student-athlete's spouse is subject to the prior approval of the Director of Athletics.

Travel Itineraries

Travel itineraries are developed by the Assistant Athletic Director for Sports Medicine for football and by the Head Coach or an

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assistant coach for all other sports. All itineraries are made in compliance with NCAA rules and regulations. Each itinerary must include the following information:

1. Official travel party list;
2. Departure date and time;
3. Mode of transportation and name of carrier (e.g., airline, bus, charter company, etc.);
4. Lodging accommodations;
5. Telephone contact number at destination; and
6. Anticipated time of return to campus.

Copies of the itinerary are distributed to the Director of Athletics and the Media Relations Office, who in turn may distribute the itinerary to other appropriate staff members.

Travel Requests and Travel Advances

The request for team travel and a travel advance must be submitted on a Travel Request form (Appendix 405C-1) two (2) weeks prior to travel to the secretary responsible for the sport involved. The secretary enters the information from the Travel Request form on-line into the University's Banner system which will assign a requisition number to the document. Banner will then notify by email the Assistant Athletic Director for Business Affairs that a requisition requires approval. The AAD for Business will go on-line to review the requisition and either approve or disapprove. If approved, the request will be electronically forwarded to the President's Office for final approval. If an advance has been requested, the secretary involved will contact the travel desk in the University Business Office to notify them of the requisition number and that an advance is needed. For more information, see Policy 405C, Disbursements: Travel and Entertainment Expense, in this Manual.

It is the responsibility of the Head Coach of each sport to ensure that adequate time is allowed for each team travel request to be processed. Generally, two weeks is the minimum amount of time especially when a travel advance is required. Failure to follow these guidelines could result in no advance funds available at the date and time of departure for the team involved.

In the event a travel advance was requested and received for team travel, a State of Texas Travel Voucher (Appendix 405C-2) must be completed by the appropriate department secretary who has been assigned to that sport and turned in to the Assistant Athletic Director for Business Affairs along with all receipts and other required documentation.

Any Departmental staff member traveling with a team is considered a part of the team traveling party and is not required to submit a Travel Voucher for expenses. Employees traveling separately from the team but meeting the team at some point during the official travel, are required to file a separate Travel Request Form and Travel Voucher.

Travel Accommodations

All expenses incurred by a sport's team when traveling must be within budgetary constraints and Departmental, State, Southland Conference, and NCAA guidelines. Depending on the team size, the amount

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of required travel and related costs (e.g., transportation, lodging, meals), all or part of the travel accommodations may be let out for bid as described in Policy 404, Purchasing Procedures, in this Manual.

Transportation

The mode of transportation for team travel is selected by the Assistant Athletic Director for Business Affairs. Transportation for both men and women's teams is to be comparable. When choosing transportation, the following factors are considered:

1. Safety;
2. Expense;
3. Availability;
4. Distance; and
5. Number of travel days.

University Motor Pool vehicles (i.e., autos, vans, etc.) are used whenever feasible. Passengers, *including the driver*, in University owned vans are limited to ~~11~~9 without cargo/luggage or ~~9~~8 with cargo/luggage. Vehicles rented from non University fleet must be limited to ~~11~~9 passengers (*including the driver*) and follow the limitations specified for University vans. Otherwise, University owned buses or charter buses are used when distance and time allow. (See Policies 412A, Department Motor Pool and 412B, University Motor Pool, in this Manual for more information.) Commercial and/or charter airline transportation is primarily reserved for traveling long distances or for minimizing the number of class and study days missed.

Meals and Lodging

Student-athletes are required to sign for the receipt of per diem funds if these amounts are provided to the student-athlete in lieu of meals.

Trainers or Head Coaches may arrange for sit-down meals for the team (e.g., pre-game meals) in lieu of giving a meal allowance. In order to secure the best possible rates, sit down meals must be arranged as far in advance as possible, ~~often as part of the request for bids for lodging~~. All sit-down meals must be supported by a receipt showing the name of the establishment, the total cost of the meal and the number of people served. In addition, a signed list must be submitted with the voucher identifying who ate the meal.

The maximum allowable for meals and lodging for the team traveling unit is not to exceed:

- In-State Travel: \$121 per person per day.
- Out-of State Travel: not to exceed the locality-based allowance for that location as established in the Federal Travel Regulations Guide. Localities not listed in the federal guide will have allowable based on the lowest flat rate established in that state.

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Student-athletes may be assigned rooms with double occupancy provided the cost does not exceed the Maximum daily allowable expense.

Student-athletes should be advised that all unapproved, in-room charges (i.e., pay per view movies, long distance phone calls, laundry, etc.) are to be their personal responsibility. Any approved miscellaneous expenses for student-athletes are to be substantiated with a valid receipt or detailed explanation. (For reimbursement information, see Policy 405C, Disbursements: Travel and Entertainment Expenses, in this Manual)

Weather Related Travel

In cases where team travel could be threatened by weather related hazards (i.e., flooding, snow/ice storms, hurricanes, etc) the Director of Athletics must be consulted by the Head Coach before departure from campus to determine if the trip should proceed. If the trip is determined to be a threat to the safety of the team members the Director of Athletics along with the Head Coach will contact the administration of the home team and/or conference office to inform them of the decision and begin efforts to reschedule.

Missed Class Days

Head Coaches are requested to carefully consider missed class days when scheduling travel departures and returns in order to minimize missed class days. Coaches should submit a Missed Class Day Declaration form each semester to the Assistant Athletic Director for Student Services.

Team Entertainment

The Assistant Athletic Director for Business Affairs is authorized to approve reasonable expenditures for team entertainment when in travel status for away games. This authorization includes approval for team members and for those individuals traveling with the team as members of the official travel party whose expenses are paid by the Department.

Foreign Tours

A coach who desires to plan a foreign tour for his/her sport must first secure the permission of the Director of Athletics, who presents the proposal to the President at least 60 days prior to the date of departure. Funds for such tours are not regularly budgeted items and require outside financial support. No foreign tour can be approved without funding in place prior to accepting any invitation.

The Associate Athletic Director for Compliance and Student Services is responsible for certifying in writing that the conditions set forth in NCAA section 30.7 are met and must maintain the certification on file in the athletic department.

A tour may only be scheduled during the summer-vacation period between the spring and fall terms or during an academic year vacation period (other than a Labor Day vacation period). All travel to and from the foreign country must take place during such a vacation period.

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The eligibility of student-athletes on the tour shall be governed by the following (see NCAA Bylaw 14.2.3.6):

- If the tour takes place during the summer, the student-athletes shall have been eligible for intercollegiate competition during the previous academic year or shall have been enrolled at SFA as a full-time student during the previous academic year and have established by the beginning of the tour that he or she is eligible for competition the academic year immediately following the tour; or
- If the tour takes place after the academic year has started, the student-athletes shall be regularly enrolled at SFA and eligible for intercollegiate competition.

It is permissible for an eligible incoming student-athlete to represent SFA on a foreign tour that begins after the permissible starting practice date in the sport involved or after the first day of classes on the student-athlete's first regular term at SFA. An incoming student-athlete (freshman or transfer) may participate in practice sessions conducted in preparation for a foreign tour only if such practice sessions occur either: (See NCAA 30.7.2.1)

- On or after the first permissible practice date in the involved sport; or
- On or after the first day of classes of the student-athlete's first regular academic term at SFA.

Not more than 10 days of practice are permitted prior to departure. Practice is prohibited outside the playing season one week prior to the beginning of final examinations for the applicable regular academic term through the conclusion of the final exam period.

A team shall not engage in a foreign tour in each sport more than once every four years. Teams are limited to a maximum of three (3) football games, ten (10) basketball games, or ten (10) contests or dates of competition in any other sport during and as part of the tour.

Teams shall not compete during the tour against other American teams (colleges or other U.S. teams) other than teams composed of U.S. armed forces personnel stationed at U.S. military bases in foreign countries.

Transportation to Local Practice Fields and Facilities

Departmental and University Motor Pool vehicles may be used to transport sports teams to SFA practice fields and facilities which are not within walking distance of the locker rooms. Only

University certified drivers may drive Departmental or University Motor Pool vehicles to and from the practice site for these purposes.

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SCHEDULING: EVENTS/SPECIAL EVENTS

Schedules are constructed for all sports in order to provide competitive equity while remaining within budgetary constraints and applicable University, Southland Conference and NCAA rules and regulations. Because of the popularity and revenue producing capability of the men's and women's basketball, and football programs, priority is given to the scheduling requirements of these sports. All schedules are subject to the final approval of the Director of Athletics.

Rules and Regulations

As a member of the NCAA and Southland Conference, Stephen F. Austin State University is bound by the rules and regulations governing playing and practice seasons (both traditional and non-traditional). Specifically, the NCAA has established limitations on times and dates for athletically related activities to ensure that athletics participation does not limit a student-athlete's ability to secure a well-rounded education. (See Policy 602B, Scheduling: Practices, for information on athletically related activities.) Regulations governing practice and competition schedules per sport are contained in Bylaw 17 of the NCAA Manual.

The Southland Conference scheduling procedures conform to NCAA guidelines; however, coaches are reminded that Conference games are to be scheduled and approved before the scheduling of any non-Conference event. The Conference Office constructs the schedules for sports requiring round-robin competition for approval by the Conference membership. Once adopted, a Conference schedule may not be altered without the agreement of the athletics directors involved and the appropriate notification of the Conference Commissioner. For specific Southland Conference Scheduling and Competition regulations, see Section 1, in the Rules Governing Athletics and All Participation of the Southland Conference.

Declaration of Playing Season

In compliance with NCAA rules and regulations, each Head Coach is required to complete the sport's Declaration of Playing Season form (see Appendix 602A-1) and submit it to the Associate Athletic Director for Compliance and Student Services for review and approval prior to the start of the season. This form includes information on traditional and non-traditional segments for the sport and lists any exemptions.

The NCAA permits a change in the declared playing season at any time, provided the change is documented in writing and on file in the Associate Athletic Director for Compliance's Office.

Schedule Construction

The Head Coach of each sport is responsible for initiating and submitting a preliminary schedule of competitive events to the Assistant Athletic Director for Business Affairs.

Deadlines for submitting preliminary schedules are set annually by the Assistant Athletic Director for Business Affairs, with Head Coaches informed of the deadlines through Departmental memorandum. In addition to NCAA and Southland Conference limitations, the following factors must be considered in the construction of schedules:

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1. Income and expenses involved for each contest (as determined by any guarantee versus estimated costs) and the potential impact on the allocated budget;
2. Academic and holiday schedules (with special attention given to exam schedules);
3. Class absences required for each contest, including both home and away events;
4. Balance between number and spacing of home and away contests;
5. Caliber of opponents (balance between outstanding, average and weak);
6. Management of away competitions to minimize time away from campus and travel costs;
7. Availability of facilities for home contests.
8. Competition dates for other prominent sports, tournaments and meets and championships/bowl events;
9. Establishment of favorable reciprocal agreements and exiting commitments (see Contracts for Events below); and
10. Avoidance of conflicts with other home events.

The following information must be included on the schedule:

- Opponent;
- Place;
- Facility
- Contact Person (full name and title);
- Date/Time;
- Departure date/time (for away games);
- Day(s) of the week;
- Total classes to be missed; and
- Return date/time.

In addition to the above information, special requirements for facilities preparation and set-up is to be sent to the Supervisor of Facilities and Equipment. (See Policy 604A, Facilities: Use, in this Manual for additional information.)

Absence From Class Policy

All student-athletes are expected to attend class regularly and arrive punctually. Students are expected to show appropriate cause for missing or delaying major assignments or examinations (i.e., participation in an away contest). For classes where absences are a factor in determining grades, the instructor is expected to provide his/her absence policy at the beginning of each semester. Student-athletes are responsible for making arrangements for missed assignments and classes prior to away game departure dates.

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Master Schedule Construction

In developing a master schedule, the Director of Athletics, each appropriate Head Coach and the Coordinator of Athletic Operations establish a timetable for all sports. Scheduling of events must be communicated to the Coordinator of Athletic Operations who oversees the home game arrangements and facilities requirements. (See Policy 604A, Facilities: Use, for related information). The Coordinator of Athletic Operations shares schedule information with the necessary personnel. Since some of the facilities used by the department are also used for non-Departmental activities, it is important that every effort be made to ensure the master intercollegiate schedule is accurate.

Schedule Approvals

All sports schedules are subject to the final approval of the Director of Athletics. Prior to submitting the final schedule for the Director's approval, the Assistant Athletic Director of Business Affairs, analyzes each sport's schedule to ensure that the schedule does not require any student-athlete to miss an excessive number of class periods in any one course. Once approved, copies of the schedule are distributed by the Sports Information Director to all Departmental staff and the President.

Schedule Changes

Once approved by the Director of Athletics, a sport's competition schedule is considered official, and may not be added to or changed in any manner without the change being approved by the Director of Athletics. Prior to approval, the Director of Athletics, the Assistant Athletic Director for Business Affairs and the Coordinator of Athletic Operations evaluate the requested schedule change to determine how the date, time change and travel schedule may affect the student-athlete and the overall master schedule for the intercollegiate athletics program.

All Conference schedule changes are subject to the timely notification and approval of the Conference Commissioner.

Cancellations

Cancellations of scheduled competition is permitted as circumstances require. The Head Coach, in conjunction with the Director of Athletics and Associate Athletic Director for Compliance and Student Services, has been granted the authority to cancel an athletic event after reviewing all available options.

As time permits, a written notification of the cancellation or any other changes to the schedule is disseminated immediately by the Associate Athletics Director for Internal Affairs to the following:

1. Director of Athletics, Department staff and coaches;
2. the game officials;
3. University officials, as necessary,

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4. the Media Relations Office.

The Coordinator of Athletic Operations disseminates the information to the following:

1. Event workers, including ancillary services personnel;
2. the Cheerleading Coach, Pom Squad Coach, and the Director of the Band, as appropriate;
3. the Ticket Office;
4. the University Police Department;
5. the Concessionaires.

Contracts for Events

Game guarantees are not applicable to and contracts are not exchanged for Southland Conference competitions. Each Conference team is required to cover its own expenses with the home team covering all game expenses.

For all non-conference competitions, it is the policy of the University to honor all provisions agreed to in contracts entered into by the Department of Intercollegiate Athletics. A contractual document is required for all non-conference intercollegiate sports competitions whether or not a guarantee is involved. ~~The Director of Athletics is authorized to execute standard, athletically-related contractual agreements on behalf of the University.~~ *All game contracts are reviewed by the Director of Athletics for accuracy. The contract is then forwarded to General Counsel for approval before being signed by the President.*

Copies of all contracts are kept on file in the Director of Athletics' Office, and in the Procurement & Property Service Department.

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FACILITIES: STRENGTH AND CONDITIONING

The Department of Intercollegiate Athletics' strength and conditioning program is designed to enhance the physical well-being of its student-athletes through strength training, flexibility, anaerobic conditioning, nutritional consultation, sports-specific physiological analysis and rehabilitation. The Director of Wellness Center manages the operation of the strength and conditioning programs and reports to the Director of Athletics. Facilitators are delegated responsibility for specific sports' training programs under the direct supervision of the Director of Wellness Center.

~~All intercollegiate sports teams are allowed access to the strength and conditioning training facility. Based on physiological evaluations, the Director of Wellness Center works closely with each sport's Head Coach to design individual programs for every student-athlete. In general, each student-athlete is encouraged to complete a prescribed number of training programs during each 12-month cycle.~~

NCAA regulations and University liability insurance requirements restrict the use of Departmental strength and conditioning room facilities to enrolled student-athletes and approved staff. Specifically, the strength and conditioning rooms may not be used by high school students or unapproved guests. The Director of Wellness Center retains the right to refuse access to any individual wishing to use the facilities.

Strength and conditioning facility use is restricted to posted operating hours. The Director of Wellness Center retains authority to change hours of operation as necessary. Head Coaches are responsible for scheduling their team's work-outs with the Director of Wellness Center and for reporting team schedule changes as they occur. Scheduled team workouts take priority over individual training, ~~with revenue sports granted preferential scheduling rights.~~

The strength and conditioning facility is generally available from 6:00 a.m. to 6:00 p.m., Monday through Friday.

Strength and Conditioning Rooms

The Jimmy Murphy Wellness Center facility is located outside the southwest corner of Homer Bryce Stadium. It houses a variety of strength training equipment and free weights.

Use of Weight Training Facilities

At the beginning of the academic year, each Head Coach is responsible for scheduling an orientation meeting for his/her team with the Director of Wellness Center. The orientation is designed to familiarize the coaching staff and the student-athletes with Strength and Conditioning policies and procedures. All rules and guidelines governing the facilities and work-outs are disseminated during the orientation. Student-athlete attendance is mandatory prior to being granted work-out privileges.

Release Form

The Department of Intercollegiate Athletics strength and condition facilities are provided for the exclusive use of currently enrolled, eligible SFA student-athletes and Departmental staff.

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With the approval of the Director of Wellness Center and the Director of Athletics, other individuals may be granted access to the facilities on a limited basis, provided their training does not interfere with athletic program requirements. Individuals who may be provided privileges include:

1. Former SFA athletes and professional athletes who train in the area in their off-season;
2. Currently enrolled SFA student-athletes who have completed their eligibility but are continuing their education;
3. SFA faculty and staff members; and
4. Individuals approved by the Director of Athletics for facility use.

All individuals approved to use either facility are required to sign a Weight Room Release Form (see Appendix 604C-1), releasing the Department of Intercollegiate Athletics and its staff from liability in the event of injury or accident.

Rules of Conduct and Operation

All student-athletes, students and staff members who use the facility are required to comply with the rules of operation regarding conduct and equipment use. Violators of established rules are subject to discipline and possible suspension of training privileges. Respective Head Coaches are notified of all disciplinary actions. Although each facility may establish specific operational procedures, the following rules have been established to ensure a safe environment for both areas.

1. Only authorized personnel and currently enrolled student-athletes are allowed to use the strength and conditioning facility.
2. The strength and conditioning facility is locked at all times unless a trained and authorized supervisor is present. Student-athletes are to lift only when their sport is schedule or during open-lifting periods.
3. Student-athletes are to be mindful of the purpose of Strength and Conditioning Program and give maximum effort during workouts.
4. Present and former athletes using the facilities must have their program approved by the Director of Wellness Center. Any program revision must also be approved.
5. Student-athletes are to consult with the Director of Wellness Center, or designate, whenever they have a training question.
6. A coach must be on the floor of the strength and conditioning rooms when the training of individuals or teams is in progress.
7. Every athlete must wear a shirt, shorts or sweats and closed-toed shoes (i.e., no sandals or thongs) at all times. No one will be allowed to lift in street clothes.
8. Soft drinks, food and tobacco products are not allowed in the facilities.

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9. Each weight is to be returned to the specifically marked place on the rack after use.
10. All dumbbells must be replaced in sequence on the rack after each use.
11. All lifters must use collars on all sets. Including warm-ups.
12. All lifters must use spotters.
13. All blocks, mats, straps, etc., used during workouts are to be replaced.
14. No rough-housing or improper conduct will be tolerated. Individuals are expected to be courteous to others and respectful of the facility.
15. No equipment is to leave the facilities for any reason.
16. Injuries of any type are to be reported immediately.

Disciplinary Action

Disciplinary actions are based on the severity of the rules of conduct or operation violation. As appropriate, the discipline may include physical workouts, required community service or suspension from the facility. The Director of Wellness Center consults with the sport's Head Coach when disciplining student-athletes.

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ATHLETIC EVENTS: CONCESSIONS

The exclusive right to operate the food concessions at football, basketball, *baseball*, *softball*, and track meets, and other special events as requested, has been awarded to ARAMARK, Inc. with imprinted apparel and non-apparel sales rights granted to the Department of Intercollegiate Athletics. The food concession contract is negotiated by the Vice-President for University Affairs with consideration given to the overall interests of the University.

Sales of imprinted apparel and non-apparel items at SFA athletic events and over the Internet are the exclusive right of the Department of Intercollegiate Athletics, and overseen by the Assistant Athletic Director for External Affairs.

FOOD SERVICE

Exclusive rights to operate and maintain the food and beverage concessions for all events, is awarded on an open bid basis. The current fifteen (15)-year contract held by ARAMARK (hereafter Contractor) is set to expire August 31, 2021.

The Contractor will provide concessions service during all athletic events for football, and basketball, *baseball*, and *softball*. The Contractor will make available concessions services for other events as mutually agreed to by the parties. The food service area consists of four (4) concessions stands with eight (8) lines each at the NW, SW, NE and SE corners of the stadium concourse for football; two (2) stands for basketball, located in the north end of the Coliseum. *A special trailer or tent to be provided at both baseball and softball venues.*

The Assistant Athletic Director for External Affairs with the assistance of the Coordinator of Athletic Operations, provides the liaison function between the Department and the concessionaire, monitoring food service operations at specified events.

Terms of Agreement

The Director of Athletics, or their designee, will evaluate and must approve all prices for food sold in concessions, all food portions, and the type of service in each concessions service area.

The Contractor will comply with all reasonable requests and suggestions from the Athletic Department representative.

The University will provide the Contractor with use of the University's concessions facilities

Cash Sales. The Contractor will run all concessions sales through cash registers provided by the Contractor and will furnish the University with duplicate register readings. By the tenth of each Accounting Period, the Contractor will provide the University with a summary of all concessions sales during the preceding Accounting Period.

Commission Payments. By the tenth of each Accounting Period the Contractor will pay the University a commission in the amount of 15% of Net Receipts (gross receipts less applicable sales taxes) for the immediately preceding Accounting Period.

Minimum Guarantee. In addition to the other financial agreements between parties provided in this Agreement, the Contractor will guarantee the University a minimum \$20,000 commission

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per contract year (the “Minimum Commission Guarantee”) for concessions. Before September 30 of each year, if the total amount of Commission Payments is less than the Minimum Commission Guarantee, the Contractor will pay the University any difference in the minimum guarantee and the total commissions paid for the immediately preceding contract year (12-month Accounting Period).

The concessionaire is responsible for the following:

1. All cost and expense of its operations including, but not limited to labor costs, taxes, inventory and supplies costs;
2. Staffing (e.g., hiring, supervision, etc.) of concession operations;
3. Operating in an efficient, courteous and businesslike manner during contractually designate times;
4. Selecting foods and beverages that appeal to the public;
5. Maintaining food service areas in a clean and sanitary condition;
6. Storage and security of all inventory; and
7. Adhering to all terms specified in the contractual agreement.

APPAREL & NON-APPAREL SALES

The Department of Intercollegiate Athletics imprinted apparel and non-apparel concession is under the direction and supervision of the Assistant Athletic Director for External Affairs.

Event Sales

Stadium, Coliseum and baseball/softball field sales of imprinted apparel and non-apparel items are conducted by the campus Barnes & Noble bookstore at an approved location within Homer Bryce Stadium, and William R. Johnson Coliseum, and both baseball and softball parks.

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ATHLETIC EVENTS: MUSIC AND ENTERTAINMENT

Pre-game and half-time ceremonies are planned to reflect the pride and loyalty of the student body, faculty, alumni and fans of Stephen F. Austin State University who attend football and basketball games. Special ceremonies are also planned to provide opportunities to honor campus organizations, alumni and local groups for past achievements or current activities. Additionally, visiting teams and their representatives are routinely extended invitations to participate in half-time activities. Every effort is made to ensure that planned activities serve to enhance the game's atmosphere and heighten the enthusiasm level of spectators without creating potential crowd control problems or disrupting the scheduled athletic event. Appropriate management of such activities requires open and direct communication among all parties involved in their production.

The Assistant Athletic Director for External Affairs and the Coordinator of Athletic Operations are responsible for the coordination of all pre-game and half-time activities within guidelines established by the University, the Southland Conference, and the NCAA. The Associate Athletic Director for Compliance is responsible for ensuring that all activities are in compliance with Conference and NCAA rules governing music and entertainment at athletic events.

Pre-game and Half-Time Arrangements

The Assistant Athletic Director for External Affairs, the Coordinator of Athletic Operations, and the Band Director review proposed half-time programs for content, staging, timing and related requirements, to ensure that programs are appropriate and meet Departmental standards. All ceremonies must adhere to established time constraints and are subject to the final approval of the Director of Athletics. Requests for special arrangements and presentations must be submitted to the Coordinator of Athletic Operations by a specified deadline prior to each season in order to be considered for inclusion in pre-game and/or half-time activities.

Arrangements for pre-game and half-time ceremonies for football and basketball include, but are not necessarily limited to, the following:

1. Review and approval of requests by outside groups to participate in pre-game and half-time activities;
2. Preparation of timetables;
3. Reservation of locker rooms for performers;
4. Review of special needs and requests;

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6. Dissemination of instructions to participants (e.g., time constraints, program content, etc.); and
7. Coordination with the public address announcer, event workers and other support personnel.

Football Events

The Coordinator of Athletic Operations arranges and conducts a meeting during the week prior to each home football games with all departments and organizations on campus who have game day responsibilities and duties. Those include: Physical Plant, University Police, Aramark, Ticket Office, auxiliary spirit groups, and athletic staff. Information is exchanged at this meeting to assure a coordinate effort for game day operations.

The Coordinator of Athletic Operations serves as the game day liaison to all auxiliary spirit groups (i.e. band, cheerleaders, pom squad, etc.) and provides each group with information related to policies and procedures set forth by the Southland Conference, and the NCAA prior to the start of the season. Such information includes informing all participants of pertinent information regarding their group and/or activity (i.e. designated performance areas, time limitations, performance restrictions, etc.). In addition, the Coordinator of Athletic Operations is responsible for making any necessary special arrangements for pre-game and half-time activities in addition to the routine activities provided by these groups.

The Coordinator of Athletic Operations oversees accompanying musical selections during pre-game and activities. However, once the contest has begun, the selection of musical entertainment is the responsibility of the Band Director. Cheerleaders, Pom Squad, band members and the mascot are prohibited from coming onto the playing field at football games while play is in progress, as stipulated in the NCAA's Football Rules.

Half-time Activities

In accordance with Southland Conference rules, the half-time intermission for all football games is limited to 20 minutes. Half-time entertainment is carefully scheduled to ensure that everyone involved is aware of the schedule and related time constraints.

Basketball Events

The Coordinator of Athletic Operations oversees the scheduling and staging of special pre-game and halftime activities for home basketball games, including establishing timelines and procedures pursuant with applicable University, Southland Conference and NCAA rules and regulations. Furthermore, if the game is televised, staging and time requirements may be adjusted to allow for television production needs.

The Coordinator of Athletic operations oversees accompanying musical selections during pre-game and during the contest. Additional musical selections are coordinated with the Band

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Director. Cheerleaders, Pom Squad, band members and the mascot are expected to follow all applicable policies, as stipulated in the NCAA's Basketball Rules.

The use of artificial noisemakers, airhorns and electronic amplifiers at Conference basketball games is prohibited. Additionally, bands may not play while the game is in progress. It is the responsibility of the home team to enforce the rules at all home contests.

Conference and Tournament Events

When hosting a Southland Conference Tournament, ~~the NIT or NCAA Championship, or other sanctioned postseason events,~~ the Department of Intercollegiate Athletics complies with the rules and regulations governing the event. In general, at Conference and NCAA events, bands may play only when play is not in progress (e.g., pre-game, half-time, post-game and during time-outs). Furthermore, band instruments may not be played during a free-throw, throw-in, jump ball or other live ball situations during basketball games; or from the time the offensive team breaks from the huddle until the completion of that play, during a football game.

Official Tailgate Activities

Stephen F. Austin State University allows students, alumni, and friends of the University to hold tailgate parties in conjunction with SFA home athletic events.

The Coordinator of Athletic Operations, ~~under the guidance of and~~ the Assistant Athletic Director for External Affairs, oversees, coordination of official tailgate activities as a part of overall game day logistics.

The SFASU Policy and Procedures Manual authorizes consumption of alcoholic beverages at official tailgate activities and other events on the SFA campus, where authorized by the President. Kegs are not allowed at official tailgate activities.

All tailgate areas open at 8:00 a.m. on game-day regardless of game time. Tailgate space is claimed on a first-come, first-serve basis. All tailgate areas must be cleared by midnight or 3 hours following conclusion of the game, whichever is earlier. RV's must depart by noon on the day following each home game.

Official tailgate activities are private parties and commercial activity of any kind is strictly prohibited ~~unless existing contractual obligations allow it.~~ This includes advertising, the taking of orders, sales, donations, fundraisers, collecting and distributing literature, marketing applications or promotional materials.

No organization, department, business or individual may offer any food, non-alcoholic beverages, goods or services for sale (including donations and fundraisers) at official tailgate activities except those officially contracted by the University to provide such services.

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All police services are coordinated by the Chief of the University Police Department, or his designee, in cooperation with the Intercollegiate Athletics Department. The Chief has the final authority over the placement and duties of his officers.

Individuals, groups and organizations hosting or participating in tailgate parties are responsible for their own conduct and are expected to respect the rights of others and the entire University community. Groups hosting tailgate parties are responsible for providing their own designated drivers.

At its discretion, the University may terminate or take other appropriate action against individuals, groups, or organizations whose conduct at tailgate parties is irresponsible, unreasonable, or inconsistent with University policies and regulations, ordinances and laws.

~~Open site tailgate areas are green spaces located within the tailgate footprint that are not designated parking lots. Driving or parking private vehicles on open site tailgate areas is strictly prohibited. Tailgate supplies must be carried to the site from designated load in zones or parking areas.~~

~~Load in zones for open site tailgate areas are designated. Parking in load in zones must not exceed 15 minutes.~~

Tents and canopies must be secured and amenities including furniture, grills, generators or satellite dishes must be confined to each tailgate party's area and may not obstruct sidewalks, drive lanes or pedestrian walkways. *Driving or parking private vehicles on sidewalks and grass areas is not allowed.*

~~BBQ grills on trailers are prohibited in open site tailgate areas. Small grills that can be carried by two people are permissible.~~ All BBQ grills, propane or otherwise, should be attended to at all times. Hot coals must be doused and properly disposed of in designated coal dumpsters. Open pit fire devices are strictly prohibited. Cooking grease should be disposed of in proper containers.

Sound amplification equipment is strictly prohibited unless prior approval is granted.

Persons should be mindful of underground utilities and have those areas identified prior to staking tents or canopies.

Generators must be equipped with a noise reducing devise. Special care and consideration should be taken when managing fuel and extension cords.

Trash should be disposed of in trash receptacles located on-site or packed out. The disposal of grease, hot coals or hazardous materials onto the ground or into storm drains is prohibited.

University policy prohibits pets other than service animals.

RV owners are encouraged to minimize noise and disruption to others. Appropriate manufacturer approved mufflers or a cover are required to minimize noise from generators.

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Cords, satellite dishes, etc. must be confined to each allotted RV space and cannot be stretched across drive lanes. Additional vehicles must be parked in a designated parking space.

The visiting team special event site is subject to all tailgate policies, rules and regulations.

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Capital Plan Project Items

Steen East Tower Renovation

This project involves renovation of the 190 bedrooms and the 95 bathrooms located in the East Tower of Steen Hall. The current built-in desks and wardrobes will be removed from the bedrooms and new moveable desks, dressers, wardrobes will be installed and mattresses will be replaced as well as carpet in all bedrooms. All bathrooms will have the showers renovated with the faucets and plumbing replaced and the showers retiled. In addition to the living spaces, the hallway carpet will be replaced on all 10 floors. ADA renovations will be made to several of the suites to accommodate mobility-impaired students. The administration recommends the renovation of the Steen East Tower Residence Hall at a cost not to exceed \$1,070,500. The administration further recommends authorization of the president to sign associated purchase orders and contracts. The project will be funded with budgeted auxiliary funds.

Human Sciences South Building Exterior Repair

The steel reinforcements in the exterior brick veneer in the Human Sciences South Building have deteriorated. As a result, some of the brick veneer has separated from the building. The administration recommends funding the repairs with Higher Education Funds at a cost not to exceed \$250,000. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

Student Recreation Center Equipment Replacement

The Student Recreation Center opened in the fall of 2007 with all new fitness equipment in place. The cyclical replacement plan will begin in fiscal 2013. The initial replacement plan includes 15 treadmills, 5 adaptive motion trainers, 5 elliptical cross-trainers, and 5 recumbent bicycles. In addition, several pieces of existing equipment will be refurbished. The administration recommends the replacement of equipment at the Recreation Center at a cost not to exceed \$225,500. The administration further recommends authorization of the president to sign associated purchase orders and contracts. The equipment replacement will be funded with designated fund balance.

Passenger Vans for University Vehicle Fleet

The University's rental van fleet is old and each of five vehicles has over 130,000 miles. The sixth is an ADA accessible van that also needs replacement. The administration recommends purchase of six new eight passenger vans that will include one ADA accessible unit. The administration recommends funding the van purchase with Higher Education Funds at a cost not to exceed \$205,000. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

Steen Library HVAC System Upgrade

The HVAC system in the Steen Library needs an upgrade to accommodate the air circulation requirements in the building. The administration recommends funding the project with Higher Education Funds at a cost not to exceed \$150,000. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

Electrical Overhead Transmission Lines

The project will include the repair of overhead transmission lines, and pole and cross arm replacement for a section of the electricity distribution system located on East College and Carolyn Streets. Both education and general and auxiliary facilities are supported by this particular section. The administration recommends funding the project equally with Higher Education Funds and auxiliary funds at a cost not to exceed \$110,000. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

Fire Detection System Upgrade

This project will expand and upgrade fire detection equipment and add a second system server to the network that serves the Human Sciences South, College of Education Annex, and Math buildings. The administration recommends funding the project with Higher Education Funds at a cost not to exceed \$110,000. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

Central Power Plant #2 Transformer

One of the electrical transformers serving the power plant needs replacement. Power Plant #2 serves both education and general and auxiliary buildings. The administration recommends funding the project equally with Higher Education Funds and auxiliary funds at a cost not to exceed \$110,000. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

University Police Department Generator

The University Police Department (UPD) building serves as the emergency operations center (EOC) for the university. The Emergency Operations Center (EOC) serves as the central location for emergency or disaster situation assessment, resource coordination, and operational management. The generator currently serving UPD produces only enough electricity to provide emergency lighting and communications. It is not large enough to provide for the full function of the building during an event if the electricity supply is interrupted. The administration recommends installation of a generator that will support the total operation of the building during an interruption in the electric supply. The administration recommends funding with Higher Education Funds at a cost not to exceed \$110,000 and authorization of the president to sign associated purchase orders and contracts.

Campus Hydrology Study

The university wishes to assess the viability of an on campus water distribution system. A study conducted by hydrology engineers will be necessary to assess water availability, access, and distribution opportunities. The administration recommends the authorization of a hydrology study at a cost not to exceed \$150,000. Designated funds will be used for the study. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

E.L. Miller Science Building Renovation Study

The original portion of the E. L. Miller Science Building was constructed in 1968. A significant part of the mechanical, electrical and plumbing systems are over forty years old. The age, condition, and unique use of the building indicate the need for an architectural and engineering study by industry experts. The administration recommends funding the project with Higher Education Funds at a cost not to exceed \$100,000. The administration further recommends authorization of the president to sign associated purchase orders and contracts.

