Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS

Nacogdoches, Texas
January 26 and 27, 2015
Volume 294
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BOARD MINUTES FOR JANUARY 26 AND 27, 2015
MEETING 294

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## Approval of Past Minutes

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Monday, January 26 and 27, 2015

The regular meeting of the Board of Regents was called to order in open session at 8:05 a.m. on Monday, January 26, 2015, by Chair Steve McCarty.

PRESENT:

Board Members: Mr. Steve McCarty, Chair
Mr. David Alders
Ms. Kelsey Brown, student member
Dr. Scott Coleman
Mr. Bob Garrett
Ms. Brigettee Henderson
Mr. Barry Nelson
Mr. Ken Schaefer
Mr. Ralph Todd
Ms. Connie Ware

President: Dr. Baker Pattillo

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

General Counsel: Mr. Damon Derrick

Other SFA administrators, staff, and visitors

The meeting was recessed for committee meetings.

The Building and Grounds Committee meeting convened at 8:05 a.m. and adjourned at 8:23 a.m. The Finance and Audit Committee convened at 8:23 a.m., recessed from 9:18 a.m. to 11:00 a.m., and adjourned at 11:45 a.m. The Academic and Student Affairs Committee convened at 9:41 a.m. and adjourned at 10:40 a.m.

The chair called to order the Committee of the Whole in open session at 2:02 p.m. and immediately called for an executive session to consider the following items:
Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076)
  • Update from chief information officer

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 Dr. Jeff Gergley, football coaches, dean of the Nelson Rusche College of Business, director of audit services, vice presidents and the president (Texas Government Code, Section 551.074)

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to legal issues relating to employee benefits, debt and debt financing, and ongoing audits and audit investigations, HIPAA, reported complaints, procedure on investigations and employee discipline, Sackos v. NCAA, et al., and JoAnn Fields and Rose Trotty v. Stephen F. Austin State University (Texas Government Code, Section 551.071)

The executive session ended at 5:07 p.m. The Board of Regents meeting returned to open session and recessed for the evening with no further action.
Tuesday, January 27, 2015

The regular meeting of the Board of Regents was called to order in open session at 9:03 a.m. Tuesday, January 27, 2015, in the Austin Building Board Room by Chair Steve McCarty.

PRESENT:

Board Members: Mr. Steve McCarty, Chair
Mr. David Alders
Ms. Kelsey Brown, student member
Dr. Scott Coleman
Mr. Bob Garrett
Ms. Brigettee Henderson
Mr. Barry Nelson
Mr. Ken Schaefer
Mr. Ralph Todd
Ms. Connie Ware

President: Dr. Baker Pattillo

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

General Counsel: Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regent Alders led the pledge to the flags and Regent Coleman provided the invocation.

RECOGNITIONS

Athletic Director Robert Hill recognized Demi Payne from the Women’s Indoor Track Team, who recently set a new NCAA women’s pole vault record; the SFA Soccer Team who are the 2014 Southland Conference champions; and the SFA Volleyball Team, who were undefeated and who are the 2014 Southland Conference champions. Coach Wally Crittenden with the soccer team and Coach Debbie Humphries with the volleyball team were both recognized as Southland Conference Coach of the Year in their sports. Jill Still recognized the team of staff who annually produce the SFA Gala. Lysa Hagan was recognized with the SFA Charter School as they were awarded the Texas Honors Circle designation for their outstanding academic performance and financial efficiency by the Office of the Texas Comptroller. Dr. Berry introduced teachers and their student finalists in the student auditions of the Texoma Region of the National Association of Teachers of Singing. Dr. Dana Cooper was recognized by Dr. Berry for her academic accomplishments in 2014. The SFA Press presented to the members of the board copies of books
that have been recently published by the press. Coach Clint Conque was presented to the board as 2014 Coach of the Year for the Southland Conference in football.

APPROVAL OF MINUTES

BOARD ORDER 15-10
Upon motion by Regent Todd, seconded by Regent Ware, with all members voting aye, it was ordered that the minutes of the October 26 and 27, 2014 regular meeting and the November 18, 2014 and December 12, 2014 special meetings be approved as presented.

PERSONNEL

BOARD ORDER 15-11
Upon motion by Regent Coleman, seconded by Regent Ware, with all members voting aye, it was ordered that the following personnel items be approved.

FACULTY APPOINTMENTS FOR 2014 – 2015:

EDUCATION

Erica Dillard, Lecturer of Elementary Education, M.Ed. (Stephen F. Austin State University) at an academic year salary of $50,000 for 100 percent time, effective January 1, 2015.

SCIENCES AND MATHEMATICS

Stephanie Perry, M.S. (Stephen F. Austin State University), Visiting Lecturer of Mathematics and Statistics, at an academic year salary of $39,000 for 100 percent time, effective September 1, 2014.

STAFF APPOINTMENTS FOR 2014 – 2015

ADMISSIONS

Amy Kobuck, Admissions Regional Counselor, at an annual salary of $44,000 for 100 percent time, effective October 6, 2014.

ATHLETICS

William Best, Assistant Football Coach, at a 10.5 month salary of $81,000 for 100 percent time, effective February 1, 2015.

Clint Stephen Conque, Head Football Coach, at an annual salary of $200,000 for 100 percent time, effective February 1, 2015.

Jeremy Hammock, Assistant Football Coach, at a 10.5 month salary of $57,500 for 100 percent time, effective February 1, 2015.
Thomas Howe, Assistant Football Coach, at a 10.5 month salary of $55,000 for 100 percent time, effective February 1, 2015.

Matthew Kubik, Assistant Football Coach, at a 10.5 month salary of $84,000 for 100 percent time, effective February 1, 2015.

Terry Mills, Assistant Football Coach, at a 10.5 month salary of $55,000 for 100 percent time, effective February 1, 2015.

Jeremy Moses, Assistant Football Coach, at a 10.5 month salary of $43,500 for 100 percent time, effective February 1, 2015.

Demos needs Odems, Assistant Football Coach, at a 10.5 month salary of $70,000 for 100 percent time, effective February 1, 2015.

Christopher Van Horn, Assistant Football Coach, at a 10.5 month salary of $55,000 for 100 percent time, effective February 1, 2015.

Michael Walton, Assistant Head Football Coach, at a 10.5 month salary of $74,000 for 100 percent time, effective February 1, 2015.

Matt Williamson, Assistant Football Coach, at a 10.5 month salary of $90,000 for 100 percent time, effective February 1, 2015.

EDUCATION

Nancy Nieberding, Project Coordinator of CONFIANZA, at an annual salary of $40,000 for 100 percent time, effective November 3, 2014.

FINANCIAL AID

Carrianne Mance, Assistant Director, at an annual salary of $53,300 for 100 percent time, effective January 6, 2015.

GENERAL COUNSEL

Kaleb Allison, Assistant General Counsel, at an annual salary of $70,000 for 100 percent time, effective October 13, 2014.

INFORMATION TECHNOLOGY SERVICES

Meredith Baily, Project Coordinator, at an annual salary of $45,000 for 100 percent time, effective October 13, 2014.
LIBERAL AND APPLIED ARTS

Tiffany Gauntt, Academic Advisor, at an annual salary of $38,000 for 100 percent time, effective November 3, 2014.

MULTICULTURAL AFFAIRS

Griselda Flores, Assistant Director, at an annual salary of $40,314 for 100 percent time, effective November 3, 2014.

RESIDENCE LIFE

Cindy Howes, Manager of Residence Life Systems, at an annual salary of $45,314 for 100 percent time, effective January 19, 2015.

Jesus Tobias, Hall Director, at an annual salary of $29,000 for 100 percent time, effective November 17, 2014.

Helen Woldemichael, Area Coordinator, at an annual salary of $34,000 for 100 percent time, effective November 10, 2014.

STUDENT ACTIVITIES

Molly Moody, Assistant Director of Student Engagement, at an annual salary of $42,500 for 100 percent time, effective January 12, 2015.

CHANGES OF STATUS FOR 2014-2015

ADMISSIONS

Kimberly Morris, from Assistant Director at an annual salary of $47,080 for 100 percent time, to Assistant Director at an annual salary of $47,566 for 100 percent time, effective October 1, 2014.

BUSINESS

Harry Phares, from Senior Lecturer of Economics and Finance at an academic year salary of $61,903 for 100 percent time, to Senior Lecturer and Financial Counseling Director at an academic year salary of $61,903 for 100 percent time, with a salary supplement of $1,000 per month for 12 months, effective September 1, 2014.

Ryan Phelps, from Associate Professor of Economics and Finance at an academic year salary of $84,205 for 100 percent time, to Associate Professor with Koch Professorship at an academic year salary of $84,205 for 100 percent time, with a salary supplement of $547 per month for eight months, effective October 1, 2014.
Neill Armstrong, from Associate Professor of Secondary Education and Educational Leadership at an academic year salary of $62,289 for 100 percent time, to Associate Professor and Coordinator of Undergraduate Certification Program at an academic year salary of $62,289 for 100 percent time, with a salary supplement of $600 per month for five months, effective January 1, 2015.

Michael Bobo, from Professor of Kinesiology and Health Science at an academic year salary of $73,724 for 100 percent time, to Professor and Dance Program Co-coordinator at an academic year salary of $73,724 for 100 percent time, with a salary supplement of $100 per month for five months, effective January 1, 2015.

James Egner, from Distance Learning Specialist at an annual salary of $48,771 for 100 percent time, to Distance Learning Specialist at an annual salary of $49,747 for 100 percent time, effective September 1, 2014.

David Goodman, from Lecturer of Kinesiology and Health Science at an academic year salary of $56,504 for 100 percent time, to Lecturer and Kinesiology Program Coordinator at an academic year salary of $56,504 for 100 percent time, with a salary supplement of $600 per month for five months, effective January 1, 2015.

Stacy Hendricks, from Assistant Professor of Secondary Education and Educational Leadership at an academic year salary of $57,206 for 100 percent time, to Assistant Professor and Educational Leadership Coordinator at an annual salary of $57,206 for 100 percent time, with a salary supplement of $600 per months for five months, effective January 1, 2015.

Patrick Jenlink, from Professor of Secondary Education and Educational Leadership at an academic year salary of $96,847 for 100 percent time, to Professor and Coordinator of Doctoral Programs at an academic year salary of $96,847 for 100 percent time, with a salary supplement of $600 per month for five months, effective January 1, 2015.

Heather Olson Beal, from Associate Professor of Secondary Education and Educational Leadership at an academic year salary of $59,793 for 100 percent time, to Associate Professor and Coordinator of Masters Programs at an academic year salary of $59,793 for 100 percent time, with a salary supplement of $600 per month for five months, effective January 1, 2015.

Elizabeth Rhodes, from Professor of Kinesiology and Health Science at an academic year salary of $67,504 for 100 percent time, to Professor and Dance Program Co-coordinator at an academic year salary of $67,504 for 100 percent time, with a salary supplement of $100 per month for five months, effective January 1, 2015.

Pauline Sampson, from Professor of Secondary Education and Educational Leadership at an academic year salary of $80,135 for 100 percent time, to Professor and Institutional Review Board Coordinator at an academic year salary of $80,135 for 100 percent time, with a salary supplement of $600 per month for five months, effective January 1, 2015.
Miranda Terry, from Assistant Professor of Kinesiology and Health Science at an academic year salary of $55,350 for 100 percent time, to Assistant Professor and Health Science Program Coordinator at an academic year salary of $55,350 for 100 percent time, with a salary supplement of $300 per month for five months, effective January 1, 2015.

FINE ARTS

Michael Tubbs, from Adjunct Faculty at a 5-month salary of $6,600 for 66 percent time, to Adjunct Faculty at a 5-month salary of $6,600 for 66 percent time, with a salary supplement of $200 per month for five months, effective January 1, 2015.

INFORMATION TECHNOLOGY SERVICES

Sheldon Harrison, from Technical Support Specialist I at an annual salary of $37,740 for 100 percent time, to Programmer/Analyst I at an annual salary of $37,740 for 100 percent time, effective October 13, 2014.

INSTITUTIONAL RESEARCH

Amber Middleton, from Institutional Research Analyst at an annual salary of $52,136 for 100 percent time, to Associate Director at an annual salary of $72,000 for 100 percent time, effective September 22, 2014.

Sahitya Neeli, from OIT Database Specialist at an hourly salary of $20 for 100 percent time, to Institutional Research Analyst at an annual salary of $52,800 for 100 percent time, effective November 1, 2014.

UNIVERSITY POLICE DEPARTMENT

Jared Roten, from Public Safety Technology Specialist at an annual salary of $38,378 for 100 percent time, to Director of Public Safety Technology at an annual salary of $66,463 for 100 percent time, effective October 20, 2014.