Total Capital Plan Projects	\$2,591,000
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Grants awarded between March 21, 2012 and June 18, 2012

Total New Current Year Awards (this period) – as of June 18, 2012

Subtotal direct federal	\$	306,185
Subtotal federal pass-through	\$	18,457
Subtotal state and state pass-through	\$	146,000
Subtotal private and local government	\$	130,625

Total awards (all years) for new awards (this period) \$ 684,457**Total awards (all years) for continuing grants (this period)[†] \$ -1,440,205**[†]Adjusted to account for the reduction in ARRA Stimulus loan funds applied to the Building Efficiency and Retrofit Programs, Phases I & II**Direct Federal Awards******Northeast Region Public Engagement at Three National Park Sites: Evaluation and Future Strategies***

FY 2012 Award: \$14,441
 Total Award: \$75,000 (Cooperative Agreement)
 Sponsor: U.S. Dept. of the Interior
 Term (this action): June 15, 2012 – September 30, 2017
 Description: *This research project will assess whether the “strand” approach to learning is appropriate to history learning and civic engagement in park settings, including urban park settings. PI/PD: Dr. Theresa Coble, School of Forestry*

Previously Described***Texas Leadership Initiative: Mathematics Instruction Transformed (Texas LIMIT) (ARRA Stimulus Funds)***

FY 2012 Award: \$291,744 Total Award: \$1,494,187

Subtotal Current Year Awards (this report) = \$306,185
Subtotal New Direct Federal Awards (total award) = \$75,000

Federal Pass-through Awards****Educational Approach to Increase Respiratory Use among Broiler Chicken Workers***

FY 2012 Award: \$10,782
 Total Award: \$10,782 (Subaward)
 Sponsor: The University of Iowa (Centers for Disease Control and Prevention - CDC)
 Term (this action): September 30, 2011 – September 29, 2012
 Description: *The PI/PD will provide expertise in the poultry industry and participate in exposure assessment and educational interventions for broiler growers.*
 PI/PD: Dr. Joey Bray, Department of Agriculture

*New awards

Prepared by the Office of Research & Sponsored Programs

FY 2012 Award:	\$4,000
Total Award:	\$4,000 (Contract)
Sponsor:	American Institute of Mathematics (National Science Foundation)
Term (this action):	September 1, 2011 – August 31, 2012
Description:	<i>Funds are provided for service as a test site to supplement the previously described UTMOST award.</i> PI/PPD: Dr. Thomas Judson, Department of Mathematics and Statistics

FY 2012 Award: \$675
Total Award: \$675 (Interagency Agreement)
Sponsor: The University of Texas Medical Branch - Galveston
(U.S. Dept. of Health and Human Services)
Term (this action): January 1, 2012 – December 31, 2012
Description: *This is a fee for service project to assist the National Health Service Corps (NHSC) to provide follow-up communication and technical assistance to NHSC loan repayers.* PI/PD: Mark Scott, Piney Woods Area Health Education Center (AHEC), College of Sciences and Mathematics

Subtotal Current Year Awards (this report) = \$18,457
Subtotal New Direct Federal Awards (total award) = \$18,457

Subtotal Award Adjustment (this report) = -\$3,917,833

Grants awarded between March 21, 2012 and June 18, 2012

State and State Pass-through Awards****Career Planning Laboratory - Employment Related Services for DBS***

FY 2012 Award: \$100,000
 Total Award: \$200,000 (Interagency Agreement)
 Sponsor: Texas Dept. of Assistive and Rehabilitative Services (DARS)
 Term (this action): May 14, 2010 – April 30, 2014
 Description: *Funds are provided to provide job placement, supported employment services, and job coaching for DARS consumers. PI/PD: Dr. Bill Weber, Department of Human Services*

****Job Readiness Job Placement Services for DBS Consumers***

FY 2012 Award: \$6,000
 Total Award: \$6,000 (Interagency Agreement)
 Sponsor: Texas Dept. of Assistive and Rehabilitative Services (DARS)
 Term (this action): March 1, 2012 – August 31, 2013
 Description: *Funds are provided for interns to provide job readiness and job placement services to blind and visually impaired DARS consumers. PI/PD: Dr. Bill Weber, Department of Human Services*

Previously Described***Mathematics, Science, and Technology (MST) Academy***

FY 2012 Award: \$40,000 (additional award) Total Award: \$983,441

Subtotal Current Year Awards (this report) = \$146,000

Subtotal New State/State Pass-through Awards (total award) = \$206,000

Private and Local Government Awards****Child Care Training***

FY 2012 Award: \$90,000
 Total Award: \$300,000 (Interlocal Agreement)
 Sponsor: Workforce Solutions Deep East Texas
 Term (this action): May 15, 2012 – March 31, 2013
 Description: *This agreement enhances the delivery of child care services in the region by providing funds for the planning, delivery, and evaluation of professional development and mentoring activities to child care facilities. PI/PD: Dr. Elizabeth Vaughan, Department of Elementary Education*

****Nacogdoches Naturally***

FY 2012 Award: \$3,125
 Total Award: \$12,500 (Grant)
 Sponsor: The George and Fay Young Foundation
 Term (this action): June 1, 2012 – May 31, 2013
 Description: *Funds are provided to support a portion of the salary of the Nacogdoches Naturally program director. PI/PD: Elyce Rodewald, SFA Gardens*

**New awards*

Prepared by the Office of Research & Sponsored Programs

Grants awarded between March 21, 2012 and June 18, 2012

***Lake Naconiche Archaeology Plan**

FY 2012 Award: \$2,500

Total Award: \$2,500 (Interlocal Agreement)

Sponsor: Nacogdoches County

Term (this action): April 10, 2012 – July 15, 2012

Description: *This research study will develop new procedures for documenting artifacts found by park visitors, develop a process for monitoring archaeological cultural materials, and will result in a website and educational brochure on the Lake Naconiche project.* PI/PD: Dr. Leslie Cecil, Department of Social and Cultural Analysis

Previously Described Awards*** Chemistry Departmental Research (Welch Foundation)**

FY 2012 Award: \$35,000

Total Award: \$70,000

Subtotal Current Year Awards (this report) = \$130,625***Subtotal New Private and Local Government Awards (total award) = \$385,000******Note:***

- *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.*

New awardsPrepared by the Office of Research & Sponsored Programs*

**Stephen F. Austin State University
Capital Plan
Fiscal Year 2012-13**

Capital Project	Project Budget	Source of Funds			
		HEF	Budgeted Auxiliary Funds	Auxiliary Fund Balance	Designated Fund Balance
Steen East Tower Renovation	1,070,500		1,070,500		
Human Sciences Building Exterior Repair	250,000	250,000			
Recreation Center Equipment Replacement	225,500				225,500
Passenger Vans for University Vehicle Fleet	205,000	205,000			
Library HVAC Replacement	150,000	150,000			
Electrical Overhead Transmission Lines	110,000	55,000		55,000	
Fire Detection System Upgrade	110,000	110,000			
Power Plant #2 Transformer	110,000	55,000		55,000	
University Police Department Generator	110,000	110,000			
Campus Hydrology Study	150,000				150,000
Miller Science Building Renovation Study	100,000	100,000			
Total Capital Plan	2,591,000	1,035,000	1,070,500	110,000	375,500

**Stephen F. Austin State University
Proposed Allocation of the Higher Education Fund (HEF)
Fiscal Year 2012-13**

Higher Education Fund Appropriation	8,425,937
Debt Service	1,286,025
Academic Capital Equipment	1,250,000
Library Materials Acquisition	1,000,000
Library HVAC Replacement	150,000
E&G Capital Expenditures - Microcomputer Replacement	750,000
E&G Expenditures	1,000,000
ITS Platform Upgrade	833,261
Shuttle Buses	400,000
ITS Capital and Network	400,000
Contingency	21,651
Electrical Overhead Transmission Lines	55,000
Human Sciences Building Exterior Wall Repair	250,000
Steen Library Air Conditioning Unit for Library Server Room	55,000
Fire and Life Safety System Upgrade	110,000
Fire Alarm Network Server	15,000
Grounds Lawn Mower	10,000
Two Electric Utility Vehicles	25,000
Six Passenger Vans	205,000
University Police Department Generator	110,000
Griffith Fine Arts Generator	10,000
Transformer and Transfer Switch at Mechanical Plant #2	55,000
Upgrade Electrical Distribution Panels at the Motor Pool	25,000
Miller Science Building Architectural and Engineering Study	100,000
Forestry Greenhouse Coolers,Heaters, and Water Line Replacement	40,000
Campus Street Repair	50,000
Mobile Alert System	17,500
Campus Security Cameras	76,000
UPD Patrol Vehicle	34,250
Utility Vehicle	41,250
Campus Messaging Signs	29,500
UPD Dispatch Center Equipment	9,500
Call Box and Water Alarm Cabling	12,000
	<hr/>
Total HEF Allocation	<u><u>8,425,937</u></u>

**Policies for Board Review
July 17, 2012**

Policy Name	Policy Number	BOR Cte	Action/Change	Page Number
Auditing a Course-Tuition and Fees	C-3	F&A	Eliminated waiver of tuition and fees for students age 65 and over	P-3
Budget Control	C-47	F&A	Minor clarifications and updates	P-4
Building Design Standards	B-37	B&G	Minor updates	P-5
Central Stores	F-7	F&A	Minor updates	P-13
Check Cashing	C-6	F&A	Minor clarifications and updates	P-15
Concurrent And Dual Credit Enrollment Programs	A-50	ASA	Specific amount of fee removed from policy	P-16
Conflicts of Interest in Sponsored Activities	A-11.5	ASA	Policy title changed; major rewrite.	P-17
Delegated Purchasing Authority	C-10	F&A	Minor clarifications and updates	P-33
Discrimination Complains/Sexual Harassment	E-46	ASA	Minor updates	P-36
Energy Conservation	B-6	B&G	Minor updates	P-45
Ethics	E-56	F&A	Minor clarifications and updates	P-47
External Bank Accounts	C-54	F&A	Minor wording changes	P-57
Faculty/Staff Traffic Appeals	D-12	ASA	Policy to be deleted	P-58
Flag Display	D-15	ASA	Policy to be deleted	P-62
Fleet Management	B-33	B&G	Penalty may be assessed for late reports.	P-63
Indirect Cost Recovery, Distribution and Use	A-51	F&A	Policy title changed; major rewrite	P-65
Institutional Reserves Fund	C-55	F&A	Minor wording changes	P-69
Lease, Rental or Use of Off-Campus Facilities	B-35	B&G	Minor clarifications and updates	P-71
Memberships	C-17	F&A	Minor updates	P-73

Policy Name	Policy Number	BOR Cte	Action/Change	Page Number
Misconduct in Research and Scholarly Activities	A-31.5	ASA	Policy title changed; major rewrite	P-74
Misconduct in Scholarly or Creative Activities	A-80	ASA	New policy	P-100
Payment Card Acceptance and Security	C-61	F&A	Minor updates and clarification	P-104
Performance Management Plan	E-57	ASA	Minor updates and clarification	P-108
Physical Plant Charges	B-21	F&A	Minor updates and clarification	P-110
Prohibition of Campus Violence	D-55	ASA	Minor wording changes	P-111
Purchase Requisition	C-30	F&A	Minor updates and clarification	P-114
Purchase Voucher	C-31	F&A	Minor updates and clarification	P-116
Restrictions on Purchasing and Contracting with Certain Vendors	C-48	F&A	Policy title changed; minor updates and clarification	P-118
Semester Grades	A-54	ASA	Policy title changed; addition of midsemester grades for 100- and 200-level courses.	P-121
Service Awards	E-45	ASA	Minor updates	P-123
Student Discipline	D-34	ASA	Minor updates and clarification	P-124
Time Clock	E-51.1N	ASA	Minor updates	P-148
Travel	C-49	FA	Specific travel guidelines removed from policy	P-150
Vehicle Repair and Maintenance	B-31	B&G	Penalty may be assessed for late reports	P-163

Auditing a Course - Tuition and Fees (C-3)

Original Implementation: October 18, 1980

Last Revision: ~~July 21, 2009~~ July 17, 2012

Tuition and fees for auditing a course shall be the same as tuition and fees paid by regularly enrolled students, ~~except for individuals age 65 and over. Individuals age 65 and over may audit at no charge on a space available basis and with the permission of the instructor.~~

Cross Reference: General Bulletin

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: None

Board Committee Assignment: Finance and Audit

Budget Control (C-47)

Original Implementation: January 25, 2000

Last Revision: ~~July 21, 2009~~ July 17, 2012

The primary responsibility for budget control resides with each account manager. Secondly, the department head or supervisor of each account manager is responsible for requiring sound budget practices.

The budget ~~director-office~~ will monitor current and plant funds accounts, excluding restricted contract and grant funds within the current funds category. If a department's expenditures exceed its budget, the budget ~~director-office~~ will notify the department to process a budget transfer, fund transfer, or expenditure transfer.

The university's financial system provides a budget check for funds during the requisition process. If funds are not available in the account, the budget director may authorize an override pending a budget or funds transfer.

Source of Authority: Vice President for Finance and Administration

Cross Reference: Departmental *Budgeting and Accounting Responsibilities Policy*, ~~Index~~ (C-11)

Contact for Revision: Budget Director

Forms: None

Board Committee Assignment: *Finance and Audit*

Building Design Standards (B-37)

Original Implementation: July 21, 2009

Last Revision: ~~None~~ July 17, 2012

1. Statement of purpose

This standard provides the building designer with general guidance regarding the university's intent to develop ~~ment~~ a campus of buildings having a unified architectural vernacular without restricting building function or efficiency.

2. Terms followed by an asterisk (*) appear in Appendix A.

3. Building planners shall refer to the campus master plan and should be guided by its general intent.

4. Governing codes and standards shall include current edition(s) of the International Building Code, Life Safety Code, Americans with Disabilities Act, Texas Accessibility Standards ~~and~~, the Fair Housing Act, *Texas Building Energy Code* and all applicable laws of the United States and the state of Texas.

5. Site standards

1. Buildings shall be setback from streets a sufficient distance to provide transition from city-streetscape to campus environment. Building setback dimensions should be governed by the height and mass of the proposed structure and the traffic volume of the adjacent street.

1. Minimum setbacks from public streets:

- North Street 100 feet
- University Boulevard 100 feet
- East College 50 feet
- Austin Street 50 feet
- Raguet Street 100 feet

2. Minimum setback from internal campus streets:

- Griffith Boulevard 100 feet
- Vista 40 feet
- Clark Boulevard 35 feet
- Clark Boulevard (at Kennedy Auditorium) 25 feet
- Alumni Drive 40 feet
- Aikman Street 40 feet
- Raguet Street 40 feet
- Hayter Street 40 feet
- Wilson Drive 25 feet

2. Building separation

Buildings shall be separated by distances governed by building height and mass; and by the pedestrian load along routes that pass between buildings.

3. Pedestrian malls

Pedestrian malls - developed between the Steen Library and the Baker Pattillo Student Center and Raguet Street from Griffith Boulevard to Aikman Drive- shall be spacious openings with two lanes, each with 8 or more feet of width.

4. Sidewalks
 - Major pedestrian route shall be 8 or more feet wide.
 - Secondary pedestrian route shall be 5 feet or more wide.
 - Maintenance access walks shall be sized to meet the service need but not less than 3 feet wide.
 5. Site lighting shall be provided by campus standard pole lamps* located 75 feet apart. Individual spacing may vary to avoid conflict with driveways, intersections and utilities.
 6. Site selection and building placement shall accommodate and prepare for future campus development.
 7. Way-finding signs shall conform to SFA Direction Signs System, undated (excerpts appear here as Appendix B).
 8. Building identification signs on the main campus shall conform to Appendix C. The monument shall be cast stone with a cream white finish similar to Indiana limestone. A bronze university seal shall be embedded at monument base. The text field shall be porcelainized steel, white letters on a purple field (CPEC 865-6 Custom Purple). The typeface shall be Univers over Amasis. The designer shall adjust type size and stretch to accommodate building name. Construction and attachment of the text field assembly shall allow the text field to be removed and replaced without modification of the monument.
 9. Building identification signs at remote campus sites shall conform to Appendix C1. The monument shall be cast stone with a cream white finish similar to Indiana limestone. A bronze university seal shall be embedded at monument base. The designer must proportion the monument to fit the site, road speed and set back requirements. The text field shall be porcelainized steel, white letters on a purple field (CPEC 865-6 Custom Purple). The typeface shall be Amasis over Univers Bold. The designer shall adjust type size and stretch to accommodate building name and proportions of the monument. Construction and attachment of the text field assembly shall allow the text field to be removed and replaced without modification of the monument.
 10. Landscape designers shall refer to the SFA Landscape Installation and Maintenance Standards, May 2009.
6. Architectural Style
1. Academic buildings shall reflect a stylistic relationship to the university's legacy buildings*.
 0. Major buildings* shall express their entrance by use of a podium, monumental stair or canopy.
 - Pedestrian approach considerations should include one or more covered entrances.

- A passenger vehicular approach shall be provided with a drop off point within 40 feet of an entrance.
 - Service vehicles shall have a separate approach that comes within 30 feet of the building and provides parking for two trucks for every 40,000 ~~s-~~*square feet*. of building area.
 - A dumpster shall be located within 50 feet of the building's service entrance. Dumpsters shall be screened with brick enclosures. Provide task lighting, storm drains or hose bibs at dumpster locations.
1. Building height should be limited to 5 floors or 75 feet.
 2. Exterior materials palette shall be compatible with the SFA legacy buildings.
 - Dark brown and brown-black blends are desirable.
 - Stone or cast stone selected to be complement the brick selection should be used for detail.
 3. Windows shall be clear, *insulated*, anodized aluminum, bronze anodized aluminum or white painted aluminum.
 - Glass shall be fixed, clear, green or bronze double glazing. Reflective finishes should be limited, if not discouraged.
 - Operable windows shall be provided when required by the educational program being housed.
 4. Sloped roofs, if used, shall be architectural standing seam metal with a gray or gray-brown color compatible with the brick selection.
2. Residential halls should reflect a stylistic relationship to Lumberjack Lodge, completed in 2005.
 0. Building entrance
 - The building should have one or more entrances protected by a canopy of recessed entrance.
 - A passenger vehicular approach shall be provided with a drop off point within 30 feet of an entrance. Residence halls should be allowed a variance.
 - Service vehicles shall have a separate approach that comes within 20 feet of the building and provide parking for 1 service vehicle per 110 beds.
 1. Dumpsters shall be located within 50 feet of a secondary building entrance (preferably a service entrance). Dumpster locations should be as discrete as practical and shall be screened but must allow easy access to residents and staff. Provide task lighting, storm drains or hose bibs at dumpster locations.
 2. Exterior material palette shall be drawn from the Lumberjack Lodge, completed in 2005.

- Brick shall be red and red with black-washed blend with stone of cast stone detailing.
 - Roofs should slope and have architectural standing seam metal roofing with a green or earth-green finish.
 - Window frames ~~should~~ *shall be insulated*, bronze anodized aluminum or bronze painted aluminum.
 - Glazing shall be double ~~pane~~ *pane* clear, bronze or earth-green.
 - Operable window shall be provided in sleeping rooms.
 - Fixed or operable glazing may be used in common areas.
7. Auxiliary buildings should reflect an architectural style that relates to the building function, blend with the campus surroundings and when appropriate relate to a legacy style (ref. to paragraph 6.1 above).
 8. Parking structures
Parking structures should be constructed of exposed precast concrete with brick accents and detailing as exemplified by the Aikman Garage (2005).
 9. Surface parking
Surface parking should be punctuated by island trees at a ratio of 1 tree well/island (approx. equal to two parking spaces) for each 30 cars parked.
 10. Roads and bridges
Campus streets should be lined by concrete curb and gutter. Sidewalks should be separated from road pavements by a grass parkway that should be equal in width to the sidewalk but shall not be less than one-half the sidewalk width.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Building and Grounds

Appendix A
Stephen F. Austin State University
Building Design Standards

Definitions and Terms

Legacy Building – Stephen F. Austin Building, 1924; Thomas J. Rusk Building, 1926; Chemistry Building, 1938.

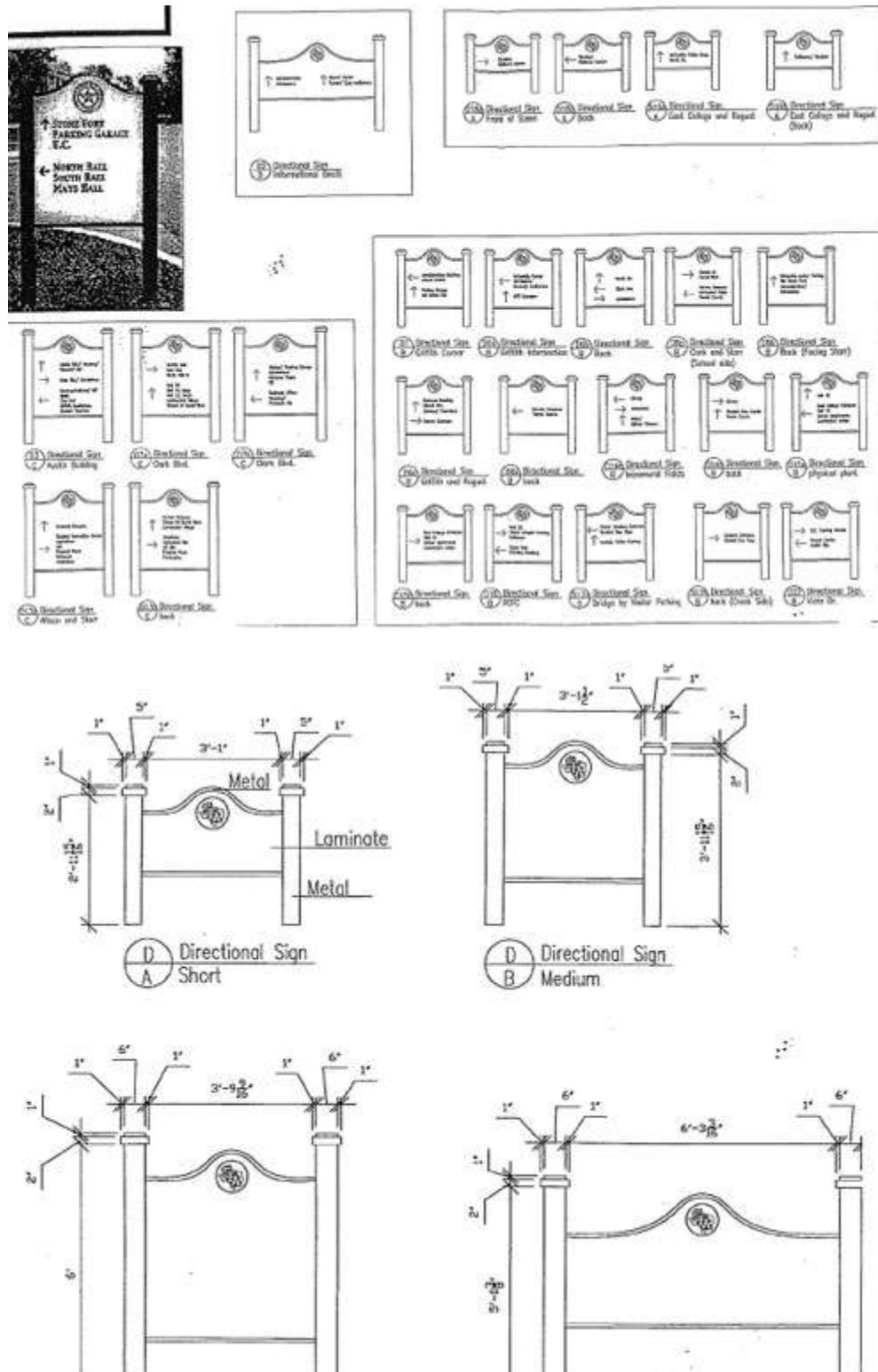
Major Building – a proposed new building with three or more floors or more than 40,000 square feet

Shall – As used in the Building Design Standards Policy, the designer will view the item as a current requirement.

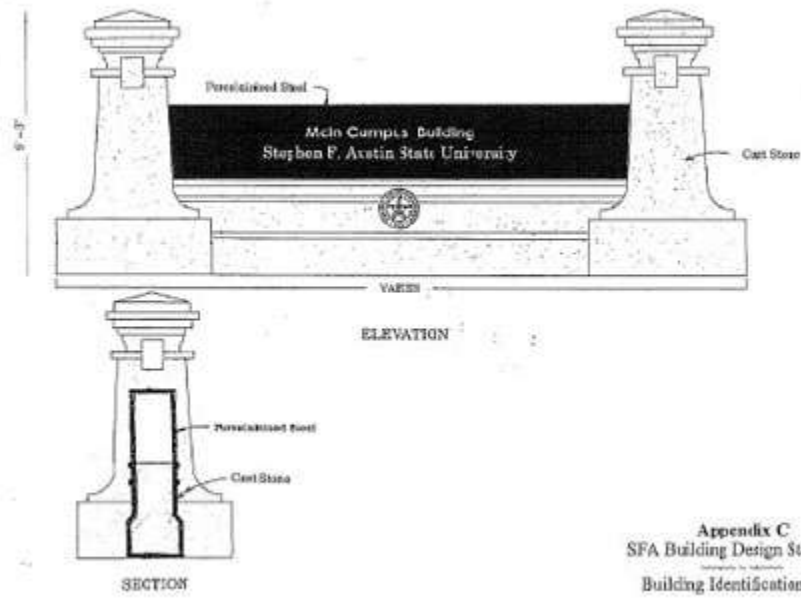
Should – As used in the Building Design Standards Policy, the designer will view the item as a recommendation.

Standard Pole Lamp – Holophane, Washington Postlite 150MH, Wadsworth 10' pole

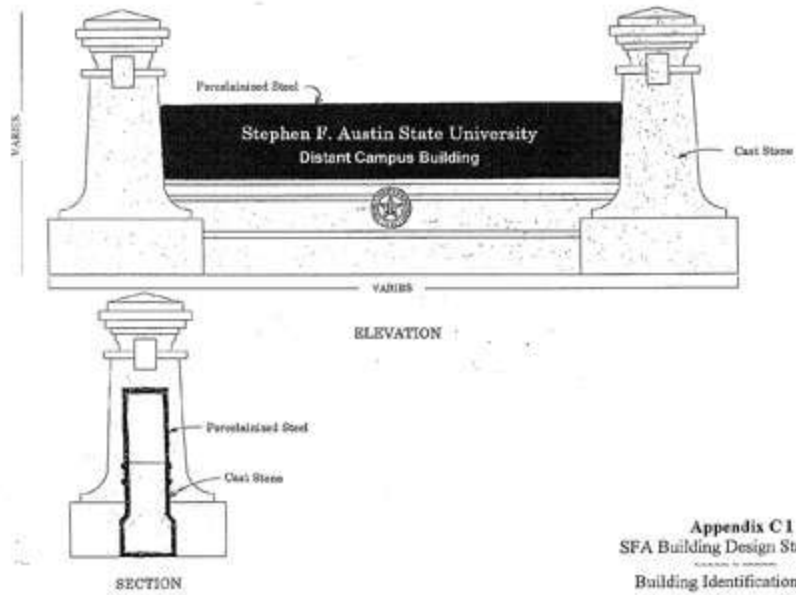
Appendix B



Appendix C



Appendix C
SFA Building Design Standards
Building Identification Sign.



Appendix C1
SFA Building Design Standards
Adapted from Appendix C
Building Identification Sign

Central Stores F-7

Original Implementation: Unpublished

Last Revision: ~~July 21, 2009~~ July 17, 2012

Central Stores provides a supply of materials primarily to support maintenance activities. Additionally, a limited number of other items are provided to support instructional and administrative activities.

Purchases

Purchases from Central Stores will be allowed only upon presentation of a valid university account number, work ~~order request~~ number, and authorized signature on sales receipt. Sales will not be made to overdrawn accounts without approval of the appropriate vice president.

Orders may be placed with Central Stores in the following manner:

1. in person at the Central Stores sales counter;
2. by telephone at extension 5303; or,
3. by online entry to ~~physical~~ ~~plant~~ home page

Returns

Returns with credit will be allowed for non-discontinued merchandise within ten (10) days of purchase. Defective/*damaged* merchandise will be replaced, or a refund made, when return is made within a reasonable period of time. The sales receipt (*counter release ticket*~~pick ticket~~) is required for all returns, replacements or credits.

Delivery Services

Bulk items of Central Stores merchandise will be delivered without additional cost by Central Receiving. Small items and small quantities will not be routinely delivered. Orders may be picked up at the Central Stores sales counter.

Requests to Stock Merchandise

New merchandise will be added to the Central Stores stock upon the request of a department head or his/her designee when the item meets one or more of the following criteria:

1. The item is critical to operations and not available in the local marketplace.

2. The item is needed routinely by one or more departments.
3. Institutional benefits can be shown either in having the item available when needed, or by saving money through ordering in bulk.
4. Adequate physical facilities are available to store and protect the merchandise.

Special items stocked at the request of a department that are not sold after a reasonable time (one year) will be charged to the requesting department and disposal of the items will be the responsibility of the requesting department.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Physical Plant

Forms: None

Board Committee Assignment: Finance and Audit

Check Cashing (C-6)

Original Implementation: September 1, 1988

Last Revision: ~~July 21, 2009~~ July 17, 2012

The ~~business~~ ~~Office~~ in the Austin Building cashes checks for faculty, staff and *currently enrolled* students with a ~~university~~ *Stephen F. Austin State University* I.D. The check cashing limit is fifty dollars (\$50) per day. If an extenuating circumstance exists in which a student or employee needs to cash a check in excess of \$50, authorization must come from the controller, the bursar in the ~~business~~ ~~Office~~ or the bursar's designee. Checks returned to the university for nonsufficient funds, payment stopped or account closed will be collected by the university or an outside collection entity. Any ~~returned check~~ fees charged to the university by an outside collection entity or the financial institution will be assessed to the individual. The university reserves the right to refuse personal checks from individuals who have a history of bad checks.

The university ~~business~~ ~~Office~~ is not authorized to cash *two party* checks, *post dated checks* or checks which are disbursed by the university (i.e., payroll checks, travel checks, etc.) except when *the university-issued check* is used as payment on the payee's account. *Web check payments in excess of the amount owed, thus resulting in a refund, are not permissible.*

Employees with a history of returned checks may be subject to disciplinary action.

Cross Reference: ~~C-35~~ Returned Checks (C-35)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: None

Board Committee Assignment: Finance and Audit

Concurrent and Dual Credit Enrollment Programs (A-50)

Original Implementation: July 27, 1999

Last Revision: ~~April 19, 2011~~ July 17, 2012

High school students with superior academic ability and achievement may be admitted to Stephen F. Austin State University (SFA) and enroll in college courses while completing their high school studies under the concurrent and dual credit enrollment programs. The concurrent and dual credit enrollment programs are open to high school students (grades 9-12) who have obtained a minimum grade average of 85. In addition, students must submit a minimum composite score of 1010 on the SAT (not including the writing) or 21 on the ACT (not including the writing). Students must meet Texas Success Initiative requirements to register for reading and writing intensive courses, as well as math courses. A recommendation by the student's high school principal or high school counselor must be submitted as well.

The dual credit enrollment program requires that the grade from the SFA course be used for completion of high school graduation requirements and college credit. The cost of the dual credit enrollment program ~~is \$25 per credit hour~~ *will be established by the SFA Board of Regents. An additional fee will be assessed for dual credit online courses.*

The concurrent enrollment program requires that the grade from the SFA course be used for college credit only. High school credit is not earned through this program. The cost of the concurrent enrollment program is full price for tuition and fees.

Cross Reference: 19 Tex. Admin. Code § 4.85; General Bulletin

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Executive Director of Enrollment Management

Forms: None

Board Committee Assignment: Academic and Student Affairs

Financial Conflicts of Interest in Sponsored Activities (A-11.5)

Original Implementation: January 30, 1996

Last Revision: ~~July 21, 2009~~ July 17, 2012

A.I. Policy Statement Relating to Conflict of Interest-Introduction

1. ~~These guidelines define general university policy and procedures regarding conflicts of interest in relationship to sponsored activities involving research, education, and university service. Their purpose of this policy is to protect the credibility and integrity of Stephen F. Austin State University's (SFA) faculty and staff by ensuring public trust and confidence in the university's research and sponsored activities by identifying and then:~~
2. ~~In accordance with federal regulations, the university has a responsibility to managing, reducing, or eliminating any actual or potential conflicts of interest related to a sponsored activity. Thus, the university requires that investigators disclose any significant financial or related interest that would reasonably appear affected by sponsored activities.~~

A potential conflict of interest occurs when divergence exists between the private interests of individuals and their professional obligations to the university, ~~such to the extent~~ that an independent observer might reasonably question whether an individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the situation and not on the character or actions of the individual. *In some cases, it also might be appropriate to voluntarily report apparent nonfinancial conflicts of interest and the steps taken by SFA to mitigate them, such as relationships between grant and university personnel.*

The university shall take all necessary steps to assure that any identified actual or potential financial conflicts of interest are managed, reduced, or eliminated prior to the university's expenditure of any funds under an award, and if required by a sponsor, certify to the funding agency that this has been done or report conflicts that cannot be satisfactorily managed, reduced, or eliminated.

As defined in section II, all investigators are required to disclose any significant financial interest that could directly or indirectly affect the design, conduct, and/or reporting of research and/or affect professional judgment in the conduct of sponsored activities.

Additional requirements are outlined in section VI that pertain specifically to Public Health Service sponsored research and to research sponsored by other federal agencies with similar financial conflict of interest regulations.

3. —

4. — For purposes of this policy, a conflict of interest exists when the university reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of sponsored activities.

5. — The university shall take all necessary steps to assure that any identified conflicts of interests shall be managed, reduced, or eliminated prior to the university's expenditure of any funds under an award and certify to the funding agency that this has been done. Conflicts which cannot be satisfactorily managed, reduced, or eliminated must be disclosed to the funding agency. In some cases, it also might be appropriate to report voluntarily apparent conflicts of interest and the steps taken by SFA to mitigate them (such as relationships between grant and university personnel).

B.II. Definitions

Compliance Officer (CO): an individual in the Office of Research and Sponsored Programs (ORSP) designated to coordinate financial conflict of interest requirements for research and sponsored programs at the proposal and award stages.

Disclosure of significant financial interests: an investigator's disclosure of significant financial interests to the university.

Equity interest: includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.

Financial conflict of interest (FCOI): a significant financial interest that could directly and significantly affect the design, conduct, or reporting of research and sponsored activities.

Financial interest: anything of monetary value, whether or not the value is readily ascertainable.

Institutional responsibilities: an investigator's professional responsibilities on behalf of the university, which for faculty includes teaching, research, service and other scholarly and professional activities and for staff includes job-related activities.

Institutional Official (IO): the provost and vice president for academic affairs.

Investigator: a project director (PD) or principal investigator (PI) and any other person, regardless of title or position, who is identified as: (a) senior/key personnel in the grant application, progress report, or any other report submitted to a funding agency; (b) a responsible party on applications for the use of human or animal subjects; and (c) responsible for the design, conduct, or reporting of research funded by the Public Health

Service or other agency with financial conflict of interest (FCOI) regulations, including research proposed for such funding.

Manage/Management Plan: taking action to address a FCOI, which can include reducing or eliminating the conflict of interest to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

Public Health Service (PHS): an entity of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated, which includes agencies such as the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), and the Health Resources and Services Administration (HRSA).

Research: a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development, and includes any such activity for which research funding is available from a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, or research resources award.

Responsible Official (RO): the director of the Office of Research and Sponsored Programs.

Significant financial interest: A financial interest that must be disclosed by an investigator that: (a) consists of one or more of the following interests of the investigator, and/or the investigator's spouse and dependent children, or any other financially interdependent individual in the household; (b) which reasonably appears to be related to the investigator's institutional responsibilities; and (c) was received, obtained, or held during the twelve (12) months preceding the disclosure.

Information that must be disclosed by an investigator includes:

- 1. Payments from or an equity interest in a publicly-traded entity if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure together exceed \$5,000. Remuneration includes any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship);*
- 2. Payments from or an equity interest in a non-publicly traded entity if the value of any remuneration received from the entity in the twelve months preceding the disclosure exceeds \$5,000 and any equity interest is held;*
- 3. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests; and*

4. *Travel payments (reimbursements or amounts paid on behalf of the investigator) related to institutional responsibilities (this requirement only applies to investigators with PHS supported research or other federal sponsors with similar FCOI requirements).*

Information that is excluded from disclosure by an investigator includes:

1. *Salary, royalties, or other remuneration paid by the university to the investigator if the investigator is currently employed or otherwise appointed by SFA, including intellectual property rights assigned to SFA and agreements to share in royalties related to such rights;*
2. *Income from certain investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles; and*
3. *Income from seminars, lectures, or teaching engagements, or income from service on advisory committees or review panels sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.*

- ~~1. Conflict of interest exists if the reviewer(s) of disclosures determines that a significant financial or related interest could directly and significantly affect the design, conduct, or reporting of sponsored activities.~~
- ~~2. The term investigator, as used in this policy, means the principal investigator, project director, co-principal investigator(s), and any other person who is responsible for the design, conduct, or reporting of research, educational, or service activities funded, or proposed for funding, by an external sponsor. In this context, the term investigator also includes the investigator's spouse and dependent children.~~
- ~~3. Sponsored activities include research, education, service, or training activities funded by an external sponsor.~~
- ~~4. Significant financial interest means anything of monetary value, including but not limited to:

 - ~~a. Salary or other payments for services (e.g., consulting fees or honoraria);~~
 - ~~b. Equity interests (e.g., stocks, stock options, or other ownership interests);~~
 - ~~and~~
 - ~~c. Intellectual property rights (e.g., patents, copyrights, and royalties from such rights).~~
 The term does not include:

 - ~~1. Salary, royalties, or other remuneration from the university;~~
 - ~~2. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;~~~~

- ~~3. Income from service on advisory committees or review panels for public or nonprofit entities;~~
- ~~4. An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity; and~~
- ~~5. Salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.~~

~~C. Guidelines~~

- ~~1. Each investigator is required to disclose the following significant financial interests:~~
 - ~~a. Any significant financial interest of the investigator that might reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor; or~~
 - ~~b. Any significant financial interest of the investigator in an entity whose financial interest might reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor.~~

Regardless of the above minimum requirements, ~~faculty or staff members~~ *investigators* in their own best interest may choose to disclose any other financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest.

Sponsored activities: all externally funded activities, including but not limited to research, public service, instruction, and/or training activities funded by grants, contracts, cooperative agreements, or other sponsored agreements.

III. **Responsibilities Regarding FCOI**

A. **Investigator** – *It is the responsibility of the investigator to:*

1. *file and update a Disclosure of Substantial Interest form annually as required by SFA policy C-33, Purchasing Ethics and Confidentiality;*
2. *file and update a Disclosure of Substantial Interest form in other instances as outlined in this policy;*
3. *acknowledge in the disclosure form their understanding of this policy and applicable federal regulations;*
4. *provide additional information and documentation required to meet the terms of this policy when requested by university officials; and*
5. *complete FCOI training as required by this policy.*

B. **Institutional Official (IO)** – *It is the responsibility of the IO to:*

1. *review Disclosure of Substantial Interest forms related to sponsored activities;*
2. *determine if a FCOI exists with regard to sponsored research funding, appoint a committee as required to assist in the decision, and make recommendations regarding management of any such conflict of interest;*
3. *if indicated, develop a plan for management of the conflict in consultation with the investigator and in conjunction with the appointed committee, the University's general counsel and other university officials, as appropriate; and*
4. *determine the appropriate individual to monitor implementation of the plan, as needed.*

C. **Compliance Officer (CO)** – *It is the responsibility of the CO to:*

1. *verify that Disclosure of Substantial Interest forms are on file for investigators prior to submitting applications to a PHS agency or other federal sponsor with similar FCOI requirements;*
2. *similarly, verify that Disclosure of Substantial Interest forms are on file for investigators after an award is made by a PHS agency or other federal sponsor with similar FCOI requirements, and prior to the expenditure of funds;*
3. *verify that Disclosure of Substantial Interest forms are on file for investigators who submit externally funded proposals that involve human or animal subjects;*
4. *provide disclosure and reporting requirements to any subrecipients related to an award from a PHS agency or other federal sponsor with similar FCOI requirements; and*

5. *communicate with the investigator regarding the status of the project with regard to compliance with this policy, including applicable training requirements.*

D. Responsible Official (RO) – It is the responsibility of the RO to:

1. *provide general oversight to the FCOI reporting and management process as it relates to research and other sponsored activities;*
2. *participate in the review of Disclosure of Substantial Interest forms and in the development of management plans, as requested by the IO; and*
3. *submit conflict of interest reports to the sponsoring agency as required by the PHS or any other federal agency.*

E. Procurement and Property Services (PPS) – It is the responsibility of PPS to forward copies of Disclosure of Substantial Interest forms and any updates to the IO, RO, and/or the CO that indicate a potential FCOI related to research and other sponsored activities.

IV. FCOI Reporting and Review Procedures

2. _____

A. Timeline for Disclosures Each

~~3. All investigators who has significant financial interest are required to disclose~~
~~are shall complete a significant financial interests on the Disclosure of Substantial~~
~~Significant Financial Interests Disclosure Form; and attach all required supporting~~
~~documentation. The completed disclosure form must be submitted with the proposal~~
~~and Proposal Clearance Form (PCF) to the Office of Research and Sponsored~~
~~Programs (ORSP). Supporting documentation that identifies the business enterprise~~
~~or entity involved and the nature and amount of the interest should be submitted in a~~
~~sealed envelope marked confidential and accompany the disclosure form and PCF.~~

1. *annually, but no later than November 30 of each year for the calendar year;*
2. *prior to the submission of a research proposal to a PHS agency or other federal agency with similar FCOI reporting requirements;*
3. *during the year as needed and no later than thirty (30) calendar days after a new, reportable significant financial interests is obtained such as an increase in value that meets the reporting threshold, as well as the acquisition of new interests that are reportable (for example, through purchase, marriage, or inheritance); and*
4. *for new investigators, within thirty (30) calendar days of joining an active research project funded by a PHS agency or other federal agency with similar FCOI requirements.*

B. Disclosure Period - Each individual completing the Disclosure of Substantial Interest form must list any financial interests for the preceding twelve (12) months that appear to be related to the investigator's institutional responsibilities and

that might reasonably appear to affect the research or educational activities funded, or proposed for funding.

C. *Proposal Clearance Process* - *Potential financial conflicts of interest should also be disclosed in Proposal Clearance Forms (PCF) submitted to the Office of Research and Sponsored Programs (ORSP).*

D. *Disclosure Review Process* - *The IO shall conduct an initial review of all financial disclosures related to research and sponsored activities in consultation with the RO or other official designee of the University, as appropriate. If an initial determination is made that there may be a potential for conflict of interest covered by this policy, additional information will be requested from the investigator.*

A potential FCOI also may be referred to an investigating committee for review. If it is determined by the IO that a committee should be formed, members will be appointed by the IO after consultation with the RO, who serves as chair. If it is determined that a conflict of interest exists, the IO and/or the investigating committee shall determine what conditions or restrictions, if any, should be imposed by the University to manage actual or potential conflicts of interest arising from such disclosures.

E. *Records Retention* - *Records of investigator financial disclosures, the university's review and response to disclosures, and of actions taken to manage actual or potential conflicts of interest, as applicable to research and sponsored activities shall be retained by ORSP until three (3) years from the date the final expenditures report is submitted to the sponsoring agency, or the resolution of any government action involving those records, or where applicable, from other dates specified in 45 CFR 74.53(b) and 92.42 for PHS supported research or other agency regulations.*

F. *Enforcement* - *The IO shall be responsible for determining and implementing sanctions on investigators who have violated this policy in terms of a conflict of interest resolution. The investigator shall be notified in writing of the recommended sanctions within twenty-one (21) calendar days of the discovery of the violation. If the sanctions involve a recommendation for termination of employment, the university's termination procedures shall be invoked. The university must take action as warranted by the seriousness of the violation including, but not limited to, one or more of the following:*

- 1. removal from the activity;*
- 2. special monitoring of future work;*
- 3. letter of reprimand;*
- 4. probation with conditions specified; and/or*
- 5. termination.*

Additionally, the university shall follow PHS and other applicable federal regulations regarding the notification of a sponsoring agency in the event an investigator has failed to comply with this policy.

Individuals may appeal the judgment and/or the sanction. A written statement of the grounds for the appeal must be submitted to the president of the university within thirty (30) working days of written notification of the sanctions. Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of a written appeal, the president shall evaluate the evidence and make a determination. The president shall open an investigation if circumstances so dictate. The president's decision shall be conveyed to all parties within thirty (30) working days.

V. FCOI Information Dissemination and Training

- A. **Information Dissemination** - The Office of Research and Sponsored Programs shall inform each investigator applying for research or other sponsored activities of the university's policy on financial conflicts of interest, the investigator's responsibilities regarding disclosure of significant financial interests, and any applicable federal regulations regarding FCOI. Such information will also be posted on the ORSP website.*
- B. **Mandatory Training** - Each investigator who is awarded a PHS research award or an award from a federal agency with similar FCOI training requirements shall complete a training session on FCOI prior to engaging in the research and subsequently every four (4) years. In addition, training is required for these individuals immediately when: (1) the university revises its financial conflict of interest policies or procedures in any manner that affects the requirements of investigators; (2) an investigator on a PHS supported award is new to the university; or (3) if the university finds that an investigator is not in compliance with this policy or a prescribed FCOI management plan.*
- C. **Subrecipients** - If the university carries out research through a subrecipient (e.g., subcontractors or consortium members) that is supported by the PHS or by a federal agency with similar FCOI reporting and/or training requirements, the university (awardee institution) will take reasonable steps to ensure that any subrecipient investigator complies with the training requirement described in B. above by incorporating as part of a written agreement with the subrecipient terms that establish whether the financial conflicts of interest policy of the university or that of the subrecipient will apply to the subrecipient's investigators. The agreement referenced shall specify time period(s) for the subrecipient to report all identified financial conflicts of interest to the university. Such time period(s) shall be sufficient to enable the university to provide timely FCOI reports, as necessary, to the PHS or other federal agencies as required by the agency.*

~~4. As required by federal regulation, all significant financial interests must be disclosed prior to the time a proposal is submitted. All financial disclosures must be updated by investigators during the period of the award as new reportable significant financial interests are obtained. New reportable significant financial interests includes financial interests that become reportable due to an increase in value that meets the reporting threshold, as well as the acquisition of new interests that are reportable.~~

~~5. The director of research and sponsored programs, or official designee, shall conduct an initial review of all financial disclosures. If the initial determination is made that there may be a potential for conflict of interest covered by this policy, the disclosure packet shall be referred to an investigating committee. Committee members are appointed by the provost and vice president for academic affairs after consultation with the director of ORSP, who serves as chair. If a conflict of interest exists, the committee shall determine what conditions or restrictions, if any, should be imposed by the institution to manage actual or potential conflicts of interest arising from disclosed significant financial interests.~~

~~6. Collaborators/subrecipients/subcontractors from other academic or not-for-profit institutions must either comply with this policy or provide a certification from their institutions that they are in compliance with federal policies regarding investigator significant financial interest disclosure and that their portion of the project is in compliance with their institutional policies. Subcontractors from commercial firms need not make a certification, except when the prime award requires a certification.~~

VI. Special Provisions for Managing and Reporting ~~Financial Finding of Presence of~~ Conflicts of Interest for Public Health Service (PHS) Supported Research

D.A. Management Plan

1. Resolution

For PHS supported research, Resolution of any potential or actual conflicts of interest shall not be required until after funding has been approved and prior to any expenditure of funds under the PHS supported award. Prior to the expenditure of any funds under a PHS-funded research project, the IO shall develop and implement a management plan that shall specify the actions that have been and shall be taken to manage such financial conflict of interest.

a.—

b. The IO, along with any investigating committee, ~~along with the~~ investigator, the RO, and other university officials as required, shall proceed to resolve any actual or potential problems revealed by the initial review of financial disclosures. In order for the conflict to be managed, reduced, or eliminated, the ~~committee-IO~~ may recommend:

1. ~~P~~public disclosure of significant financial or related interests(e.g., *during presentations or in publications*);
2. *for research projects involving human subjects research, disclosure of financial conflicts of interest directly to participants prior to participation;*
3. ~~M~~monitoring of sponsored activities by independent reviewers;
4. ~~M~~modification of the *research or other* sponsored activity plan;
5. *Change in personnel and/or* ~~D~~disqualification from participation in all or a portion of the activity funded that would be affected by the significant financial interests;
6. ~~D~~divestiture of significant financial interests; and/or
7. ~~S~~severance of relationships that create actual or potential conflicts of interest.

e. If the *IO*, along with any investigating committee determines that imposing conditions or restrictions would either be ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, the *IO* and committee may recommend that, to the extent permitted by federal regulations, the sponsored activity go forward without imposing such conditions or restrictions. In these cases, the ~~prevost-IO~~ in consultation with the ~~RO~~director of ORSP shall make the final decision regarding resolution.

d. The approved *written* resolution plan shall ~~be documented in writing~~ detailing the conditions or restrictions imposed upon the investigator in the conduct of the sponsored activity or in the relationship with the enterprise or entity.

e. Actual or potential conflicts of interest shall be satisfactorily managed, reduced, or eliminated in accordance with these guidelines and all required reports regarding conflicts of interest submitted to the sponsor prior to the expenditure of any funds under an award.

2. ~~Records of investigator financial disclosures and of actions taken to manage actual or potential conflicts of interest shall be retained by the ORSP until three (3) years after the termination or completion of the award to which they relate, or the resolution of any government action involving those records.~~

B. ~~Enforcement~~ Retrospective Review

For PHS supported research, whenever a significant financial interest is discovered that was not disclosed in a timely manner by an investigator, or for whatever reason, was not previously reviewed by the university during an ongoing PHS supported research project (including subrecipients), the IO shall within sixty (60) calendar days:

1. *review the significant financial interest;*

2. *determine whether it is related to PHS-funded research;*
3. *determine whether a financial conflict of interest exists; and, if so implement, on at least an interim basis, a management plan that shall specify the actions that have been, and will be, taken to manage such financial conflict of interest going forward.*

In addition, if it is determined that the university failed to review or manage such a financial conflict of interest, or the investigator failed to comply with a financial conflict of interest management plan, the IO shall, within 120 calendar days of the university's determination of noncompliance, lead a retrospective review of the investigator's activities and the PHS supported research project to determine whether any PHS supported research, or portion thereof, conducted during the time period of the noncompliance, was biased in the design, conduct, or reporting of such research.

The retrospective review shall be documented, and shall include at a minimum the following key elements:

1. *project number;*
2. *project title;*
3. *PD/PI or contact PD/PI if a multiple PD/PI model is used;*
4. *name of the investigator with the FCOI;*
5. *name of the entity with which the investigator has a financial conflict of interest;*
6. *reason(s) for the retrospective review;*
7. *detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);*
8. *findings of the review; and*
9. *conclusions of the review.*

Based on the results of the retrospective review, if appropriate, the university shall update the previously submitted FCOI report, specifying the actions that will be taken to manage the financial conflict of interest going forward. If bias is found, the university shall notify the PHS awarding agency promptly and submit a mitigation report the agency. The mitigation report must include, at a minimum, the key elements documented in the retrospective review above and a description of the impact of the bias on the research project and the university's plan of action or actions taken to eliminate or mitigate the effect of the bias. Depending on the nature of the financial conflict of interest, the university may determine that additional interim measures are necessary with regard to the investigator's participation in the PHS supported research project between the date that the financial conflict of interest or the investigator's noncompliance is determined and the completion of the university's retrospective review.

C. Public Disclosure

Prior to the expenditure of any funds under a PHS supported research project, the university shall ensure public accessibility via written response to any requestor within five (5) working days of a request for information concerning any significant financial interest disclosed to the university that meets the following three criteria:

- 1. the significant financial interest was disclosed and is still held by the senior/key personnel as defined by this subpart;*
- 2. the university determines that the significant financial interest is related to the PHS supported research; and*
- 3. the university determines that the financial interest is a significant financial conflict of interest.*

The information provided by written response to any requestor shall include at a minimum the following information:

- 1. the investigator's name;*
- 2. the investigator's title and role with respect to the research project;*
- 3. the name of the entity in which the significant financial interest is held;*
- 4. the nature of the significant financial interest;*
- 5. the approximate dollar value of the significant financial interest specified in ranges (e.g., \$0–\$4,999; \$5,000–\$9,999; \$10,000–\$19,999; amounts between \$20,000–\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value; and*
- 6. will note that the information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 calendar days of the identification by the university of a new financial conflict of interest, which should be requested subsequently.*

Information concerning the significant financial interests of an individual subject to this section shall remain available for at least three (3) years from the date that the information was most recently updated.

D. Reporting to PHS Agencies

Prior to the university's expenditure of any funds under a PHS supported research project, the university shall provide to the PHS agency an FCOI report regarding any investigator's significant financial interest found by the university to be conflicting and ensure that the university has implemented a management plan in accordance with PHS regulations. In cases in which the university identifies and eliminates a FCOI prior to the expenditure of PHS-awarded funds, an FCOI report is not required.

For any significant financial interest that the university identifies as conflicting subsequent to the initial FCOI report and during an ongoing PHS supported research project, the university shall provide within sixty (60) calendar days, a FCOI report to the PHS agency and ensure that a management plan has been implemented in accordance with PHS regulations. This includes results of a retrospective review, and in situations in which bias is determined, the university shall promptly notify and submit a mitigation report to the PHS agency.

Any FCOI report shall include sufficient information to enable the PHS agency to understand the nature and extent of the financial conflict, and to assess the appropriateness of the university's management plan. Elements of the FCOI report shall include, but are not necessarily limited to, the following:

- 1. project number;*
- 2. PD/PI or Contact PD/PI if a multiple PD/PI model is used;*
- 3. name of the investigator with the significant financial conflict of interest;*
- 4. name of the entity with which the investigator has a financial conflict of interest;*
- 5. nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium);*
- 6. value of the financial interest (dollar ranges are permissible: \$0–\$4,999; \$5,000–\$9,999; \$10,000–\$19,999; amounts between \$20,000–\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value;*
- 7. a description of how the financial interest relates to the PHS supported research and the basis for the university's determination that the financial interest conflicts with such research; and*
- 8. a description of the key elements of the university's management plan, including:*
 - a) role and principal duties of the conflicted investigator in the research project;*
 - b) conditions of the management plan;*
 - c) how the management plan is designed to safeguard objectivity in the research project;*
 - d) confirmation of the investigator's agreement to the management plan;*
 - e) how the management plan will be monitored to ensure investigator compliance; and*
 - f) other information as needed.*

For any financial conflict of interest previously reported by the university with regard to an ongoing PHS-funded research project, the university shall provide to the PHS agency an annual FCOI report that addresses the status of the financial conflict of interest and any changes to the management plan for the duration of

the project. The annual FCOI report shall specify whether the financial conflict is still being managed or explain why the financial conflict of interest no longer exists.

E. Remedies

If an investigator fails to comply with this policy, or a financial conflict of interest management plan appears to have biased the design, conduct, or reporting of PHS-funded research, the university shall promptly notify the PHS agency of the corrective action taken or to be taken.

~~E.~~——

- ~~1. The provost shall be responsible for determining and implementing sanctions on investigators who have violated this policy in terms of a conflict of interest resolution. The investigator shall be notified in writing of the recommended sanctions within twenty-one (21) calendar days. If the sanctions involve a recommendation for termination of employment, the university's academic termination procedures shall be invoked. The university must take action as warranted by the seriousness of the violation including, but not limited to, one or more of the following:

 - ~~a. Removal from the activity;~~
 - ~~b. Special monitoring of future work;~~
 - ~~c. Letter of reprimand;~~
 - ~~d. Probation with conditions specified; and/or~~
 - ~~e. Termination.~~~~
- ~~2. The university shall follow federal regulations regarding the notification of the sponsoring agency in the event an investigator has failed to comply with this policy.~~
- ~~3. Individuals may appeal the judgment and/or the sanction. A written statement of the grounds for the appeal must be submitted to the president of the university within thirty (30) working days of written notification of the sanctions. Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of a written appeal, the president shall evaluate the evidence and make a determination. The president shall open an investigation if the previously unconsidered material evidence so warrants and may open an investigation if circumstances so dictate. The president's decision shall be conveyed to all parties within thirty (30) working days. In the case of termination, the appropriate university policies on termination for cause shall be followed.~~

~~F. VII.~~ **Other Policies of Other Federal Agencies**

This policy has been developed to address financial conflicts of interest in sponsored activities in general, in accordance with specific requirements to address regulations for Public Health Service supported research federal guidelines for sponsored activities.

Other federal agencies may publish regulations for identification, reporting, and management of conflicts of interest in research that they support. In these instances, the university will comply with the applicable regulations. State laws regarding employee conduct may also apply to situations involving potential financial conflicts of interest.

Cross Reference: 42 CFR Part 50, Subpart F-; 45 CFR Part 94, Faculty Handbook; ~~Employee Conduct, E-15; Ethics Policy Statements, (E-56);~~ *Misconduct in Scholarly or Creative Activities (A-80); and Purchasing Ethics and Confidentiality (C-33).*

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Director of Research and Sponsored Programs

Forms: ~~Disclosure of Substantial Significant Financial Interest Disclosure Form;~~ *Proposal Clearance Form*

Board Committee Assignment: *Academic and Student Affairs*

Delegated Purchasing Authority (C-10)

Original Implementation: Unpublished

Last Revision: ~~July 21, 2009~~ July 17, 2012

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

1. ensuring compliance with state and federal laws, rules, and regulations;
2. protecting the university from unauthorized acquisitions of supplies, equipment and services;
3. providing budgetary control and coordination;
4. ensuring fair and ethical business practices;
5. providing savings through consolidation of requirements and standardization of products where appropriate; and
6. providing best value acquisition through ~~competitive solicitation processes~~ *various procurement methods; see Best Value Procurement (C-7).*

The procurement department, under supervision of the director of procurement and property ~~S~~services/HUB coordinator, has sole authority for the negotiation and purchase of all goods and services for the university with the exception of items listed in ~~Policy D-20.5~~, Items Requiring Board of Regents Approval (*D-20.5*), and the following specific delegations that exist under proper administrative approval:

1. The director of the university libraries is authorized to purchase books, periodicals, journals and other related materials needed to maintain university resource material collections.
2. The curator of the Stone Fort Museum is authorized to purchase general merchandise for resale in the museum gift shop.
3. Employees are authorized to make procurement card purchases of items costing \$2,000 or less through ~~the~~ procurement card procedures. See ~~Policy C-44~~, Procurement Card (*C-44*).
4. Employees without procurement cards may make purchases *and request reimbursement if the purchase is approved by the account manager, follows university procurement policy and procedure, and request reimbursement ONLY when* other purchase options are not possible or available. Taxes will not be reimbursed, *except as allowed by law.*
5. Certain payments may be made by completing a voucher for submission to the controller's office. See ~~Policy C-31~~, Purchase Voucher (*C-31*).

All other purchases are to be submitted as a formal request for the purchasing/procurement office-department to secure a good or service. See Policy C-30, Purchase Requisition (C-30).

All official correspondence other than that delegated above; i.e., solicitations, purchase orders, change orders, cancellations, etc. shall be issued by the procurement office-department. The director of procurement and property services/HUB coordinator is delegated authority to sign all titles and associated documents for the purchase, transfer or sale of vehicles, trailers, or marine equipment.

UNAUTHORIZED PURCHASES MADE OUTSIDE OF DELEGATED AUTHORITY

An Unauthorized purchases occurs when a university employee orders a product or service without following university procurement policy and procedures as delegated herein or overseen by the procurement office and outlined in Best Value Procurement (C-7). Unauthorized purchases will include inappropriate reimbursement requests that fall outside the scope of university procurement policy and procedure. ~~are purchases charged to the university without utilizing one of the delegations stated above. It is the responsibility of those who order or purchase on behalf of the university to understand and follow procurement policies. Payment for unauthorized purchases will not be made by the university with appropriated funds.~~

In order for an unauthorized purchase over \$2000 to be paid by the university, a justification must be submitted to the vice president for finance and administration for review and approval. If approved, the appropriate documentation and payment approval must be submitted to the procurement office to process a purchase order for the unauthorized purchase. If an unauthorized purchase is approved for payment, no state appropriated funds may be used to pay for the service or product.

~~The department head approving an unauthorized purchase is responsible to insure that the account used for payment has sufficient budget.~~

If payment of the unauthorized purchase and/or any late fees is not approved by the appropriate department head, dean, vice president or president, the individual making the purchase will be responsible for payment to the vendor or returning the item(s). Any freight costs associated with receiving or returning the item(s) will be the responsibility of the individual making the unauthorized purchase. If an unauthorized purchase is not approved by the vice president for finance and administration, the employee will be responsible for payment to the vendor unless the order can be cancelled and/or the goods returned. Any freight, shipping costs, or return penalties will be paid by the employee in the event the order is cancelled and/or the goods returned to the vendor.

The following types of purchases will not be considered unauthorized: a) emergency purchases as defined by Best Value Procurement (C-7), b) ~~M~~memberships, c) subscriptions and d) other automatically recurring or renewable fees, and e) requisitions associated with existing contracts negotiated by the procurement office or services contracts that are in process will not be considered unauthorized if the purchase order is dated later than the invoice.

Cross Reference: ~~Policy D-20.5~~, Items Requiring Board of Regents Approval (*D-20.5*); ~~Policy C-30~~, Purchase Requisition (*C-30*); ~~Policy C-31~~, Purchase Voucher (*C-31*); ~~Policy C-44~~, Procurement Card (*C-44*)

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: Finance and Audit

Discrimination Complaints/Sexual Harassment (E-46)

Original Implementation: September 1990/February 2, 1982

Last Revision: ~~July 19, 2011~~ July 17, 2012

General Policy Guidelines

1. **Purpose:** To provide an educational and working environment free of unlawful discrimination or harassment to all members of the university community. This policy applies to visitors, applicants for admission to or employment with the university, and students and employees of the university who allege discrimination or sexual harassment by university employees, students, visitors, or contractors.
2. **Non-discrimination Statement:** It is the policy of Stephen F. Austin State University, in accordance with federal and state law, to prohibit unlawful discrimination on the basis of race, color, religion, national origin, ~~gender~~sex, age, disability, *genetic information*, citizenship, and veteran status. Unlawful discrimination based on sex includes discrimination defined as sexual harassment. Stephen F. Austin State University is committed to the principles of Equal Employment Opportunity (EEO) law. An employee who violates this policy is subject to disciplinary action up to and including termination. A student that violates this policy is subject to disciplinary action up to and including expulsion.

The president or designee will be responsible for overseeing the Discrimination Complaint/Sexual Harassment policy (E-46) and procedures and for ensuring compliance with EEO laws. All employment decisions will be based on objective, job-related, and measurable criteria that can be consistently applied. Human resources or designee will annually review all personnel policies and procedures to ensure compliance with EEO laws and present any recommendations for changes to the president. All employment related documents will be maintained in accordance with the university's Texas State Record Retention Schedule.

For employee-related complaints, the human resources director or designee will be responsible for maintaining records of all formal complaints and the results of such complaints. For student-related complaints, the dean for student affairs or designee will be responsible for maintaining records of all formal complaints and the results of such complaints.

The Title IX coordinator is designated as the vice president for university affairs and will have three (3) deputy coordinators responsible for investigation of complaints of gender discrimination, including sexual harassment. The deputy coordinators are designated as the director of human resources, dean for student affairs, and the athletics senior women's administrator.

Definitions

1. Discrimination is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, color, religion, national origin, sex, age, disability, *genetic information*, citizenship, or veteran status.
2. Harassment as a form of discrimination is defined as verbal or physical conduct that is directed at an individual or group because of race, color, religion, national origin, sex, age, disability, *genetic information*, citizenship, or veteran status when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment. ~~This conduct can include technology-based communications such as texting, online classroom chats, or social networking sites.~~
3. Sexual Harassment is a form of sex discrimination and is described as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, ~~including but not limited to technology-based communications such as texting, online classroom chats, or social networking chats,~~ even if carried out under the guise of humor, and constitutes sexual harassment when:
 - submission to or tolerance of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
 - submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions (including admissions and hiring) affecting that individual; or
 - such conduct has the purpose or effect of ~~substantially-unreasonably~~ interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational or living environment.

The totality of the circumstances will be considered in determining whether a hostile environment exists. Relevant factors in determining whether the conduct has created a hostile environment include but are not limited to the type, frequency and severity of the conduct, whether the conduct is physically threatening or humiliating, and the relationship between the individuals.

Physical conduct that, depending on the totality of circumstances present, ~~including frequency and severity,~~ may constitute sexual harassment includes, but is not limited to:;

- unwelcome intentional touching;
- deliberate physical interference with or restriction of movement or;

- sexual violence.

Verbal conduct, defined as oral, written, or symbolic expressions, *(regardless of the method of communication)* that, depending on the totality of circumstances present, may constitute sexual harassment includes, but is not limited to,;

- ⊖▪ explicit or implicit propositions to engage in sexual activity;
- ⊖▪ gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies;
- ⊖▪ gratuitous remarks about sexual activities or speculation about sexual experiences;
- ⊖▪ persistent, unwanted sexual or romantic attention;
- ⊖▪ subtle or overt pressure for sexual favors;
- ⊖▪ exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials;
- ⊖▪ deliberate, repeated humiliation or intimidation based upon sex.

General Procedures

1. **Reporting:** A person who believes that he or she has been subjected to any type of discrimination, including sexual harassment, should report the incident to any university official, administrator, or supervisor. Students are encouraged to report such incidents to the dean of student affairs. Employees and visitors are encouraged to report to the director of human resources. Incidents should be reported as soon as possible after the time of their occurrence. No person is required to report discrimination or sexual harassment to the alleged offender. Any allegations of sex based discrimination or sexual harassment may also be directed to the attention of the Title IX coordinator; allegations of disability based discrimination may also be directed to the ADA coordinator but will be investigated in accordance with this policy.
2. **Referral Responsibility:** Every supervisor, administrator, department head, and university official is responsible for promptly reporting incidents of discrimination, including sexual harassment, that come to his or her attention to the appropriate university official. Students-to-student complaints should be reported to the dean of student affairs. All other complaints should be reported to the director of human resources. Any allegations of sex based discrimination or sexual harassment may also be directed to the attention of the Title IX coordinator and allegations of disability based discrimination may also be referred to the ADA coordinator but will be investigated in accordance with this policy. Every attempt should be made to keep the information confidential and restricted to only those who have an absolute need to know.

Complaint Resolution Procedures

1. Definitions

- a. **Complaint** means a signed document alleging discrimination, including sexual harassment under this policy.
- b. **Complainant** means a person who submits a written complaint alleging discrimination, including sexual harassment, under this policy. As there may be more than one complainant in an unlawful discrimination or sexual harassment case, the term "complainant" as used herein shall refer to one or more complainants. In the event of a third party charge, the university may serve as the complainant.
- c. **Respondent** means the person alleged to be responsible for the prohibited discrimination or harassment, including sexual harassment alleged in a complaint. The term "respondent" may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for the procedures and policies in those areas covered in a complaint.

2. Complaint Procedure

- a. **Complaint:** A complaint alleging discrimination or harassment, including sexual harassment, must be submitted in writing. The complaint must contain the following information:
 - Name of the complainant;
 - Contact information, including address, telephone number, email address;
 - Name of person(s) directly responsible for alleged violations(s);
 - Date(s) and place(s) of alleged violation(s);
 - Nature of alleged violation(s) as defined in this policy;
 - Detailed description of the specific conduct that is the basis of alleged violation(s);
 - Copies of documents pertaining to the alleged violation(s);
 - Names and contact information (if known) of any witnesses to alleged violation(s);
 - Action requested to resolve the situation;
 - Complainant's signature and date of filing;
 - Any other relevant information.
- b. **Time Limit:** A written complaint must be filed within 180 calendar days of the occurrence of the alleged violation.
- c. **Third Party Charge:** If a pattern of harassment appears to exist but no complainant files charges, the university may file a third-party charge against an individual. Such charges will be handled with as much care and control as any other complaint so as to avoid acting on rumor or unjustified accusation.

Investigative Process for Employee and Third-Party Related Complaints

The dean or director (or other appropriate administrator) for the area involved will investigate, not as a representative of the complainant, but as an impartial party. If the

director is the direct supervisor of the respondent (accused), the vice president will assign an alternative director from within their division so the investigator is not investigating his or her own department. The investigation shall normally be conducted within 20 business days from when the investigation is appointed to the dean or director. Case complexity will vary and the termination of the investigation will depend on case circumstances; however, the investigation will conclude under normal circumstances within 20 business days. It is incumbent upon the investigating official to document a reasonable justification for extending an investigation beyond 20 business days.

The investigator will interview the complainant and persons who are considered to have pertinent factual information related to the complaint. The investigator will also gather and examine documents relevant to the complaint. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the conduct complained of, including, but not limited to, the context of that conduct, its severity, its frequency, and whether it was physically threatening, humiliating, or simply offensive in nature. The dean or director conducting the investigation may also consult with appropriate management personnel, including the director of human resources, the ADA coordinator, the Title IX coordinator, and/or the general counsel for advice and guidance as applicable.

The university reserves the right to take such action as may be reasonably appropriate upon receipt of a complaint to protect the complainant or university community pending outcome of the investigation, *including interim suspension with pay of an employee*.

Notification of the Respondent: After investigating the allegations, the dean or director will meet with the respondent, provide them with a copy of the complaint, and give them an opportunity to respond. The respondent may, but is not required to, submit a written response to the allegations in the time prescribed by the investigator.

Report of Findings and Recommendations: The investigator is responsible for preparing a report responding to each allegation that the complainant has made. This report should describe the investigator's findings and conclusions to each allegation. The report should also include a brief overview of the investigative process including the category and number of individuals interviewed (excluding names), timelines, and a summary of each allegation. Finally, the report should contain the investigator's recommendations for resolution of the matter. This report should be addressed to the appropriate vice president with copies provided to the general counsel, the director of human resources, and the Title IX or ADA coordinator, *if-as applicable*.

The vice president shall review the findings and recommendations of the investigator and take such action deemed appropriate. Such action shall be communicated in a letter to the complainant and respondent with copies to the general counsel, director of human resources, and the Title IX or ADA coordinator, *if-as applicable*, within 5 business days of receipt from the investigator.

Appeal Process: If the decision of the vice president is not satisfactory to the complainant or respondent, that individual has *five (5)* business days in which to request a formal hearing of the discrimination complaint review board ("review board"). The request must be put in writing to the vice president issuing the decision. If the vice president concludes that the charges are serious enough to require termination or suspension, the faculty or staff member may be placed on a leave of absence with pay, pending a hearing by the review board and action by the president.

Discrimination Review Board: The review board of three individuals will be selected from a panel of 20 pre-selected faculty members and 20 pre-selected staff members to be appointed by the president. If the respondent is a faculty member, the review board will be composed of at least two faculty members. If the respondent is a staff member, the review board will be composed of at least two staff members. The complainant will select one member and the respondent will select one member from the applicable panel. The two selected members will choose the third person from the panel. None of the review board members shall be from the department of the respondent or the complainant (if applicable). These three individuals will comprise the review board and will elect a chair from among them. The university president may remove any selected review board member if substantial proof of bias exists.