PROMOTIONS

The following were granted promotion to the academic rank indicated:

Charles Gregory, Assistant Professor of Government

Susan Ballard, Assistant Professor of Nursing

FACULTY LEAVE OF ABSENCE WITHOUT PAY

Dr. George Franks, Associate Professor of Government, was granted leave of absence without pay for one semester in spring 2015.
RETIREMENTS

The following retirements were accepted:

Carolyn Davis, Assistant Professor of Elementary Education, effective December 31, 2014.

Davanna Cay McAninch, Lecturer of Elementary Education, effective December 31, 2014.

Rebecca Shepherd, Assistant Director of Financial Aid, effective January 30, 2015.

Patricia Spence, Director of Student Publications, effective December 31, 2014.

ACADEMIC AND STUDENT AFFAIRS

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

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

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

Academic Unit Chair/Director Appointments (4.2)
Animals on University Property (13.2)
Class Attendance and Excused Absence (6.7)
Computer and Network Security (14.2)
Copyrighted Works Reproduction (9.2)
Curriculum Reviews, Modification and Approvals (5.7)
Disposition of Abandoned Personal Property (13.6)
Discipline and Discharge (11.4)
 Discrimination Complaints/Sexual Harassment (2.11)
Electronic Personnel Action Form (11.8)
Employee Training (11.11)
Employment of Persons with Criminal History (11.12)
Faculty Workload (7.13)
Honorary Degree (5.12)
Information Security for Portable Devices (14.6)
Insurance and Other Benefits (12.10)
Nepotism (11.16)
Off-campus Credit Courses (15.13)
Oral English Proficiency Program (5.14)
Out of State Electronic Fee (3.24)
Outside Employment (11.19)
Overtime and Compensatory Time (12.14)
Performance Management Plan (11.20)
Retirement Programs (12.15)
Board Order 15-13
Upon motion by Regent Henderson, seconded by Regent Ware, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

REVOKE TENURE AND TERMINATE EMPLOYMENT OF DR. JEFF GERGLEY

WHEREAS, the board members considered the following: Under university policy 7.29, Tenure, a faculty member’s tenure may be revoked and employment terminated upon a showing of good cause, which may include a “substantial neglect of professional responsibilities.” On October 20, 2014, Dr. Judy Abbott, dean of the James I. Perkins College of Education, issued a report to the provost on the investigation of an alleged substantial neglect of professional responsibilities by Dr. Jeff Gergley, associate professor of kinesiology and health science. Dean Abbott concluded that Dr. Jeff Gergley had demonstrated substantial neglect of his professional responsibilities and recommended his tenure be revoked and employment terminated. Provost Richard Berry concurred. In accordance with university policy, preliminary discussions were held to try and resolve the matter but were ultimately unsuccessful. On November 10, 2014, the president issued the university’s charge of substantial neglect of professional responsibilities arising from Dr. Gergley’s failure to report to work for a period of time, violations of university policies, and failure to complete core tasks associated with being a faculty member. A hearing committee of the grievance panel was assembled consisting of seven members. The hearing occurred on December 2, 2014. Dr. Gergley and the university, acting through Dean Abbott, presented evidence to the hearing committee. After deliberating and taking into account the university’s burden of proof, the hearing committee recommended to the president that Dr. Gergley’s tenure be revoked and his employment terminated effective immediately due to his substantial neglect of professional responsibilities, based on the following: “1. Dr. Gergley’s failure to report to work as assigned during the Fall 2014 semester; and 2. Dr. Gergley’s failure to complete his duties of his reassignment for the Fall 2014 semester.” The president agrees with the hearing committee’s assessment of the evidence, findings, and recommendation. At the core of any employees’ responsibilities is to be available and actively engaging in one’s employment. Dr. Gergley’s failure to meet these responsibilities for twenty-one days at the start of the Fall 2014 semester and subsequent failure to meet the terms of his alternate assignment upon his return, which the president agrees were reasonable, represents substantial neglect.

THEREFORE, it was ordered that Dr. Jeff Gergley, associate professor of kinesiology and health science, have his tenure revoked and that the administration be authorized to terminate his employment effectively immediately.
BUILDING AND GROUNDS

BOARD ORDER 15-14
Upon motion by Regent Schaefer, seconded by Regent Alders, with all members voting aye, it was ordered that the following item be approved.

APPROVAL OF BUILDING AND GROUNDS POLICY REVISIONS
The Board of Regents adopted the following policy revisions as presented in Appendix 4:

Alcohol Service (13.7)
Asbestos Removal (13.4)
The Ed and Gwen Cole Art Center and the Griffith Gallery (16.27)

FINANCIAL AFFAIRS

BOARD ORDER 15-15
Upon motion by Regent Coleman, seconded by Regent Todd, with all members voting aye, it was ordered that the following financial affairs items be approved.

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

WHEREAS, the audit services report as presented included the Charter School Financial Audit, NCAA Agreed Upon Procedures Review, FERPA Compliance Audit, Public Funds Investment Act Audit, and update on annual audit plan.

THEREFORE, the Board of Regents received the audit services report as presented.

APPROVAL OF THE SFA CHARTER SCHOOL 2013-14 AUDITED FINANCIAL STATEMENTS

WHEREAS, the board members considered the following: The Texas Education Agency (TEA) requires an audit for the SFA Charter School that is separate from the university. The SFA Charter School financial statements have been audited for the fiscal year that ended August 31, 2014, and will be submitted to the Texas Education Agency as required.

THEREFORE, it was ordered that the August 31, 2014 SFA Charter School audited financial statements be approved.

APPROVAL OF THE FISCAL YEAR 2013-14 ANNUAL FINANCIAL REPORT

WHEREAS, the board members considered the following: As required by state law, Stephen F. Austin State University submitted the Annual Financial Report on November 20, 2014 for the fiscal year that ended August 31, 2014 to the Office of the Governor, Comptroller of Public
Accounts, Legislative Budget Board, Texas Higher Education Coordinating Board, Legislative Reference Library, Texas State Library and Texas State Auditor’s Office.

THEREFORE, it was ordered that the August 31, 2014 Stephen F. Austin State University Annual Financial Report be approved as submitted.

RESOLUTION TO ACKNOWLEDGE REVIEW OF INVESTMENT POLICY AND STRATEGY

WHEREAS, the board members considered the following: In accordance with Chapter 2256 of the Texas Government Code, the university's investment policy and strategy must be annually reviewed by the governing board of the institution. In addition, the law requires the governing body to adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and strategy. The resolution, included in Appendix 1, acknowledges the board's annual review of Policy 3.21, Investments. Policy 3.21 is included in the policy revisions, Appendix 4.

THEREFORE, it was ordered that the Resolution to Acknowledge Review of Investment Policy and Strategy be approved as presented in Appendix 1.

BOARD ORDER 15-16

Upon motion by Regent Coleman, seconded by Regent Ware, with Regent Alders and Regent Henderson recusing themselves from discussion and voting on this item, and with all remaining members voting aye, it was ordered that the following financial affairs item be approved.

RESOLUTION TO APPROVE QUALIFIED FINANCIAL INSTITUTIONS AND INVESTMENT BROKERS

WHEREAS, the board members considered the following: Chapter 2256 of the Texas Government Code requires the university to adopt a resolution by the governing body of the institution that approves qualified investment brokers. The following financial institutions and brokers/investment managers are listed in the resolution, submitted in Appendix 2: Texas A&M University System, Bank of America, Wilmington Trust, N.A., Citizens 1st Bank, Austin Bank, BancorpSouth Bank, Commercial Bank of Texas, First Bank and Trust, Regions Bank, Regions Morgan Keegan Trust, Huntington State Bank, Wells Fargo, US Bank, Texas Bank; Texpool, Texas Class, and Texstar.

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

BOARD ORDER 15-17

Upon motion by Regent Coleman, seconded by Regent Alders, with all members voting aye, it was ordered that the following financial affairs items be approved.
GRANT AWARDS

Whereas, the board members considered the following: To date, the university has received multi-year grant awards applicable to fiscal year 2015 totaling $19,264,972, an increase of $1,437,265 since the last report. Of this total, grant awards allocable to fiscal year 2015 are currently $6,906,008, an increase of $790,458 since the last report.

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

Therefore, it was ordered that the additional grant awards allocable to fiscal year 2015 that total $790,458 be approved and ratified. The grant awards are detailed in Appendix 3.

APPROVAL OF PURCHASE OF CORE MOLECULAR IMAGING SYSTEM

Whereas, the board members considered the following: The university has allocated funds from the Research Development Fund for the purchase of molecular imaging instrumentation to support research in the life sciences, including biology, chemistry, forestry and agriculture. The equipment replaces an outdated imager funded by the National Science Foundation in 2005. The cost of the molecular imaging system is estimated at $125,000. The Research Development Fund will be used to purchase the molecular imaging system.

Therefore, it was ordered that the purchase of an imaging system from GE Healthcare Bio-Sciences Corporation be approved for an amount not to exceed $125,000. The president was authorized to sign the resulting purchase order(s) that exceed $100,000.

APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

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

- Best Value Procurement (17.1)
- Historically Underutilized Businesses (17.7)
- Investments (3.21)
- Investments-Endowment Funds (3.20)
- Professional and Consulting Services (17.12)
- Purchase of Electronic and Information Resources (17.16)
- Purchases from Employees (17.21)
- Purchasing Ethics and Confidentiality (17.22)
REPORTS

The president provided a report to the regents on the following topics:
- Upcoming Dates
- Student Regent Applications
- SFA/Nacogdoches Days in Austin
- ESPN Marathon basketball game
- Smith-Hutson Scholarship Program

Dr. Karen Embry-Jenlink, faculty senate chair, introduced Dr. Robert Henderson, who presented the faculty senate report, Peer Comparison Project. Dr. Embry-Jenlink further reported on the faculty senate multipurpose room.

Marquice Hobbs, SGA president, gave a report on the following topics:
- Food Pantry
- Student Center Director’s Advisory Board
- Nacogdoches/SFA Days in Austin
- Tartan Coalition
- SGA Spring Elections

Chair McCarty called for a report from the nominating committee appointed at the October 2014 meeting. Bob Garrett, chair, reported on behalf of the committee, which also included Barry Nelson and Ralph Todd. The following officers were nominated to serve during 2015-2016, assuming office on April 14, 2015:
Scott Coleman, Chair
Ken Schaefer, Vice Chair
Barry Nelson, Secretary

BOARD ORDER 15-18
Upon motion by Regent Garrett, seconded by Regent Ware, with all members voting aye, it was ordered that the slate of the nominating committee be approved as presented.

Chair McCarty then announced his resignation as chair and turned the gavel over to the vice chair, Scott Coleman, for his immediate assumption to the chair’s position.

Regent Coleman, on behalf of the entire board, thanked Regent McCarty for his two years of leadership as board chair and presented him with a plaque from the board.

Dr. Pattillo recognized the three members of the board whose terms end on January 31 or until they are replaced by another appointee by the governor: Scott Coleman, Steve McCarty and Connie Ware. They were each presented with their board portrait and a lumberjack axe.

The meeting was adjourned by Chair Coleman at 11:02 a.m.
WHEREAS, The Texas Public Funds Investment Act requires that each university's investment policy and strategy must be annually reviewed by the governing board of the institution; and

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

NOW THEREFORE BE IT RESOLVED that the Stephen F. Austin State University Board of Regents, by the issuance of this resolution, does hereby approve the investment policy and strategy as reviewed on January 26, 2015; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 27, 2015 meeting of the board.

Attest:

_________________________  ____________________________
Chair of the Board of Regents  Secretary of the Board of Regents

Date ________________________
BOARD OF REGENTS
OF
STEPHEN F, AUSTIN STATE UNIVERSITY
Nacogdoches, Texas
RESOLUTION APPROVING
FINANCIAL INSTITUTIONS AND BROKERS
FOR INVESTMENT TRANSACTIONS

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

WHEREAS, the following firms are approved investment brokers:
   Texas A&M University State System
   Bank of America

WHEREAS, the following firms are approved financial institutions:
   Citizens 1st Bank
   Austin Bank
   BancorpSouth Bank
   Bank of America
   Commercial Bank of Texas NA
   First Bank and Trust
   Regions Bank
   Regions Morgan Keegan Trust
   Huntington State Bank
   Wells Fargo
   US Bank
   Texas Bank
   Texpool
   Texstar
   Texas Class
   Wilmington Trust, N.A.

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

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 27, 2015 meeting of the board.