The chair of the review committee is responsible for coordinating the hearing. The complainant, the respondent, and the university all have the right to be advised by counsel, but lawyers will not be allowed to conduct or participate in the hearing. The day prior to the scheduled review committee hearing, each side shall submit a list of its witnesses and four copies of its evidence to the chair. A list of witnesses and copy of the evidence will be provided to each side. The rest of the review committee will not receive the material until the time of the hearing. All materials presented must be maintained in a confidential manner by all parties involved.

The dean or director who conducted the investigation will apprise the review board of the charges and will normally present all relevant evidence. Both parties will have an opportunity to respond to the charges and present evidence. Each party may make a 5 minute opening statement prior to presentation of the evidence. The burden will be on the complainant to prove by a preponderance of the evidence that the respondent has committed an act of sexual harassment and/or unlawful discrimination. Cross examination of the witnesses is allowed by all parties. In cases of alleged sexual harassment, the parties shall not be permitted to question each other *directly*. Each party may make a 5 minute closing statement. The review board is permitted to question the parties and/or witnesses at any time during the proceeding.

The chair of the review board will conduct a fair hearing before the complainant and the respondent and shall allow relevant witnesses and evidence from both parties. The hearing shall be closed to the public. The general counsel and/or the director of human resources may be consulted in procedural matters of the review board and may be present at meetings. All information presented in the hearing is confidential *to the extent allowed by law* and restricted to only those who have an absolute need to know.

The review board will normally have *five (5)* days after the completion of the hearing to summarize its findings and make a written recommendation to the president.

Review by the President for Employee-Related Complaints: The president may accept, reject, or modify the decision of the review board and will have access to all evidence, both parties, and witnesses as deemed appropriate. In all instances except *those that involve the revocation of tenure or termination where a faculty member's tenure is revoked or a faculty member is being terminated during the term of their employment with an unexpired appointment extending beyond the date of the proposed dismissal*, the decision of the president is final. In cases ~~where tenure is being revoked or a faculty member is being terminated during the term of employment~~ *that involve the revocation of tenure or termination with an unexpired appointment extending beyond the date of the proposed dismissal*, the case will be forwarded to the Board of Regents for a final determination. ~~Pending action by the Board of Regents, the faculty member may be suspended without pay and removed from the university or assigned to other duties with pay at the president's discretion.~~ *termination proceedings shall commence under university policy E-50A. Such termination proceedings shall not reconsider whether discrimination or sexual harassment occurred, but rather determine if good cause exists for dismissal. Pending termination proceedings, a faculty member may be suspended and removed from the university or assigned to other duties with pay at the president's discretion.* Final disposition of the case will be communicated to the respondent and the complainant.

Employee Sanctions

University imposed: University sanctions for violations of this policy may include any disciplinary action, up to and including termination of employment for faculty or staff. Such activities may be viewed as constituting moral turpitude or substantial neglect of academic responsibilities under the Faculty Code of Conduct policy (E-72) and Tenure policy (E-50A), and a major work rule violation under the Discipline and Discharge policy (E-11).

Civil: Unlawful discrimination and sexual harassment are illegal under state and federal law. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education may result in civil lawsuits against any person guilty of unlawful discrimination or sexual harassment.

Criminal: Sexual harassment by a public servant is a criminal offense under 39.02 03 of the Texas Penal Code. Depending on the severity of the acts, sexual harassment may also specifically include indecent exposure, public lewdness, assault, or sexual assault under Chapter 21 and 22 of the Texas Penal Code.

False charges may result in disciplinary action against the complainant by the university or civil charges against the complainant by the respondent. An unsubstantiated charge is not considered "false" unless it is found to be made with the knowledge of it being false.

Investigative Process for Student-to-Student Complaints

The dean for student affairs, or their appointee, shall investigate student to student complaints and follow the timeframes described in the preceding guidelines for employees. If student discipline is recommended, policy D-34, Student Discipline will guide the proceedings. Informal and formal disposition procedures are outlined within the policy; and, it contains full due process procedures.

Student Sanctions: Disciplinary action for student-to-student related complaints may range from sensitivity counseling to suspension or expulsion. False charges may also result in disciplinary action. An unsubstantiated charge is not considered "false" unless it is found to be made with knowledge of it being false.

Retaliation

A supervisor or employee commits an unlawful employment practice if the supervisor or employee retaliates or discriminates against a person, who (a) opposes a discriminatory or harassing practice, (b) makes or files a complaint alleging employment discrimination or harassment, (c) or testifies, assists, or participates in any manner in an investigation, proceeding or hearing. Any employee who retaliates against another employee violates the university's policies and procedures and may be subject to disciplinary action up to and including termination. Instances of alleged retaliation shall be investigated pursuant to the procedures of this policy. A student violates this policy if the student retaliates or discriminates against a person in violation of Title IX. A student that violates this policy is subject to disciplinary action up to and including expulsion.

The dean/director (or other appropriate administrator) who investigated the complaint will be responsible for monitoring the circumstances surrounding the complaint to insure the situation has been remedied.

Training

The university is required by the Texas Labor Code 21.010 to provide EEO training to each new employee, including student employees on policies regarding discrimination, including sexual harassment, no later than 30 days after the date of hire. In addition, supplemental EEO training is required every two years. All employees will receive a copy of this policy within 30 days of employment. A signed statement verifying attendance is required to be maintained in the employee's personnel file.

Additional training shall be provided in accordance with applicable law.

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Cross Reference: Faculty Code of Conduct (E-72); Tenure (E-50A); Discipline and Discharge (E-11); Student Discipline (D-34); 42 U.S.C. § 2000e, e-2, e-3; 42 U.S.C. § 1981; 20 U.S.C. §§ 1681, 1684; 42 U.S.C. § 12101; 29 U.S.C. § 623; 29 U.S.C. § 794; 29 U.S.C. § 206(d); 8 U.S.C. § 1101; Tex. Lab. Code Ch. 21; Tex. Penal Code § 39.0203; Pub. L. 88-352; Pub. L. 102-166; *Pub. L. 110-233*

Responsible for Implementation: President

Contact for Revision: Title IX Coordinator, Director of Human Resources, and General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs

Energy Conservation (B-6)

Original Implementation: December 4, 1987

Last Revision: ~~July 21, 2009~~ July 17, 2012

The university supports, and is committed to, the statewide energy conservation effort of the Texas Governor's Office, the General Appropriations Act, ~~79th Legislature~~ and Government Code Section 447.004.

The university has and will continue to maintain the most efficient operation of all utilities and equipment by the operation of: an automated energy management system replacement of HVAC/Electrical equipment in a timely and cost efficient manner, and a review of building operation, usage, and schedules.

It is the intent of the university to serve its academic and auxiliary needs with cooling and heating requirements based on approved operational schedules. The automation system is programmed to meet needs and any significant requirements not included in normal operations must be approved by director of ~~Physical Plant~~ prior to changes being made.

~~Start and stop schedules are entered by Physical Plant personnel after approval by the director of Physical Plant. Physical Plant should be given notice at least eight (8) work hours prior to event. If notice is given after normal work hours, the user may be charged overtime.~~

~~All local utility power shortage problems will be handled by the--~~ The Physical Plant ~~Department;~~ will coordinate all local utility power shortage problems with the local energy supplier. Institutional issues that arise from utility outages will be coordinated by the physical plant through and the vice president for finance and administration. ~~The requirements so determined will be routed thru the appropriate organizational channels.~~

Outside groups or individuals that use university facilities may be charged a utility usage fee ~~Users of university facilities that require an additional cost due to utility usage, will be charged a fee to cover the cost of the additional utility expenses. The amount of the fee will be determined by the Physical Plant Department and approved by the vice president for finance and administration.~~

Cross Reference: General Appropriations Act; Tex. Gov't Code § 447.004

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Physical Plant

Forms: None

Board Committee Assignment: *Building and Grounds*

Ethics (E-56)

Original Implementation: August 8, 1995

Last Revision: ~~April 21, 2009~~ July 17, 2012

General Policy Statement

It is the policy of Stephen F. Austin State University that all officers and employees maintain high ethical standards in the performance of their official duties. The following guidelines regarding state ethics laws for state employees are applicable to the Board of Regents, the administration, faculty and staff of the university. Other university policies that affect ethical standards include but are not limited to: ~~Policy E-46~~ Discrimination Complaints/Sexual Harassment (*E-46*); ~~Policy E-12~~ Dual Employment (*E-12*); ~~Policy E-33~~ Nepotism (*E-33*); ~~Policy C-33~~ Purchasing Ethics and Confidentiality (*C-33*); ~~Policy C-46~~ Fraud (*C-46*); ~~Policy E-11~~ Discipline and Discharge (*E-11*); ~~Policy C-27~~ Purchases from Employees (*C-27*); and ~~Policy D-53~~ Financial Aid Code of Conduct (*D-53*).

Ethics Laws for State Officers and Employees

State officers and employees owe a responsibility to the people of Texas in the performance of their official duties. See Government Code §572.001. High institutional standards and high personal standards are critical to fulfilling that responsibility. There are a variety of both civil and criminal statutes that set out the ethical responsibilities of state officers and employees. The Texas Ethics Commission is charged with interpreting, issuing advisory opinions, and enforcing certain ethics laws including Chapter 572 of the Government Code and Chapters 36 and 39 of the Penal Code. Those statutes contain provisions relating to conflicts of interest, bribery, gifts, official misconduct, and misuse of state property, among other things. Additionally, §556.004 of the Government Code contains a list of prohibited acts of agencies and individuals with regard to political activity. A variety of other Texas statutes contain specific ethics provisions applicable to state employees and officers. All employees and officers are required to abide by applicable state and federal laws and regulations regardless of whether they are specifically stated in this policy. Contact the general counsel for questions and advice.

1. Conflicts of Interest, Bribery and Gifts

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

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

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

~~This simply means that a~~ state officer or employee should never accept anything if it might makes him do his job differently, or if he thinks the person giving it has the hope he will do his job differently. Section 572.051(5) provides, in effect, a "no tipping" rule for state officers and employees. It states that a state officer or employee should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

For most state employees, compliance with §572.051(1) and (5) eliminates worry about compliance with either the Penal Code or the lobby law with respect to the acceptance of gifts.

Section 572.051(2), (3), and (4) states that state officers and employees should not engage in economic activities even on their own time that might affect decisions at their state job, or that might lead them to disclose confidential information learned on the job. Simply put, state officers and employees should not engage in business or investments that might make them want to do their state job differently.

Section ~~574~~572.051(2), (3) and (4) of the Government Code specifically reads as follows:

572.051. STANDARDS OF CONDUCT; STATE AGENCY ETHICS POLICY.

(a) A state officer or employee should not:

(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by: Acts 2007, 80th Leg. R.S., Ch. 629, Sec. 1, eff. September 1, 2007

The Texas Penal Code also includes provisions regarding conflicts of interest, bribery and gifts. A state employee commits the offense of bribery if he solicits, offers, or accepts a "benefit" in exchange for his decision, opinion, recommendation, vote, or other exercise of discretion as a state employee. Penal Code §36.02.

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

The statutory definition of "benefit" is "anything reasonably regarded as pecuniary gain or pecuniary advantage." Penal Code §36.01(3). In advisory opinions, the Ethics Commission has stated that the following gifts may be benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal. Ethics Advisory Opinions Nos. 97, 94, 90, 69, 60 (1992). Benefits such as food, lodging, transportation, football tickets, etc., may however be permissible if accepted as a "guest." Penal Code §36.10(b). To accept something as a guest, the donor must be present.

Other advisory opinions have concluded that certain items are not benefits. A cup of coffee is not a benefit. Ethics Advisory Opinion No.118 (1993). Small amounts of perishable food delivered to government offices are generally not benefits. Ethics Advisory Opinion No. 62 (1992). Trinkets of minimal value such as coffee mugs, key chains, and "gimme" caps are generally not benefits. Ethics Advisory Opinion No. 61 (1992). A plaque is not a benefit. Ethics Advisory Opinion No. 36 (1992). Of course, a state officer or employee may accept a gift from a person such as a friend, relative, or business associate with whom he has a relationship independent of that official status if the gift is given on account of that relationship rather than the officer's or employee's official status. Penal Code §36.10(a)(2).

Honoraria may also be considered as gifts or benefits under the Penal Code. A state officer or employee may not solicit, agree to accept, or accept an honorarium in consideration for services he would not have been asked to provide but for his official position. Penal Code §36.07. Thus, for example, the officer or employee may not take a speaker's fee for speaking in his official capacity. Although questions about honoraria come up most frequently in regard to speeches, the prohibition applies to fees or gifts for any service that the officer or employee

would not have been asked to provide but for his official position. It is permissible to accept food, transportation, and lodging in connection with a speech or other service performed in an official capacity.

2. **Official Misconduct and Misuse of State Property**

A state employee would commit an offense if, with intent to obtain a benefit or harm another, he intentionally or knowingly violated a law relating to his office or employment. Penal Code §39.02(a)(1). This catchall prohibition applies to any violation of a law relating to the employee's state employment. This means, for example, that a violation of a rider to the Appropriations Act, done with intent to obtain a benefit or harm another, could be the basis of a criminal prosecution.

Also, an officer or employee would commit an offense if, with intent to obtain a benefit or harm another, he misapplied anything of value belonging to the government that has come into his custody or possession by virtue of his state employment. Penal Code §39.02(a)(2). This provision is the basis for criminal prosecutions regarding the misuse of state property for personal use or otherwise.

Under Government Code §552.352, misuse or improper distribution of confidential information is also considered a specific type of crime involving official misconduct.

In addition to criminal liability, employees may be responsible for the negligent loss, damage or destruction to university property under the Property Liability Policy (B-34).

3. **Financial Disclosure Statements**

Regents and the president must file financial disclosure statements with the Texas Ethics Commission by April 30 of each year, or as otherwise required under the Government Code Chapter 572.

4. **Prohibited Acts of Agencies and Individuals Regarding Political Activity**

The University, its officers and employees may not use state money, equipment or official authority to influence an election as prohibited by §556.004 of the Texas Government Code. Sections 556.004, ~~556.005, 556.0055, 556.006, 556.007, 556.008, and 556.009~~ of the Government Code specifically read as follows:

556.004. PROHIBITED ACTS OF AGENCIES AND INDIVIDUALS.

- a. *A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition*

extends to the direct or indirect employment of a person to perform an action described by this subsection.

- b. *A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).*
- c. *A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.*
- d. *A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose.*
- e. *For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.*

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999

556.005. EMPLOYMENT OF LOBBYIST.

- a. *A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003, Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.*
- b. *A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter 81.*
- c. *A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed \$100,000 for each violation.*
- d. *A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.*

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 249, 4.11, eff. Sept. 1, 2003.

556.0055. RESTRICTIONS ON LOBBYING EXPENDITURES.

- a. *A political subdivision or private entity that receives state funds may not use the funds to pay:*
 - 1. *lobbying expenses incurred by the recipient of the funds;*
 - 2. *a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;*
 - 3. *any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2);*
or
 - 4. *a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.*
- b. *A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.*

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

556.006. LEGISLATIVE LOBBYING.

- a. *A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.*
- b. *This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.*

Added by Acts 1997, 75th Leg., ch. 1035, Sec. 86, eff. June 19, 1997.

Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

556.007. TERMINATION OF EMPLOYMENT

A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006 (b) or who violates Section 556.004 (c) or (d) is subject to immediate termination of employment.

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

556.008. COMPENSATION PROHIBITION.

A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or Section 556.005 or 556.006(a), or who is subject to termination under Section 556.007.

Added by Acts 1999, 76th Leg., ch. 1498, Sec.1, eff. Sept. 1, 1999.

556.009. NOTICE OF PROHIBITIONS.

- a. *A state agency shall provide each officer and employee of the agency a copy of Sections 556.004, 556.005, 556.006, 556.007, and 556.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.*
- b. *A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection.*

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.”

As required by these statutory provisions, all employees shall receive and sign for (or electronically acknowledge receipt) of a copy of this policy as administered by the University's university's Department of Human Resources.

5. Disclosure Statement for Employees Involved in Purchasing, Contracting, and Investments

As required by §2262.004 of the Government Code, university personnel who make decisions or recommendations regarding the preparation of a solicitation, evaluation of a bid or proposal, who should be awarded the contract, or contract terms or conditions of a major contract award must disclose in writing to the president on a form prescribed by the state auditor direct or indirect pecuniary interests (10% interest or \$25,000 threshold) or family relationships (nepotism) which that employee may have in the major contract award. A major contract award involves a contract of at least \$1 million in value. Use the referenced disclosure form developed by the Office of the State Auditor.

Additionally, *to the extent such provision is applicable to the transaction* Section 2254.032 of the Texas Government Code requires officers and employees who have any financial interest in an offer to provide consulting services to the university to report that interest to the president no later than the tenth day after the date that the offer is submitted. University personnel must also report any individual related to them within the second degree by consanguinity or affinity (as determined by Section 573 of the Government Code) who has an interest in any consulting offer made to the university.

In addition to the specific reporting requirements and thresholds of §2262.004 of the Government Code, university personnel have broader reporting and ethics requirements outlined in ~~the Purchasing Ethics and Confidentiality Policy (C-33)~~. Officers and employees also have a legal disclosure requirement to declare any interest in property that is to be acquired by the university as outlined in Government Code Chapter 553.

Investment officers responsible for the investment of public funds under the Public Funds Investment Act, Government Code Chapter 2256, must disclose personal relationships and interests involving investment transactions.

Officers and employees are encouraged to contact the general counsel if they have questions or concerns about the applicability of this disclosure form and to disclose possible indirect or direct pecuniary interests which do not meet the minimum threshold limits outlined in these statutory provisions. Disclosure of all possible pecuniary interests in major or non-major contract awards or procurements is required by ~~the Purchasing Ethics and Confidentiality Policy (C-33)~~ to avoid other possible conflict of interest concerns. Potential transactions

with relatives of employees should also be disclosed to the general counsel for advice and counsel to initiate measures that avoid any appearances of a conflict of interest.

6. Disclosure by Public Servant of Interest in Property

Section 553.002 of the Government Code requires individuals who are elected, appointed, employed or designated as an officer of government and who have a legal or equitable interest in property that is to be acquired with public funds to file an affidavit with the county clerk of the county the individual resides in and the county clerk of each county in which the property is located. The affidavit must be filed within 10 days before the date on which the property is to be acquired by purchase or condemnation. The contents of the affidavit are included in this section.

7. Conflicts of Interest for Officers (Regents)

In addition to the statutory restrictions outlined above or in referenced policies, officers of the university, namely regents, are held to relatively strict standards for conflicts of interest under law. Conflicts of interest may involve indirect or direct pecuniary interests as established in Texas common law. Specific statutory exceptions have been carved out to allow regents to recuse themselves from specific actions. Section 572.058 of the Government Code permits regents to disclose a personal or private interest in a measure, proposal, or decision pending before the board and not participate in board action involving that matter. Section 51.923 of the Education Code allows the university to contract with ~~corporations in which regents may have certain interests under the following circumstances:~~ 1) nonprofit corporations which may have one or more regents serving on their board *or a regent serving as an officer or employee of the nonprofit*; 2) *The statute also permits the university to contract with business entities* ~~corporations with~~ in which a regent holds 5% (or less) beneficial interest or stock and involve affiliation, licensing or sponsored research, or are contracts which have been subject to competitive bid or competitive sealed proposals *has an interest. If a regent has a "substantial interest" in the business entity and board approval is required, Regents with interests in such measures* that regent must recuse ~~themselves~~ *his or herself* from the decision on behalf of the university. *A regent has a "substantial interest" if the regent or the regent's spouse, child, parent, father or mother in-law, son or daughter in-law, stepparent, or stepchild: owns 10% or more of the voting stock or shares of the business entity or owns either 10% or more or \$15,000 or more of the fair market value of the business entity; funds received by the regent from the business entity exceed 10% of the regent's gross income for the previous year; or the regent is an officer of the business entity or its governing board.* Regents should contact the general counsel on possible conflict of interest matters and disclose to counsel potential direct or indirect pecuniary interests in matters pending before the Board of Regents. Potential transactions with relatives of regents should also be disclosed to the

general counsel for advice and counsel to avoid any appearances of a conflict of interest.

8. **Nepotism**

Officers and employees are reminded that hiring certain ~~close~~-relatives as defined in ~~the University's Nepotism Policy~~ (E-33) and/or under state law is prohibited.

9. **Discrimination and Sexual Harassment**

Discrimination and sexual harassment are prohibited by ~~University~~-*university* policy E-46, and also under state and federal law.

10. **Equity Ownership and Management Participation relating to Research, Development, Licensing and Exploitation of Intellectual Property**

Ownership of any equity interest in a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property created or discovered by an employee shall be disclosed to the president or his designee. The president shall take any necessary steps to avoid injury to the university as a result of potential conflicts of interest arising out of such equity ownership.

No employee may serve as a director, officer, or employee of a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property in which the university has an ownership interest except upon request of, or prior approval by, the Board of Regents. Authorization to serve as a director, officer, or employee of such a business entity may be subject to one or more conditions established to avoid injury to the university as a result of potential conflicts of interest.

In accordance with §51.912 of the Texas Education Code, the names of all business entities that have an agreement with the university relating to the research, development, licensing, or application of intellectual property in which employees own an equity interest, or for which such persons serve as director, officer, or employee, shall be reported to the governor and legislature on an annual basis. The university may accept equity interests as partial or total compensation for rights conveyed in agreements with business entities relating to intellectual property owned by the university. The university may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the university and a business entity relating to intellectual property created, discovered, or developed by the employee and owned by the university.

11. **Summary**

In this age of high ethical standards and unrelenting public scrutiny, it is imperative that all state officers and employees be aware of applicable ethics laws. Texas governmental entities are run under an open government system, and all public officers and employees are subject to review. Anyone who has questions or concerns should contact the university's general counsel. A copy of this policy shall be annually filed with the Texas Higher Education Coordinating Board as required by the General Appropriations Act.

Cross Reference: Article III, § 24 of the General Appropriations Act as adopted by the 80th-82nd Legislature; ~~Texas-Tex. Government-Gov't Code Chapter §§ 403.271(a)-.278, 552.352, 556.004-.009, 2203.004, 2254.032, 2262.004, Ch. 553, 572-573, 2256, Texas Government Code Chapter 573;~~ Texas-Tex. Penal Code § 36.01, et. seq. Ch. 36, § 39.02; ~~Texas Government Code § 552.352, Texas Government Code § 556.004—§ 556.009, Texas Government Code § 2262.004;~~ Texas-Tex. Education-Educ. Code §§ 51.912, .923; ~~Texas Education Code § 51.912, Texas Government Code § 403.271(a)—§ 403.278, Texas Government Code § 2203.004, Texas Government Code Chapter 553, Texas Government Code § 2254.032, Texas Government Code Chapter 2256~~ and other applicable state and federal laws; ~~Board of Regents; Policy E-46-Discrimination Complaints/Sexual Harassment (E-46);; Policy E-12-Dual Employment (E-12);; Policy E-33-Nepotism (E-33);; Policy C-33-Purchasing Ethics and Confidentiality (C-33);; Policy C-46-Fraud (C-46);; Policy E-11-Discipline and Discharge (E-11);; Policy C-27-Purchases from Employees (C-27);; Policy D-53-Financial Aid Code of Conduct (D-53);; Policy B-34-Property Liability Policy(B-34);;~~ the Faculty Handbook

Responsible for Implementation: President

Contact for Revision: General Counsel

Forms: Disclosure Statement for Purchasing Personnel

Board Committee Assignment: Finance and Audit

External Bank Accounts C-54

Original Implementation: July 13, 2006

Last Revision: ~~July 21, 2009~~ July 17, 2012

No individual, department, program, or organization, including *a* duly recognized *and* *registered* student organizations, is authorized to open any checking, savings, or investment accounts using the name of Stephen F. Austin State University (SFA) or its taxpayer identification number with any financial institution, including but not limited to banks, credit unions, savings and loans, or investment clubs, without the prior, written approval of the controller.

The owner of any external bank account approved under this policy must provide a copy of the current bank signature card to the controller. Additionally, the owner of any external bank account for a student organization shall adhere to the *university's* cash-handling procedures for student groups. ~~These procedures are at:~~
~~<http://www.sfasu.edu/studentaffairs/206.asp>~~ University funds, including ~~monies~~
~~received from the university~~ amounts received by student organizations through the student service fee allocation, may not be deposited in an external bank account.

Gifts made to the university must be deposited into the university's accounts maintained through the ~~C~~controller's ~~O~~office in accordance with ~~Policy C-15~~, Gift Reporting (*C-15*), regardless if the money was initially solicited by the external organization.

In accordance with ~~Policy F-14~~, Student Organization Formation and Recognition (*F-14*), employees of SFA should not be authorized to sign on any ~~external~~ student organization's external bank account.

External bank accounts approved by the controller for student organizations may be subject to audit.

Cross Reference: ~~Policy C-15~~, Gift Reporting (*C-15*); ~~Policy F-14~~, Student Organization Formation and Recognition (*F-14*)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: None

Board Committee Assignment: Finance and Audit

Faculty/Staff Traffic Appeals (D-12)

POLICY DELETED 7/17/12 (Included in Policy D-24 in April 2012)

Original Implementation: March 2, 1981

Last Revision: October 18, 2010

The purpose of this procedure is to insure due process of law to any faculty/staff member charged with a violation of the university's parking regulations.

Any faculty/staff member at Stephen F. Austin State University may appeal a parking citation within seven (7) working days of the issuance of the citation. With the exception of "Flagrant Violations" as described in the Parking and Traffic Regulations (Policy D-24), these appeals may be made by contacting the Parking and Traffic Office directly. The cited faculty/staff member should phone, mail, or email his/her explanation for receiving the citation. In the event that this initial appeal is denied or that the violation is more serious in nature, a more formal appeal process is set forth below. This process will involve submitting a formal application for appeal, which is obtained at the Parking and Traffic Office, to the Faculty/Staff Traffic Appeals Board. On the application the faculty/staff member will select which of the listed hearing dates are compatible with his/her schedule.

Composition and Jurisdiction of Faculty/Staff Traffic Appeals Board

Composition

1. The Faculty/Staff Traffic Appeals Board shall be composed of seven (7) faculty/staff members appointed by the president, in consultation with the vice president for academic affairs, the vice president for finance and administration, the vice president for university affairs, and the faculty senate. The Faculty/Staff Traffic Appeals Board shall elect its chairperson.
2. The members of the Faculty/Staff Traffic Appeals Board shall serve three-year staggered terms.
3. Any member of the board who receives three (3) or more traffic (including parking) citations within any regular semester shall be disqualified as a member and replaced for the unexpired term. Vacancies will be filled with the appointment of a new member by the president.

Jurisdiction

~~The Faculty/Staff Traffic Appeals Board shall have original jurisdiction over all parking citations issued by the Parking and Traffic Office or the University Police Department to members of the faculty and staff.~~

~~Summoning Procedure~~

~~Notice~~

~~Within ten (10) days of the appeal application date, the chairperson of the Faculty/Staff Traffic Appeals Board shall inform the applicant in writing of the time and place of his/her hearing. The hearing will be within thirty (30) days of the appeal application date.~~

~~Failure to Appear~~

~~The failure of the appellant to appear at the time appointed for his/her hearing shall forfeit his/her right to a hearing and shall constitute a waiver of the rights granted by these procedures, unless the Faculty/Staff Traffic Appeals Board excuses the absence for good cause shown.~~

~~Conduct of Hearing~~

~~Sessions~~

~~The Faculty/Staff Traffic Appeals Board shall meet on the second Monday of each month during the fall and spring semesters. The chairperson may cancel a hearing if, in his/her judgment, it is not required due to the lack of appeals brought to the board. Hearings will be scheduled by the chairperson as required during the summer.~~

~~Appeals will be heard during regular business hours of the university. Where possible, they will be scheduled by the chairperson at a time convenient to both the parties and the panel members. The university and its Parking and Traffic Office shall be parties in all appeals brought before the board.~~

~~Appellant's Rights~~

~~The appeals application form and the hearing notice from the Faculty/Staff Traffic Appeals Board shall, among other things, inform the faculty/staff member of his/her rights:~~

- ~~1. to be accompanied by one (1) representative;~~
- ~~2. to know the identity of the traffic officer or police officer who issued the citation;~~

3. ~~to summon his/her own witnesses, produce evidence, and to speak in his/her own defense;~~
4. ~~to cross-examine witnesses testifying against him/her;~~
5. ~~to inspect and copy the record of the hearing at his/her cost.~~

Rules of Procedure

1. ~~The board may hear appeals for parking citations for which an application to appeal has been filed in accordance with these rules.~~
2. ~~Each citation shall be appealed separately.~~
3. ~~Each appeal shall be heard and decided on its own merit.~~
4. ~~The board may examine, cross-examine, call, recall, and dismiss any witness.~~
5. ~~The board may limit the number of witnesses whose testimony will be repetitious and establish time limits for testimony so long as all viewpoints are given a reasonable opportunity to be expressed.~~
6. ~~The board shall maintain an adequate record of each hearing. Summary notes shall be deemed an adequate record for this purpose.~~
7. ~~The chief of the University Police Department, or his/her delegate, may represent the university in any hearing.~~
8. ~~The board may enter into closed session for deliberation at the conclusion of the presentation of evidence.~~
9. ~~The board's judgment must be rendered within three (3) working days of the hearing.~~
10. ~~A member of the board must excuse himself/herself from any appeal in which he/she is involved, or in which a member of his/her family is involved.~~

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Findings and Sanctions

Findings

~~The board shall decide only whether or not the defendant is guilty of the parking offense as charged in the citation.~~

Sanctions

~~The service charges for each offense are established by the Board of Regents and may not be reduced or eliminated by the Faculty/Staff Traffic Appeals Board if the individual is found guilty of the parking offense.~~

Cross Reference: None

~~Responsible for Implementation:~~ President

~~Contact For Revision:~~ President

~~Forms:~~ Faculty/Staff Citation Appeal Form

Flag Display (D-15)

POLICY DELETED 7/17/12

~~Original Implementation:~~ Unpublished**~~Last Revision:~~** July 21, 2009

~~The University Police Department will be responsible for ensuring that the United States and Texas flags are flying each day at the campus entrance on North Street. They will also ensure that the flags are appropriately lighted while flying at night. University police will be responsible for replacing the flags when worn and for lowering the flags to half mast when it is determined to fly them in such a manner.~~

~~Flags will be raised and lowered for football games on two flagpoles at the south end of the stadium by athletics staff.~~

~~Flags will be raised and lowered for basketball games and other special events at the coliseum on the four flagpoles by athletics staff.~~

~~Determination to lower flags to half mast will be made by the chief of university police in conjunction with the university administration.~~

~~Cross Reference:~~ None**~~Responsible for Implementation:~~** Vice President for University Affairs**~~Contact for Revision:~~** Chief of University Police**~~Forms:~~** None

Fleet Management (B-33)

Original Implementation: January 30, 2001

Last Revision: ~~July 21, 2009~~ July 17, 2012

Stephen F. Austin State University (SFA) has adopted the Fleet Management Plan mandated by House Bill 3125 of the 76th Texas Legislature. The fleet of vehicles owned and operated by SFA shall follow guidelines set forth by government and private sector fleet "best practices" intended to increase state use and efficiency, reduce maintenance, and reduce operating costs.

SFA manager of transportation shall serve as fleet manager and reporting official and shall be responsible for observation and implementation of agency fleet management policies and procedures. Responsibilities of the fleet manager include, but are not limited to, vehicle purchasing, replacement, and disposal, vehicle maintenance and repair, and vehicle assignment and use.

The grounds and transportation automobile department shall serve as the SFA motor pool and shall have responsibility for maintenance, repairs, records, and alternative fuel location for all campus vehicles. The fleet manager shall assign and meet with campus area coordinators to administer departmental vehicles and comply with reporting requirements of the state's Office of Vehicles and Fleet Maintenance (OVFM).

The fleet manager shall develop vehicle-replacement criteria and shall notify a department when one of its vehicles meets the replacement criteria. Requests for vehicle replacements are the responsibility of each department and shall be considered during the annual budget process begun on a date following the date of notice.

Mandatory fueling requirements for SFA vehicles include use of state retail fuel contracts, self-service or central fueling facilities, use of regular unleaded gasoline, and use of alternative fuels (where appropriate).

The number of vehicles in the SFA fleet is capped at *state approved* levels ~~in effect October 1, 2000~~. Replacements are subject to *the* departmental vehicle-replacement schedule. Exceptions will be considered for legislatively mandated program changes, federal program initiatives, or documented needs resulting from program growth or changes. *The* SFA president's approval is required for exceptions.

Fleet operations are subject to minimum use criteria, vehicle-operator training and driver certification requirements, vehicle-disposal procedures, preventive maintenance and warranty tracking, safety and accident reporting procedures, and standardized safety-inspection and registration renewals.

Operators of university-owned vehicles are required by the Texas Government Code and university policy to report daily use of the vehicles. Reports are to be ~~completed~~ *done* daily using a state of Texas Vehicle Use Report form. The monthly report must be completely filled out, signed and sent to the manager of transportation by the ~~5th~~ *fifth* calendar day of the following month. The manager of transportation will report mileage to the state as required.

Departments failing to submit the required report(s) by the fifth calendar day of the month may be assessed a late penalty of \$100 by the vice president for finance and administration.

Cross Reference: State Office of Vehicle and Fleet Management Regulations; House Bill 3125, 76th Texas Legislature; Tex. Gov't Code § 2171.101 et seq.; *Rental of University Vehicles (Rental & 15 Passenger Vans) (B-30)*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director Of Physical Plant

Forms: None

Board Committee Assignment: Building and Grounds

Indirect Cost Recovery, Distribution and Use, *and Fixed-Price Agreements* (A-51)

Original Implementation: October 26, 1999

Last Revision: ~~January 25, 2010~~ July 17, 2012

Indirect costs (*IDC*) are those incurred for a common or joint purpose that benefit more than one university unit/activity and ~~which~~ *that* are not readily assignable to a specific unit/activity. They also are known as Facilities and Administrative (F&A) or overhead costs. ~~These rates may be based on modified total costs or salaries and wages.~~ In most instances, grantors and funding entities agree to reimburse the university for the overhead expenses of conducting research, education, and service projects. This policy establishes guidelines for the recovery, distribution, and use of such reimbursements from externally funded grants, contracts, and cooperative agreements.

Indirect Cost Recovery

The principal investigator (PI) or project director (PD) must include indirect costs in ~~the~~ *a* proposed budget for all grants, contracts, ~~and cooperative~~ *and other sponsored* agreements at the maximum rate allowed by the sponsor. The PI or PD ~~will~~ *shall* use the university's official, federally negotiated indirect cost rate for all grants, ~~and~~ contracts, ~~and other sponsored agreements~~ (unless specifically limited by a ~~state or federal~~ sponsor for all *awardees.*), ~~including those from for-profit entities and for fixed-price awards.~~ In extraordinary circumstances, a PI or PD may request a reduction or waiver of full indirect costs. ~~from the Office of Research and Sponsored Programs (ORSP), which is then recommended to the president for approval.~~ *IDC waiver/reduction requests must be recommended by the director of the Office of Research and Sponsored Programs (ORSP) and the provost and vice president for academic affairs and approved by the president before a budget with the reduced IDC rate is submitted to a sponsor for consideration. This applies to grants, contracts, and all other forms of sponsored agreements. Failure to comply may require a budget revision and/or renegotiation of a contract and may jeopardize or delay receipt of an award. Only the director of ORSP or the director's designee may negotiate alternative indirect cost rates with sponsors.*

~~Fixed-Price Agreements~~

~~Fixed-price agreements are awards where the university agrees to perform work or deliver a product within a specified period at a price agreed to in advance that is payable in full regardless of actual costs incurred. Therefore, there may be a residual balance.~~

~~Internal operating budgets for fixed-price awards are required and award funds must be utilized during the term of the award in support of the statement of work. The PI or PD is responsible for charging all appropriate operating expenses to the award account, including payroll.~~

~~After the project end date and all expenses allocable to the project have been recorded, an additional amount may be charged against any residual balance to ensure that the full negotiated indirect cost rate is charged to the account.~~

~~Once it is established that the PI or PD has met all required deliverables, unless otherwise specified by the sponsor the remaining balance will be transferred to a fixed-price pool account for the PI or PD, or into a pool account established for a university-recognized center. Fixed-price pool accounts are unrestricted funds that roll over each year that must be used for on-going research activities or to support the goals and objectives of the PI, PD, or center, in accordance with state and university regulations, policies, and procedures.~~

Indirect Cost Distribution and Use

~~The Texas Education Code, Section 145.001 provides that recovered indirect costs can be retained by state universities to support and encourage further research. The revenue from indirect cost reimbursements to SFASU shall be allocated annually. All recovered indirect costs shall be expended to support and encourage further research and sponsored projects at SFA according to the provisions of the Texas Education Code, Section 145.001. Authorized activities include:~~

- ~~a. conducting pre-grant feasibility studies;~~
- ~~b. preparing competitive proposals for sponsored programs;~~
- ~~c. providing carryover funding for research to provide continuity between externally funded projects;~~
- ~~d. supporting new researchers pending external funding;~~
- ~~e. engaging in research programs of critical interest to the general welfare of the citizens of the state;~~
- ~~f. purchasing capital equipment directly related to expanding the research capability of the institution; and~~
- ~~g. providing research or project administrative costs not covered by the funding entity.~~

~~The university shall report the actual amounts of money retained and expended under this policy and the estimated amounts for the next biennium in its report to the Legislative Budget Board as part of the biennial budget reporting process.~~

The academic units that generated the recovered indirect costs shall receive fifty percent of the total IDC revenue from a fiscal year, based on a formula recommended by the University Research Council and approved by the provost and vice president for academic affairs. If an IDC reduction was granted for a project, the amount recovered from that project will be excluded from the distribution formula. The distributions shall be calculated by ORSP and approved by the controller after the close of each fiscal year, based on indirect costs recovered the previous fiscal year. The administrative cost allowance generated by financial aid programs is not considered in the distribution formula.

Fixed-Price Agreements

Fixed-price agreements are awards where the university agrees to perform work or deliver a product within a specified period at a price agreed to in advance that is payable in full regardless of actual costs incurred. Therefore, there may be a residual balance. In determining the price of a contract, the PI or PD must consider actual costs, the university's indirect cost rate, and anticipate potential cost overruns. Internal operating budgets for fixed-price awards are required, and award funds must be used during the term of the award in support of the statement of work. The PI or PD is responsible for charging all appropriate operating expenses to the award account, including salary at a level commensurate with the effort committed to the project.

If an IDC waiver or reduction has been granted, after the project end date and all expenses allocable to the project have been recorded, the full federally-negotiated indirect cost rate will be charged against any residual balance. A residual balance should be no more than 30% of the original balance after all expenditures and indirect costs have posted. If the percentage exceeds 30%, the remaining balance may be returned to the sponsor. Once it is established that the PI or PD has submitted all required deliverables and reports and they have been accepted by the sponsor up to \$10,000 or 25% of any remaining balance, whichever is less, will be transferred to a fixed-price residual (FPR) fund for the PI or PD, or into an FPR fund established for a university-recognized center. Fixed-price residual funds must be used for on-going research activities or to support the goals and objectives of the PI, PD, or center, in accordance with state and university regulations, policies, and procedures. Any remaining balance in excess of 25% or \$10,000 will be transferred to a designated fund pool to be used in support of research and development.

~~ORSP shall receive an amount sufficient to cover the total actual costs of operations as approved by the provost and vice president for academic affairs (VPAA).~~

~~The academic units that generated the recovered indirect costs shall receive fifty percent of any remaining revenue up to \$100,000 and one hundred percent of any remaining~~

~~revenue in excess of \$100,000. Such units shall expend the funds for projects encouraging further research, including:~~

- ~~a. conducting pre-grant feasibility studies;~~
- ~~b. preparing competitive proposals for sponsored programs;~~
- ~~c. providing carryover funding for research to provide continuity between externally funded projects;~~
- ~~d. supporting new researchers pending external funding;~~
- ~~e. purchasing capital equipment directly related to expanding the research capability of the institution; and~~
- ~~f. providing research or project administrative costs not covered by the funding entity.~~

~~All funds shall be expended to support research and sponsored programs at SFASU according to the provisions of the Texas Education Code, Section 145.001. Additionally, the university shall report the actual amounts of money retained and expended under this policy and the estimated amounts for the next biennium in its report to the Legislative Budget Board as part of the biennial budget reporting process.~~

~~ORSP shall calculate distributions of recovered indirect costs to academic units based on a formula recommended by the University Research Council and approved by the provost and VPAA. The distributions shall be made by the controller at the close of each fiscal year, based upon the previous year's indirect cost reimbursements. No allocations shall be made to academic units in any year in which the total indirect costs recovered are less than the actual amount expended by ORSP.~~

Cross Reference: ~~Texas~~-*Tex. Education-Educ. Code § 145.001; ORSP Grants and Contracts Procedure Manual*

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Director, Office of Research and Sponsored Programs

Forms: Request for Indirect Cost Reduction or Waiver

Board Committee Assignment: *Finance and Audit*

Institutional Reserves Fund (C-55)

Original Implementation: July 13, 2006

Last Revision: ~~July 21, 2009~~ July 17, 2012

Definition and Purpose

An appropriate institutional reserves fund helps maintain financial strength, provides the foundation for debt management and issuance, protects against external volatility, and allows flexibility in planning for the needs of the university.

The institutional reserves fund balance refers to resources that are not allocated to any specific unit of the university, but are held centrally within the university's financial system. Additions to the institutional reserves fund balance include revenues that exceed expenditures. Deductions include the use of reserves to fund operating budgets, construction projects, and unanticipated institutional requirements.

The purpose of an institutional reserves fund is to provide contingent support for potential significant financial occurrences, including:

- unanticipated or uninsured catastrophic events;
- temporary institutional revenue shortfalls or expenditure gaps;
- unforeseen legal obligations and costs;
- failures in central infrastructure; ~~or~~
- failures of major business systems;

Institutional Reserves Fund Budgeting

The SFA Board of Regents through the vice president for finance and administration shall set aside revenue to fund the reserves as an annual budget practice during periods of revenue growth and stability. During periods that revenue support is needed, the board may choose to augment revenue by utilizing institutional reserves. ~~Reasons that the board would use reserves to support an annual operating budget for various reasons including, but are not limited to:~~

- ~~funding expenditures~~ ~~expenses~~ that are fixed term in nature (usually three years or less);
- ~~transfers to other centrally allocated funds to support funding~~ expenditures that should be ~~funded~~ paid from sources other than tuition or state appropriations;
- ~~funding~~ a general contingency for unplanned or unexpected financial needs that may arise during the fiscal year; ~~and~~
- ~~strategically allocating~~ ~~strategic analysis of~~ reserves when the balance is significantly above the target;

Institutional Reserves Fund Size

The target amount of reserves that an institution should maintain is determined using a calculation called the primary reserve ratio. The ratio is calculated by dividing expendable net assets by total expenses, net of depreciation and amortization. The higher education industry benchmark for the primary reserve ratio is .40. Consequently, an institution's reserves fund goal should be 40% of its annual operating budget, thus providing approximately five months of operational capacity.

An institution with a low primary reserve ratio generally lacks sufficient resources for strategic initiatives and may have less operating flexibility. Therefore, when the primary reserve ratio calculation is .20 or less, the institution will take steps to restore reserves.

At the end of each fiscal year, the primary reserve ratio calculation will be used to measure the distance from the reserves target. The amount of the institutional reserves fund and the reserves gap will be reported to the Board of Regents when year--end information is available.

~~Under normal circumstances, the institutional reserves fund should at a minimum, total 40% of the annual operating budget.~~ In the event reserves are utilized, a restoration plan should include an appropriate payback period.

Cross Reference: None

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

Lease, Rental or Use of Off-Campus Facilities (B-35)

Original Implementation: July 15, 2003

Last Revision: ~~July 21, 2009~~ July 17, 2012

The administration of Stephen F. Austin State University recognizes the significance of diligence in its efforts to ensure the safety of employees and students when utilizing off-campus facilities for university-sponsored events. This policy governs the use of private, off-campus facilities for short-term university-sponsored events such as off-campus leadership seminars, conferences or retreats involving students, faculty or staff, and other similar events. The policy additionally governs the use of private, off-campus facilities for long-term leased facilities utilized by campus departments and offices.

Private facilities providers are required to contractually address fire safety requirements, meet the prevailing local fire code, and have been inspected for fire safety. *In the absence of a local fire code, the Life Safety Code (NFPA 101, latest edition) shall be applied as the minimum standard for fire safety.* Off-campus facilities utilized for long-term leases must additionally meet ADA accessibility requirements and be inspected by Physical Plant prior to leasing the facilities. Contracts with private facilities providers should be secured for each university-sponsored event and long-term facilities lease, and each private facilities provider will be required to sign an Off-Campus Facilities Contract Addendum to attach to the contract. The Office of the General Counsel shall review each contract for approval prior to forwarding it to the president for signature. Copies of long-term leases shall be provided to and maintained by the Physical Plant. The originating department/office shall notify ~~purchasing~~ *Procurement and Property Services* of the address of the leased facilities and any property that will be transferred to the leased facilities. A copy of each facility contract and addendum shall be maintained by the originating department/office for a period of two years after the termination of the contract.

Pyrotechnics are not allowed on university-leased premises, unless specifically approved in writing by the president.

Procedures for Off-Campus Facilities Use (University Sponsored Event):

1. Department/office sponsoring the off-campus event shall secure a contract with the private facility provider for the event. An Off-Campus Facilities Contract Addendum shall be signed by the private facility provider and attached to the contract.
2. The private facility provider contract, together with the required Off-Campus Facilities Contract Addendum shall be forwarded to the Office of the General Counsel for approval. Upon signature by the president, the original contract and attached addendum will be returned to the originating department/office for retention.

3. An original, fully signed contract and addendum shall be maintained by the department/office sponsoring the off-campus event for a period of two years after the date of the event.

Procedures for Off-Campus Facilities Use (Long-term Lease):

1. Department/office leasing the off-campus facility shall secure a contract/lease agreement with the private facility provider. An Off-Campus Facilities Contract Addendum shall be signed by the private facility provider and attached to the contract/lease agreement.
2. Before processing a contract/lease agreement, the department/office leasing the off-campus facility shall contact the director of Physical Plant and request an inspection of the facility. Results of the inspection shall be provided to the Office of the General Counsel.
3. The private facility provider contract, together with the required Off-Campus Facilities Contract Addendum, shall be forwarded to the Office of the General Counsel for approval. Upon signature by the president, the original contract and attached addendum will be returned to the originating department/office for retention.
4. An original, fully signed contract and addendum shall be maintained by the department/office leasing the off-campus facility for a period of two years after the termination date of the lease.
5. Department/office shall notify ~~the procurement department~~ *Environmental Health, Safety and Risk Management* of the location of the leased facility for notification of university insurance carriers, as applicable. ~~The procurement department~~ *Procurement and Property Services* ~~should~~ *must* also be notified of any property that will be transferred to the leased facility and any applicable procedures followed.
6. Items containing potentially sensitive, private or confidential information are not to be stored in any leased premises unless specifically authorized in writing by the president. These items include but are not limited to computers, electronic or digital storage devices, and paper documents. Certain off-campus facilities may lack the security necessary to protect such sensitive information.

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: General Counsel

Forms: Off-Campus Facilities Contract Addendum

Board Committee Assignment: *Building and Grounds*

Memberships (C-17)

Original Implementation: September 1, 1982

Last Revision: ~~July 21, 2009~~ July 17, 2012

All memberships are held in the name of the university. Memberships that clearly relate to the university as a whole may be paid from the university's Institutional Membership account, subject to available funding and president's approval. Memberships relating to specific departments or functions are funded from departmental or college accounts.

~~Memberships must be processed as an electronic "Purchase Requisition."~~

Memberships that will be paid with appropriated funds ~~All memberships must be submitted on a purchase requisition and approved at the president or vice president level. This approval may not be delegated.~~

~~Memberships to be funded from the university's Institutional Membership account must be routed to the president's office for requisition entry.~~

Memberships in a Chamber of Commerce may not be purchased with ~~state~~ appropriated funds.

~~Memberships for the university library are exempt from this policy, unless using the Institutional Membership account.~~

Cross Reference: Tex. Gov't Code § 2113.104; ~~State Comptroller Purchase Policies and Procedures Guide, July 2004, Section 2.036~~ *State Comptroller eXpendit, Restricted Expenditures*

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: *Finance and Audit*

Misconduct in *Federally Funded Research and Scholarly Activities* (A-31.5)

Original Implementation: April 27, 1994

Last Revision: ~~July 21, 2009~~ July 17, 2012

I. Introduction

A. Policy Statement

Stephen F. Austin State University (SFA) strives to create a climate that promotes faithful adherence to high ethical standards in the conduct of scientific research, scholarship, and creative activities without inhibiting the productivity and creativity of the academic community.

Misconduct in research is a major breach of the relationship between a faculty or staff member and the university and is defined as the fabrication, falsification or plagiarism in proposing, performing or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research records. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

A finding of research misconduct requires three criteria to be met:

- 1. a significant departure from accepted practices of the relevant research community;*
- 2. intentional, knowing or reckless misconduct; and*
- 3. proof by a preponderance of the evidence.*

Research misconduct does not include honest error or differences of opinion.

This policy applies to any person paid by and/or subject to the rules and policies of SFA, including faculty, research scientists, trainees, technicians and other staff members, students and visiting professors.

~~Misconduct in research or scholarly/creative activity is a major breach of the relationship between a faculty or staff member and the institution.~~ In order to maintain the integrity of research projects, every investigator should keep an auditable record of experimental protocols, data, and findings. Co-principal

investigators and/or co-authors on research reports or scholarly/creative works of any type must have a bona fide role in the research or scholarly work and must accept responsibility for the quality of the work reported.

Any inquiry or investigation of allegations of misconduct in research or scholarly activity must proceed promptly and with due regard for the reputation and rights of all individuals involved. The university shall take all reasonable steps to assure that the persons involved in the evaluation of the allegations and evidence have appropriate expertise and that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest. Allegations of misconduct based on events that occurred six or more years ago shall not be subject to review under this policy, unless otherwise determined by the deciding official (DO) as defined in Section III.D; Definitions.

~~Under 42 CFR Part 93, a finding of research misconduct requires three criteria to be met:~~

- ~~▪ a significant departure from accepted practices of the relevant research community;~~
- ~~▪ intentional, knowing, or reckless misconduct; and~~
- ~~▪ proof by a preponderance of the evidence.~~

B. Scope

This policy applies to all *federally funded* research conducted at the university, including that supported by the Public Health Service (PHS, which includes the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the National Institutes of Health), the National Science Foundation, and other federal sponsors. Procedures set forth in this policy address the Requirements for Institutional Policies and Procedures as detailed in 42 CFR § 93.304 of 42 CFR Part 93 for Public Health Service supported research (PHS, which includes agencies such as the National Institutes of Health, the Centers of Disease Control and Prevention, the Food and Drug Administration and the Health Resources and Services Administration). This policy also applies to any scholarly or creative activity (hereafter referred to as “scholarly activity”) and to any person paid by and/or subject to the rules and policies of SFA (including faculty, research scientists, trainees, technicians and other staff members, students, and visiting professors).

The university hereby exercises the option to adopt internal standards of conduct that differ from the PHS standards; therefore, the policy identifies PHS provisions that may apply, in whole or in part, only to PHS supported research.

When an allegation falls within PHS definitions and jurisdiction, the university will conduct an institutional inquiry pursuant to the PHS regulations. Additionally, the university will comply with applicable regulations of other federal agencies for the investigation of allegations of misconduct in research that they support.

This policy and its procedures shall apply when a university official receives an allegation of possible misconduct in *federally funded research*~~scientific or other scholarly activity~~. Circumstances in individual cases may require variation from normal procedure to meet the best interest of the university or the ~~external~~ sponsor.

~~Change~~ Deviation from the normal procedures must ensure fair treatment of the subject of the allegation. Any significant variation should be approved in advance by the university's research integrity officer (RIO) and for PHS supported research, ~~(and the Office of Research Integrity (ORI) of the U.S. Department of Health and Human Services, if applicable) and/or the scholarly misconduct officer (SMO), defined below. The university's designated RIO is the director of research and sponsored programs and the SMO is the dean of graduate studies, unless otherwise assigned by the president.~~

Possible scholarly misconduct not specifically covered by this policy may be covered by other university policies and procedures, including Misconduct in Scholarly or Creative Activities (A-80).

II. Definitions

- A. *Allegation:* ~~means a disclosure through any means of communication of possible research or scholarly misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to an institutional or HHS official.~~
- B. *Complainant:* ~~means a person who in good faith makes an allegation of research or scholarly misconduct.~~
- C. ~~*Deciding official (DO)* means the institutional official who makes final determinations on allegations of research or scholarly misconduct and any institutional administrative actions. The DO shall not be the same individual as the research integrity officer or the scholarly misconduct officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment. A DO's appointment of an individual to assess allegations of research or scholarly misconduct, or to serve on an inquiry or investigation committee, is not considered to be direct prior involvement.~~

- ~~D. Evidence means any document, tangible item, or testimony offered or obtained during a research or scholarly misconduct proceeding that tends to prove or disprove the existence of an alleged fact.~~
- ~~E.C. Good faith: as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have based on the information known to the complainant or witness at the time. An allegation or cooperation with a research or scholarly misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. For PHS supported research, Good faith as applied to a committee member means cooperating with the purpose of helping an institution meet its responsibilities under 42 CFR Part 93. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the misconduct proceeding.~~
- ~~F. HHS means the United States Department of Health and Human Services.~~
- ~~G.D. Inquiry: means preliminary information gathering and preliminary fact-finding that meets the criteria and follows the procedures of 42 CFR §§ 93.307-93.309.~~
- ~~H.E. Investigation: means the formal development of a factual record and the examination of that record leading to a decision. The decision may be to not to make a finding of research or scholarly misconduct or to a recommendation for a finding of research or scholarly misconduct, which may include a recommendation for other appropriate actions, including administrative actions.~~
- ~~I. Office of Research Integrity or ORI means the office to which the HHS Secretary has delegated responsibility for addressing research integrity and misconduct issues related to PHS supported activities.~~
- ~~J.F. Preponderance of the evidence: means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.~~
- ~~K.G. PHS support: means PHS funding, or applications or proposals therefore, for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through: PHS grants, cooperative agreements, or contracts or subgrants or subcontracts under those PHS funding instruments; or salary or other payments under PHS grants, cooperative agreements or contracts.~~
- ~~L.H. Records of research misconduct proceedings (records) means: (1) the scholarly records, research records, and other evidence secured for the misconduct proceeding pursuant to this policy and for research misconduct pursuant to 42 CFR §§ 93.305, 93.307(b), and 93.310(d) applicable federal regulations, except to the extent the Research Integrity Officer (or Scholarly Misconduct Officer as applicable) determines and documents that those records are not relevant to~~

the proceeding or that the records duplicate other records that have been retained; (2) the documentation of the determination of irrelevant or duplicate records; (3) the inquiry report and final documents (not drafts) produced in the course of preparing that report, including the documentation of any decision not to investigate, as required by 42 CFR § 93.309(c) for *PHS supported* research misconduct; (4) the investigation report and all records (other than drafts of the report) in support of the report, including the recordings or transcripts of each interview conducted; and (5) the complete record of any appeal within the institution to university officials from the finding of misconduct.

- M. ~~Research integrity officer (RIO)~~ means the institutional official responsible for: (1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by 42 CFR Part 93, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; (2) overseeing inquiries and investigations; and (3) other responsibilities as described in this policy.
- N. ~~Research or scholarly misconduct (misconduct)~~ means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, or in conducting/reporting/publishing scholarly or creative activities. *Fabrication* is making up data or results and recording or reporting them. *Falsification* is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research or other scholarly record. *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Research or scholarly misconduct does not include honest error or differences of opinion.
- O. ~~Research or scholarly misconduct proceeding~~ means any actions related to alleged research misconduct that is within 42 CFR Part 93 for research misconduct or similar actions relating to the scholarly misconduct, including but not limited to, allegation assessments, inquiries, investigations, ORI oversight reviews, hearings and administrative appeals.
- P-I. ~~Research record~~ means the record of data or results that embody the facts resulting from scholarly activity and scientific inquiry, including but not limited to: research proposals, laboratory records, physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, or other forms of scholarly works, reports or publications and any documents and materials provided to HHSa federal agency or an institutional university official by a respondent in the course of the research misconduct proceeding.

- ~~Q.J.~~ *Respondent*: means the person against whom an allegation of research or scholarly misconduct is directed or who is the subject of a misconduct proceeding.
- ~~R.K.~~ *Retaliation*: means an adverse action taken against a complainant, witness, committee member, or the *research integrity officer (RIO)/SMO/DO or deciding official (DO)* by the university or one of its institutional member employees in response to: (1) a good faith allegation of research or scholarly misconduct; or (2) good faith cooperation with a misconduct proceeding.
- ~~S.~~ *Scholarly misconduct officer (SMO)*: means the institutional official responsible for: (1) assessing allegations of scholarly misconduct to determine if they fall within the definition of scholarly misconduct and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of scholarly misconduct may be identified; (2) overseeing inquiries and investigations; and (3) handling other responsibilities as described in this policy.

III. Rights and Responsibilities

A. Research Integrity Officer (RIO)

The research integrity officer (RIO) is the institutional official responsible for assessing allegations of research misconduct and overseeing inquiries and investigations. The RIO for the university is the director of research and sponsored programs unless otherwise assigned by the president. The president of the university shall appoint the RIO who shall have primary responsibility for implementation of the institution's policies and procedures on research misconduct. Responsibilities of the RIO include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct *and provide confidentiality to those involved in the research misconduct proceeding as required by 42 CFR § 93.108, other applicable law and institutional policy;*
- Receive allegations of research misconduct;
- Inform the *university's* general counsel of allegations of research misconduct and seek advice at appropriate junctures in the process.
- Assess each allegation of research misconduct in accordance with Section V.A. of this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry;

- ~~As necessary~~ Determine if the research in question was supported by a federal sponsor and, as necessary, take interim action and notify ORI of special circumstances with regard to PHS supported research, in accordance with Section IV.F. of this policy;
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with Section V.C. of this policy and maintain it securely in accordance with this policy and applicable law and regulation;
- ~~Provide confidentiality to those involved in the research misconduct proceeding as required by 42 CFR § 93.108, other applicable law, and institutional policy;~~
- Notify the respondent and provide opportunities for him/her to review/ comment/respond to allegations, evidence, and committee reports in accordance with Section III.C. of this policy;
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or other institutional members;
- Keep the deciding official and others who need to know apprised of the progress of the review of the allegation of research misconduct;
- *For PHS supported research*, Notify and make reports to ORI as required by 42 CFR Part 93;
- Ensure that administrative actions taken by the institution and ORI, *as applicable to PHS supported research*, are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions; and

- Maintain records of the research misconduct proceeding and *for PHS supported research*, make them available to ORI in accordance with Section VIII.F. of this policy.

~~B. Scholarly Misconduct Officer (SMO)~~

~~The president of the university appoints the SMO who has primary responsibility for implementation of the institution's policies and procedures for allegations of scholarly misconduct. Responsibilities of the SMO parallel the duties related to research misconduct proceedings as they apply to scholarly misconduct.~~

~~In the event that an allegation of scholarly misconduct involves elements of research misconduct at any level, the RIO has primary responsibility for implementation of the institution's policies and procedures.~~

~~C.B. Complainant~~

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. The complainant must be interviewed during an investigation, and be given the transcript or recording of the interview for correction.

~~D.C. Respondent~~

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- A good faith effort from the RIO ~~or SMO~~ to notify the respondent in writing at the time of or before beginning an inquiry;
- An opportunity to comment on the inquiry report and have comments attached to the report;
- Notification of the outcome of the inquiry, and receipt of a copy of the inquiry report that includes a copy of, or refers to, 42 CFR Part 93 (*if applicable to PHS supported research*) and the institution's policies and procedures on research misconduct ~~or scholarly misconduct~~, as applicable to the allegation;
- Notification in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 *calendar* days after the university decides to begin an investigation), and

notification in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;

- An interview during the investigation, an opportunity to correct the recording or transcript, and inclusion of the corrected recording or transcript in the record of the investigation;
- An opportunity during the investigation to interview any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, to have the recording or transcript provided to the witness for correction, and to have the corrected recording or transcript included in the record of investigation; and
- Receipt of a copy of the draft investigation report and, concurrently, a copy of, or supervised access to the evidence on which the report is based, and notification that any comments must be submitted within thirty (30) *calendar* days of the date on which the copy was received and that the comments shall be considered by the university and addressed in the final report.

~~The respondent~~ Respondent shall be given the opportunity to admit that research or scholarly misconduct occurred. With the advice of the RIO or SMO and the university's general counsel, the deciding official may terminate the institution's review of an allegation that has been admitted if the institution's acceptance of the admission and any proposed settlement is approved by ORI as applicable for *PHS supported* research misconduct.

~~Additionally, As provided in 42 CFR § 93.314(a) for research misconduct or similarly for scholarly misconduct,~~ the respondent shall have the opportunity to request an institutional appeal in accordance with Section VIII. D. of this policy.

~~E.D.~~ **Deciding Official**

The deciding official (DO) is the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The DO for the university is the provost and vice president for academic affairs. For any matter involving a vice president, the president shall be the DO. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents shall be the DO.

~~The provost and vice president for academic affairs is the deciding official (DO) and~~ DO shall receive the inquiry report and after consulting with the RIO

~~or SMO, decide whether an investigation is warranted for scholarly misconduct, or for research misconduct, and under the criteria in 42 CFR § 93.307(d) for PHS supported research, whether an investigation is warranted under the criteria in 42 CFR § 93.307(d). Any finding that an investigation is warranted must be made in writing by the DO and for PHS supported research, must also be provided to ORI for research misconduct, together with a copy of the inquiry report meeting the requirements of 42 CFR § 93.309, within thirty (30) calendar days of the finding. If it is found that an investigation is not warranted, the DO and the RIO shall ensure that detailed documentation of the inquiry is retained for at least seven (7) years after termination of the inquiry, so that ORI may assess the reasons why the university decided not to conduct an investigation.~~

The DO shall receive the investigation report and, after consulting with the RIO and other appropriate officials, decide the extent to which the university accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate. The DO shall ensure that the final investigation report, the findings of the DO and a description of ~~the any~~ pending or completed administrative action are provided to ORI for ~~research misconduct~~ *PHS supported research*, as required by 42 CFR § 93.315.

~~For any matter involving a vice president, the president shall be the DO. In any matter involving the president or other staff reporting to the regents, the Board of Regents shall be the DO.~~

IV. General Policies and Principles

A. Responsibility to Report Misconduct

All ~~institutional members~~ *university employees* shall report observed, suspected, or apparent research misconduct to the RIO and ~~any scholarly misconduct to the SMO.~~ Any official who receives an allegation of research misconduct must report it immediately to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct ~~or scholarly misconduct~~, he or she may meet with or contact the RIO ~~or SMO~~ to discuss the suspected misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research ~~or scholarly~~ misconduct, the RIO ~~or SMO~~ shall refer the individual or allegation to other university offices or officials with responsibility for resolving the problem.

At any time, an ~~institutional member~~ *university employee* may have confidential discussions and consultations about concerns of possible misconduct with the RIO ~~or SMO~~ and shall be counseled about appropriate procedures for reporting allegations.

B. Cooperation with Misconduct Proceedings

~~Institutional members~~ *University employees* shall cooperate with the RIO ~~or SMO~~ and other university officials in the review of allegations and the conduct of inquiries and investigations. ~~Institutional members~~ *Employees*, including respondents, have an obligation to provide evidence relevant to misconduct allegations to the RIO, ~~the SMO~~, or other university officials.

C. Confidentiality

The RIO ~~and the SMO~~ shall, as required by *university policy and 42 CFR § 93.108*: (1) limit disclosure of the identity of respondents, complainants, and witnesses to those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO ~~and the SMO~~ should use written confidentiality agreements or other mechanisms to ensure ~~that the recipient does not make any further disclosure of identifying information~~ *confidentiality*.

D. Protecting Complainants, Witnesses, and Committee Members

~~Institutional members~~ *University employees* may not retaliate in any way against complainants, witnesses, or *inquiry* committee members. ~~Institutional members~~ *Employees* should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO ~~or SMO~~, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protecting the Respondent

As requested and as appropriate, the RIO, ~~the SMO~~, and other university officials shall make all reasonable and practical efforts to protect or restore the

reputation of persons alleged to have engaged in research or scholarly misconduct, ~~but against whom~~ *when no finding of misconduct is made.*

During the misconduct proceeding, the RIO ~~or SMO~~ is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 CFR Part 93 ~~(for research misconduct allegations)~~, *as applicable to PHS supported research*, and the policies and procedures of the university.

Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case *for personal advisement*. ~~a~~University counsel must be present in any meeting where other counsel is present.

F. Interim Administrative Actions and Notifying ORI of Special Circumstances

Throughout research misconduct proceedings, the RIO shall review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the ~~PHS supported~~ research process, *and for PHS supported research, shall notify ORI immediately of such threats.*

In the event of such ~~a~~ threats, the RIO shall, in consultation with other university officials and ORI *as appropriate*, take appropriate interim action ~~to protect against any such threat~~. ~~Interim action might include~~ additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or ~~of~~ the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication. ~~The RIO shall, at any time during a research misconduct proceeding, notify ORI immediately if he/she has reason to believe that any of the following conditions exist:~~

Such potential threats where interim action should be taken include:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- ~~HHS~~ Public resources or interests are threatened;
- Research activities should be suspended;
- There is a reasonable indication of possible violations of civil or criminal law;
- Federal action is required to protect the interests of those involved in the research misconduct proceeding;

- The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved; or
- The research community or public should be informed.

V. **Stage 1 - Conducting the Assessment and Inquiry**

A. **Assessment of Allegations**

Upon receiving an allegation of misconduct, the RIO ~~in the case of research or the SMO in the case of scholarly activities~~ shall immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of misconduct may be identified, *and* whether it is within the jurisdictional criteria of 42 CFR § 93.102(b) and 42 CFR § 93.103 ~~for research, and whether the allegation falls within the definition of research or scholarly misconduct in this policy~~. An inquiry must be conducted if these *required* criteria *for research misconduct* are met.

The assessment period should be concluded within ~~a week~~ *five (5) working days of receipt of an allegation*. In conducting the assessment, the RIO ~~or the SMO~~ need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified. The RIO ~~or SMO~~ shall, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all records and evidence needed to conduct the misconduct proceeding, as provided in paragraph C. of this section.

B. **Initiation and Purpose of the Inquiry**

If the RIO ~~or SMO~~ determines that the criteria for an inquiry are met, the inquiry process shall be immediately initiated. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

C. **Notice to Respondent; Sequestration of Research Records**

At the time of or before beginning an inquiry, the RIO ~~or SMO~~ must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, *a good faith effort must be made to* ~~they must be notified~~ *them* in writing. On or

before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO ~~or SMO~~ must take all reasonable and practical steps to obtain custody of all the records and evidence needed to conduct the misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. *For PHS supported research*, ~~the~~ RIO may consult with ORI for advice and assistance in this regard.

D. **Appointment of the Inquiry Committee**

The RIO ~~or SMO~~, in consultation with other university officials as appropriate, shall appoint an inquiry committee and committee chair within ten (10) *working* days of the initiation of the inquiry or as soon thereafter as practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

~~E. Charge to the Committee and First Meeting~~

The RIO ~~or SMO~~ shall prepare a *written* charge for the inquiry committee that:

- Sets forth the time for completion of the inquiry, unless extenuating circumstances require an extension of time;
- Describes the allegations and any related issues identified during the allegation assessment;
- States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct ~~or scholarly misconduct~~ definitely occurred or who was responsible;
- States that an investigation is warranted if the committee determines: ~~(1) if~~ the allegation may have substance, based on the committee's review ~~during the inquiry~~; and, ~~(2) in the case of PHS supported research, there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 CFR § 93.102(b); and~~

- Informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that, in the case of *PHS supported* research misconduct, meets the requirements of this policy and 42 CFR § 93.309(a).

At the committee's first meeting, the RIO ~~or SMO~~ shall review the charge, discuss the allegations, *and* any related issues, ~~and~~ the appropriate procedures for conducting the inquiry, assist with organizing plans for the inquiry, and answer any questions. The RIO ~~or SMO~~ shall be available throughout the inquiry to advise the committee as needed.

~~F.E.~~ **Inquiry Process**

The inquiry committee shall normally interview the complainant, the respondent and key witnesses as well as examining relevant research records and materials. Then the inquiry committee shall evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO ~~or SMO~~, the committee members shall decide whether an investigation is warranted based on the criteria in this policy and 42 CFR § 93.307(d), as applicable to the allegation. The scope of the inquiry is not required to, and does not normally include, deciding whether misconduct definitely occurred, determining definitely who committed the misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, for instances of *PHS supported* research misconduct the ~~institution~~ *university* shall promptly consult with ORI to determine the next steps that should be taken. ~~See Section III.C.~~

~~G.F.~~ **Time for Completion**

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within sixty (60) calendar days of initiation of the inquiry, unless *at his/her discretion*, the RIO ~~or SMO~~ determines that circumstances clearly warrant a longer period. *In the case of an extension*, ~~if the RIO or SMO approves an extension~~, the inquiry record must include documentation of the reasons for exceeding the sixty-day period.

VI. **The Inquiry Report**

A. **Elements of the Inquiry Report**

A written inquiry report must be prepared that includes the following information, as applicable to the allegation: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the ~~PHS~~*federal* support, including, for example, grant numbers, grant applications, contracts and publications listing ~~PHS~~*federal* support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; and (5) any comments on the draft report by the respondent or complainant.

The university's general counsel shall review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO ~~or SMO~~ and the inquiry committee. The inquiry report shall include: (1) the names and titles of the committee members and experts who conducted the inquiry; (2) a summary of the inquiry process used; (3) a list of the research records reviewed; (4) summaries of any interviews; and (5) any other actions *that* should be taken if an investigation is not recommended.

B. ~~Notification to the Respondent and Opportunity to Comment~~

The RIO ~~or SMO~~ shall notify *both* the respondent *and the complainant within ten (10) working days of completion of the draft inquiry report* whether the inquiry found an investigation to be warranted, ~~include~~*provide* a copy of the draft inquiry report for comment ~~within ten (10) days, and~~ the university's policies and procedures on misconduct, and for ~~allegations of research misconduct~~*PHS supported research*, ~~include~~ a copy of or reference to 42 CFR Part 93. ~~The institution shall notify the complainant whether the inquiry found an investigation to be warranted and provide relevant portions of the inquiry report to the complainant for comment within ten (10) days.~~ A confidentiality agreement shall be a condition for access to the report *by the respondent and complainant*.

Any comments that are submitted shall be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee shall deliver the final report to the RIO ~~or SMO~~.