__________________________________________  ________________________________
Chair of the Board of Regents                  Secretary of the Board of Regents
Grants awarded between September 23, 2014 and December 19, 2014

**Fiscal Year 2015 – as of December 19, 2014**

**Amounts allocable to FY15** (detailed in this report)

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<td>Direct Federal</td>
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<td>Federal Pass-through</td>
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<td>State and State Pass-through</td>
<td>$42,000</td>
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<td>Private and Local Government</td>
<td>$39,641</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$790,458</strong></td>
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**Cumulative amount allocable to FY15**

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<th>Amount</th>
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<td>$6,906,008</td>
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**New awards** (detailed in this report, all project years)

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<th>Amount</th>
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<td>$1,437,265</td>
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**Cumulative award total, all project years**

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<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$19,264,972</td>
</tr>
</tbody>
</table>

### Direct Federal

**Title:** *Certified Orientation and Mobility Instructor Training (COMIT)*  
**Sponsor:** U.S. Department of Education  
**Award Term:** October 1, 2014 – September 30, 2019  
**PI/PD:** Ms. Tracy Hallak, Department of Human Services  
**Total Award:** $750,000  
**Amount Allocable to FY 2015:** $150,000  

This grant provides funds for a training program at the undergraduate and graduate levels for certified orientation and mobility instructors of the visually impaired.

**Title:** *National Visitor Use Monitoring (NVUM) Research – Kisatchie*  
**Sponsor:** U.S. Department of Agriculture, Forest Service  
**Award Term:** October 15, 2014 – March 31, 2016  
**PI/PD:** Dr. Pat Stephens-Williams, Forestry  
**Total Award:** $76,000  
**Amount Allocable to FY 2015:** $22,353  

Under this challenge cost share agreement, SFASU will collect visitor use data at the Kisatchie National Forest using traffic counters and surveys.

**Title:** *Big Thicket National Preserve Archaeological Inventory*  
**Sponsor:** U.S. Department of the Interior, National Park Service  
**Award Term:** September 15, 2014 – December 31, 2016  
**PI/PD:** Dr. Robert Zac Selden, Center for Regional Heritage Research (CRHR)  
**Total Award:** $69,572  
**Amount Allocable to FY 2015:** $55,658  

Under this task agreement, the CRHR will conduct an archaeological inventory of the Big Thicket National Preserve to include documentation of archaeological sites and analysis of artifacts collected.

*New awards

1For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.
Grants awarded between September 23, 2014 and December 19, 2014

Subtotal Amounts Allocable to FY 2015 = $228,011
Subtotal New Federal Awards = $895,572

Federal Pass-through

Title:  *State Leadership Educational Excellence for CTE in Education & Training, Hospitality & Tourism, and Human Services
Sponsor:  Texas Education Agency (U.S. Department of Education)
Award # 15420017711001 (V048A140043), CFDA 84.048
Award Term:  September 2, 2014 – August 31, 2015
PI/PD:  Dr. Lynda Martin, School of Human Sciences
Total Award:  $320,000  Amount Allocable to FY 2015:  $320,000

This grant provides additional funding to help independent school districts implement rigorous TEKS curriculum standards and for professional development to improve teacher effectiveness.

Title:  *Piney Woods AHEC (Model State-Supported Area Health Education Centers, Federal Portion)
Sponsor:  U.T. Medical Branch Galveston (U.S. Dept. of Health & Human Services)
Award # 15-010, (5U77HP01066-12-00), CFDA 93.107
Award Term:  September 1, 2014 – August 31, 2015
PI/PD:  Mr. Mark Scott, AHEC East, Piney Woods Region, College of Sciences & Mathematics
Total Award:  $92,500  Amount Allocable to FY 2015:  $ 92,500

The purpose of this subaward is to continue to build and maintain an integrated, community-based regional organization to support East Texas AHEC objectives.

Title:  *Geriatric Education Center (GEC)
Sponsor:  U.T. Medical Branch Galveston (U.S. Dept. of Health & Human Services)
Award # 14-080, (5UB4HP19213-05-00), CFDA 93.969
Award Term:  July 1, 2014 – June 30, 2015
PI/PD:  Mr. Mark Scott, AHEC East, Piney Woods Region, College of Sciences & Mathematics
Total Award:  $21,600  Amount Allocable to FY 2015:  $ 21,600

The purpose of this interagency contract is to help provide high-quality, continuing education in geriatrics and to improve health care for older adults including those in rural communities.

Title:  *Interlibrary Loan Reimbursement Program
Sponsor:  Texas State Library & Archives Commission (Institute of Museum & Library Services)
Award # LS-00-13-0044-13, CFDA 45.310
Award Term:  September 1, 2012 – August 31, 2017
PI/PD:  Dr. Shirley Dickerson, Ralph W. Steen Library
Total Award:  $22,061  Amount Allocable to FY 2015:  $ 11,878

*New awards

1For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.
Grants awarded between September 23, 2014 and December 19, 2014

The purpose of this subaward is to reimburse SFASU for costs associated with the Interlibrary Loan Lending program.

Title: *Geriatric (GEC) Consulting and Research  
Sponsor: U.T. Medical Branch Galveston (U.S. Dept. of Health & Human Services)  
Award # 580493, CFDA 93.969  
Award Term: September 22, 2014 – June 30, 2015  
PI/PD: Ms. Wilma Cordova, School of Social Work  
Total Award: $3,000  
Amount Allocable to FY 2015: $3,000  
This interagency funding supports the goals of Geriatric Education Centers.

Previously detailed awards with modifications:

StateView Program Development and Operations for the State of Texas  
Award Total: $49,573  
Amount allocable to FY 2015: $24,900  
Special Education Consolidated Grant (IDEA-B)  
Award Total: $31,464  
Additional allocable to FY 2015: $4,998  
AHEC Marketplace Project: Health Professional and the Health Insurance Marketplace  
Award Total: $3,430  
Additional allocable to FY 2015: $1,930  
Subtotal Amounts Allocable to FY 2015 = $480,806  
Subtotal New Federal Pass-through Awards = $459,161

State and State Pass-through Awards

Title: *JAMP Camp 2015  
Sponsor: U.T. System Office Joint Admissions Medical Program (THECB)  
Award Term: October 24, 2014 – August 31, 2015  
PI/PD: Dr. Kevin Langford, Department of Biology  
Total Award: $20,000  
Amount Allocable to FY 2015: $20,000  
This interagency agreement supports the conduct of SFASU’s seventh summer pre-med camp associated with the Joint Admission Medical Program.

Title: *Physician Assistant Learner Pals (PALS)  
Sponsor: U.T. Medical Branch Galveston (THECB)  
Award Term: September 1, 2014 – August 31, 2015  
PI/PD: Mr. Mark Scott, AHEC East, Piney Woods Region, College of Sciences & Mathematics  
Total Award: $20,000  
Amount Allocable to FY 2015: $20,000  
Funds are provided for an AHEC staff member to provide information to high school students and their parents about considering the physician assistant as a health career choice.

*New awards  
¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.
Grants\(^1\) awarded between September 23, 2014 and December 19, 2014

<table>
<thead>
<tr>
<th>Title</th>
<th>College Tobacco Initiative – Texans Standing Tall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>U.T. Austin (Texas Department of State Health Services)</td>
</tr>
<tr>
<td>Award Term</td>
<td>September 1, 2014 – June 30, 2015</td>
</tr>
<tr>
<td>Co-PIs/Co-PDs</td>
<td>Dr. Kelli Drenner and Ms. Cyndra Krogen-Morton, Department of Kinesiology/Health Science</td>
</tr>
<tr>
<td>Total Award</td>
<td>$1,000 Amount Allocable to FY 2015: $ 1,000</td>
</tr>
</tbody>
</table>

A memorandum of understanding provides additional funds to support the development of tobacco use prevention practices on college campuses.

<table>
<thead>
<tr>
<th>Title</th>
<th>Vision &amp; Substance: The Art of John Cobb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>Texas Commission on the Arts</td>
</tr>
<tr>
<td>Award Term</td>
<td>September 1, 2014 – March 31, 2015</td>
</tr>
<tr>
<td>PI/PD</td>
<td>Dr. John Handley, School of Art – SFA Galleries</td>
</tr>
<tr>
<td>Total Award</td>
<td>$1,000 Amount Allocable to FY 2015: $ 1,000</td>
</tr>
</tbody>
</table>

Matching funds are provided to support an exhibit of selected works of artist John Cobb.

Subtotal Amounts Allocable to FY 2015 = $42,000
Subtotal New State and State Pass-through Awards = $42,000

Private Entity and Local Government Awards

<table>
<thead>
<tr>
<th>Title</th>
<th>Tallow Control on the Greens Bayou Wetlands Mitigation Bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>Harris County Soil and Water Conservation District (Harris County Flood Control District)</td>
</tr>
<tr>
<td>Award Term</td>
<td>September 1, 2014 – August 31, 2015</td>
</tr>
<tr>
<td>PI/PD</td>
<td>Dr. Jeremy Stovall, Forestry</td>
</tr>
<tr>
<td>Total Award</td>
<td>$30,000 Amount Allocable to FY 2015: $ 30,000</td>
</tr>
</tbody>
</table>

An interlocal contract engages SFASU for consulting services for a Chinese Tallow study.

<table>
<thead>
<tr>
<th>Title</th>
<th>Jefferson, Texas Paddle Fish Restoration Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>Today Foundation</td>
</tr>
<tr>
<td>Award Term</td>
<td>September 1, 2014 – June 30, 2016</td>
</tr>
<tr>
<td>PI/PD</td>
<td>Drs. Jerry Williams and Ray Darville, Department of Social &amp; Cultural Analysis</td>
</tr>
<tr>
<td>Total Award</td>
<td>$8,782 Amount Allocable to FY 2015: $ 4,391</td>
</tr>
</tbody>
</table>

Funds are provided for research activities as outlined in the consulting agreement.

<table>
<thead>
<tr>
<th>Title</th>
<th>Fostering Student Learning in Psychology through Self-Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>Society for the Teaching of Psychology</td>
</tr>
<tr>
<td>Award Term</td>
<td>November 21, 2014 – November 30, 2015</td>
</tr>
<tr>
<td>PI/PD</td>
<td>Dr. Kyle Conlon, Department of Psychology</td>
</tr>
<tr>
<td>Total Award</td>
<td>$1,750 Amount Allocable to FY 2015: $ 1,750</td>
</tr>
</tbody>
</table>

This grant award provides funds for research activities related to student study habits in psychology classes.

\(^1\)For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.
Grants\(^1\) awarded between September 23, 2014 and December 19, 2014

*Previously detailed awards with modifications:*

**Economics Reading Group**

<table>
<thead>
<tr>
<th>Award Total: $23,140</th>
<th>Amount allocable to FY 2015: $3,500</th>
</tr>
</thead>
</table>

\[\text{Subtotal Amounts Allocable to FY 2015} = $39,641\]
\[\text{Subtotal New Private and Local Awards} = $40,532\]

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**Note:** Amounts are based on award notices as they are received from the funding entity, not on expenditures or balances in funds/accounts. To reflect the approximate availability of funds in a given fiscal year, some current year awards are estimates based on the total amount awarded spread over the award period.

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\(^1\) For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Sponsored Programs.
# Policies for Board Review

**January 27, 2015**

<table>
<thead>
<tr>
<th>Policy Name</th>
<th>Policy Number</th>
<th>BOR Cte</th>
<th>Action/Change</th>
<th>Page</th>
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</thead>
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<tr>
<td>Academic Unit Chair/Director Appointments</td>
<td>4.2</td>
<td>ASA</td>
<td>Updates and clarifications.</td>
<td>P-5</td>
</tr>
<tr>
<td>Alcohol Service</td>
<td>13.7</td>
<td>B&amp;G</td>
<td>Events at tailgating areas or Cole Art Center are exempt and covered by other policies.</td>
<td>p-6</td>
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<tr>
<td>Animals on University Property</td>
<td>13.2</td>
<td>ASA</td>
<td>Clarification of limits on therapy animals.</td>
<td>P-8</td>
</tr>
<tr>
<td>Asbestos Removal</td>
<td>13.4</td>
<td>B&amp;G</td>
<td>Minor wording.</td>
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<tr>
<td>Best Value Procurement</td>
<td>17.1</td>
<td>F&amp;A</td>
<td>Addition of GSA contracts</td>
<td>P-16</td>
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<tr>
<td>Class Attendance and Excused Absence</td>
<td>6.7</td>
<td>ASA</td>
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<td>P-20</td>
</tr>
<tr>
<td>Computer and Network Security</td>
<td>14.2</td>
<td>ASA</td>
<td>Minor updates.</td>
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</tr>
<tr>
<td>Copyrighted Works Reproduction</td>
<td>9.2</td>
<td>ASA</td>
<td>Updates and clarifications.</td>
<td>P-25</td>
</tr>
<tr>
<td>Curriculum Review Modification and Approvals</td>
<td>5.7</td>
<td>ASA</td>
<td>Updates and reorganization of content.</td>
<td>P-32</td>
</tr>
<tr>
<td>Discipline and Discharge</td>
<td>11.4</td>
<td>ASA</td>
<td>Minor clarifications.</td>
<td>P-35</td>
</tr>
<tr>
<td>Discrimination Complaints/Sexual Harassment</td>
<td>2.11</td>
<td>ASA</td>
<td>Extension of time limits under certain circumstances.</td>
<td>P-41</td>
</tr>
<tr>
<td>Disposition of Abandoned Personal Property</td>
<td>13.6</td>
<td>ASA</td>
<td>Unclaimed bicycles will be kept at UPD.</td>
<td>P-50</td>
</tr>
<tr>
<td>Policy Name</td>
<td>Policy Number</td>
<td>BOR Cte</td>
<td>Action/Change</td>
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</tr>
<tr>
<td>Electronic Personnel Action Form</td>
<td>11.8</td>
<td>ASA</td>
<td>Failure to complete may be cause for disciplinary action.</td>
<td>P-52</td>
</tr>
<tr>
<td>Employee Training</td>
<td>11.11</td>
<td>ASA</td>
<td>Minor clarifications.</td>
<td>P-53</td>
</tr>
<tr>
<td>Employment of Persons with Criminal History</td>
<td>11.12</td>
<td>ASA</td>
<td>Minor wording changes.</td>
<td>P-56</td>
</tr>
<tr>
<td>Faculty Workload</td>
<td>7.13</td>
<td>ASA</td>
<td>Major rewrite.</td>
<td>P-57</td>
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<tr>
<td>Historically Underutilized Businesses</td>
<td>17.7</td>
<td>F&amp;A</td>
<td>Minor clarifications.</td>
<td>P-62</td>
</tr>
<tr>
<td>Honorary Degree</td>
<td>5.12</td>
<td>ASA</td>
<td>Reviewed with no changes.</td>
<td>P-64</td>
</tr>
<tr>
<td>Information Security for Portable Devices</td>
<td>14.6</td>
<td>ASA</td>
<td>Minor wording changes.</td>
<td>P-65</td>
</tr>
<tr>
<td>Insurance and Other Benefits</td>
<td>12.10</td>
<td>ASA</td>
<td>Long term care plan changed.</td>
<td>P-67</td>
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<tr>
<td>Investments</td>
<td>3.21</td>
<td>F&amp;A</td>
<td>Major rewrite.</td>
<td>P-73</td>
</tr>
<tr>
<td>Investments – Endowment Funds</td>
<td>3.20</td>
<td>F&amp;A</td>
<td>Minor correction.</td>
<td>P-93</td>
</tr>
<tr>
<td>Nepotism</td>
<td>11.16</td>
<td>ASA</td>
<td>Minor clarification.</td>
<td>P-102</td>
</tr>
<tr>
<td>Off-campus Credit Courses</td>
<td>5.13</td>
<td>ASA</td>
<td>Minor updates.</td>
<td>P-104</td>
</tr>
<tr>
<td>Oral English Proficiency Program</td>
<td>5.14</td>
<td>ASA</td>
<td>Assessment process clarified.</td>
<td>P-105</td>
</tr>
<tr>
<td>Out of State Electronic Fee</td>
<td>3.24</td>
<td>ASA</td>
<td>Reviewed with no changes.</td>
<td>P-107</td>
</tr>
<tr>
<td>Policy Name</td>
<td>Policy Number</td>
<td>BOR Cte</td>
<td>Action/Change</td>
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<td>------------------------------------------------</td>
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</tr>
<tr>
<td>Outside Employment</td>
<td>11.19</td>
<td>ASA</td>
<td>Minor wording changes.</td>
<td>P-108</td>
</tr>
<tr>
<td>Overtime and Compensatory Time</td>
<td>12.14</td>
<td>ASA</td>
<td>Minor clarifications.</td>
<td>P-110</td>
</tr>
<tr>
<td>Performance Management Plan</td>
<td>11.20</td>
<td>ASA</td>
<td>Clarification of employees covered.</td>
<td>P-113</td>
</tr>
<tr>
<td>Professional and Consulting Services</td>
<td>17.12</td>
<td>F&amp;A</td>
<td>Minor updates.</td>
<td>P-115</td>
</tr>
<tr>
<td>Purchase of Electronic and Information Resources</td>
<td>17.16</td>
<td>F&amp;A</td>
<td>Inclusion of accessibility requirements.</td>
<td>P-119</td>
</tr>
<tr>
<td>Purchases from Employees</td>
<td>17.21</td>
<td>F&amp;A</td>
<td>Minor clarifications.</td>
<td>P-121</td>
</tr>
<tr>
<td>Purchasing Ethics and Confidentiality</td>
<td>17.22</td>
<td>F&amp;A</td>
<td>Minor wording changes.</td>
<td>P-122</td>
</tr>
<tr>
<td>Retirement Programs</td>
<td>12.15</td>
<td>ASA</td>
<td>Minor wording changes.</td>
<td>P-125</td>
</tr>
<tr>
<td>Security Sensitive Positions</td>
<td>11.25</td>
<td>ASA</td>
<td>Inclusion of additional security-sensitive positions.</td>
<td>P-127</td>
</tr>
<tr>
<td>Student Employment</td>
<td>10.6</td>
<td>ASA</td>
<td>Clarification of working hours.</td>
<td>P-129</td>
</tr>
<tr>
<td>Temporary Employment</td>
<td>11.28</td>
<td>ASA</td>
<td>Time limits clarified.</td>
<td>P-134</td>
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<tr>
<td>The Ed and Gwen Cole Art Center and the Griffith Gallery</td>
<td>16.27</td>
<td>B&amp;G</td>
<td>Requirements added for service of food and beverages.</td>
<td>P-136</td>
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<tr>
<td>Time Reporting for Non-exempt Employees</td>
<td>11.30</td>
<td>ASA</td>
<td>Removal of student employees from policy.</td>
<td>P-140</td>
</tr>
<tr>
<td>Turner Auditorium</td>
<td>16.30</td>
<td>ASA</td>
<td>Electronic cigarettes not allowed.</td>
<td>P-142</td>
</tr>
<tr>
<td>Policy Name</td>
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</tr>
<tr>
<td>Use of Electronic Information Resources</td>
<td>16.32</td>
<td>ASA</td>
<td>Minor wording changes.</td>
<td>P-146</td>
</tr>
</tbody>
</table>
Academic Unit Chair/Director/Head Appointments

Original Implementation: May 23, 1979
Last Revision: January 25, 2011; January 27, 2015

Academic unit chairs/directors/head under a twelve-month contract are expected to be on duty each working day except when on vacation, sick leave, or other form of leave. Vacation time and sick leave are earned according to the schedule for Texas state employees. Academic unit chairs/directors/head are subject to being called upon to address a task or issue outside the normal working day when it is judged determined by the dean to be in the best interest of the university.

Academic unit chairs/directors/head under an eleven-month contract are expected to be on duty each working day within that contract period when classes are in session except when on sick or other form of leave. In general, the eleven-month contract shall be treated as an academic year appointment plus two summer months. It is the responsibility of academic unit chairs/directors/head to ensure that ongoing academic unit obligations are met during their absence. Vacation time is not accrued under an eleven-month appointment. Sick leave is earned according to the schedule for Texas state employees. Academic unit chairs/directors/head under an eleven-month contract are also subject to being called upon to address a task or issue outside the normal working day when it is judged determined by the dean to be in the best interest of the university.

Academic unit chairs/directors/head who are appointed for a period of eleven months should have no university duties during the equivalent of one calendar month (twenty-one working days, throughout the year) during June, July, and August. These days may be taken at one time or distributed throughout the summer. In any case, the twenty-one days allowed during the summer shall will be logged in the academic unit office and approved by the respective dean prior to the time of taking leave from duties.

Cross Reference: Administration of Academic Units (4.4); and Chair Teaching Load Faculty Workload (4.37.13); Sick Leave (12.18)

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
Alcohol Service

**Original Implementation:** July 29, 2014  
**Last Revision:** None  
**Last Revision Date:** January 27, 2015

The sale and service of alcohol on campus is prohibited except in designated special use venues as permitted by this policy.

**Special Use Venues**
The president may designate campus facilities/areas as special use venues. The president may amend this list as appropriate and may designate a campus facility or area as a special use venue on a temporary basis. The director of student services will maintain the most current list of designated special use venues. *Tailgating areas, as designated by the Department of Intercollegiate Athletics, and events at the Ed and Gwen Cole Art Center, as approved by the dean of the College of Fine Arts, are exempt from this policy if conducted in compliance with the Department of Intercollegiate Athletics Policies and Procedures Manual or The Ed and Gwen Cole Art Center and the Griffith Gallery (16.27) university policy, respectively.*

**Licensed Server**
Only the university’s contracted food service provider may sell and/or serve alcoholic beverages in special use venues upon proper university authorization and in accordance with applicable law. *Tailgating areas, as designated by the Department of Intercollegiate Athletics, are exempted from this requirement.*

**Application**
Persons or groups seeking permission to have alcoholic beverages sold and/or served in a special use venue must make application with the student center reservations office. This application must be submitted:

- no later than 21 days in advance of the event when the sponsor seeks to use their own existing coverage with the university named as additionally insured;
- no later than 14 days in advance of the event when the university arranges for insurance coverage.

Each application will be reviewed based upon the nature of the event, organizational planning, frequency of the event, group(s) served by the activity, activity focus, appropriate level of insurance, and an appropriate level of accompanying food service.

**Police**
Police officers may be required for any event where alcohol is sold and/or served. The number of officers required will be determined by the chief of police. The event sponsor will be responsible for the cost of the officers assigned.

**Funds**
The only university funds that may be used to purchase alcohol are approved discretionary accounts. Appropriated funds, funds under the control of the athletics department, or funds...
generated by research grants and contracts may not be used to purchase alcohol. Texas Government Code § 2113.012 prohibits use of appropriated funds to compensate an officer or employee who uses alcoholic beverages on active duty; therefore, alcoholic beverages may not be served at official functions between 8 a.m. and 5 p.m., Monday through Friday.

Final
In all cases, possession or use of alcohol must be in full compliance with applicable state laws including the Texas Alcoholic Beverage Code. Nothing in this policy shall be taken as an assumption of risk or responsibility on the part of the Board of Regents, the university or its employees for any injuries or damages, whatever kind, resulting from any person's possession or use of alcohol, whether such use is legal or illegal.

Cross Reference: Student Center Operations (16.26); Illicit Drugs and Alcohol Abuse (13.11); The Ed and Gwen Cole Art Center and the Griffith Gallery (16.27); Department of Intercollegiate Athletics Policies and Procedures Manual

Responsible for Implementation: President

Contact for Revision: President

Board Committee Assignment: Building and Grounds
Animals on University Property

Original Implementation: Unpublished

The university seeks to uphold federal, state, and local laws and regulations; ensure the health and safety of its community; preserve the integrity of its grounds, buildings, and other property; and support a healthful educational environment that respects the rights of all individuals.

Service animals are welcome in all buildings on campus and may attend any class, meeting, or other event. Students Individually with documented disabilities residing in university housing may request as an accommodation that a therapy animal be allowed to reside in the student’s campus residence; however, therapy animals are not permitted anywhere outside of the individual’s assigned living space except as otherwise provided by this policy. Community members may take advantage of the several recreational areas on campus by walking personal animals and are allowed to do so within the guidelines set forth. Reasonable behavior is expected from the animals while on campus. If the animal exhibits unacceptable behavior, the handler is expected to employ the proper training techniques to correct the situation.

Consideration of others must be taken into account when providing for the maintenance and hygiene of service animals. Additionally, specific guidelines have been established concerning service and therapy animals living in a campus residency environment.

Section I: Definitions
Section II: Service Animals
Section III: Therapy Animals
Section IV: Handler or Owner Responsibility
Section V: Residence Life and Food Service Guidelines
Section VI: Information and Appeals

Section I: Definitions

A. Handler:
A person with a disability using a service animal; a person who has received approval for a therapy animal accommodation; or a person in possession of an animal for recreation on the university campus.

B. Service Animal:
Any dog, or miniature horse, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. The
crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

C. Therapy Animals:
An animal that works, provides assistance, or performs tasks for the benefit of an individual with a disability or provides emotional support or therapeutic benefits that alleviate one or more of the identified symptoms or effects of a person’s disability; however, the animal is not required to be individually trained or certified to perform such task. Therapy animals include “emotional support animals” and “assistive animals” used to support individuals with mental disabilities. These animals may provide crime deterrent effects or emotional support, well-being or comfort.

D. Recreational Animals:
A domestic animal used for sport, companionship, or other non-service/assistance functions. Recreational animals are not allowed inside university facilities. An exception would be small birds in cages and fish in a 10 gallon or less aquarium.

E. Unauthorized Animal:
Any animal not controlled by a leash or harness, unless the animal is a service animal and the handler is unable because of disability to use a leash or harness or if the lease or harness restricts the service animal to function appropriately as such. Also, any animal that exhibits violent, uncontrollable, aggressive, or unhealthy behavior, including service and therapy animals.

Section II: Service Animals

A. University Responsibility

1. Allow service animals to accompany the handler to all areas of the facility where the handler is normally allowed to go. A handler may not be segregated from other similar members of the campus community, except where there is real danger to the animal or where the natural organisms carried by the service animal would adversely affect research. Exceptions to the exclusions will be reviewed on a case-by-case basis.