C. Institutional Decision and Notification

1. Decision by Deciding Official

The RIO ~~or SMO~~ shall transmit the final inquiry report and any comments to the DO, who shall determine in writing whether an investigation is

warranted. The inquiry is completed when the DO makes this determination.

2. Notification to ORI

For allegations of research misconduct *with PHS funded research*, within thirty (30) calendar days of the DO's decision that an investigation is warranted, the RIO shall provide ORI with the DO's written decision and a copy of the inquiry report. The RIO shall also notify those university officials who need to know of the DO's decision. The RIO must provide the following information to ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation.

3. Documentation of Decision Not to Investigate

If it is found that an investigation is not warranted, the DO and the RIO shall ensure for PHS supported research that detailed documentation of the inquiry is retained as detailed in Section VIII.F. ~~the DO decides that an investigation is not warranted, the RIO or SMO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by ORI of the reasons why an investigation into research misconduct was not conducted. These documents must be provided to ORI or other authorized HHS personnel upon request.~~

VII. Stage 2 - Conducting the Investigation

A. Initiation and Purpose

The investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether misconduct has been committed, by whom, and to what extent. The investigation shall also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged research misconduct involves ~~clinical trials~~ or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy,

clinical practice, or public health practice. The findings of the investigation shall be set forth in an investigation report.

B. Notifying ORI and Respondent; Sequestration of Research Records

The RIO must notify the respondent in writing of the allegations to be investigated and give the respondent written notice of any new allegations of misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

For allegations of research misconduct with PHS funded research, On or before the date on which the investigation into research misconduct begins, the RIO must: ~~(1) notify the ORI Director of the decision to begin the investigation and provide ORI a copy of the inquiry report; and (2) notify the respondent in writing of the allegations to be investigated. Also, the RIO or SMO must give the respondent written notice of any new allegations of misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.~~

*In all instances, ~~The RIO or SMO~~ shall, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all scholarly records, research records and evidence needed to conduct the misconduct proceeding that were not previously sequestered during the *assessment* inquiry. Where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the *assessment* inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.*

C. Appointment of the Investigation Committee

The RIO ~~or SMO~~, in consultation with other university officials, as appropriate, shall appoint an investigation committee and ~~the~~ committee chair within ten (10) *working* days of the beginning of the investigation or as soon thereafter as practical. The investigation committee must consist of individuals who do not

have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. Individuals appointed to the investigation committee may also have served on the inquiry committee.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee

The RIO ~~or SMO~~ shall define the subject matter of the investigation in a written charge to the committee that:

- Describes the allegations and related issues identified during the inquiry;
- Identifies the respondent;
- Informs the committee that it must conduct the investigation as prescribed in paragraph E. of this section;
- Defines research ~~or scholarly~~ misconduct;
- Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, the type and extent of it and who was responsible;
- Informs the committee that in order to determine that the respondent committed misconduct it must find that a preponderance of the evidence establishes that: (1) misconduct, as defined in this policy, occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including -honest error or a difference of opinion); (2) that there is a significant departure from accepted practices of the relevant research/scholarly community; and (3) the respondent committed the misconduct intentionally, *and/or* knowingly; or recklessly; and
- Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and 42 CFR § 93.313, as applicable to the allegation.

2. First Meeting

The RIO ~~or SMO~~ shall convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation

plan. ~~In the case of research misconduct,~~ The investigation committee shall be provided with a copy of this policy and *for allegations of misconduct with PHS supported research, a copy of 42 CFR Part 93.* The RIO ~~or SMO~~ shall be present or available throughout the investigation to advise the committee as needed.

E. Investigation Process

The investigation committee and the RIO ~~or SMO~~ must:

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible misconduct, and continue the investigation to completion.

F. Time for Completion

~~This investigation~~ *every stage* is to be completed within 120 *calendar* days ~~of beginning it~~, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to ORI ~~as required for in the case of research misconduct~~ *PHS supported research*. However, if the RIO determines that the research misconduct investigation shall not be completed within this 120-day period, a written request for an extension shall be submitted to ORI ~~or other federal agencies as applicable~~, setting forth the reasons for the delay. *If ORI grants an extension, it may direct the filing of periodic progress reports (42 CFR 93.314).* ~~The RIO shall ensure that periodic progress reports are filed with ORI, if ORI grants the request for an extension and directs the filing of such reports. Similarly but without external reporting, the SMO shall document and approve any extensions of time for completion of the scholarly misconduct investigations.~~

VIII. The Investigation Report

A. Elements of the Investigation Report

The investigation committee and the RIO ~~or SMO~~ are responsible for preparing a written draft report of the investigation that:

- Describes the nature of the allegation of misconduct, including identification of the respondent;
- ~~In the case of research misconduct, d~~ Describes and documents the PHS ~~federal~~ support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing PHS ~~federal~~ support;
- Describes the specific allegations of misconduct considered in the investigation;
- Includes the institutional policies and procedures under which the investigation was conducted, unless, in the case of research misconduct proceedings *for allegations of research misconduct in PHS supported research*, those policies and procedures were provided to ORI previously;
- Identifies and summarizes the records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- Includes a statement of findings for each allegation of misconduct identified during the investigation. Each statement of findings *of misconduct* must: (1) identify whether the misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that he or she did not engage in misconduct because of honest error or a difference of opinion; (3) ~~in the case of research misconduct, identify the specific PHS federal support;~~ (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) ~~in the case of research misconduct, list any current support or known applications or proposals for support that the respondent has pending with non-PHS federal agencies.~~

B. Comments on the Draft Report and Access to Evidence

1. Respondent

The RIO ~~or SMO~~ must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent shall be allowed thirty (30) *calendar* days from the date the

draft report is received to submit comments to the RIO ~~or SMO~~. The respondent's comments must be included and considered in the final report.

2. **Complainant**

On a case-by-case basis within the university's discretion, the university may provide the complainant a copy of the draft investigation report, or relevant portions of it, for comment. The complainant's comments must be submitted within thirty (30) *calendar* days of the date on which the draft report is received and the comments must be included and considered in the final report. ~~For allegations of misconduct for PHS supported research, see §§ 93.312(b) and 93.313(g).~~

3. ~~Confidentiality~~

~~In distributing the draft report, or portions thereof, to the respondent and/or complainant, the RIO or SMO shall inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality by requiring that the recipient sign a confidentiality agreement.~~

C. **Decision by Deciding Official**

The RIO ~~or SMO~~ shall assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's and complainant's comments are included and considered, and transmit the final investigation report to the DO, who shall determine in writing: ~~(1) whether the institution/university accepts the investigation report, its findings, and the any recommended institutional actions; and (2) the appropriate institutional actions in response to the accepted findings of research or scholarly misconduct.~~ If ~~this determination by the DO~~ varies from the findings of the investigation committee, the DO shall, as part of the written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. The DO may return the report to the investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the RIO ~~or SMO~~ shall notify both the respondent and the complainant in writing. In the case of *PHS supported research-misconduct*, *the DO shall inform ORI.* ~~after informing ORI,~~ ~~†The DO -shall determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified~~

reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of ~~funding or other~~ sponsoring federal agencies.

D. Appeals

Respondents and complainants may *submit a written appeal on the judgment of the Investigating Committee, the DO, and/or the sanction.* ~~A written statement of the grounds for the appeal must be submitted~~ to the DO within thirty (30) *calendar* days of written notification of the sanctions. *The DO shall forward the appeal to the president for consideration. For matters concerning the vice president for academic affairs, the appeal will be forwarded to the chair of the Board of Regents. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents shall also serve as the appeal officer.* Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of a ~~written~~ the appeal, the ~~DO~~ *appeal officer* shall evaluate the evidence and make a determination. *The appeal officer may consult with the DO, RIO, or other individuals as appropriate.* The ~~DO~~ *appeal officer* shall reopen the investigation if the previously unconsidered material evidence so warrants and may reopen the investigation if circumstances so dictate. The ~~DO's~~ *appeal officer's* decision shall be conveyed to all involved in a timely fashion, but must be conveyed within thirty (30) ~~working~~ *calendar* days. In the case of termination, the appropriate university policies on termination for cause shall be followed.

Unless an extension has been granted, the appeal process must be completed within 120 calendar days of its filing, or for research misconduct cases, unless ORI finds good cause for an extension, based upon the institution's written request for an extension that explains the need for the extension. If ORI grants an extension, it may direct the filing of periodic progress reports (42 CFR 93.314). Similarly, but without external review, an extension of time may be granted *for good cause* by the university or as directed by the sponsoring agency for completion of the appeal process in *non-PHS supported research* ~~scholarly misconduct cases for good cause.~~

E. Notice to ORI of Institutional Findings and Actions

For cases involving PHS supported research, Unless an extension has been granted by ORI for research misconduct cases, the RIO must, within the 120-day period for completing the investigation or the 120-day period for completion of any appeal, submit the following to ORI: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the institution accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

F. Maintaining Records for Review by ORI

For cases involving PHS supported research, The RIO must maintain and provide to ORI upon request “records of research misconduct proceedings” as that term is defined by 42 CFR § 93.317. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution’s handling of such an allegation.

Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings *shall be retained* ~~must be maintained~~ in a secure manner for seven (7) years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation. ~~The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution’s handling of such an allegation.~~

IX. Completion of Cases; Reporting Premature Closures to ORI

Generally, all inquiries and investigations shall be carried through to completion and all significant issues shall be pursued diligently. *For cases involving PHS supported research, The RIO must notify ORI in advance if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to ORI as prescribed in this policy and 42 CFR § 93.315.*

X. Institutional Administrative Actions

If the DO determines that research ~~or scholarly~~ misconduct is substantiated by the ~~findings~~^{evidence}, he/~~or~~ she shall decide on the appropriate actions to be taken, after consultation with the RIO ~~or SMO~~. The administrative actions may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research ~~or scholarly activity~~ where misconduct was found;
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the misconduct.

XI. Other Considerations

A. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, shall not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities, *including those* under 42 CFR Part 93 *for cases involving PHS supported research*. ~~For scholarly misconduct, resignation or termination from employment prior to a final outcome in the investigation may be grounds to terminate the inquiry/investigation within the discretion of the university.~~

If the respondent, without admitting to research misconduct, elects to resign after the institution receives an allegation of research misconduct, the assessment of the allegation shall proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee shall use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and ~~its~~^{the} effect on the evidence.

B. Restoration of the Respondent's Reputation

Following a final finding of no research ~~or scholarly~~ misconduct, including ORI concurrence ~~whereif~~^{where} required by 42 CFR Part 93, the RIO ~~or SMO~~ shall, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO ~~or SMO~~ should consider (1) notifying

those individuals aware of or involved in the investigation of the final outcome, (2) publicizing the final outcome in any forum in which the allegation of misconduct was previously publicized, and (3) expunging all reference to the misconduct allegation from the respondent's personnel file (to the extent permitted by law). Any institutional actions to restore the respondent's reputation should first be approved by the DO.

C. Protection of the Complainant, Witnesses and Committee Members

During the misconduct proceeding and upon its completion, regardless of whether the institution or ORI determines that research misconduct occurred ~~as applicable~~, the RIO or ~~SMO~~ shall undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the misconduct proceeding. The DO shall determine, after consulting with the RIO or ~~SMO~~, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO or ~~SMO~~ is responsible for implementing any steps *that* the DO approves.

D. Allegations Not Made in Good Faith

If relevant, the DO shall determine whether the complainant's allegations of misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith, he/she shall determine whether any administrative action should be taken against the person who failed to act in good faith.

Cross Reference: 42 CFR Part 93; *Misconduct in Scholarly or Creative Activities (A-80)*

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Director, *Office of Research and Sponsored Programs* and ~~Dean of Graduate Studies~~

Forms: None

Board Committee Assignment: *Academic and Student Affairs*

Misconduct in Scholarly or Creative Activities (A-80)

NEW

Original Implementation: July 17, 2012

Last Revision: None

I. Introduction

Stephen F. Austin State University (SFA) strives to create a climate that promotes faithful adherence to high ethical standards in scholarly and creative activities without inhibiting the productivity and creativity of the academic community.

Faculty, staff, and students at SFA are expected to comply with generally understood and accepted standards of professional conduct, which include following accepted practices of scholarship and acknowledging collaborators and sources used in reports, publications, and presentations.

Any inquiry or investigation of allegations of misconduct in scholarly or creative activity must proceed promptly and with due regard for the reputation and rights of all individuals involved.

The university shall take all reasonable steps to assure that the persons involved in evaluating allegations and evidence have appropriate expertise and that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest.

II. Scope

This policy applies to all non-federally funded research and other scholarly or creative activities (hereafter referred to as “scholarly activity”). Furthermore, this policy applies to any person paid by and/or subject to the rules and policies of SFA, including faculty, research scientists, trainees, technicians and other staff members, students, and visiting professors.

Misconduct in scholarly activity includes fabrication, falsification, or plagiarism in proposing, performing, reviewing, or reporting scholarly results, or in conducting, reporting, and/or publishing scholarly activities. This includes improprieties of authorship, abuse of confidentiality, violation of generally accepted research practices, failure to comply with university requirements affecting research (such as use of human subjects, care and use of animals, and use of hazardous materials), misuse of funds for personal gain, and misrepresentation of qualifications.

Misconduct in scholarly activities does not include honest error or differences of opinion.

Procedures for misconduct in research funded by federal agencies are outlined in Misconduct in Federally Funded Research (A-31.5). Student academic dishonesty is covered under Academic Integrity (A-9.1).

III. **Procedures**

This policy and its procedures shall apply when a university official receives an allegation of possible misconduct in scholarly activity. Circumstances in individual cases may require variation from normal procedures to meet the best interest of the university or an external sponsor, if applicable. Deviation from the normal procedures must ensure fair treatment of the subject of the allegation. Any significant variation should be approved in advance by the scholarly misconduct officer (SMO).

The SMO is the associate provost and graduate dean and has primary responsibility for implementing the university's policies and procedures for allegations of scholarly misconduct. Responsibilities of the SMO include: (1) assessing allegations of scholarly misconduct to determine if they fall within the definition of scholarly misconduct and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of scholarly misconduct may be identified; (2) overseeing inquiries and investigations; and (3) handling other responsibilities as described in this policy.

- A. Reports of alleged misconduct in scholarly activity may be submitted to any university official, including department chairs, college deans, the director of the Office of Research and Sponsored Programs, the associate provost and graduate dean, and the provost and vice president for academic affairs. The allegation should be submitted in writing and should detail the nature of the allegation and state if any efforts have been made to address the complaint, as applicable.
- B. All proceedings shall be confidential and shall protect the rights and reputations of the individuals involved.
- C. Within 10 working days of receipt of an allegation of misconduct in scholarly activity, the written allegation shall be forwarded to the SMO who, in consultation with appropriate individuals, shall determine whether misconduct in scholarly activity may have occurred and whether an inquiry is warranted.
- D. If an inquiry is warranted, the SMO will inform the individual of the allegation and will determine if a formal review is required or if the allegation can be resolved by the SMO with the parties involved.
- E. If the need for a formal review is determined, the SMO will establish a three-member investigative committee consisting of one member appointed by the SMO and one member selected by the individual in question. These two members

- will select the third member. In all cases, the individuals selected should not create, or create the appearance of, a conflict of interest.
- F. The committee shall hear from the complainant and any witnesses, and after reviewing the evidence, shall hear from the individual and review evidence they may provide. Upon conclusion of these activities, the committee shall draft a report of findings to the SMO that states whether in its judgment, misconduct in scholarly activity has occurred, shall detail the evidence that supports the conclusion, and shall make recommendations for appropriate corrective actions.
 - G. A copy of the draft report of findings shall be presented to the complainant and the individual for review. The complainant and individual have five working days upon receipt of the report to submit written comments to the committee.
 - H. Within 30 calendar days of receiving the draft report, a final report shall be prepared by the committee, including any comments provided by the complainant and the individual.
 - I. The final report with recommendations and outcomes shall be reviewed and considered for approval by the SMO. Once approved, the complainant and the individual shall receive a copy of the final report.
 - J. Corrective actions may include but are not limited to:
 - notification to involved parties, as appropriate;
 - withdrawal or correction of all pending or published abstracts and papers involving the misconduct;
 - removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of procedures leading to possible rank reduction or termination of employment;
 - restitution of funds to a grantor agency or other entities; and
 - other actions appropriate to the misconduct.

The individual may appeal the decision to the provost and vice president for academic affairs within ten working days of receipt of the final report. In considering the appeal, the provost and vice president for academic affairs shall consider the final report, comments submitted by the individual, and any other evidence deemed relevant.

Cross Reference: Academic Integrity (A-9.1); Conflict of Interest in Sponsored Activities (A-11.5); Misconduct in Federally-funded Research (A-31.5); Ethics (E-56).

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

Payment Card Acceptance and Security (C-61)

Original Implementation: July 21, 2009

Last Revision: ~~None~~ July 17, 2012

Purpose

The purpose of this policy is to apply best security practices to ensure the protection of payment card information by complying with Payment Card Industry (PCI) Data Security Standards (DSS). This policy is supplemental to any other information security policies currently in effect at Stephen F. Austin State University (university).

Resources Covered

All computers, electronic devices, or other resources at the university used in the processing, transmitting and storing of cardholder information are governed by this policy and subject to PCI-DSS requirements. This includes servers which store payment card information; workstations which are used to enter payment card information into a central system; cash registers, point-of-sale terminals connected to a phone line or the university network; and any other devices through which the payment card information is transmitted. Also covered are Web site storefronts that redirect customers to another Web site to enter payment information. In addition, all paper forms or receipts containing cardholder data are also covered under this policy.

Covered Groups

This policy applies to all university departments, faculty, staff, students, temporaries, vendors, associated entities, or any others who process, transmit, store or handle cardholder information in physical or electronic format on behalf of the university. This policy also applies to any affiliated organizations with cardholder information that is processed, transmitted or stored on systems connected to the university network or through assets or equipment owned by the university.

Definitions

Affiliated Organizations: An entity that uses systems connected to the university network or assets or equipment owned by the university to process, transmit or store cardholder information.

Cardholder: The customer to whom a credit card or debit card has been issued or the individual authorized to use the card.

Payment Card: General term which includes both debit cards and credit cards.

Payment Ceard iInformation: Any personally identifiable information associated with a cardholder (e.g., cardholder name, account number, expiration date, address, social security number, personal identification number and card validation code).

Payment Card Industry (PCI) Data Security Standards (DSS) are the result of collaboration between the five major credit card brands to develop a single approach to safeguarding cardholder data. The standards apply to all entities that store, process, and/or transmit cardholder data and covers technical and operational system components included in or connected to cardholder data.

~~**Payment card:** General term which includes both debit cards and credit cards.~~

Payment Card Processor: Any individual, department, school, or other functional area accepting payment cards in exchange for goods or services on behalf of *the* university or an affiliated organization.

~~**Payment Card Industry (PCI) Data Security Standards (DSS)** are the result of collaboration between the five major credit card brands to develop a single approach to safeguarding cardholder data. The PCI standard defines a series of best practices for handling, transmitting and storing cardholder data.~~

Responsibilities

1. The vice president for finance and administration (~~VPFA~~) is responsible for oversight of the PCI compliance program (program). The ~~VPFA~~*vice president for finance and administration* will designate specific responsibility for the development, implementation and administration of the program.
2. The designated program representative(s) will review and approve all requests to accept payment cards, perform all necessary actions to ensure PCI compliance and respond to any suspected payment card information threat.
3. Payment card processors will establish and maintain documented procedures for complying with this policy and PCI-DSS.

Requirements

1. PCI DSS compliance is mandatory for any department or affiliated organization that accepts, captures, stores, transmits and/or processes payment card information.

2. Only authorized and properly trained employees, vendors, and temporariesy employees may accept and/or access payment card information.
3. Each person who has access to payment card information is responsible for protecting the information: *in accordance with PCI DSS and university policy.*
4. *Only PCI DSS compliant equipment, systems and methods may be used to process, transmit and/or store payment card information.*
5. *All systems used to process, store or transmit payment card data must be registered with the designated program representative.*
6. *Payment cards cannot be processed, stored and/or transmitted using the university's network unless Information Technology Services (ITS) has verified existence of all technical controls required by the PCI DSS and other applicable university policies.*
- 4.7. Payment card processors must obtain advance approval from the ~~VPFA's designated~~ program representative(s) *designated by the vice president for finance and administration* before accepting payment cards for payment of goods or services, or before entering into any contracts or purchases of software and/or equipment related to payment card processing. Once approved, copies of contracts must be forwarded to the designated program representative(s).
- 5.8. Payment processors are required to use the university's preferred ~~electronic payment service provider~~. Exceptions may be granted only after a request from the payment processor has been reviewed and approved by the designated program representative(s). When an exception has been granted, the payment processor remains responsible for ensuring the ~~vendor providing electronic payment service~~ *service provider* is PCI compliant and provides ongoing certification of compliance.
6. ~~Payment processors who have been granted an exception from using the university's electronic payment system and process payment cards on a personal computer (PC) must designate that PC for the exclusive use of payment card processing. Any PC designated exclusively for payment card processing must be configured and maintained by Information Technology Services (ITS).~~
7. ~~Payment cards cannot be processed stored or transmitted using the university's network unless the following two requirements have been met: (1) the designated program representative has reviewed and approved the request to accept payment cards, and (2) the designated program representative has verified existence of all technical controls required by the PCI-DSS and other applicable university policies.~~
- 8.9. Contracts with third parties with access to ~~cardholder data~~ *payment card information* must include ~~standard~~ language that requires adherence to the PCI DSS.
9. ~~All systems used to process, store or transmit payment card data must be registered with the designated program representative.~~
10. Suspected theft of payment card information must be reported immediately to the ~~Controller's Office or the VPFA~~ *vice president for finance and administration or the*

designated program representative(s). Any suspected breach in the network should be immediately reported to the director of information technology.

~~11. Printed receipts or other physical materials containing cardholder information must be stored in a secure environment until they are processed.~~

~~12.11.~~ Unencrypted wireless, email, fax and campus mail are not recognized as secure methods for transmitting or accepting cardholder data. Cardholder data must not be transmitted in an unsecure manner.

12. Printed receipts or other physical materials containing cardholder information must be stored in a secure environment until they are processed.

~~13. Payment card information must be kept as required by State of Texas record retention guidelines.~~

~~14.13.~~ Payment card information must be destroyed in a secure manner as soon as it is no longer needed.

Enforcement:

Periodic reviews may be performed to validate compliance with this policy. If the requirements of this policy are not followed, suspension of payment card options will result. Substantial fines may also be imposed by credit card companies if a security breach and subsequent compromise of payment card data occurs.

Cross Reference: ~~PCI Security Standards~~ *PCI Data Security Standards*; ~~Policy C-5,~~ Receipts and Deposits (C-5); ~~State of Texas Record Retention Guidelines~~

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revisions: Vice President for Finance and Administration

Forms: Application for Exception from Use of University Preferred Electronic Payment Service, Statement of Intent to Comply with the University Policy for Payment Card Acceptance and Security, Payment Card Processor Registration Form, Confidentiality Statement

Board Committee Assignment: *Finance and Audit*

Performance Management Plan (E-57)

Original Implementation: July 14, 1998

Last Revision: ~~April 20, 2010~~ July 17, 2012

The purpose of the Performance Management Plan is to maximize employee work efforts to achieve university, organizational and individual objectives through the active participation in the goal-setting process; to ensure that all employees receive a timely and objective review of their job performance each year; to identify employees whose job-related performance and conduct does not meet established objectives or contribute effectively to the university; and to ensure that job performance is measured effectively for compensation purposes.

This policy applies to all non-faculty employees, excluding academic department chairs, deans, library director, charter school teachers, and all coaches at Stephen F. Austin State University. However, all categories listed in exemption above shall have some form of evaluation system, but are not governed by this policy. *It does not apply to positions which require student status.*

Procedure

The process of job performance evaluation should include the following steps:

1. Set and communicate job expectations at the start of the review period. Use the employee's job description to review the expectations of the job. If the job description needs revision, contact Human Resources for assistance.
2. Provide ongoing coaching and counseling during the review period and document significant discussions regarding positive achievements and needed improvement in regard to job performance or conduct.
3. Conduct the annual performance review at the end of the review period.
4. The reviewing supervisor must review the employee's evaluation to ensure the first line supervisor has complied with EEO law.

Annual Performance Review

Evaluate the employee's performance for the entire review period. Determine whether or not the employee has met expectations established at the beginning of the review period and which were based on the employee's job duties.

Evaluate how the employee's performance was consistent with the appropriate performance values.

Describe any areas in which the employee needs to improve. Specific results should be addressed and documented.

Summarize and evaluate the employee's overall performance.- After completion of the evaluation and the appropriate approvals, the original form should be sent to Human Resources and copies given to the employee and supervisor.

Documentation

The review plan for each employee should be free from discrimination including race, color, religion, sex, age, national origin, disability, *genetic information*, *citizenship* or disabled veteran status according with Equal Employment Opportunity (EEO) law. Each supervisor will be held responsible for ensuring the review is fair, objective, accurate, and honest and discussed with the employee. Supervisors are also responsible for ensuring consistency of application within their departments. Reviewing supervisors are responsible for ensuring compliance with EEO law.

Compensation Actions

Merit pay increases, general pay increases, and all other compensation actions are to be consistent with the level of employee's actual job performance. Merit increases are to be withheld ~~in whole or part~~ for employees who are rated "needs improvement" or "unsatisfactory" and therefore are not fully effective in their job performance. The immediate and reviewing supervisor should discuss related actions with Human Resources before taking such steps to ensure appropriate documentation.

Interpretation

Questions regarding the interpretation of this policy should be referred to the director of Human Resources. The forms and format used in this process may be modified for unique circumstances upon the review and approval by the director of Human Resources.

Cross Reference: ~~Equal Employment Opportunity Guide for Employees and Supervisors, Non-Academic Employee Handbook~~ *None*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Performance Management Plan and Review (Available on the Internet)

Board Committee Assignment: *Academic and Student Affairs*

Physical Plant Charges (B-21)

Original Implementation: December 7, 1987

Last Revision: ~~July 21, 2009~~ July 17, 2012

Funding for repairs to campus buildings comes from several sources and the type and use of the building determines the source of funding. Funding is as provided below:

Educational and general buildings (i.e., *academic and non-auxiliary support* offices, classrooms, library, etc.): Maintenance of these buildings and building equipment is the responsibility of the Physical Plant department and is paid from funds budgeted for that purpose.

The Physical Plant department may, *however*, charge educational and general accounts for the following material and services.

1. Materials taken from stock not used in maintenance projects.
2. Repair of equipment *including appliances*.
3. Set-up *and moving* charges.
4. Paint requests when redecorating *or outside the normal maintenance schedule*.
5. Materials and labor for millwork.
6. Vehicle rentals, *repairs*, and ~~fuel~~ *gasoline*.
7. Minor alterations that change the structure of the facility.
8. Replacement of lost keys or lock changes due to lost keys.
9. Call back expenses that are not caused by normal maintenance requirements.

All maintenance and requested services for non-education and general buildings will be charged to the appropriate campus customer account.

Normal business hours of the Physical Plant department are Monday through Friday 7 a.m. to 4 p.m. Please note that all work performed outside of these normal business hours may be subject to an overtime charge.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Physical Plant

Forms: None

Board Committee Assignment: Finance and Audit

Prohibition of Campus Violence (D-55)

Original Implementation: July 21, 2009

Last Revision: ~~None~~ July 17, 2012

Stephen F. Austin State University recognizes that threatening and violent behavior is contrary to its mission as an educational institution. Such behavior while on university premises, at university sponsored activities, in electronic communities/instructional sites or off-campus conduct that adversely affects the university and/or the pursuit of its objectives will not be tolerated. The university encourages all members of the university community to promptly report any emergency or crime to the SFA University Police (UPD).

I. General Policy Guidelines

A. Scope

This policy applies to conduct that occurs on university premises, at university sponsored activities, in electronic communities/instructional sites and to off-campus conduct that adversely affects the university and/or the pursuit of its objectives.

B. Definitions

Violent behavior includes any behavior, whether intentional or reckless, which results in bodily injury to one's self, another person and/or damage to property.

Threatening behavior includes any behavior, whether intentional or reckless, that by its nature would be interpreted by a reasonable person as intent to harm one's self, another person or damage property belonging to another. Threats may be oral, written, or communicated through conventional mail, electronic, fax, or telephonic means and may be direct or implied.

Campus violence encompasses threatening and violent behavior. Campus violence can include, but is not limited to, the following:

- Physically assaulting a person, including slapping, hitting, punching, pushing, poking or kicking; or threats to inflict physical harm;
- Arson, sabotage, equipment vandalism, damaging or destroying property, throwing or hitting objects;
- Displaying a weapon or an object that appears to be a weapon in a threatening manner; carrying a firearm of any kind onto university owned or controlled property (except those permitted by state law or university policy); or using a weapon to harm someone;

- Using greater physical size/strength to intimidate another; intimidating or threatening gestures, bullying or hazing;
- Intimidating, threatening, hostile or abusive language directed toward another person that communicates the intention to engage in violence against that person and leads a reasonable person to expect that violent behavior may occur;
- Stalking another person.

C. Campus Violence Prohibited

Any student who engages in campus violence while on university premises, at university sponsored activities, in electronic communities/instructional sites or off-campus conduct that adversely affects the university and/or the pursuit of its objectives may be removed and/or barred from the premises pending the outcome of an investigation and any disciplinary action deemed necessary as determined through the regular student disciplinary process (see University Policy D-34.1, Student Code of Conduct).

II. Procedures

A. Reporting Immediate Emergencies or Crimes

Any person who experiences, is aware of, or witnesses campus violence, or who has reason to suspect that campus violence is occurring that may be of a criminal nature or poses clear and present danger should immediately contact the University Police Department.

B. Protective or Restraining Orders

Any student who takes out a protective or restraining order against another person, or receives a protective or restraining order which lists university owned or leased premises as a protected area, shall provide UPD with a copy of such order; and, when possible, a photograph of the person against whom the order has been issued.

C. Sanctions

Students who violate this policy may be subject to disciplinary action up to and including suspension or expulsion, may be removed from campus pending investigation and completion of the student disciplinary process according to the university's interim suspension policy, and/or arrested and be subject to legal action.

D. Filing of False Reports

Any person who knowingly and intentionally files a false report shall be subject to disciplinary action that may include dismissal, expulsion, and/or legal action.

E. Retaliation Prohibited

A student who retaliates in any way against an individual who has brought a complaint in good faith pursuant to this policy or participated in good faith in an investigation of such a complaint is subject to disciplinary action including suspension or expulsion.

Cross Reference: Student Code of Conduct (~~Policy~~ D-34.1)

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Dean of Student Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs

Purchase Requisition (C-30)

Original Implementation: Unpublished

Last Revision: ~~July 21, 2009~~ July 17, 2012

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

Requisition approvals are built and maintained in the ~~Banner System~~ *university's financial system* by the procurement office. In addition to departmental approvals, other conditional approvals are in place for the following types of requisitions:

Computer Replacement Funds – must be approved by the procurement office

Insurance – must be approved by the *Office of Environmental Health, Safety and Risk Management Office*

Memberships – must be approved by the president or a vice president or his/her designee *if being paid with appropriated funds*

Printing, Advertising, Web Design – must be approved by the Office of Public Affairs

Research and Sponsored Programs Funds – must be approved by the Office of Research and Sponsored Programs

Requisitions \$100,000 or greater – must be approved by the director of procurement

Travel Requisitions – must be approved by the dean or his/her designee, if applicable and the division *vice president or president*

Electronic requisitions are submitted ~~through the Banner System~~ following the guidelines outlined in the *Procurement Requisitions, Approvals and Receiving Manual*. ~~The following~~ Purchase orders may be created without a requisition, at the discretion of the purchaser.

——— 1. ~~Procurements that have been approved by the Board of Regents with the source of funding clearly defined;~~

——— 2. ~~Blanket contracts for recurring services particularly those that are for the benefit of the entire university; i.e., utilities, etc.~~

When a purchase order is created without a requisition, the ~~end user~~ *department* will be notified by email that the purchase has been charged to their account.

It is the responsibility of the end user to provide technical support in the preparation of specifications and in the evaluation of solicitations. If review of solicitation responses prior to award is specifically desired, include a comment to this affect in document text on the "Purchase Requisition".

Requisition processing within the procurement department differs depending upon source of funds, dollar value, the type of good or service being acquired, and department need. See ~~Policy C-7~~, Best Value Procurement (C-7).

Purchases from agency accounts may not be submitted on a purchase requisition. See ~~Policy C-31~~, Purchase Voucher (C-31).

Cross Reference: Best Value Procurement, ~~Policy (C-7)~~; Purchase Voucher, ~~Policy (C-31)~~

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: Finance and Audit

Purchase Voucher (C-31)

Original Implementation: September, 1990

Last Revision: ~~July 21, 2009~~ July 17, 2012

*Except as specified herein, ~~Normally,~~ purchases for goods or services are ~~to be~~ processed in accordance with ~~Policy C-10,~~ Delegated Purchasing Authority (C-10). ~~Some purchases, however, do not involve ordering goods or waiting for a vendor's invoice. These transactions are~~ Payments that do not involve a procurement process may be initiated on a purchase voucher and include, but are not limited to, the following:-
Examples of items for which purchase vouchers should be used are:*

1. Overnight mail services (no voucher required if using the ~~P~~procurement ~~Department~~office ~~P~~preferred ~~V~~vendor ~~C~~contract)
2. Licensing fees (except software licensing fees)
3. Notary bonds
4. Refunds
5. Postage
6. Prepayment of registration fees for business conferences, workshops and seminars (these may also be paid with the ~~P-C~~p-card)
7. Settlement agreements
8. All purchases from agency accounts

The purchase voucher form is available on the SFA business forms website~~may be~~ accessed online at https://apache.sfasu.edu/sfa_forms/purchasevoucher.shtml. It may be completed online, or printed out and completed manually. ~~Once completed, the hard copy must be signed by the account manager, and forwarded with supporting documentation to the Controller's Office, Box 13035, for processing.~~

Payments ~~which have been~~that are inappropriately initiated on a purchase voucher will be returned to the originating department for proper processing through the procurement ~~office~~department.

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

Cross Reference: Delegated Purchasing Authority (C-10)

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: Purchase Voucher

Board Committee Assignment: Finance and Audit

Restrictions on ~~Purchasing and Contracting with~~ and Paying Certain Vendors (C-48)

Original Implementation: January 25, 2000

Last Revision: ~~July 21, 2009~~ July 17, 2012

The university is required by Tex. Gov't Code § 2252.903 and the United States President's Exec. Order No. 13,224, 66 Fed. Reg. 49079 (Sept. 23, 2001) to make a determination as to the eligibility of vendors to receive contracts and/or payments from SFA. The university may contract with any vendor on state warrant hold and follow established procedures for notifying the vendor and holding payment. The university is strictly prohibited from contracting with any vendor listed on the federal government specially designated nationals list (SDN).