2. Not to pet, feed, or deliberately startle/disturb a service animal.

3. Not to separate, or attempt to separate, service animals from their handlers.

4. Provide handlers living in campus housing with an area for relieving and grooming their animals.
B. Inquiries

1. When it is not obvious what service an animal provides, the handler may be asked:
   a. If the animal is a service animal required for a disability; and
   b. What work or task the animal has been trained to perform.
2. Staff may not ask about the person’s disability, require medical documentation, require certification of the dog’s training, or ask that the dog demonstrate its ability to perform the work or task.
3. Use of miniature horses as a service animal will be reviewed based on the inquiries and exceptions listed below and allowed by law.

C. Service Animal in Training

1. Individuals who desire an accommodation for a service animal in training must also abide by all relevant provisions of this policy.
2. An animal being trained to be a service animal will be treated as a fully trained animal when accompanied by a handler and identified as such.

D. Exceptions

1. Service animals may be denied or removed if:
   a. The animal is out of control and its handler does not take effective action to control it;
   b. The animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination);
   c. The animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable accommodation.

Section III: Therapy Animals

A. Inquiries

1. Requests for therapy animals may be made by individuals with documented disabilities residing in university housing.
2. If the animal does not meet the definition of service animal, a student or the resident must engage in a reasonable accommodation request with Residence Life or Disability Services staff.
3. Residence Life or Disability Services may ask individuals who have disabilities that are not readily apparent or known to the university official to submit reliable documentation of a disability and their disability-related need for a therapy animal within the residence hall. The individual is not required to disclose medical information that is overly intrusive and invasive in order to receive an

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accommodation.

A. A person qualifies for reasonable accommodation if:

a. The person has a documented disability;

b. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the residence halls; and

c. There is an identifiable relationship between the disability and the assistance the animal provides.

B. Exceptions

1. Therapy animals may be denied or removed if:

a. The specific therapy animal would impose an undue financial and administrative burden or would fundamentally alter the nature of the residence halls.

b. The specific therapy animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or

c. The specific therapy animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Section IV: Handler or Owner Responsibility

A. Authorized Animals

1. Handlers must abide by all state laws, Nacogdoches city ordinances related to animals in the city of Nacogdoches, and SFA guidelines, including but not limited to:

a. All animals in the city must have a valid license and tag issued by the city of Nacogdoches at the Department of Animal Control. The license and tag must be renewed annually.

b. The handler is required to provide a collar or harness for the license and vaccination tags to be affixed. Handler shall see that the animal wears the collar and tags at all times.

2. Handler is liable for damages caused by the service animal, therapy animal, or recreational animal.

3. Handler is responsible for the care and supervision of a service animal, therapy animal, or recreational animal.

4. Handler must have full control of the animal at all times. Animals may not run at large; a leash or harness is required unless the handler is unable because of disability to use a leash or harness or it restricts the animal’s ability to function appropriately.

5. Disturbing animal vocalization must be kept to an absolute minimum.

6. Handlers must relieve animals in designated locations and properly dispose of waste.

7. Handler must observe housing and food service establishment guidelines.

8. All service/therapy animals must have an annual clean bill of health from a licensed
9. Vaccinations must be current and based on a veterinarian’s recommendations.
10. Daily grooming and occasional baths (at a vet or a family home) should be undertaken to keep the service animal’s odor to a minimum.
11. Flea control is essential and adequate preventative measures must be taken. If a flea problem develops, it must be dealt with immediately and in an effective manner. In the event a flea problem is not eliminated by the handler, the residence life department will exterminate the property and assess the student handler the standard extermination fee.

B. Unauthorized Animals

1. In the event an unauthorized animal is discovered on or in university property, except residence halls, the University Police Department should be notified immediately. The responding officer may take appropriate action, up to and including ordering the handler or owner to remove the unauthorized animal from university property or by contacting the Nacogdoches Animal Control Officer who will take possession of the animal and remove it from campus.
2. In the event an unauthorized animal is discovered in a university residence hall, the appropriate residence hall staff shall be notified immediately. The residence hall staff will attempt to contact the owner/handler of the unauthorized animal for removal. If the owner/handler cannot be contacted, the residence hall staff will contact the University Police Department for removal as indicated in this policy.

Section V: Residence Life and Food Service Guidelines

1. Occupants of university housing are not permitted to keep pets, except small birds in cages and small fish in aquariums.
2. Service animals are permitted to accompany the individual with a disability to all areas of the facility where persons are normally allowed to go.
3. Therapy animals are not permitted anywhere outside of the individual’s assigned living space; exceptions may be made on a case-by-case basis from Residence Life or Disability Services.
4. Service/therapy animals should be kept under control. Animals should always be on a leash except when in the student’s room with the door closed unless the leash restricts the service animal’s ability to function appropriately.
5. Animal food should be kept in a covered storage container to deter pests.
6. Animal’s paws must be kept off tables, trays, and food service counters at all times.
Section VI: Information and Appeals

Questions and concerns regarding the use of service/therapy animals on university property should be directed to the ADA coordinator who serves as an advisor for procedures and access to programs and services.

For specific information regarding accessibility refer to university policy 2.2, Accessibility for Persons with Disabilities. For specific information regarding resolution of disagreements, refer to university policy 6.6, Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities. For issues related to Discrimination or Harassment, refer to university policy 2.11, Discrimination Complaints/ Sexual Harassment.

Cross Reference: 28 C.F.R. § 35.136 (2010); Nacogdoches, Tex., Rev. Ordinances ch. 6, art. III, §§ 32-33 (2008); Accessibility for Persons with Disabilities (2.2); Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities (6.6); Discrimination Complaints/ Sexual Harassment (2.11)

Responsible for Implementation: Vice President for University Affairs

Contact For Revision: Chief of University Police, Director of Disability Services, and Director of Residence Life

Forms: None

Board Committee Assignment: Academic and Student Affairs
Asbestos Removal

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

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

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

B. Asbestos Program Manager
1. The Asbestos Program Manager (APM) or a certified asbestos consultant must be licensed by the Texas Department of State Health Services as an Asbestos Inspector, Management Planner, and must satisfactorily complete the appropriate examination administered by the Environmental Protection Agency. The APM will stay abreast of all pertinent regulations regarding asbestos.
2. The APM will establish a training program to be completed by all university employees who might reasonably be expected to come into contact with asbestos material during the performance of their university employment.
3. Once completion of the initial training program has been conducted, supervisors will provide periodic reminders to employees of the employee’s duty to inform their supervisor when any material containing asbestos becomes friable or may become friable due to daily wear-and-tear, roof leaks or maintenance.
4. Upon notification of building renovation, modification, or demolition, bulk samples will be taken, and records will be checked. If asbestos-containing material is present, abatement will be scheduled.
5. The APM will maintain two current files, located remotely from each other, on all university buildings and facilities previously identified as containing any form of asbestos at 1% or above. It will be the responsibility of each Stephen F. Austin State University employee to notify his/her supervisor any time a question arises relating to
work which may involve contact with suspected asbestos materials, and when the work requirements listed below are anticipated.

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

C. Implementation

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

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

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

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: Building and Grounds
Best Value Procurement

Original Implementation: January, 1988
Last Revision: January 31, 2012

PROCUREMENT PROCESSES

Stephen F. Austin State University makes purchases, not otherwise delegated through Delegated Purchasing Authority (17.5), in accordance with Education Code 51.9335 and university policy on a best value basis and following the procedures outlined in the procurement procedure manual.

The university may purchase goods or services:

A. through programs associated with the purchase of goods or services from persons with disabilities as required under applicable state law;
B. through direct negotiation if the aggregate total is $5,000 or less;
C. through group/cooperative purchasing programs;
D. through contracts available through the state comptroller, Department of Information Resources, Council on Competitive Government, or State Office of Risk Management;
E. through any contract issued and awarded by other state of Texas agencies or institutions of higher education;
F. from other state agencies or political subdivisions in accordance with Interagency and Interlocal Contracts (17.8);
G. on a proprietary basis in accordance with Proprietary Purchases (17.15);
H. through a professional or consultant services contract in accordance with Professional and Consultant Services (17.12);
I. from state or federal surplus warehouses in accordance with Purchase of Surplus Property (17.17);
J. from university employees in accordance with Purchases From Employees (17.21);
K. from GSA contracts that are available for direct use by state agencies and institutions of higher education;
L. through a solicitation process including, but not limited to, informal bid, competitive sealed bid, competitive sealed proposal, or request for qualifications;
M. on an emergency basis as long as the procurement is necessary to prevent a hazard to life, health, safety, welfare or property, or to avoid undue additional cost to the university;
N. on a best value basis without using one of the above processes as long as the supporting justification is approved by the director of procurement and is in compliance with best value considerations outlined in Education Code 51.9335.
ADDITIONAL PROCUREMENT CONSIDERATIONS

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

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

Contracting with a former employee or retiree for services is prohibited on state funds within 12 months of the employee’s separation date from the university. The use of local funds is allowed within 12 months of the employee’s separation date with prior approval of the director of procurement and property services, director of human resources, and general counsel with approval of the university president.

Contracting with the executive head of a state agency, or with a person who at any time during the four years before the date of the contract was the executive head of a state agency, or with a person who employs a current or former executive head of a state agency is prohibited unless the Board of Regents votes in open meeting to approve the contract, and the Legislative Budget Board is notified no later than the fifth day before the date of the vote, of the terms of the proposed contract.

Contracts that generate revenue may be processed through any of the above procurement processes, through direct negotiation, or through any other process that is determined to represent the best value to the university.

All procurements, regardless of the source of funds, shall comply with laws and rules relating to historically underutilized businesses. Reference Historically Underutilized Businesses (17.7).

Some procurements may require Board of Regents approval prior to purchasing. Reference Items Requiring Board of Regents Approval (1.4).

Some procurements have additional restrictions based on the source of funding. Contact the procurement office for detailed information on the general interpretation of fund restrictions. Reference the Funds Guidelines and HEF Guidelines published on the procurement and controller’s office websites.

EXEMPT PURCHASES

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

1. Advertising
2. Hotels and meeting rooms for conferences
3. Conference expenses – expenses related to conference room services such as audio/visual/network and food services. (does not include goods purchased for attendees or transportation services)
4. Moving expenses (employee) – see Moving Expenses (3.23)
5. Student travel – expenses related to student travel
6. Library materials and services for Stephen F. Austin State University libraries when such exemption represents the best value to the university
7. Membership dues and associated fees
8. Direct publications only available from a single source as defined in the procurement procedure manual
9. Freight, including shipping, handling, fuel surcharge, hazardous material fee, postage, and other surcharges
10. Intra-agency payments (IDT)
11. Rental of exhibit space
12. Items for resale
13. Internal repairs – repairs for which the extent and cost of such cannot be determined until the commodity is disassembled and evaluated; an internal repair must contain labor and may also include parts
14. Purchases from federal agencies
15. Utilities, other than deregulated electricity
16. Organized activity purchases – goods and services for the Early Childhood Lab, Cole Audiology Lab, Beef Farm, Poultry Farm, Equestrian Program, Broiler Houses, and Swine Farm when the purchase directly affects operations and such exemption represents the best value to the university
17. Group travel – expenses related to group travel when such group travel includes non-university persons and/or is funded by payment from individual travelers; i.e., Art Tour
18. Gifts, prizes and awards for students, employees and non-university individuals
19. Accreditation fees
20. Tournament fees or game guarantees
21. Licensing fees or permits
22. Employee registration or tuition
23. Sponsorships
24. Non-travel-related meals
25. Fees, not otherwise identified herein
26. Notary bonds
27. Guest lecturers, speakers, artists, entertainers, performers, musicians, etc.
28. Educational/training services for university employees
29. Veterinary services
30. Other professional services as defined by the state comptroller’s expenditure codes

**Cross References:** Items Requiring Board of Regents Approval (1.4); Historically Underutilized Businesses (17.7); Delegated Purchasing Authority (17.5); Interagency and Interlocal Contracts (17.8); Proprietary Purchases (17.15); Professional and Consultant Services (17.12); Purchase of Surplus Property (17.17); Purchases From Employees (17.21); Moving Expenses (3.23); Purchase Requisition (17.19); Tex. Educ. Code § 51.9335; Tex. Gov’t Code § 669.003; Tex. Gov’t Code §§ 2252.001-.004, .901

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

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

**Forms:** Purchase Requisition, Purchase Voucher

**Board Committee Assignment:** Finance and Audit
Class Attendance and Excused Absence

**Original Implementation:** November 9, 1981
**Last Revision:** July 19, 2011; January 27, 2015

### Class Attendance

*Students are required to attend all classes, laboratories, and other activities for which a student is registered on a regular and punctual basis. Attendance policies will be stated in the course syllabus. For those classes where attendance is a factor in the course grade, an accurate record of attendance will be maintained. Regardless of attendance, the student is responsible for course content and assignments.*

### Excused Absences

Students may be excused from attendance for reasons such as health, family emergencies, or student participation in approved university-sponsored events. However, students are responsible for notifying their instructors in advance, when possible, for excusable absences.