DEFINITIONS

Warrant Hold – status identifying vendors who are delinquent in payments to the state of Texas and prohibiting the state comptroller *and state agencies* from issuing payment to the vendor. ~~Determination of this status is required up to seven days before “contracting” with any vendor and may prevent the university from being able to “contract” with the vendor.~~ Warrant hold information is maintained in the State Comptroller's TINS (Texas Identification Number System). ~~The university's financial system will terminate and prevent the use of any vendor that is on warrant hold.~~

SDNEPLS – ~~federal government~~ Federal government's Excluded Parties List System identifying ~~Specially Designated Nationals (SDN)~~ list identifying vendors with whom the United States President's Executive Order 13224 prohibits any government entity from doing business. ~~EPLS verification is required for all contracts, except p-card transactions.~~

Contract – ~~As defined by the state comptroller in Notice to State Agencies #FM00-35, dated 12/2/99, a "contract" is a commitment of agency funds for the purchase of goods or services. This definition includes P-cards, vouchers, purchase orders and contracts.~~

RESPONSIBILITY FOR DETERMINATION

It will be the responsibility of the department placing the order to ensure that the selected vendor is NOT on warrant hold or the ~~EPLSSDN~~ up to 7 days before the “contract” date, but no later than the “contract” start date ~~for the following types of transactions~~. It is the responsibility of the SFA controller's accounts payable office to ensure that the selected vendor is NOT on warrant hold prior to processing a payment. *Refer to Delegated Purchasing Authority (C-10) to determine responsibility.*

Procurement—purchase orders

Library—library book purchases

Cardholders—p-card purchases exceeding \$500

Accounts Payable—all payments

HOW TO MAKE A DETERMINATION INSTRUCTIONS

State Comptroller Warrant Hold Status Determination

~~Vendor warrant hold status may be searched by name at the following Web site: <https://cpafmprd.cpa.state.tx.us/tpis/search.html>. Read the search instructions carefully and if needed, contact the procurement office for assistance.~~

The university's financial system will terminate and prevent the use of any vendor in the financial system that is on warrant hold. For vendors not in the university's financial system, vendor warrant hold status must be searched on the state comptroller's Vendor Hold Search website. Contact accounts payable or the procurement office for assistance. If a vendor is found to be on warrant hold:

- a. Purchases under delegated purchasing authority – the contract may be issued but must include a clause on the purchase order relating to the warrant hold status.*
- b. P-Card – expenditures over \$500 are not allowed from a vendor on warrant hold.*
- c. Accounts Payable – accounts payableSFA may make a payment to an entity on warrant hold using local funds if the hold source agency or agencies consent to the payment. Such payment can only be made after securing documentation of the consent. Otherwise payment must be made to the hold source agency or agencies.*

Federal Government ~~Excluded Parties List System~~Specially Designated Nationals List (EPLSSDN) Determination

The verification process involves searching for the vendor by vendor name at the federal government's *Office of Foreign Assets Control (OFAC) EPLS-SDN* website created specifically for this determination. ~~The internet address is <http://www.epls.gov/epls/search.do>.~~ *Contact the procurement office for assistance. If a match is found, contact the director of procurement. Contracts may not be issued to a vendor on the SDN list.*

~~Type the last name of the individual or the first word (except 'the') of a company name; scroll to the bottom of the screen and click 'search'. Any names found will be returned in alphabetical order.~~

~~If the search finds a match, more research is required to rule out the possibility of a "false hit."~~

~~1. _____ Is the name an exact match?~~

~~2. _____ Is the name very close?~~

~~3. _____ Is the vendor you are searching for located in the same general area as the name returned in the search?~~

~~If the match appears to be valid, contact the director of procurement.~~

Cross Reference: ~~Tex. Gov't Code §§ 404.046, 069; Tex. Gov't Code § 2103.003; Tex. Gov't Code § 2107.008; Tex. Gov't Code § 2252.903; Exec. Order No. 13,224, 66 Fed. Reg. 49079 (Sept. 23, 2001); State Comptroller Fiscal Policies & Procedures FPP E.016, FPP E.020, FPP K.012; Delegated Purchasing Authority (C-10)~~

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: Finance and Audit

Semester Course Grades (A-54)

Original Implementation: January 25, 2000

Last Revision: ~~January 25, 2011~~ July 17, 2012

Faculty members may use a variety of factors including assignments, oral and written quizzes, examinations, class attendance, and other course activities to determine course grades as listed in their course syllabi.

Recorded Grades

A grade of A indicates excellent performance; B, above average performance; C, average performance; D, below average performance; F, failure; QF, quit failure; WH, incomplete or grade withheld; WF, withdrew failing; WP, withdrew passing. Marks of R*, T*, and AU appearing on a transcript indicate remedial grades, transfer grades, and audit grades, respectively, that are not entered into calculation of the *grade point average (GPA)*.

Marks of K and KH appearing on a transcript indicate courses whose hours are not included in attempted, earned or GPA hours and are applicable only to a specific category of study abroad courses. WP and WF are assigned only when a student has withdrawn from the university after mid-semester or with special approval of the student's academic dean. Some courses are graded on a pass (P) / fail (F) system with no other grades awarded.

Withheld Grades

At the discretion of the instructor of record and with the approval of the academic chair/director, a grade of WH will be assigned only if the student cannot complete the course work because of unavoidable circumstances. Students must complete the work within one calendar year from the end of the semester in which they receive a WH, or the grade automatically becomes an F. If students register for the same course in future semesters, the WH will automatically become an F and will be counted as a repeated course for the purpose of computing the grade point average.

Grade Point Average

Only grades earned at Stephen F. Austin State University (SFA) will be used for calculating GPA.

~~A grade of~~ *Grade points are assigned based on the letter grade for each course:*

- ~~A gives the student~~ = four grade points per semester hour;
- B =, three grade points *per semester hour*;
- C =, two grade points *per semester hour*;
- D =, one grade point *per semester hour*; ~~and~~
- F, QF, ~~W, WH, and WF~~, ~~and WP~~ result in, no grade points.

The ~~grade point average (GPA)~~ is determined by dividing the sum of the grade points earned at SFA by the total number of hours attempted at SFA, ~~subject to the following exceptions:~~ *except that* grades of W, WH, P, and WP are not counted. In addition, repeating a course may affect the grade point calculation.

Repeat Grades

Students who make an F in a course can get credit only by repeating the course.

Undergraduate students who ~~desire-want~~ to repeat courses ~~in order~~ to improve their GPA at SFA must repeat those courses at SFA. For any course that is repeated once at SFA, the higher of the two grades will be used to ~~determine-calculate~~ the GPA. If a course is repeated more than once at SFA, all grades earned for that course will be averaged and used to determine the GPA. Credit hours for courses taken at other institutions to replace credit hours earned at SFA may be used to meet graduation credit-hour requirements, but not for GPA calculation.

Mid-Semester Grades

In the interest of engaging and retaining an increasing percentage of freshman and sophomore students, mid-semester grades will be posted for 100- and 200-level courses during fall and spring semesters. Mid-semester grades will be posted before the last day to drop courses each semester. Information on recommendations and options for students to address academic performance concerns will be made available.

Grade Changes

Once a *final* grade has been posted, it can only be changed by submitting a WH and Grade Change Form with the appropriate approval signatures. Grades should only be changed in cases of error or, in the case of WH, when the course requirements have been completed.

Cross Reference: General and Graduate Bulletins; Class Attendance and Excused Absence (A-10)

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: WH and Grade Change Form

Board Committee Assignment: Academic and Student Affairs

Service Awards (E-45)

Original Implementation: October 4, 1984

Last Revision: ~~July 21, 2009~~ July 17, 2012

Human Resources (for non-academic employees) and the Faculty Service Award Committee appointed by the provost/vice president for academic affairs (for faculty) coordinate an annual service award programs to recognize employees for years of service to Stephen F. Austin State University. Service pins and certificates of appreciation are awarded to employees with ten, twenty, thirty, ~~or forty~~, or fifty years of service. Award recipients are identified on the basis of years of service as recorded in the individual's personnel records in Human Resources.

Department heads are notified of those employees who are eligible to receive awards. Questions concerning an individual's eligibility should be directed to Human Resources for staff and to the provost/vice president for academic affairs for faculty. Arrangements for staff recognition are carried out by Human Resources. Arrangements for the faculty recognition ceremony are carried out by the Faculty Service Award Committee in conjunction with the office of the provost/vice president for academic affairs.

In conjunction with the staff service award program each year, two ~~classified-exempt~~ and two non-~~classified-exempt~~ staff employees are selected from nominated staff employees to receive the President's Award in recognition for outstanding service to the university. This award includes a \$500 cash award and a plaque that is presented at the annual *staff* award ceremony.

Cross Reference: ~~Non-Academic Employee Handbook~~ None

Responsible for Implementation: President

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: *Academic and Student Affairs*

Student Discipline (D-34)

Original Implementation: January 19, 1988

Last Revision: ~~July 20, 2010~~ July 17, 2012

Rules of Procedure in Student Disciplinary Matters

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I. Introduction

The following Rules of Procedure in Student Disciplinary matters are adopted to ensure that the university will fulfill the requirements of procedural due process in student disciplinary proceedings, that the Stephen F. Austin State University Student Conduct Code and Residence Hall Policies may be secured to all students and that the disciplinary procedures within Stephen F. Austin State University shall be definite and determinable.

These Rules of Procedure shall be followed in any disciplinary proceeding, subject to the authority of the Board of Regents and the authority delegated to the president of the university to exercise jurisdiction over disciplinary matters of the university.

II. Definitions

As used in these rules, the following definitions shall apply:

Advisor: An individual accompanying a charged student in a hearing. The ~~adviser~~ *advisor* may be anyone of the charged student's choice. The ~~adviser~~ *advisor* may provide counsel to the charged student but may not participate in the hearing, *for example* through questioning or making statements to any other hearing participant.

Appeal: The exercise of the right of review by the charged student or ~~the individual designated as the appellate authority~~ *complainant* of the full record of a disciplinary hearing and/or the sanction imposed by a hearing officer or board.

Charged Student: *The student being charged with the violation of the Student Code of Conduct or other university policy or rule.*

Complainant: *The student who has made a formal complaint against another student(s) for violation of the Student Code of Conduct or other university policy or rule.*

Complicity: Being present during the planning or commission of any violation of the Student Conduct Code in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of the Student Conduct Code are expected to remove themselves from association or participation and are encouraged to report the violation.

Dean of Student Affairs: As used in these procedures, the dean of student affairs is charged, as a designee of the vice president for university affairs, with the responsibility for the administration of these disciplinary procedures.

Hall Director: The individual charged with the administration of a residence hall that will initiate the proceedings to be followed when a residence hall infraction has occurred.

Judicial Board: The panel that is authorized to conduct hearings and to impose sanctions regarding residence hall infractions committed by residence hall occupants. The board shall be composed of two (2) volunteer residence hall students, one (1) resident assistant, and one (1) hall director who serves as the chair.

Judicial Officer: As used in these procedures, the judicial officer is charged, as a designee of the dean of student affairs, with the daily responsibility for the administration of these disciplinary procedures. Specifically, the judicial officer conducts informal hearings for alleged conduct code violations, has appellate authority over residence hall violation hearings, presents the university's case in formal hearings before the Student Conduct Committee and serves as custodian of all Student Conduct Code disciplinary hearing records. The dean of student affairs may designate additional staff members to serve as hearing officers as the need arises.

Provost: As used in these procedures, the provost, or designee, is charged with the primary responsibility for the administration of these disciplinary procedures that relate to academic dishonesty in the classroom as delineated in University Policy A-9.1, Academic Integrity.

Student: All persons taking courses at the university, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the university or who have been notified of their acceptance for admission are considered “students” as are persons who are living in university residence halls, although not enrolled in this institution.

Student Conduct Code: University Policy D-34.1, which describes the types of behaviors and situations for which students and student organizations will be held accountable.

Student Conduct Committee: As used in these procedures, the Student Conduct Committee is that body which is authorized to conduct formal hearings and impose sanctions for alleged Student Conduct Code violations and to serve as the appellate authority over informal hearings for alleged Student Conduct Code violations. The committee shall be composed of one (1) faculty/staff member, one (1) student and one (1) faculty/staff chair. The chair, appointed by the president of the university, shall hold the position on a permanent basis and shall preside at all disciplinary hearings of the committee, unless another faculty/staff member is

appointed to preside by the chair for reasons of scheduling or conflict of interest. The initial pool of committee members shall consist of five (5) faculty/staff members appointed by the president of the university and the student member of the committee from a pool of five (5) students appointed by the president of the Student Government Association. Each committee member shall have a vote. The ~~VPUA~~ *vice president for university affairs*, or designee, may appoint student or faculty/staff members to the committee pool in situations where committee members are unavailable to serve to preserve the timeliness of the student conduct process.

University-recognized Medium: Any form of communication officially recognized by the university. Examples include, but are not limited to, postal mail, campus mail, hand delivery and email to a university account.

Vice President for University Affairs (VPUA): As used in these procedures, the vice president for university affairs is charged with the primary responsibility for the administration of these disciplinary procedures and is the appellate authority for Student Conduct Committee hearings. The vice president may appoint designees to administer disciplinary procedures or to hear appeals. The dean of student affairs shall serve as the primary designee of the ~~VPUA~~ *vice president for university affairs* in the administration of these procedures, with the daily responsibility for the administration of these disciplinary procedures delegated to the judicial officer. The ~~VPUA~~ *vice president of university affairs* may designate additional staff members to serve as hearing officers as the need arises. All designees shall follow the same procedures as outlined for the ~~judicial~~ *applicable* officer in this policy.

III. **Rights of Charged Students in Disciplinary Proceedings**

Any student charged with violating ~~a residence hall policy or the Student Conduct Code~~ will be notified through a university-recognized medium to contact the appropriate hearing official for a hearing ~~regarding the on-the-alleged violation~~ *regarding the alleged* ~~violation~~ *misconduct*. The notice will include the date of the alleged violation and the specific provision of the policy or code in question. The rights outlined below will be accorded to any student in a formal or informal hearing for an alleged violation of the Student Conduct Code and for formal hearings for an alleged violation of residence hall policy. ~~A student is not afforded the right of an advisor in an informal hearing for an alleged infraction of residence hall policy due to the nature of these types of offenses and the short timeframe allowed for a case to be resolved.~~

A. to be present at the hearing;

B. to meet with the judicial officer to discuss the disciplinary process;

- C. *to submit a written account of the alleged incident;-*
- D. *to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling for good cause-;*
- E. *to be present at the hearing and to be accompanied by an advisor of the student's choosing during the hearing process, although the advisor will not be permitted to speak for the student during the hearing-;*
- F. *to testify as a witness during the hearing. An intercom or other remote audio or video device may be used in hearings to allow a either party to testify and respond to questions and cross-examinations without face-to-face contact with the other student at the hearing;*
- G. *to decline to testify, with knowledge that, in the case of victims choosing not to testify, such action could result in dismissal of the charges for lack of evidenceall relevant evidence will be considered and the alleged violation adjudicated.*

IV. —

- ~~A. to have an advisor of the charged student's choice appear with the student and to~~
- ~~B. consult with such advisor during the hearing, except as stated in the previous paragraph;~~

H. to hear or examine evidence presented against the charged student;

~~C-I. to have and cross-examine witnesses.~~

~~D. —~~

E-J. to make any statement in mitigation or explanation of the conduct in question;

F-K. to be informed in writing of the finding and any sanction imposed;

~~G-L.~~ to appeal the finding and/or sanction to the proper authority;

~~H-M.~~ to waive hearing deadlines as outlined in these procedures.;

~~to have and cross-examine witnesses.~~

~~to meet with the judicial officer to discuss the disciplinary process.~~

~~to submit a written account of the alleged incident.~~

~~I. to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling for good cause.~~

~~J. to be present at the hearing and to be accompanied by an advisor of the victim's choosing during the hearing process, although the advisor will not be permitted to speak for the victim during the hearing.~~

~~K. to testify as a witness during the hearing. An intercom or other remote audio or video device may be used in hearings to allow a victim to testify and respond to questions and cross-examinations without face-to-face contact with the alleged perpetrator.~~

~~to decline to testify, with knowledge that such action could result in dismissal of the university's charges for lack of evidence.~~

~~V-IV.~~ Rights of ~~Victims~~ Complainants in Disciplinary Proceedings

Some actions that violate university ~~rules~~ *policy* involve victimization of one or more students by ~~a~~ *another* student(s). This behavior may include physical violence and other acts that endanger the safety of others in the university community. If a person is identified as a victim of a nonforcible sex offense or other violent criminal offense, that person is entitled to certain rights during the disciplinary process.

If a complaint is filed with the judicial officer, it is important to remember that the accused student is being charged with violating a university rule or regulation; therefore, the university is ultimately responsible for initiating charges, imposing sanctions if the charged student chooses to admit the violation, implementing the hearing process, and determining sanctions following a finding of responsibility. Although a *complainant's* ~~victim's~~ input may be sought during the disciplinary process, the ultimate disposition of the case rests with the university. If a *complainant* ~~victim~~ withdraws their complaint during the course of the disciplinary proceeding, the university reserves the right to proceed with the case on the basis of evidence other than the testimony of the *complainant*~~victim~~.

~~A. During the course of a disciplinary proceeding, a victim of an alleged violent criminal offense or nonforcible sex has the following right s:~~

~~to meet with the judicial officer to discuss the disciplinary process.~~

~~to submit a written account of the alleged incident.~~

~~to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling for good cause.~~

~~to be present at the hearing and to be accompanied by an advisor of the victim's choosing during the hearing process, although the advisor will not be permitted to speak for the victim during the hearing.~~

~~to testify as a witness during the hearing. An intercom or other remote audio or video device may be used in hearings to allow a victim to testify and respond to questions and cross-examinations without face-to-face contact with the alleged perpetrator.~~

~~to decline to testify, with knowledge that such action could result in dismissal of the university's charges for lack of evidence.~~

to meet with the judicial officer to discuss the disciplinary process, and to make an impact statement, either in person or in writing, to the hearing officer or Student Conduct Committee for consideration during the sanctioning phase. The complainant further has those rights outlined in Procedures for Violations with a Student Complainant.

~~VI.V.~~ Evidence and Burden of Proof

~~In all disciplinary proceedings,~~ *Except as otherwise provided, the university bears the burden of proof by a preponderance of the evidence. Preponderance of the evidence means proof which leads a reasonable person to find that the fact in issue is more probable than not. It is evidence that is of greater weight or more convincing than the evidence offered in opposition to it. The rules of evidence do not apply in any hearing nor are the proceedings to be conducted as judicial trials; however, care shall be taken to comply with the intent of the procedural safeguards provided by these rules. All hearings are closed to the public.*

~~VII.VI.~~ Confidentiality Standards

All hearings and records pertaining to such will be considered educational records and will be treated as designated by current law. This means there will be no disclosure of file contents outside of the university without the written permission of the student, unless a legal exception exists. Disclosure within the university will be limited to those employees having legitimate need of the information to conduct university business. Disclosure to victims of violent crimes and nonforcible sex offenses will be handled according to current law. Hearings will be closed to the public.

~~VIII.VII.~~ Penalties

Admonition: is a warning.

Conduct Probation: is for a specified period of time and requires that a second offense will result in disciplinary probation or suspension.

Disciplinary Probation: is for a specified period of time and may carry with it other conditions to be met (e.g., restriction of participation in extracurricular activities, holding student office, pledging or joining campus organizations).

Special Action: is a sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include *the requirement of a special program or class (the cost of this program will be paid by the student)*, removal from university housing, payment of damages, extracurricular activity restrictions, community service, educational sanctions, counseling referrals, removal from any class or program, or restrictions on enrollment in any class or program.

Suspension of an Individual: is a bar from attending the university for a specific period of time and begins at 5 p.m. on the first business day following the date of the decision of the hearing officer or board considering the case. A suspension also carries with it the following conditions:

- A. The charged student must remain off the campus during the period of suspension, except when summoned by an administrator of the university or when an appointment with an official has been arranged in advance.
- B. A student under suspension may not live or board in university facilities.

Suspension of a Student Organization: is loss of university recognition for a specified period of time as outlined in ~~Policy F-14~~, Student Organization Formation and Recognition (*F-14*). Student organizations are required to cease all activities during the specified period. Student organizations that continue to function during the suspension will be considered in violation of their suspension. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended student organizations must submit a new application as an organization at the end of the suspension period.

Expulsion: is a permanent bar from attending the university whereby the student is not eligible for readmission to this university and begins at 5 p.m. on the first business day following the decision of the hearing officer or board considering the case. An expelled student's status will also carry the following conditions:

- A. The expelled student must remain off the campus, except when summoned by an administrator of the university or when an appointment with an official has been arranged in advance.
- B. A student under expulsion may not live or board in university facilities.

Debarment: is equivalent to suspension from the university applied to persons not currently registered at the time the penalty is imposed.

Interim Suspension: The judicial officer may, with the approval of the vice president of university affairs, suspend a student for an interim period pending disciplinary proceedings when there is evidence that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury to himself/himself or to others, *damage* to property, or *threat* to the stability and continuance of normal university functions. The judicial officer may provide for the interim suspension to become immediately effective without prior notice to the student. However, the judicial officer shall provide notice to the student at the first reasonable opportunity.

The judicial officer shall inform the student that he/she is entitled to a hearing to be held within five (5) university business days from the effective date of the interim suspension. If the student desires, a preliminary hearing, either formal or informal, shall then be held on the following issues only:

- A. the reliability of the information concerning the student's conduct, including the matter of his/her identity;
- B. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the university campus ~~poses a substantial threat of harm or bodily injury to himself/herself or to others, to property, or to the stability~~ *poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability* and continuance of normal university functions.

If the judicial officer or committee finds the information concerning the charged student's conduct is unreliable or that the charged student has been misidentified, charges may be dismissed. If the judicial officer or committee finds that allowing the charged student to remain on campus poses no threat or disruption, the student may be allowed to remain on campus pending the completion of the hearing process.

~~IX.VIII.~~ **Residence Hall Policy Violation Procedures**

The hall director shall receive the report of any alleged infraction of residence hall policy and the Student Conduct Code that occurs in a residence hall. Alleged residence hall policy infractions shall be adjudicated by residence hall hearing procedures. Student ~~Code of Conduct~~ *Code* violations shall be referred to the judicial officer in the Office of Student Rights and Responsibilities.

In the event of multiple infractions involving both Residence Hall ~~P~~policy and the Student Conduct Code, each infraction shall be heard separately by the appropriate hearing officer. In Residence Hall ~~P~~policy violation cases, the hall director shall notify the charged student, through a university-recognized medium, of a hearing to adjudicate the alleged infraction. Failure by the charged student to have his/her current local address on record with the university or to access

notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall include the date of the alleged violation and the specific provision of the Residence Hall Policy in question. The hall director shall make every effort for the hall hearing to be held within five (5) working days of the alleged infraction.

The hall director will provide the charged student a copy of the discipline report relative to the case, which will include the name(s) of the individual(s) making the charge and potential witnesses. The charged student will also be presented with the option of having the hall director informally resolve the incident or having the case heard before the Residence Hall Judicial Board. The hall director shall also have the right to refer the case to the Residence Hall Judicial Board.

A. Informal Disposition for Residence Hall Policy Violations

1. ~~Informal Hearing Procedures for Residence Hall Policy Violations~~

If the charged student selects an informal hearing, the discipline report shall serve as evidence of the infraction. The hall director shall serve as the official initiating the charge of misconduct, serve as hearing officer, make a determination and impose any sanction. In the event the charged student does not appear for the initial hearing with the hall director, the charged student shall be notified again of a new hearing within two (2) working days. If the charged student fails to appear for the newly scheduled hearing, the hall director shall refer the case to the Residence Hall Judicial Board for a hearing on the original charge and an additional charge of failure to comply with the directions of a university official.

2. ~~Right of Appeal for an Informal Hearing of Residence Hall Policy Violations~~

The charged student may appeal the decision of the hall director to the judicial officer who has final authority in the matter. The student must file the appeal within three (3) working days of the hall director's decision. Grounds for an appeal are limited to procedural irregularities. The student must file the signed and dated written appeal in the Office of Student Rights and Responsibilities no later than 5 p.m. on the day of the deadline. The written appeal must contain the charged student's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the charged student wishes to have considered. The judicial officer shall review the full record of the case and the appeal documents and may affirm, reverse or remand the case for further proceedings and shall notify, through a university-recognized medium, the charged student and the Residence Life Department of the decision on the appeal.

3. **Status During Appeal for an Informal Hearing of Residence Hall Policy Violations**

When an appeal is filed within the required time, the terms of the sanction are not enforced pending final determination of the appeal. In the event the sanction is upheld, any final disciplinary action imposed shall be effective from the date of the final appellate authority decision.

4. **Record of Hearing for an Informal Hearing of Residence Hall Policy Violations**

The hearing record shall be maintained by the Residence Life Department according to the university's retention schedule. For the purpose of appeal, the record shall be accessible at reasonable times and places to both the appropriate university officials and the student charged. The record may be stored electronically and shall include the content of the originating report of misconduct, the findings of and sanctions imposed by the hall director and any additional documentation generated through an appeal.

B. Formal Disposition for Residence Hall Policy Violations

1. **Hearing Formal Hearing Procedures for Residence Hall Policy Violations**

If the charged student elects to have the case heard before the Judicial Board, or *the case* is referred to the Judicial Board by the hall director, the chair of the Judicial Board shall notify the charged student of the hearing date to be scheduled within five (5) working days.

The Judicial Board chair shall provide notice of the hearing through a university-recognized medium. Failure by the charged student to have his/her current local address on record with the university or to access notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall set forth the date, time, and place of the alleged infraction, the conduct in question, and the date, time and place of the hearing before the Judicial Board. The charged student shall also be informed that an ~~adviser~~ *advisor* may accompany the charged student to the hearing. If the charged student fails to appear at the scheduled time, the charged student shall be notified of a new hearing date within two (2) working days. If the charged student fails to appear for the newly scheduled hearing, the case shall be referred to the judicial officer for a hearing on the original charge and an additional charge of violation of the Student Conduct Code for failure to comply with the directions of a university official. If the charged student has been referred to the Judicial

Board because of failure to appear for informal hall director hearings, the charged student will receive no second notice and the hearing will proceed without the student being present. The findings of and any sanction imposed by the Judicial Board will be provided to the student through a university-recognized medium.

The judicial board chair shall preside at the hearing, ascertain the presence or absence of the student charged with misconduct, read the notice of the hearing and the charges, and establish the presence of any advisor of the charged student. The charged student may make a statement to the board at this time. Witnesses for either the university or the charged student may be questioned by both the board members and the charged student. The student's advisor may advise the charged student, but may not participate in the hearing by questioning witnesses or addressing the board.

At the conclusion of the questioning, the board shall then make its findings and determinations in ~~executive~~ *closed* session out of the presence of the charged student. The board shall promptly consider the case on its merits, make its findings and inform the charged student and the student's hall director within two (2) working days of the findings and any sanction to be imposed.

2. **Right of Appeal for a Formal Hearing of Residence Hall Policy Violations**

The decision of the Judicial Board may be appealed in writing within three (3) working days to the judicial officer who has final authority over the matter. Grounds for an appeal are limited to procedural irregularities. The student must file a signed and dated written appeal in the Office of Student Rights and Responsibilities no later than 5 p.m. on the day of the deadline. The written appeal must contain the charged student's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the charged student wishes to have considered. The judicial officer shall review the full record of the case and the appeal documents and may affirm, reverse or remand the case for further proceedings and shall notify, through a university-recognized medium, the charged student and the hall director of the decision on the appeal.

3. **Status During Appeal for a Formal Hearing of Residence Hall Policy Violations**

When an appeal is filed within the required time, the terms of the sanction are not enforced pending final determination of the appeal. In the event the sanction is upheld, any final disciplinary action imposed shall be effective from the date of the final appellate authority decision.

4. **~~Record of Hearing for a Formal Hearing of Residence Hall Policy Violations~~**

The hearing record shall be maintained by the Residence Life Department according to the university's retention schedule. For the purpose of appeal, the record shall be accessible at reasonable times and places to both the university and the student charged. The record may be stored electronically and shall include the content of the originating report of misconduct, the findings of and sanctions imposed by the Residence Hall Judicial Board and any additional documentation generated through an appeal.

~~X.IX.~~ **Student Conduct Code Violation Procedures**

The Office of Student Rights and Responsibilities shall receive the report of any alleged violation of the Student Conduct Code. Reports of alleged violations may be received from any person having knowledge of the incident.

Notice:

The Office of Student Rights and Responsibilities shall notify the charged student, through a university-recognized medium, of the necessity of a hearing to adjudicate the alleged violation. The notice shall include the date of the alleged violation and the specific provision of the Student Conduct Code in question.

Failure by the charged student to have his/her current local address on record with the university or to access notifications transmitted through a university-recognized medium shall not invalidate the notice.

The charged student shall contact the office of the judicial officer concerning the scheduling of an appointment within five (5) working days. The charged student shall be informed that an advisor may be present to provide counsel to the charged student and if an attorney is chosen as an advisor, the student must provide this information when scheduling the initial meeting to allow the university's attorney to also be present.

The judicial officer will provide the charged student a copy of the incident report which will include the name(s) of the individual(s) making the charge and potential witnesses.

The charged student will also be presented with the option of having the judicial officer informally resolve the incident or having the case heard before the Student Conduct Committee. The judicial officer shall also have the right to refer the case to the Student Conduct Committee. Cases where expulsion could be considered a sanction will automatically be referred to the Student Conduct Committee.

A. Informal Disposition for Student Conduct Code Violations

1. **Informal Hearing/Finding Procedures for Student Conduct Code Violations**

If the charged student selects an informal hearing, the incident report shall serve as evidence of the violation. The judicial officer shall serve as the official who initiates the charge of misconduct, serve as hearing officer, make a determination and impose any sanction. The charged student's advisor may advise the charged student but may not participate in the hearing, *for example* by asking questions or addressing the judicial officer.

In the event the charged student does not appear for the initial hearing scheduled with the judicial officer, the charged student shall be sent a second notice within two (2) working days. If the charged student does not respond to the second notice, the charged student's case may be considered and a final decision determined in the absence of the student and/or a bar placed on all university files and accounts preventing the conduct of university business until the charged student appears before the judicial officer for disposition of the case.

2. **Right of Appeal for an Informal Hearing of Student Conduct Code Violations**

The written appeal must be submitted according to one of the following procedures within 5 working days of the judicial officer's decision. A student must remain off campus until his/her appeal is accepted by the proper authority and permission is granted to continue to reside on campus and/or to attend classes until the completion of the appeal process.

a. Sanction of Suspension or Expulsion

There are two (2) appeal options for the sanctions of suspension or expulsion. A student may appeal either the finding/decision OR the sanction.

Appeal of the Finding **~~Sanction of suspension or expulsion~~**

~~There are two (2) appeal options for the sanctions of suspension or expulsion. A student may appeal either the finding/decision OR the sanction. The written appeal must be submitted according to one of the following procedures within 5 working days of the judicial officer's decision. A student must remain off campus until his/her appeal is accepted by the proper authority and permission is granted to continue to~~

~~reside on campus and/or to attend classes until the completion of the appeal process. cess.~~

~~Appeal of Findings~~

The determination of the judicial officer of a student's responsibility in a case that results in a sanction of suspension or expulsion may be appealed to the Student Conduct Committee by requesting a formal hearing. The student must file the signed and dated written appeal in the committee chair's office no later than 5 p.m. the day of the deadline. The written appeal must contain: the charged student's university identification number, date of the disciplinary action being appealed, the nature of the charges, a specific request to have the case reheard before the committee, and a request(s) to continue to reside on campus and/or attend classes during the appeal process. See the following section, B. Formal Dispositions for Student Conduct Code Violations, for formal hearing procedural details.

Appeal of the Sanction

~~Appeal of Sanction~~

The charged student may accept the finding of responsibility and appeal the judicial officer's sanction of suspension or expulsion to the vice president for university affairs. The signed and dated written appeal must be filed in the vice president's office no later than 5 p.m. the day of the deadline. The written appeal must contain: the charged student's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, any extenuating circumstances the charged student wishes to have considered and a request(s) to continue to reside on campus and/or attend classes during the appeal process.

The vice president may assign the appeal to the dean of student affairs. In this case, the dean of student affairs will serve as the final level of appeal.

b. Sanctions other than ~~S~~suspension or ~~Expulsion~~or ~~expulsion~~

The charged student may appeal the decision of the judicial officer to the Student Conduct Committee who has final authority in the matter, within five (5) working days of the judicial officer's decision. Grounds for an appeal are limited to the following: procedural irregularities severe enough to have denied the student

a fair hearing; lack of clear and convincing evidence to support the hearing outcome; new information pertinent to the case that was unknown to the student at the time of the hearing; or an excessive or inappropriate sanction. The student must file the signed and dated written appeal in the office of the Student Conduct Committee chair no later than 5 p.m. the day of the deadline. The written appeal must contain the charged student's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the charged student wishes to have considered. Upon filing, the chair will provide the charged student with a list of the faculty/staff and student pool members of the Student Conduct Committee and allow the charged student to make one (1) strike of any one (1) member of the ten (10) pool members. The committee shall review the full record of the case and the appeal documents and may affirm, modify, reverse or remand the case findings or sanctions for further proceedings and shall notify, through a university-recognized medium, the charged student and the judicial officer of the decision on the appeal.

3. **Status During Appeal for an Informal Hearing of Student Conduct Code Violations**

In cases of suspension or expulsion where an appeal is filed within the required time, a charged student may petition the appropriate appeal officer, either the conduct committee chair, or the ~~VPUA~~ *vice president for university affairs* or designee, in writing for permission to continue to reside on campus and/or attend classes pending final determination of the appeal. The officer may permit either of these requests under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community.

In cases of sanctions other ~~then~~ *than* suspension or expulsion, where an appeal is filed within the required time, the terms of the sanction are not enforced pending final determination of the appeal. In the event a sanction is upheld, any final disciplinary action imposed shall be effective from the date of the final appellate authority decision.

4. **Record of Hearing for an Informal Hearing of Student Conduct Code Violations**

The hearing record shall be maintained by the Office of Student Rights and Responsibilities according to the university's retention schedule. For

the purpose of appeal, the record shall be accessible at reasonable times and places to both the appropriate university officials and the student charged. The record may be stored electronically and shall include the content of the originating report of misconduct, the findings of and sanctions imposed by the judicial officer and any additional documentation generated through an appeal.

B. Formal Dispositions for Student Conduct Code Violations

1. Procedures for Violations Without a Student Complainant

~~Formal Hearing Procedures for Student Conduct Code Violations~~

- a. If the charged student elects to have the case heard before the Student Conduct Committee, or the case is referred to the Committee by the judicial officer, the judicial officer will immediately provide the charged student with a list of the faculty/ staff and student pool members of the Student Conduct Committee. The charged student will be allowed to make one (1) strike of any one (1) member of the ten (10) pool members. This information will be forwarded to the chair of the committee, who shall notify the charged student of the hearing date to be scheduled within ten (10) working days of the election. Formal hearings will be scheduled as quickly as reasonably possible. Formal hearings generally will not be scheduled when classes are not in session or during dead week or finals week.
- b. The Student Conduct Committee chair shall provide notice of the hearing, transmitted either through a university-recognized medium or personal delivery to the charged student. The notice shall set forth the date, time and place of the alleged violation, the conduct in question, and the date, time and place of the hearing before the Student Conduct Committee. The charged student shall also be informed that an ~~adviser~~ *advisor* may accompany the charged student to the hearing and if an attorney is chosen as an advisor, the student must provide this information when scheduling the initial meeting to allow the university's attorney to also be present. Failure by the charged student to have his/her current local address on record with the university or to access notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall be given at least five (5) consecutive calendar days prior to the hearing, unless a shorter or longer time is fixed by the chair for good cause. If the charged student fails to appear at the scheduled time, the charged student shall be informed of a new hearing date. Any request for continuance shall be made in writing to the chair, who shall have the authority to continue the hearing if it is determined the request is

timely and for good cause. If a new hearing must be set for either the failure of the charged student to show or for a continuance, the chair shall notify the judicial officer and the charged student of the new date for the hearing. Failure to appear for the newly scheduled hearing may result in the charged student's case being considered and a final decision determined by the committee in the absence of the student and/or the judicial officer being instructed to place a bar on all university files and accounts preventing the conduct of university business until the charged student appears for disposition of the case in compliance with these rules

- c. The Student Conduct Committee chair, or designated temporary chair, shall preside at the hearing, ascertain the presence or absence of the student charged with misconduct, read the notice of the hearing and the charges and verify the receipt of notices of charges by the charged student, report any continuances requested or granted, establish the presence of any ~~adviser~~ *advisor* or counselor of the charged student and call the attention of both the charged student and any ~~adviser~~ *advisor* to any special or extraordinary procedures to be employed during the hearing.
- d. The judicial officer and the charged student shall make opening remarks outlining the general nature of the case and the types of evidence to be presented. The charged student's ~~adviser~~ *advisor* may advise the charged student, but may not participate in the hearing, *for example* by questioning witnesses or addressing the committee.
- e. The parties may summon and cross-examine witnesses, produce evidence, address the committee, and inspect and copy the committee's findings and determinations. Each party shall have the right to testify. However, the charged student may not be required to testify. Any person testifying shall be subject to cross-examination. The charged student shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the university shall assist in securing the cooperation of witnesses and make available any necessary documents and other evidence within its control.

2. Procedures for Violations with a Student Complainant

- a. *Investigation: In the case of an alleged violation with a student complainant, the Director of Student Rights and Responsibilities, or their designee, investigates the complaint, not as a representative of the complainant, but as an impartial party. is*

The investigator will interview the complainant and other persons who may have pertinent factual information related to the complaint. The investigator will also meet with the charged student, provide them with a copy of the complaint and give them an opportunity to respond. The charged student may, but is not required to, submit a written response to the allegations in the time prescribed by the investigator.

The investigator may also gather and examine documents relevant to the complaint and may consult with appropriate personnel for advice and guidance as applicable.

Case complexity will vary and the length of the investigation will depend on case circumstances; however, the investigation will normally conclude within 20 business days. It is incumbent upon the investigating official to document a reasonable justification for extending an investigation beyond 20 business days.

The university reserves the right to take any action as may be reasonably appropriate upon receipt of a complaint to protect the complainant or university community pending outcome of the investigation.

- b. Report of Findings and Recommendations: The investigator is responsible for preparing a report responding to each allegation that the complainant has made. This report should include a brief overview of the investigative process including the category and number of individuals interviewed (excluding names), timelines, and a summary of each allegation. In addition, this report should describe the investigator's findings and recommendations relative to each allegation.*

The investigator will submit this report to the assistant dean of student affairs for support services (assistant dean), or designee, with copies provided to the Title IX and/or ADA coordinator, if applicable.

Within five (5) days of the conclusion of the investigation, the assistant dean shall review the findings and recommendations of the investigator and take such action deemed appropriate, communicating the findings to both the charged student and the complainant to the extent allowed by law, with copies to the Title IX or ADA coordinator, if applicable.

- c. Appeal Process: If the decision of the assistant dean is not satisfactory to the complainant or the charged student, that individual has five (5) business days in which to request a formal hearing before the Student*

Conduct Committee (committee). This request will be considered an appeal and must be made in writing to the chair of the Student Conduct Committee.

If the charges are deemed serious enough to require suspension, expulsion or removal from campus housing, the charged student may be removed from class or the residence halls pending final disposition of the appeal.

The committee will hear the appeal generally utilizing the same hearing process outlined for formal hearings without a student complainant.

The following procedures outline the conduct of the Student Conduct Committee appeal hearing:

- i. *Summary of investigation and findings by the director of student rights and responsibilities or designee*
- ii. *Opening statement by complainant (5 minutes)*
- iii. *Opening statement by charged student (5 minutes)*
- iv. *Presentation evidence and/or witnesses by complainant*
- v. *Presentation evidence and/or witnesses by charged student*
- vi. *Closing statement by charged student (5 minutes)*
- vii. *Closing statement by complainant (5 minutes)*

The burden will be on the complainant to prove by a preponderance of the evidence that the charged student is responsible for the charges against them. Cross examination of the witnesses is allowed by both parties. In cases of alleged sexual harassment/assault, the parties shall not be permitted to directly question each other. The conduct committee is permitted to question the parties and/or witnesses at any time during the proceeding.

Hearings are closed to the public. The general counsel may be consulted in procedural matters of the conduct committee and may be present at meetings. All information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

In addition to the procedures outlined elsewhere, the following will also apply:

- i. *Both the charged student and the complainant will receive the notice of the hearing.*

- ii. *Both the charged student and the complainant will have the opportunity to exclude/strike one member of the Student Conduct Committee from participation in the hearing. This selection must be made prior to the hearing.*
- iii. *Both the charged student and the complainant have the right to have an advisor present.*
- iv. *Both the charged student and the complainant may ask for a continuance.*
- v. *Both the charged student and the complainant will have the same opportunity to obtain witnesses and evidence and have the assistance of the university as described.*
- vi. *Both the charged student and the complainant will have the right to testify or refuse to testify.*
- vii. *Both the charged student and the complainant will have opportunity to cross-examine all witnesses and are subject to cross-examination if choosing to give testimony. An intercom or other remote audio or video device may be used in hearings to allow a complainant to testify and respond to questions and cross-examinations without face-to-face contact with the charged student.*
- viii. *Both the charged student and the complainant will have the ability to submit a written response to the charges.*

The Student Conduct Committee shall promptly consider the appeal on its merits, summarize its findings and make a written recommendation to the dean of student affairs within two (2) working days.

The dean of student affairs will have access to all evidence, both parties, and witnesses as deemed appropriate, and may accept, reject, or modify the recommendation of the committee. The dean of student affairs will normally have five (5) days after receiving the recommendation of the Student Conduct Committee to make a decision. The decision of the dean of student affairs is final. No further appeal is permitted. Final disposition of the case will be communicated by letter to both the charged student and the complainant to the extent allowed by law.

3. Scope of the Committee

The Student Conduct Committee may:

- a. permit a stipulation of facts by the judicial officer and the charged student involved;

- b. permit the incorporation in the record by a reference to any document, affidavit or other thing produced and desired to be incorporated in the record by the university or the charged student;
- c. question witnesses or other evidence introduced by either the university or the charged student;
- d. hear from the judicial officer about dispositions made in similar cases and any dispositions offered to the charged student appearing before the committee;
- e. call additional witnesses or require additional investigation;
- f. dismiss, amend or add any action or charges or permit informal disposition upon request of the charged student;
- g. bring charges against additional students as a result of the evidence presented in a hearing;
- h. dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the chair of the committee.
- i. In cases involving more than one student, which arise out of the same transaction or occurrence, the committee may hear the cases together, but shall make separate findings and determinations for each charged student.

4. Determinations and Official Report of the Student Conduct Committee

The Student Conduct Committee shall ~~then~~ make its findings and determinations in ~~executive-closed~~ session, out of the presence of the judicial officer and the ~~charged student~~ parties. Separate findings are to be made as to the conduct of the charged student and the recommended sanction, if any, to be imposed. No sanction shall be imposed on the charged student unless a majority of the committee present is reasonably convinced by the evidence that the charged student has committed a violation and should therefore be sanctioned by the university. The committee shall promptly consider the case on its merits and inform the charged student and the judicial officer within two (2) working days of the findings and any sanctions to be imposed.

5. Other Procedural Questions ~~for a Formal Hearing of Student Conduct Code Violations~~

Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair shall present the question to the committee at the request of a member of the committee, in which event the ruling of the committee by majority vote shall be final.

6. General Rules of Decorum for a Formal Hearing of Student Conduct Code Violations

All requests to address the committee shall be addressed to the chair. The chair shall rule on all requests and may consult with the committee's legal counsel prior to any ruling. The chair's ruling shall be final and all participants shall abide thereby, unless the chair shall present the question to the committee, in which event the ruling of the committee by majority vote shall be final.

The committee's sessions shall be conducted in a manner consistent with the ascertainment of the truth and the orderly process of justice. Each person in attendance shall therefore exhibit proper dignity, courtesy, and respect.

7. Right of Appeal for a Formal Hearing of Student Conduct Code Violations

For cases without a student complainant, Aa charged student may appeal the decision of the Student Conduct Committee to the vice president for university affairs within five (5) working days of the committee's notice. Grounds for an appeal are limited to the following: procedural irregularities severe enough to have denied the student a fair hearing; lack of clear and convincing evidence to support the hearing outcome; new information pertinent to the case that was unknown to the student at the time of the hearing; or an excessive or inappropriate sanction. In cases of suspension or expulsion, a student must remain off campus until his/her appeal is accepted by the vice president for university affairs or designee and permission is granted to continue to reside on campus and/or to attend classes until the completion of the appeal process.

The student must file a signed and dated written appeal in office of the vice president for university affairs no later than 5 p.m. on the day of the deadline. The written appeal must contain the charged student's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, any extenuating circumstances the charged student wishes to have considered, and, in cases of suspension or expulsion, a request(s) to continue to reside on campus and/or attend classes during the appeal process. The vice president shall review the full record of the case and the appeal documents and may

affirm, reverse or remand the case for further proceedings and shall notify the charged student, the conduct committee chair, and the judicial officer of the decision on the appeal. The vice president may assign the appeal to the dean of student affairs. In this case, the dean of student affairs will serve as the final level of appeal.

8. Status During Appeal ~~for a Formal Hearing of Student Conduct Code Violations~~

In cases of suspension or expulsion where an appeal is filed within the required time, a charged student may petition the vice president for university affairs in writing for permission to continue to reside on campus and/or attend classes pending final determination of the appeal. The vice president for university affairs, or their designee, may permit either or both of these requests under such conditions as may be designated pending completion of appellate procedures provided such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community. In cases of other sanctions where an appeal is filed within the required time, the terms of the sanction are not enforced pending final determination of the appeal. In the event the sanction is upheld, any final disciplinary action imposed shall be effective from the date of the final appellate authority decision.

9. Record of Hearing ~~for a Formal Hearing of Student Conduct Code Violations~~

The university shall maintain a video or audio record of the hearing before the Student Conduct Committee. The hearing record shall be maintained according to the university's retention schedule. The notice, exhibits, video or audio record, the findings and sanctions of the committee shall become the hearing record and shall be filed in ~~the office of~~ the Office of Student Rights and Responsibilities. The hearing record may be stored electronically in part or in whole. For the purpose of appeal, the record shall be accessible at reasonable times and places to both the appropriate university officials and the student charged.

Cross Reference: Student Code of Conduct (D-34.1)

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Dean of Student Affairs

Forms: None

Board Committee Assignment: *Academic and Student Affairs*

Time Clock (E-51.1N)

Original Implementation: October 14, 1997

Last Revision: ~~July 20, 2010~~ July 17, 2012

Each employee is required to have a record of hours worked. In departments using time clocks *or the web-based time keeping system*, the following regulations will apply:

1. Employees are required to clock in prior to their assigned start time, and must clock out when they go off duty.
2. Employees are required to clock out any time they leave the work site for any reason other than assigned work duties.
- ~~2.3.~~ *Employees must clock in and out at their designated duty station.*
- ~~3.4.~~ Unless permission to do otherwise is authorized in writing by the employee's supervisor, no employee may clock in more than 5 minutes prior to, or 5 minutes after, the start of their shift. Employees may not clock out more than 5 minutes prior to, or 5 minutes following the end of their work time.
- ~~4.5.~~ Clocking in within the time-frame specified in item three, will be calculated as an on-time report for duty.
- ~~5.6.~~ Depending on the department procedures, time recorded will be the work-time paid or employees will be paid from time sheets verified by actual recorded times. Any adjustments to the recorded time must be approved by the employee's supervisor. Managers will be accountable to their department head for any manual changes submitted.
- ~~6.7.~~ Unless a department is utilizing a system with an automatic lunch deduction, employees must clock out for their designated lunch time. All employees are free to leave the university premises during lunch.
- ~~7.8.~~ Employees should not clock out for designated break times and must stay in the assigned work area during the break.
- ~~8.9.~~ Employees who have worked time in excess of 40 hours per week will be paid time-and-a-half (or accrue comp-time at that rate) for all time exceeding 40 hours.
- ~~9.10.~~ Except in emergency circumstances, prior permission to work overtime should be approved in writing by the department manager.

Violations of this policy may result in disciplinary actions; including oral or written warnings, suspension without pay and/or termination. Under no circumstance may one employee clock in or out for another *employee*. Any employee participating in this type of violation will face immediate termination.

~~For employees in departments using scan-card time clocks, lost cards must be reported to your supervisor immediately. When cards are lost or misplaced, employees will be issued one replacement card at no cost. Additional replacement cards will cost \$5.00 each.~~

Cross Reference: None

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*

Travel (C-49)

Original Implementation: October 31, 2000

Last Revision: ~~October 18, 2011~~ July 17, 2012

Applicability

The Stephen F. Austin State University Travel Guidelines are located on the university's travel website. Unless otherwise stated, ~~this policy applies~~ they apply to employees and prospective employees traveling in a university capacity except members of the Board of Regents, the president, and intercollegiate athletics. All policies, rules, and regulations related to travel on behalf of, or in connection with, intercollegiate athletics are ~~included~~ located in the current issue of the Intercollegiate Athletics Policy Manual.

~~The travel regulations contained in this policy apply to all university travelers except as noted herein.~~ The reimbursement limits established by ~~this policy~~ *stated in the SFA Travel Guidelines* may be exceeded only if funds are available in, and the additional costs are charged to, a discretionary account controlled by the budget manager authorizing the additional expenditure. For this policy, discretionary funds shall be defined as specified accounts established for the sole purpose of discretionary use. Expenses paid above the allowable limits will be reported annually to *the* administration as excess travel expenditures.

Employees traveling under contracts and grants (federal, state, local, or private) shall be reimbursed for travel expenses and allowances on the same basis as other university employees, except in those instances where the terms of the contract or grant specify travel guidelines and reimbursement rates which differ from university reimbursement rates.

General Travel Regulations

Generally, the Texas Comptroller of Public Accounts (TCPA) is the authoritative source regarding travel ~~rules and regulations~~. *TCPA travel rules, Textravel, travel requirements* are located ~~online at~~ *on the university's travel website*. In case of conflict between *SFA Travel Guidelines and TCPA Textravel guidelines, and this policy, this policy SFA Travel Guidelines* takes precedence except where state of Texas law prevails. The university president, at his/her discretion, may establish ~~lower~~ *lower* travel reimbursement rates ~~than those in Textravel than stated in this policy~~. Traveler-s will be notified in advance of the effective date of any rate change.

The university shall make every effort to ensure that travel expenses paid and/or reimbursed are reasonable and the most cost-effective considering all relevant circumstances.

A state employee is responsible for ensuring that his or her travel complies with applicable state law and SFA's ~~Travel policy~~ *Guidelines*. Failure to comply ~~will~~ *may* result in reimbursement delays *and/or* rejection of the employee's *claim* for travel ~~reimbursement voucher~~. Fraudulent travel claims will be grounds for disciplinary action.

~~Employees and others traveling on behalf of the university are reimbursed for actual lodging expenses up to the maximum allowable rates, and on a per diem basis for meals, subject to the provisions of this policy. (See sections pertaining to lodging and meals, below, for maximum reimbursement rates.) In the case of employees traveling together, each must pay and claim reimbursement for his/her own expenses (except taxi or limousine expenses—see Incidental Expenses section of this policy). No expenses can be reimbursed to the traveler until the trip has been completed and a properly documented travel voucher is submitted.~~

~~Tips and gratuities are generally not reimbursable. (See Student and Other Group Travel section below for exception.)~~

~~The applicable account manager may limit or prohibit reimbursement of any travel expenditure provided the traveler is notified in advance.~~

Travel Request

~~Except as stated in the Applicability section of this policy, anyone traveling on university business must obtain permission in advance of the trip. Travel requests must be submitted online according to the instructions available on the travel website. All estimated expenses of the trip must be reflected on the travel request regardless of how they are to be paid. (See Registration Fees section below.) A travel request must be submitted and approved at all applicable levels even if no travel expenses are anticipated.~~

~~The online travel request can be approved only when account balances are sufficient to cover the total estimated cost of the trip. Whenever possible, the travel request should be entered and approved at least seven (7) working days prior to departure.~~

~~NOTE: Expenses cannot be reimbursed from an account not listed on the approved request.~~

Travel to Washington, DC

~~An employee traveling to Washington, DC to confer on legislative or appropriations issues shall inform the Texas Office of State Federal Relations about the timing and purpose of the trip, and provide the office with the name of a person who may be contacted for additional information about the trip. A completed form, Report of State Agency Travel to Washington, DC (available on line at the travel website) will meet this requirement when submitted prior to the trip.~~

Foreign Travel

Official university business travel to any foreign country other than Canada or Mexico requires advance written approval from the president of the university. To be considered for approval, foreign travel must be directly related to the university's mission and must require a duty that cannot be performed without the travel.

A completed online travel request must be approved at all the appropriate administrative levels in sufficient time to be reviewed and approved by the president prior to the date of departure.

Charge Card for Travel Expenses

An individual corporate charge card is available for eligible employees. To be eligible to apply, the employee must take, or expect to take, three (3) or more business trips per fiscal year, or expend at least \$500 per fiscal year for official state business travel. An employee is not required to apply for or accept a state-issued charge card.

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

If the application is approved by the credit card company, the employee agrees to be bound by the card member agreement which will be sent with each card. Additionally, the employee agrees to be bound by the state policies governing the use of the card. Applications and further information concerning this program are available online at the travel website. The employee, the employee's supervisor, and the travel office manager must sign the application. The corporate charge card must be returned to the university for cancellation upon termination of employment or transfer to a non-traveling position.

Advance Travel Funds

Advance travel funds are available for employees who wish to obtain money in advance of the trip and who are ineligible to apply for the individual corporate charge card. Employees eligible to apply for the corporate credit card are not eligible for advances; however, any employee may request advance travel funds when taking student groups. Advance travel funds may be requested by entering an online travel request (see online instructions for complete details). The minimum amount of advance funds that can be obtained is \$100. The maximum amount of advance funds that can be obtained is 50 percent of the traveler's anticipated out-of-pocket expenditures. Exceptions to this 50

percent limit will be made for road bus drivers. Other exceptions must be approved by the appropriate vice president or the president.

To receive advance travel funds, the travel request with “Advance” in the comments field should be entered and approved at least seven (7) working days prior to departure. An advance will not be issued unless the travel request has been approved. Generally, the requested funds will be available at the university business office at least one working day prior to departure. Advance travel funds will be issued by a check made payable to the individual requesting the funds. As a condition of receiving advance travel funds, the employee agrees to refund any excess (amount advanced less documented eligible expenditures on the travel voucher) within 15 days from the ending date of the trip, except at fiscal year end when the travel office will establish the deadline. An employee receiving advance travel funds will be ineligible for future travel advances until the outstanding travel voucher is submitted. An employee who receives an advance and does not travel must immediately return the advance funds. Abuse of the travel advance privilege will result in ineligibility for future advances and the employee may be subject to disciplinary action.

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

Travel Voucher (Travel Expense Documentation and Reimbursement)

In order to receive reimbursement, travel expenditures must be documented on the travel voucher approved by the travel office (available online at the travel website) and signed by the traveler. If the voucher exceeds the original request by more than \$50, a revised travel request must be approved at all applicable levels. The travel voucher must reflect the total reimbursable expenses paid by the employee, regardless of whether advance travel funds were received. Expenses paid by the university should not be on the travel voucher. Original receipts are required for most travel expenses (see applicable section of this policy for specific details), except meals. In the case of meal expenses for group travel, the sponsor/advisor must provide documentation of how the funds were expended. See Student and Other Group Travel, below.

The travel voucher should be submitted, with original receipts attached, to the travel office within 15 days from the ending date of the trip, except at fiscal year end when the deadline will be established by the travel office. All prior year encumbrances will be cancelled after the end of the fiscal year.

Conference, workshop, or meeting agendas are required to be attached to the travel voucher. The registration fees paid often include the cost of certain meals provided during the event. An employee cannot claim per diem for the meals that are included in the cost of the conference.

Foreign Currency Conversion

All amounts listed on the travel voucher must be converted to U.S. dollars using the rate applicable on the date of the expenditure. A foreign currency conversion table is available online at the travel website. Documentation of the conversion calculation must be attached to the travel voucher. Receipts are required for all reimbursed expenses. In lieu of providing receipts and foreign currency conversions for foreign meals, travelers may elect to be reimbursed at in-state per diem rates.

Reimbursement Rates—Lodging

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

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

The State Travel Management Program of the Texas Procurement and Support Services (TPASS) has contracted with several commercial lodging establishments for special rates. The contracted vendors and rates are listed on the Texas Comptroller of Public Accounts website. Employees are encouraged to utilize the contracted vendors when possible.

Travel Tip: The governmental rate for lodging is usually less than the conference rate. Employees should check the governmental rate first. Since there is often a limited number of rooms available at the governmental rate, employees should make hotel reservations far in advance of the travel dates.

In-State Lodging

Travelers may be reimbursed for the actual cost of lodging, not to exceed the travel rates published by the Texas Comptroller of Public Accounts. Generally, the rates listed refer to amounts designated in the federal Domestic Per Diem Rates published by the U.S. General Services Administration (GSA). However, if a specific area is not listed, the comptroller's published rate will apply. The president may, at his discretion, establish a lower rate. Travelers will be notified in advance of the effective date of any rate change.

Hotel taxes are not included in maximum lodging reimbursement rates. Local taxes on the allowable lodging cost will be reimbursed and should be recorded as lodging tax on the travel voucher. State tax on in-state lodging will not be reimbursed to state employees. Instead, state employees must submit a completed Texas Hotel Occupancy Tax Exemption Certificate (available online at the travel Web site) to commercial lodging

establishments at check-in. Employees should also be prepared to show proof of state employment.

Out-of-State Lodging

The Texas Comptroller of Public Accounts provides the maximum reimbursement rates for out-of-state lodging. A list of the rates, which is updated from time to time, is available online at the travel website. Within the continental United States, lodging reimbursement is limited to the locality-based allowance as stated on the Domestic Maximum Per Diem Rates published by the GSA. For cities and counties not included on the list, the allowance is the Continental US (CONUS) rate established for lodging in that state. Since employees are not exempt from any tax for out-of-state or international travel, they may be reimbursed for hotel occupancy taxes paid on the allowable lodging costs. Travelers to Alaska, Hawaii, or a foreign country may be reimbursed for actual, reasonable costs.

Shared Lodging

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

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

Reimbursement Rates—Meals

This section of the travel policy is inapplicable to road bus drivers. Normally, road bus drivers are not reimbursed for meals. Any reimbursement of meal expenditures for road bus drivers is subject to the discretion and approval of the director of the physical plant.

Meals are eligible for reimbursement if travel includes an overnight stay. The following table sets the per diem rate of reimbursement:

	IN-STATE	OUT-OF-STATE**
	With Overnight Stay	With Overnight Stay
Breakfast	\$6.50	17% of locality-based allowance
Lunch	\$11.50	33% of locality-based allowance
Dinner	\$18.00	50% of locality-based allowance
TOTAL	\$36.00	

~~* Within the continental United States, meal and incidental expenses (MIE) reimbursement is limited to the federal Domestic Per Diem rates provided by the GSA. For cities and counties not included on the list, the allowance is the CONUS rate established in that state for meals and incidental expenses. Per the GSA's website, incidental expenses include tips and transportation between places of lodging or business and places where meals are taken. When using the MIE rate, these costs will not be separately reimbursed. Travelers to Alaska, Hawaii, or a foreign country may be reimbursed for actual, reasonable costs.~~

~~Meal per diems for initial day of travel and final day of travel will be based on the following schedule according to departure and arrival times.~~

~~Initial day of travel:~~

~~Breakfast—must depart no later than 6:00 AM~~

~~Lunch—must depart no later than 11:30 AM~~

~~Dinner—must depart no later than 6:00 PM~~

~~Final day of travel:~~

~~Breakfast—must return after 8:00 AM~~

~~Lunch—must return after 1:30 PM~~

~~Dinner—must return after 8:00 PM~~

~~No per diem meal reimbursement is allowed for trips not including an overnight stay.~~

~~The daily reimbursement rate for meals and incidental expenses is established by state and federal government regulation and is subject to change.~~

~~Some registration fees include meals. In this case, the registration fee is fully reimbursable but the employee must not claim per diem for the included meal, according to the applicable rates above.~~

~~Meals purchased for the traveler by another person or entity are not reimbursable. In this instance, the employee must not claim per diem for that meal, according to the applicable rates above.~~

~~In the case of employees traveling together, each must pay and claim his own expenses.~~

~~Receipts are not required for meal expenses except for group and foreign travel. (Refer to the Student and Group Travel section of this policy.)~~

~~Travel To/From the Duty Point; Travel Before/After Conducting Official Business~~

~~Subject to the other provisions of this policy, meals and lodging expenses may be reimbursed for travel expenses to/from the duty point and prior to/after conducting~~

official business. This is only as necessary, and generally limited to no more than one day before/after the business event, unless it is financially beneficial to the university (e.g., when discounted airfare requires Saturday night stay and the additional expenses incurred (hotel/meals/transportation) would not exceed the airfare savings). In these instances, the total net savings must be documented and attached to the travel voucher.

Reimbursement Rates – Mileage

The number of reimbursable miles traveled by an employee may not exceed the number of miles of the most cost-effective route. The shortest route between points, including the use of all farm-to-market roads, is presumed to be the most cost-effective route between two duty points. Google Maps (available online at the travel website) calculates the mileage between two locations. When both locations are in the Google Maps database, the employee may be reimbursed for the number of miles calculated by the Google Maps website. A copy of the Google Map mileage calculation must be included with the travel voucher. When one or both locations are not in the Google Maps database, the number of reimbursable miles is calculated by the employee's odometer. Mileage determined by use of the employee's odometer must be itemized on a point-to-point basis on the travel voucher. Any vicinity mileage at the destination location must also be itemized separately on a point-to-point basis. For the purposes of this paragraph, "point" means a building, house, highway intersection, or other similarly localized spot. A Point-to-Point Odometer Log is available in the forms section of the travel website if needed.

The maximum reimbursement rate for use of an employee's personal vehicle is established by state and federal regulation, and is subject to change.

Four-Per-Car-Rule

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

Reimbursement Rates – Board of Regents, University President, President's Spouse, and Representative of the President

Members of the Board of Regents, the president, and the president's spouse are reimbursed for actual expenses when traveling on university business in an official capacity.

If the president is unable to attend a meeting or conference, the president may designate, on an individual trip basis, one employee as a representative to travel. Under this

~~provision, the employee is reimbursed for actual expenses. The travel voucher must be accompanied by the original designating document from the president. Receipts are required as specified in this policy, and the employee may only claim his/her own expenses.~~

Registration Fees

~~The registration fee for attendance at a professional meeting or conference must be reflected on the travel request regardless of how it is paid. The registration fee can be paid in any of three ways after the travel request has been approved:~~

- ~~• by the traveler the registration fee is reimbursable to the traveler after the trip when submitted on the travel voucher with the original receipt.~~
- ~~• with a procurement card (p-card) the state issued p-card may be used to prepay registration fees.~~
- ~~• by purchase voucher when requested in sufficient time, the university will prepay the registration fee to the organization sponsoring the conference. A purchase voucher approved by the appropriate account manager must be submitted to the travel office along with the completed registration form and travel request number. Registration fees may not be paid more than six (6) weeks in advance of the seminar or conference unless the cost savings is considerable to the university (such as early bird discounts) or if there is a limited capacity for attendance.~~

~~Attendance at in-town conferences does not require a travel request. Employees may be reimbursed for in-town registration fees by submitting an online purchase requisition and sending the original receipt to accounts payable. The description should indicate that the conference was in Nacogdoches.~~

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

Airline Ticket Purchases

~~Any airline ticket expense, whether to be prepaid or reimbursed, must be listed on the approved travel request.~~

~~The State Travel Management Program of the Texas Procurement and Support Service has contracted with several airlines to provide special airfare rates for certain flights. A listing of the flights and rates is available online at the travel website.~~

~~Employees are encouraged to make flight reservations at discounted fares. Often this requires that the ticket be purchased well in advance of the travel date. Upon approval of~~

~~the travel request, employees may make the airfare purchase personally or have it charged to the university, using the following procedures:~~

~~After a travel request has been approved, an employee may personally pay for an airline ticket and receive funds from the Cash Advance Account by submitting an original receipt to the travel office. These funds will be treated as a cash advance requiring submission of a properly completed travel voucher within fifteen (15) days after the end of the trip, but will not be subject to the 50% limit. An employee wishing to charge an airline ticket directly to the university must submit an Airfare Billing Form (available from University Printing Services) to the travel office. After approval, the employee must present the signed form to a local participating travel agency (list available online at the travel website). The travel agency will book the flight and charge the expense to the university rather than to the employee.~~

~~If it is necessary to change an airline ticket, the traveler may be reimbursed for the additional fee only if there is a valid reason for the change as outlined by TPASS. The reason must be documented in writing, and approved by the account manager. If the total cost of the trip, including the additional fee, exceeds the original approved request, a revised request must be submitted and approved at all levels.~~

~~A traveler will not be reimbursed for a second ticket to or from the same destination.~~

~~The university cannot reimburse an employee for the cost of air transportation by a non-commercial transportation company.~~

~~Use of Non-University Owned Vehicle While on Official Business~~

~~An employee operating a personal vehicle must carry insurance as required by state law. An employee operating any non-university owned vehicle, including his own personal vehicle or a personally rented vehicle, does so at his own risk. The university accepts no responsibility for vehicle or other damage, personal injury, claims filing, vehicle repair, maintenance, insurance costs, towing or citations.~~

~~Motor Vehicle Rentals~~

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

~~The Texas Travel Management Program has contracted with several vehicle rental agencies to provide special rental rates. Most rates include unlimited free mileage, free loss damage waiver, and free primary liability coverage. University employees traveling on official state business are encouraged to use these contracted rates when possible. A listing of the agencies and rates is available online at the travel website with detailed instructions for making your reservation at the state contracted rate.~~

~~A detailed receipt from the motor vehicle rental company, attached to the travel voucher, is required for reimbursement of motor vehicle rental expenses.~~

Incidental Expenses

~~Expenses for ground transportation to and from the airport such as taxi, limousine, subway, bus and other modes of mass transit are reimbursable, subject to the provisions of this section. (Travel to and from restaurants at the destination are not reimbursed since the MIE rate includes these expenses.) All expenses must be listed on the approved travel request and travel voucher. Limousine expenses are reimbursable if it was the least costly transportation available considering all relevant circumstances. If two or more state employees share a taxi or limousine, it is allowable for one employee to pay and be reimbursed for that full expense. Other official business expenses (e.g., parking, telephone calls, and copy services) are also reimbursable.~~

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

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

Student and Other Group Travel

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

~~When a non-employee group, such as a student group, travels together, it may be more convenient for one person to pay and claim expenses of the entire group. In this case, the person paying the expenses will be responsible for submitting the travel request and the travel voucher. Receipts are required for all expenses of group travel, including meals. The students may be given funds for their meals by signing individually on a list of names (including their campus ID) of all travelers that they have received a certain sum of money for their meals (not to exceed university per diem rates per day). If the sponsor pays for meals, the itemized receipts must be attached to the travel voucher in order to be~~

reimbursed. Additionally, the signed list of all travelers' names and campus IDs must be included on the travel request and attached to the travel voucher.

Tips or gratuities paid in conjunction with meal expenses are generally not reimbursable. A "mandatory" service charge may only be reimbursed if the service charge is imposed by an establishment and cannot be refused by the customer. In this case, the person paying the expenses must obtain and submit documentation that the charge was mandatory.

If the group sponsor/advisor is an employee, he may request advance travel funds (not subject to the 50% limit) to pay expenses for the group (refer to the Advance Travel Funds section of this policy for procedures). The sponsor/advisor will be solely responsible for claiming reimbursement on the travel voucher, and for repayment of the advance travel funds. Refer to the Group Travel Guidelines available online at the travel website.

No Educational and General Funds (fund 10755x or 12xxxx or 13xxxx funds) may be used to pay or reimburse travel expenses for students. All other provisions of this policy apply to student travel.

Prospective Employees

All provisions of this policy apply to prospective employees. Additional methods of payment are available to pay expenses incurred during the interview process and are listed on the Travel Request Prospective Employee form (available online at the travel website).

Non-Reimbursed Travel

A travel request is required for any out-of-town university-related travel even if travel expenses are not reimbursed. Examples include travel:

- for which university funds are not approved;
- for which the traveler does not request or expect reimbursement; or
- which has been paid by another source.

In any event of absence from class, the instructor is not to dismiss class but is to arrange for an appropriate replacement. Moreover, only in extraordinary situations will travel be approved that will result in the instructor missing the same class more than twice in succession. Faculty members requesting to leave campus for travel that is not university-related notify their department chair and dean; if the absence will be for a day or longer, faculty should file a leave of absence request but do not need to file a travel request.

Cross Reference: Intercollegiate Athletics Policy Manual; ~~Texas State Travel Management Program; Internal Revenue Service, Publication 463~~ *Textravel (Texas Comptroller of Public Accounts travel rules); SFA Travel Guidelines*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: ~~None~~ ~~Travel Request, Travel Voucher, Texas Hotel Occupancy Tax Exemption Certificate, Point to Point Odometer Log, Purchase Voucher, Report of State Agency Travel to Washington, DC, Corporate Travel Charge Card Application, and Travel Request Prospective Employee (all available online at the travel website); Airfare Billing Form (available from University Printing Services)~~

Board Committee Assignment: Finance and Audit

Vehicle Repair and Maintenance (B-31)

Original Implementation: Unpublished

Last Revision: ~~July 21, 2009~~ July 17, 2012

The Physical Plant Auto Shop is located at the grounds and transportation department on the corner of University Drive and Starr Avenue. The shop provides for complete repair and maintenance service for university-owned trucks, automobiles, and small equipment such as lawnmowers, chain saws, etc. The Physical Plant Auto Shop maintains an inventory listing of all university-owned vehicles and schedules annual maintenance inspections. Department heads are notified in writing by the manager of transportation that those vehicles in their charge are to be delivered to the auto shop for an annual inspection. The auto shop will conduct a complete and thorough preventive maintenance inspection and make any repairs necessary. Expenses incurred for service on departmentally owned vehicles will be charged to the department.

In the event of a breakdown of a university-owned vehicle off campus during normal working hours, the individual responsible for that vehicle should contact the transportation department at 468-5107 for instructions regarding repair. ~~or~~ *If the breakdown occurs* after normal working hours, the individual incurring the breakdown should contact university police at 468-2608. The university police will notify the transportation department of location and nature of *the* problem. Transportation will determine if the repair is to be made by a garage or service center in the area of the breakdown or if the vehicle should be towed to campus. Transportation must authorize all off-campus repairs prior to any work being done. Expenses incurred for the repair of a departmentally--owned vehicle will be charged to the department.

Repair and maintenance of vehicles leased by the university is performed in accordance with the terms of the lease agreement.

Operators of university-owned vehicles are required by the Texas Government Code and university policy to report daily use of the vehicles. Reports are to be ~~completed~~ *done* daily using a state of Texas Vehicle Use Report form. The monthly report must be completely filled out, signed, and sent to the manager of transportation by the fifth calendar day of the following month. The manager of transportation will report mileage to the state as required.

Departments failing to submit the required report(s) by the fifth calendar day of the month may be assessed a late penalty of \$100 by the vice president for finance and administration.

Cross Reference: Tex. Gov't Code § 2171.101 et seq.; *Rental of University Vehicles*
(~~Rental & 15 Passenger Vans~~) (B-30)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Physical Plant

Forms: None

Board Committee Assignment: *Building and Grounds*