*Students missing classes, other than university-sponsored trips, may contact the Office of Student Rights and Responsibilities (OSRR) and request that an absence notification be sent to the instructor(s). The notification is not an excuse, and is not evaluated by OSRR. The notification is only provided as a courtesy to the student and the student's instructor(s).*

Students remain responsible for providing satisfactory documentation in a timely manner to the instructor for each absence. *The instructor determines whether such documentation is satisfactory.*

*Whether absences are excused or unexcused, a student is still responsible for all course content and assignments. Students with acceptable excuses may be permitted to make up work for a maximum of three weeks’ worth of absences during a semester or one week of a summer term, depending on the nature of the missed work. Make-up work must be completed as soon as possible after returning from an absence in accordance with the course syllabus.*
If participating in the case of absences caused by participation in university-sponsored events, announcements via mySFA will constitute official notification. Faculty members sponsoring activities that require their students to be absent from other classes must submit to the provost and vice president for academic affairs an explanation of the absence, including the date, time, and an alphabetical listing of all attending students. If approved by the provost and vice president for academic affairs, this information will be posted on mySFA.

Whether absences are excused or unexcused, a student is still responsible for all course content and assignments. Students with accepted excuses may be permitted to make up work for up to three weeks of absences during a semester or one week of a summer term, depending on the nature of the missed work. Make-up work must be completed as soon as possible after returning from an absence.


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
Computer & Network Security

Original Implementation: January 24, 1995
Last Revision: October 18, 2011, January 27, 2015

Purpose

This policy establishes the conditions and security requirements for the use of computing equipment and networks at Stephen F. Austin State University (SFA). Computing equipment includes desktops, laptops, servers, handheld devices, and printers. In order to comply with state requirements (Information Resources Management Act, Tex. Gov’t Code Ch. 2054, and Tex. Admin. Code, Title 1, Part 10, Ch. 202), the director of information technology services (ITS) serves as the information resources manager for the university. The Department of ITS ensures compliance.

Scope

This policy applies at all university locations or data centers and represents the minimum requirements that must be in place. Individual areas with computers and networks may have additional controls and security.

Policy

1. Each vice president, dean or director shall designate department staff (not student employees) or the technical services group of ITS as responsible for the support, maintenance and security of the computing equipment within their purview. For organizational units that designate local staff as their support provider, ITS shall provide computing support guidelines specifying the level of support that ITS shall provide as the secondary support provider.

2. Each organizational unit shall implement local security procedures to include:
   a. Protection of the privacy of confidential information;
   b. Protection of information against unauthorized modification;
   c. Protection of systems against unauthorized access and use;
   d. Display of the security banner from the ITS security web page on organization computers;
   e. Use of the university’s central authentication source for user authentication on servers and desktop computers, where feasible;
   f. Use of the standard university antivirus software in a managed configuration, where feasible.
3. Each organizational unit of SFA that maintains a local area network(s) must develop a local security procedures document that is subject to approval by ITS. In order to mitigate and manage risk, each organizational unit maintaining servers shall participate in the annual information systems security risk assessment. The president or designee shall make the final security risk management decisions either to accept exposures or to protect the data according to their value or sensitivity.

4. SFA shall not be liable for the loss of data or interference with files resulting from the university’s efforts to maintain the privacy and security of the university’s computer, information, and network facilities. In order to maintain network security, the university reserves the right to:
   a. Limit, restrict, or terminate an account holder’s usage;
   b. Inspect, copy, remove, or otherwise alter any data, file, or system resource that threatens the security of a system or network, with or without prior notice to the user;
   c. Check systems periodically and take the necessary actions to protect university computers, information, and networks.

5. Individuals shall exercise responsible, ethical behavior when using the university’s information resources. The university reserves the right to limit, restrict or extend privileges and access to its resources.
   a. Access to certain university information resources is provided through the establishment of an account. Computer accounts must be approved in writing through the respective dean or director (or designated representative) of the administrative unit.
   b. Since the university permits access to copyrighted data through the Internet, each user is responsible for complying with university policy 9.3, Digital Millennium Copyright. Disciplinary action, including termination of service, may be taken on any reported copyright infringements that have been investigated and determined valid.
   c. Computer systems provided by SFA are reserved only for university-related activities (See Chapter 39 of the Texas Penal Code for provisions dealing with the misuse of state property). The intentional deletion or alteration of information or data of others, intentional misuse of system resources, and misuse of system resources by others are prohibited.

6. All users in security sensitive positions or users having access to Banner information, other than their own personal information, employees including student employees must complete online security awareness training annually. Online security awareness training is considered complete once the user has scored a minimum of 80% on the security awareness quiz.
7. Each user is responsible for complying with university policies 16.32, Acceptable Use of Information Resources, Use of Electronic Information Resources, and 9.1, Computing Software Copyright.

**Sanctions for Policy Violations**

Violations of any provision of this policy may result in, but are not limited to:

a. a limitation on a user's access to some or all university computer systems;
b. the initiation of legal action by the university;
c. restitution by the violator for any improper use of service; and/or
d. disciplinary sanctions, which may include dismissal.

Many academic courses and work-related activities require the use of computers, networks, and systems of the university. In the event of an imposed restriction or termination of access to some or all university computers and systems, a user enrolled in courses or involved in computer related work activities may be required to use alternative facilities. However, users are advised that if alternative facilities are unavailable or not feasible, users are responsible for the failure to complete requirements for course work or work responsibilities.

**Cross Reference:** Use of Electronic Information Resources (16.32); Computing Software Copyright (9.1); Digital Millennium Copyright (9.3); Texas Information Resources Management Act, Tex. Gov’t Code Ch. 2054; 1 Tex. Admin. Code §§ 202.1-.2, .70-.78; Tex. Penal Code §§ 39.01-.02.

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

**Contact for Revision:** Provost and Vice President for Academic Affairs; Chief Information Officer

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs
Copyrighted Works Reproduction

Original Implementation: 1979
Last Revision: July 19, 2011 January 27, 2015

The Copyright law Act (17 U.S.C. §§ 101-1332) affects photocopy reproduction and all types of reproduction and/or use of others’ works. The following guidelines provide general copyright information useful to the academic community.


In determining whether the use of a work is fair use, four statutory factors should be considered: 17 U.S.C. § 107 provides the following considerations to determine whether the use of a work would be considered fair use:

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and,
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

Single Copying for Instructional Use

A single copy may be made of any of the following by or for a faculty member at his or her individual request for his or her scholarly research or instructional purposes:

Only the following copies may be made from copyrighted works provided the amount of copying does not exceed 10% of the entire volume:

- (1) a single copy of one or more chapters from a book;
- (2) an one or more articles from a periodical title or newspaper;
- (3) one or more a short stories, short essays or short poems, whether or not from a collective work;
- (4) a charts, graphs, diagrams, drawings, cartoons, or picture from a book, periodical, or newspapers;
- (4) a single copy of an excerpt from a musical work, provided the excerpt is less than 10% of the entire work and is less than a performable unit, such as a section, movement, or aria; or,
- (5) a single copy of an entire work, provided a copy cannot be obtained at a fair price.
**Multiple Copies for Instructional Use**

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the faculty for classroom use or discussion; provided that:

- Copies in excess of the amount may be permissible in some circumstances under fair use.
- Copying shall not be repeated with respect to the same item for use by the same individual from term to term.

In all circumstances other than the specific fair use guidelines described above for single or multiple copies, permission must be obtained from the copyright holder.

**General Guidelines for Copyrights Related to Academic Activities**

**Public Domain Works**

Public domain refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws. Generally, if a work was published without copyright notice under the authorization of the copyright owner and the law does not provide an exception for the omission, the work is in the public domain if published in the U.S. after 1922 but before March 1, 1989. The presence or absence of a copyright notice is not of significance in determining whether a work is copyrighted or is in the public domain for works published on or after March 1, 1989. Free use of materials not protected by copyright is permitted for public works. The presence or absence of a copyright notice is not of significance in determining whether a work has copyright protection or is a public work. Older works published without a notice may be in the public domain, but for works created after March 1, 1989, absence of a notice is non-determinative.

The following guidelines—factors—may be used to determine what constitutes a public domain work:

- works that lack originality (e.g., phone book);
- works in the public domain (that are no longer protected by copyright);
- freeware (must be expressly stated);
- U.S. Government works—publications;
- Facts or theories; or,
- ideas, short phrases, processes, methods, and systems described in copyrighted work that are not otherwise protected by patents.

When copying or digitizing materials, the responsible party shall include the following:

- any copyright notice on the original;
- appropriate citations and attributions to the source; and,
• a Section 108(f)(1) notice indicating that making a copy may be subject to copyright law.


Under Section 108 of the Copyright Act, libraries are authorized to exercise special rights in addition to fair use. These rights are described in Section 108 of the copyright law which allows libraries to make copies for:

• To archive lost, stolen, damaged, or deteriorating works, if a replacement cannot be obtained at a fair price;
• To engage in isolated and related reproduction or distribution of a single copy for library patrons; and,
• To provide, at the request of another library, a copy of an article or book chapter - (interlibrary loan).

Library staff may duplicate a published work to replace a copy that is damaged, deteriorating, lost or stolen, provided that after a reasonable effort the library has determined that a replacement cannot be obtained at a fair price. An unpublished work may also be duplicated for purposes of preservation or security or for deposit for research use in another library.

For works in the last twenty years of protection and not available at a reasonable price, more generous copying than indicated herein may be performed, provided the purpose of the copying is to support preservation, scholarship, or research.

Reserve Collections

At the faculty member’s request, library staff may make single copies of materials in compliance with the Copyright Act. The materials are available to students for a limited period of time. Generally, library staff may make single copies for reserve and faculty members’ classroom use. However, faculty copy requests may not exceed one copy per student, and may not be repeated with respect to the same item by the same instructor from term to term without obtaining permission from the copyright holder and/or paying copyright royalties.

Copies that are digitized for placement in an electronic reserve system or in a learning management system should be structured to limit access to students registered in the course for which the materials have been placed on reserve; and to instructors and staff responsible for the course or the electronic system.

The library may acquire up to five copies of an article from a journal published within the last five years within a calendar year. If a request exceeds the five copies permitted, the library will pay copyright royalties to the Copyright Clearance Center for subsequent requests.

When digitizing others’ works in electronic reserves, library staff will limit reserve materials to:
single articles or chapters; several charts, graphs or illustrations; or other small parts of a work;

- a small portion of materials required for the course; or,
- copies of materials a faculty member or the library already possesses legally (i.e., by purchase, license, fair use, interlibrary loan, etc.).

Instructors seeking to use materials repeatedly for the same class must obtain appropriate permission. Electronic reserve systems should be structured to limit access to students registered in the course for which the materials have been placed on reserve, and to instructors and staff responsible for the course or the electronic system.

Coursepack Guidelines

The General Fair Use Guidelines are applicable to coursepacks. The faculty/staff member who compiles coursepack materials shall be responsible for complying with these guidelines. Using a commercial copy shop does not necessarily relieve the coursepack creator of liability, unless the above guidelines are followed or the copy shop pays appropriate royalties. Campus copy centers are not permitted to copy coursepacks, unless these guidelines are followed. See also university policy 7.16, Purchased Instructor-generated Materials.

Computer Software

Only explicitly stated freeware, not shareware or other licensed software, is allowed to be freely used without a license. Appropriate licenses must be obtained for all other software use. The software user is responsible for reading and complying with all license agreements. Other university computer use policies shall also apply.

Guidelines for Music

The university maintains some general licenses for copyrighted music use with BMI and ASCAP for specific use areas (e.g., College of Fine Arts, Student Activities, etc.). Beyond those areas, use of music must be licensed or specific permission obtained. General guidelines for copying music are outlined below.

Copying shall be limited to:

- entire works of sheet music for performance-related emergencies;
- performable units of sheet music (movements, sections, arias, etc.) if out of print;
- recordings of student performances for teacher or institutional evaluation or student’s portfolio; and,
- one copy of sound recordings for classroom or reserve room use.

If emergency copies are made, they must be replaced with purchased originals as soon as practical.
Performances and Displays in Face-to-Face Teaching and Broadcasts

Educational institutions and governmental agencies are authorized to publicly display and perform others’ works in the course of face-to-face teaching activities, and to a limited degree, in broadcasts where there is a delayed transmission of faculty instruction. These rights are described in Sections 110 (1) and (2) of the Copyright Act.

Performances and Displays in Distance Learning

Sections 110 (1) and (2) of the Copyright Act may not cover fair use of the performance of others’ works in online course materials. For purposes of distance learning, small parts of others’ works may be used for a limited time, and only if a faculty member or the institution possesses a legal copy of the work.

Access shall be limited to students enrolled in the class and administrative staff, and shall be terminated at the end of the class term.

Digitizing and Using Images for Educational Purposes

An image should be purchased or licensed if it is available at a fair price. If an image is not readily available online or for sale or license at a fair price, it should be digitized and used according to the following guidelines:

- Access should be limited to students enrolled in the class and administrative staff as needed, and terminate access at the end of the class term (use of “thumbnails” is typically considered fair use and may be used accordingly, without this more stringent restriction).
- Use of these images at conferences is permissible.
- Students may download, transmit, and print these images to complete academic requirements, and may keep works containing images in their portfolios.
- Unnecessary copies are not permissible.

Digitizing and Using Others’ Works in Multimedia Materials For Educational Purposes

The Conference on Fair Use (CONFU) suggests that: fair use adheres to specific numerical portion limits; copies of the multimedia work should be strictly controlled; and fair use "expires" after two years. Although these are important considerations, CONFU numerical limits do not constitute the outer limits of fair use for educational purposes.

The guidelines below allow for the creation of unique works within the limitations provided, but not to make or distribute multiple copies. (Multimedia materials that will be licensed, distributed, or sold, must obtain appropriate permission from each applicable copyright holder.)

Students, faculty, and staff may incorporate others’ works into a multimedia work, and display and perform a multimedia work in connection with or creation of required academic and
professional materials.

All employees who assist in making copies must comply with the fair use guidelines. All public copy machines or public copy centers on campus must have a warning notice on or near each machine which states that the responsibility for copyright infringement rests with the user. The use of printed copyright warnings transfers a portion of the responsibility for copyright compliance to the individual user.

Personal liability for copyright infringement can be created for willful acts. This policy has been formulated to provide specific guidance on the variety of circumstances where fair use is permissible. The copyright law provides a good faith fair use defense (17 U.S.C. § 504(c)(2)). It applies only if the person who copied material reasonably believed that what he or she did was fair use.

Federal legislation entitled the No Electronic Theft (NET) Act creates criminal penalties for non-commercial copyright infringement of a sufficient dollar value. The academic community must be aware that distribution of pirated computer software or other copyrighted material on computer bulletin boards or other methods of distribution may constitute a federal crime, regardless of whether or not the infringer receives financial gain.

The Digital Millennium Copyright Act (DMCA) limits university liability as an internet service provider for certain copyright infringements created on-line. The university’s registered agent for on-line copyright infringement complaints shall be the general counsel. The DMCA establishes procedures whereby, upon receipt of proper complaints, the university will block access to or take down allegedly infringing material and notify the web page owner of the complaint. Alleged infringers may issue a counter-notice, which includes a signature, description of removed material, explanation why the material did not infringe any copyright, and their name, address and phone number, with a consent to the jurisdiction of the court to be sued. Upon receipt of this counter-notice, the university shall re-post the material. Repeat infringers will be subject to termination of internet service by the university. See university policies, Computer and Network Security (14.2) and Digital Millennium Copyright Policy (9.3)

Further information can be obtained by accessing the webpage of the U.S. Copyright Office within the Library of Congress at: http://www.copyright.gov. The university’s general counsel may be contacted with specific inquiries.

Copyright (9.3); Recording of Broadcasts for Education Use (7.23)

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

**Contact for Revision:** Director of University Libraries, General Counsel

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs
Curriculum Reviews, Modifications and Approvals

Original Implementation: October 17, 1978
Last Revision: October 18, 2011, January 27, 2015

Introduction

It is the responsibility of each academic unit of the university to maintain current curricula and engage in continuous review of its curricula. The provost and vice president for academic affairs and appropriate dean will set time-lines for the modification and approval process.

Curricular Modification Procedures

Curricular modifications include:

- new courses;
- modified courses (e.g., course title, credit hours);
- new programs (e.g., degrees, endorsements, certificates, minors, concentrations);
- modified programs (e.g., degrees, endorsements, certificates, minors, concentrations);
- deletion of courses and/or programs (e.g., degrees, endorsements, certificates, minors, concentrations); and
- changes in mode of delivery such as off-campus face to face, online instruction, and other distance delivery methods.

Substantive Change

Any curricular changes that involve substantive change as defined by the Southern Association of Colleges and Schools Commission on Colleges must be communicated by the Office of the Provost and Vice President for Academic Affairs to the appropriate entity and, if necessary under the rules of the entity, be approved before implementation. For further information see the university policy on Substantive Change (4.10).

Processes & Procedures

Forms for this purpose are available at the Academic Affairs website http://www.sfasu.edu/acadaffairs/.

1. New, modified and deleted undergraduate and graduate programs and changes in mode of delivery shall be developed and submitted at the program level, and recommended for approval by:

- the academic unit’s curriculum committee;
- the academic unit chair/head.
appropriate councils or committees in the college [e.g., Professional Educators’ Council (5.16) for teacher certification];
- the college dean;
- the university Undergraduate Council or Graduate Council; and
- the Deans Council; and
- the provost and vice president for academic affairs.

New courses and new, modified and/or deleted undergraduate and graduate programs and changes in mode of delivery will then be considered for approval by:

- the provost and vice president for academic affairs;
- the university president; and
- the Board of Regents.

Where appropriate, approval will then be sought from (and/or notification will be made to) the Texas Higher Education Coordinating Board (THECB), the Texas Education Agency, the Southern Association of Colleges and Schools, or other outside agencies and organizations.

Changes will be made in the General Bulletin and/or Graduate Bulletin after approval.

**Substantive Change**

Any curricular changes that involve substantive change as defined by the Southern Association of Colleges and Schools Commission on Colleges must be communicated by the Office of the Provost and Vice President for Academic Affairs to the appropriate entity and, if necessary under the rules on the entity, be approved before implementation. For further information, see the university policy on Substantive Change (4.10).

2. New, modified and deleted undergraduate and graduate minors, second majors and concentrations shall be developed and submitted at the program level, and recommended for approval by:

- the academic unit’s Curriculum Committee;
- the academic unit chair;
- appropriate councils or committees in the college [e.g., Professional Educators’ Council (5.16) for teacher certification];
- the college dean
- the university Graduate or Undergraduate Council; and
- the Deans Council.

New, modified and deleted undergraduate and graduate minors, second majors and concentrations shall then be considered for approval by the provost and vice president for academic affairs.
3. **New, modified and deleted undergraduate and graduate courses** shall be developed and submitted at the program level, and recommended for approval by:

- the academic unit’s Curriculum Committee;
- the academic unit chair;
- appropriate councils or committees in the college [e.g., Professional Educators’ Council (5.16) for teacher certification];
- the college dean; and
- the university Undergraduate Council or Graduate Council.

**New, modified and deleted undergraduate or graduate courses** shall then be considered for approval by:

- the provost and vice president for academic affairs;
- the university president; and
- the Board of Regents (new courses only).

Where appropriate, approval will then be sought from (and/or appropriate notification will be made to) the Texas Higher Education Coordinating Board, the Texas Education Agency, the Southern Association of Colleges and Schools, or other outside agencies and organizations.

Changes will be made in the General Bulletin and/or Graduate Bulletin after approval.

**Cross Reference:** THECB Instructions and Classification of Instructional Programs Codes; Certificate Programs (5.2); Course Incidental Fees (3.8); Laboratory Fees (3.22); Substantive Change (4.10); Academic Program Review (5.1); and Professional Educators’ Council (5.16)

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

**Contact for Revision:** Provost and Vice President for Academic Affairs

**Forms:** Forms for program revision, course proposals, substantive change, distance education and laboratory/course fee requests are available at the university website. Academic Affairs website—http://www.sfasu.edu/acadaffairs/.

**Board Committee Assignment:** Academic and Student Affairs
Discipline and Discharge

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

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

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

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

Definitions of Minor Rule Violations

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

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

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

1. Any act which might endanger the safety or lives of others.
2. Refusal to properly perform work assigned by a supervisor.
3. Violation of university safety rules.
4. Falsifying any university records.
5. Clocking in or out for another employee or allowing one's time to be entered by another employee.
6. Leaving university premises during working hours without permission from the supervisor.
7. Abusing, destroying, damaging, or defacing university property, tools, equipment, or the property of others on university premises.
8. Gambling on university premises.
9. Delaying or restricting work, or inciting others to delay or restrict work.
10. Fighting on university premises.
11. Carrying firearms or other dangerous weapons on university premises in violation of law or university policy.
12. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.
14. Theft, misappropriation or unauthorized use of university funds or property, or other
11.4 Discipline and Discharge

dishonest actions.
15. Continued unsatisfactory work performance.
16. Unauthorized, unexplained, or inexcusable leave for more than three days.
17. Excessive absences or tardiness.
18. Physical, mental or emotional inability to perform the job satisfactorily.
19. Major violation of internal department work rules.
20. Insubordination.
21. Abusive and unruly conduct.
22. Indecent or obscene conduct.
23. Conviction of a felony or of a misdemeanor involving moral turpitude by a trial court.
24. Flagrant or repeated minor rule violations.
25. Sexual misconduct or sexual harassment of any person by an employee during working hours or on university premises.
27. Bringing or consuming any liquor, marijuana, or narcotics on university premises (this rule applies to any habit-forming or disabling substance not prescribed by a physician).
28. Reporting for duty under the influence of liquor, marijuana, or narcotics (applies to any habit forming or disabling substance not prescribed by a physician).
29. Accepting any gifts or favors, which influence or tend to influence the performance of duties or the granting of service or favors to other university personnel, applicants, clients, or other persons.
30. Refusal to attend state and university mandated trainings within the appropriate timeframe including but not limited to EEO training and Performance Management Plan training.

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

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

Oral Warning: Normally, initial disciplinary action should be in the form of an oral discussion
and warning, especially for minor rule violations. If it appears that an employee has failed to perform their work or conduct themselves according to job requirements, the supervisor should first talk to the employee about the matter and informally inquire further into the situation. If facts indicate that the employee may have been at fault, the supervisor should discuss the matter with them. The supervisor may call on another person (preferably another supervisor) to be present as a witness. The employee should clearly be instructed of the gravity of the action and should be told that the warning is disciplinary in nature. Supervisors should maintain a complete and accurate written notation of the warning on an "Employee Counseling Record" form.

Written Reprimand: Reprimand involves both a formal interview with the employee and an official memorandum emphasizing the negative effect of the employee's conduct or work performance on their record and opportunities for advancement. If the immediate supervisor does not have the authority to discharge the employee, then the interview should be conducted by the department official who does have discharge authority. A written reprimand should include: the names of everyone involved, dates, a description of the incident or unsatisfactory performance, witnesses (if any), and the action taken. Use the "Employee Counseling Record" for this purpose. Reference should also include the dates and results of prior oral warning(s), or other written reprimand(s). It should also bear the employee's comments, if any, and the employee's signature. The employee should be informed that their signature indicates they have received a copy of the reprimand, but not necessarily that they agree with its contents. If the employee refuses to sign the reprimand, a witness, preferably another supervisor, should verify that the employee has read the reprimand and refused to sign an acknowledgement. A copy of the reprimand should be sent to the director of human resources to be filed in the employee's permanent file.

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

- present the employee with a completed "Employee Counseling Record" indicating suspension, the period of suspension, and the reasons for the suspension;
- forward a copy of the "Employee Counseling Record" to Human Resources for inclusion in the employee’s permanent file. The department will then complete a "Leave Without Pay Form", removing the employee from the payroll if the suspension is for any period of time that the employee is to be without pay.

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

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

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

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

**Alternative Disciplinary Actions:** Other forms of disciplinary action may be appropriate in some cases. These may include making up lost time, docking, withholding salary increases, transfer to more suitable work, or compensating the university for damage. With the exception of making up lost time, these alternative disciplinary actions require the prior review of the
Involuntary Terminations Other Than Discharge:
It is not the intent of this policy to prohibit, or in any way restrict, the university and its administrative officials from the right to terminate any employee for any non-disciplinary reason if it is in the best interest of the university to do so. An employee so terminated shall not have recourse through this policy or the Grievance and Appeals Procedure. Examples of termination for non-disciplinary reasons include, but are not limited to, terminations due to lack of work or funds (reduction in force), the redesigning of jobs, the termination of grant funding which eliminates positions, termination of a temporary position, and changes in the organizational structure in compliance with university policies and rules, i.e., retirement, nepotism, etc. Employees who are terminated for non-disciplinary reasons may appeal through the supervisory chain up to the vice president for the area involved only on grounds of alleged constitutional violations or other legal rights which may have been abridged.


Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

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

Board Committee Assignment: Academic and Student Affairs
Discrimination Complaints/ Sexual Harassment

Original Implementation: September 1990/February 2, 1982 Last

Revision: July 17, 2012 January 27, 2015

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, 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 (4.52.11) 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.

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 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 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 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. Student-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 should be filed within 180 calendar days of the occurrence of the alleged violation. Depending on the circumstances, the university may accept and investigate a complaint even if filed after 180 calendar days.

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, 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, 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:** 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 with an unexpired appointment extending beyond the date of the proposed dismissal, the decision of the president is final. In cases that involve the revocation of tenure or termination with an unexpired appointment extending beyond the date of the proposed dismissal, termination proceedings shall commence under university policy 7.29. 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.

**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 (7.11) and Tenure policy (7.29), and a major work rule violation under the Discipline and Discharge policy (11.4).

**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 39.03 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 10.5, 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.

Responsible for Implementation: President

Contact for Revision: Title IX Coordinator, Director of Human Resources, and the General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs
Disposition of Abandoned Personal Property

Original Implementation: October 18, 1988

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

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

REPORTING OR CLAIMING ABANDONED PERSONAL PROPERTY

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

1. A person finding lost or unclaimed property should turn in said property at the University Police Department or the information desk in the student center. Lost or unclaimed property found in Steen Library should be turned in to the circulation desk on the first floor. Lost or unclaimed property found in academic buildings should be turned in to the appropriate departmental office. Lost or unclaimed bicycles or other bulky items are stored in the University Police Department.

2. A written "Record of Unclaimed Personal Property" form indicating the date the lost or unclaimed property came into the university's possession shall be completed and retained by the receiving department.

3. After fifteen (15) days, all unclaimed property held in the University Police Department, in Steen Library, or in other campus areas such as departmental offices, shall be transferred to the student center information desk with the record indicating the date of receipt of the unclaimed property. *Unclaimed bicycles and other bulky items will be stored by University Police Department.*

4. Lost items may be claimed at the student center information desk upon presentation of reasonable identification of the lost property.

5. A public auction is held annually under the direction of the dean of student affairs at a time and place announced during each academic year.

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Dean of Student Affairs

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

Board Committee Assignment: Academic and Student Affairs
The Electronic Personnel Action Form (EPAF) is used to obtain administrative approval and to notify payroll/Human Resources (HR) of changes in employment status for all employees, including graduate and undergraduate students. Detailed instructions for the completion of the EPAF are available from HR.

Originators and approvers of EPAFs must be trained and complete authorization forms before they will be allowed to access the EPAF through Self-Service Banner. Further information regarding this training and the proper forms can be obtained from HR.

EPAFs should be prepared for the following reasons:

1. Employment of exempt or non-exempt positions including graduate students and undergraduate students;
2. A change in the employee's title, salary (outside of the annual budget process), FTE percentage, funding, department, or if an employee is being reappointed, has an overload, or is receiving a salary supplement;
3. Whenever an employee is separating from employment with the university including retirements, voluntary and involuntary terminations, and at the end of an assignment when the employee will not be returning the next semester; or
4. Reemployment of those employees not included in the budget process each fiscal year, such as grant employees.

EPAFs should be completed, electronically approved, and routed to HR before the employee starts to work, immediately at the time of the change of status, or immediately at the end of the assignment. Failure to complete the EPAF process in a timely manner may be cause for disciplinary action by the supervisor. An employee who has questions regarding the procedures may contact HR for assistance.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Electronic Personnel Action Form available through Self Service Banner

Board Committee Assignment: Academic and Student Affairs
Employee Training

**Original Implementation:** January 28, 2003  
**Last Revision:** January 31, 2012, January 27, 2015

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

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

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

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

2. **Out-of-Agency Staff Development Program:** Education or training authorized by the university for selected employees. May consist of workshops, seminars, institutes, training sessions, college courses (with or without academic credit) and other special programs or activities offered internally by departments of the university, or outside the university by another source within or outside the state of Texas.

If the training is paid for by the university, and during the training period the employee does not perform their regular duties for three (3) months or more, the employee must work for the agency following the training for at least one (1) month for each of the training periods or repay the university for the cost of the training and salary.
The university shall require the employee to agree in writing to comply with the above requirements before the training begins. The university's Board of Regents, through action in an open meeting, may waive the requirements prescribed above and release the employee from the obligation if such action is in the best interest of the university or is warranted because of an extreme personal hardship suffered by the employee.

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

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

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

Training Responsibilities:

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

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

Human Resources will:

- establish, administer and coordinate training policies and programs to meet university training requirements as authorized under the State Employees Training Act and the policy established herein,
- develop programs which support the university's mission and goals and the continued growth and education of the faculty and staff,
- review and approve training programs open to the university community,
- monitor training programs and provide consulting training assistance to departments as resources allow, particularly in regard to In-Service Training Programs,
- maintain university training records and files.
Cross Reference: State Employees Training Act, Tex. Gov’t Code §§ Ch. 656.041-.104

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs
Employment of Persons with Criminal History

**Original Implementation:** August 1, 1983  
**Last Revision:** January 31, 2012, January 27, 2015

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

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

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

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

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

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

**Cross Reference:** Security Sensitive Positions (11.25)

**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
Faculty Workload

Original Implementation: November 4, 1977
Last Revision: April 21, 2009 January 27, 2015

I. GENERAL POLICY
The faculty workload policy is intended to balance student, institutional, and professional interests in an equitable manner. Stephen F. Austin State University (SFASU) is, above all, focused on teaching excellence. Individual workload responsibilities should be designed to support this priority. The workload policy applies to all full-time university personnel who hold faculty rank and whose positions are listed in the annual budget. The same calculations shall also apply to part-time instructional personnel.

The normal faculty workload assumes the performance of teaching, research/scholarly/creative, and service activities. The distribution of effort among these three categories is reviewed on an annual basis by the department/school/division (hereafter referred to as “department”) chair/director (hereafter referred to as “chair”). In all cases, student instructional needs shall be the determining factor in arranging workload schedules. While one category of performance activity may dominate in an academic year, faculty must fulfill departmental expectations in all categories. The provost and vice president for academic affairs (VPAA) may allow departures from workload standards when in the interest of the university.

II. Workload Allocations
A. Faculty members are expected to perform an equivalent of eight (8) teaching units of work during the regular (Fall and Spring semesters) academic year. In general, a three credit hour course equals one teaching unit and eight teaching units correspond to an eight course teaching load. The standard full-time teaching load is 24 Teaching Load Credits (TLC) for the combined fall and spring semesters. Additionally, faculty members are expected to engage in research/scholarly/creative and service activities at levels that are appropriate to their rank and departmental tenure/merit criteria. By agreement with chair and dean, non-tenure track faculty members may add 3 TLCs per semester in lieu of research/scholarly/creative activities. Within reasonable limits, certain supplemental instructional activities—such as independent studies, internship supervision of internships, advising, and thesis/dissertation supervision—are also considered part of a regular workload. Faculty members are also required to maintain at least five office hours per week, during which they will be available for meetings with students and faculty and staff colleagues. For faculty members whose teaching assignment includes online delivery, office hours may be adjusted appropriately by agreement with chair and dean.
B. Any work that substantially exceeds normal expectations in the categories of research/scholarly/creative accomplishment and service constitutes an opportunity to request a course load reassignment with the department chair. Reassignment is not automatic but depends upon student and departmental needs. Each reassignment, whether for a single semester or an academic year, must be approved by the appropriate dean and the provost and VPAA. The written request for reassignment must identify the work that shall be produced and demonstrate that an amount of work...
A dean may also propose a reduction in teaching load for a faculty member in other circumstances, including:

- for chairing an academic department or division (Policy E-7A);
- for performing administrative duties in support of a department/college/university;
- for preparing course material during the first semester and/or year when included as part of the initial tenure-track contract.

All teaching load reductions must be approved by the provost and VPAA.

### III. Teaching Load Credit Equivalencies

#### A. Lecture, seminar, and laboratory course types

When the semester credit hour (SCH) value of the course is equal to or more than the contact hour value, undergraduate courses generate 1 TLC per SCH; 500-level courses generate 1.5 TLC per SCH; and 600-level courses generate 2 TLC per SCH.
When the contact hour value of the course exceeds the SCH value, contact hours are used for the calculation of TLC. Undergraduate lecture or seminar courses in this category generate .667 TLC per contact hour; graduate lecture or seminar courses generate 1 TLC per contact hour. Laboratory courses generate 1 TLC per contact hour.

In undergraduate courses where the student enrollment is over 100, a rate of 1.5 TLC per SCH will be used.

B. Practicum course types

Music, art, nursing, and forestry field station practicum courses generate 1 TLC per contact hour value. Undergraduate and graduate rates are the same.

Supervision of student teaching and teaching internships is based on the number of students enrolled. Undergraduate and graduate courses generate 0.5 TLC per student. Each student will count only once per semester under each supervising faculty member.

Other practicum courses generate 0.5 TLC per undergraduate course contact hour and 0.75 TLC per graduate course contact hour.

The maximum value for these types of courses is 6 TLC per course.

C. Private lesson course types

Private lesson course types use a combination contact hours and student enrollment of the generation of TLC. For each course, the contact hours (at a rate of 0.667 per contact hour) are multiplied by the number of students enrolled to equal the TLC generated. Faculty teaching private lessons are required to meet an additional hour each week in studio class. Therefore, an additional 0.667 TLC will supplement the total teaching workload of each faculty member teaching these course types.

D. Thesis and dissertation course types

Masters’ level thesis courses generate TLC at a rate of 0.667 TLC per student enrolled. The maximum TLC for these course types is 3 TLC per semester. For a specific masters requirement, a single student may count no more than twice (one time in two separate enrollment periods) toward a faculty member’s teaching load. Undergraduate thesis courses generate TLC at the rate of .333 TLC per student enrolled.

Dissertation courses in forestry generate 0.667 TLC per student. A student enrolled in dissertation courses may be counted no more than six times (once in each of six different enrollment periods).

Because of the rate of generation of TLCs in doctoral courses in education, dissertation courses in education do not generate TLCs.
E. Variable credit courses

TLCs for variable credit courses will be counted once per semester course assignment using the maximum credit hour for which a student has enrolled.

F. Cross-listed or composite courses

Courses approved for cross-listing will count as a single course generating TLC. In cases where differing TLC are generated per course listing, proportional weight will be calculated using enrollments by listing and reported as a weighted TLC value per course.

Courses assigned to multiple instructors will generate TLC proportional to the percent of assigned responsibility for each instructor.

G. Independent study

Independent study courses should be approved by the chair/director and dean prior to student registration.

Independent study courses generate TLC based on the course SCH and the number of students enrolled. If the course meets the minimum class size requirement (ten students for an undergraduate course and five students for a graduate course), the TLC is equal to the SCH value for the course. In courses where the minimum class size is not met, no TLC is generated. Faculty providing independent study instruction must be assigned as the faculty of record in order to receive TLC for the course.

H. Summer teaching

When summer teaching load assignments are made (see university policy 7.28, Summer Teaching Appointments), the standard summer full time teaching load is typically two organized classes generating 6 TLC for one term or four organized classes generating 12 TLC for both summer terms combined. Variation from this standard will be made under the same guidelines that apply to fall and spring terms (see section II, B and C, above).

III. Compliance

A. Department chairs are responsible for assigning faculty workloads according to student instructional needs and for verifying the accuracy of workload reports for each faculty member in the department.

B. Deans monitor and approve faculty workloads under their authority and review workload reports submitted by chairs, and may require department offices to input and update faculty workload data in the university’s administrative software system.

C. The provost and vice president for academic affairs supervises and approves workload reports. If the department chair and dean cannot resolve a dispute over the equity of a workload issue, faculty members may appeal to the provost and vice president.
for academic affairs for a final decision.

D. The president submits the Faculty Workload Reports to the Board of Regents for its review. A workload report summary is submitted to the Board of Regents annually for its review.

Cross Reference: Texas-Tex. Education Educ. Code § 51.402; SFASU policies Summer Teaching Appointments (7.28), Overload Assignments (7.20), Academic Unit Chair/Head Appointments (4.2), Chair Teaching Load (4.3), and Compensation in Excess of Base Salary Supplements, Stipends and Additional Compensation (12.16)

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
Historically Underutilized Businesses

**Original Implementation:** August 2, 1994  
**Last Revision:** January 31, 2012 January 27, 2015

Stephen F. Austin State University adopts the state comptroller’s rules outlined in 34 Tex. Admin. Code §§ 20.11-.28 related to administering Tex. Gov’t Code Ch. 2161. The university is committed to making a good faith effort to increase business with historically underutilized businesses (HUBs) by contracting directly with HUBs or indirectly through subcontracting opportunities.

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

A detailed implementation plan will be developed and implemented annually by the director of Procurement and Property Services/HUB coordinator and reported to the president and vice president for finance and administration. The annual plan will include specific objectives to ensure compliance with this policy, audit findings, and/or the following HUB program goals.

**HUB PROGRAM GOALS**

The university will ensure that HUB policies and procedures are written to ensure compliance with good faith effort requirements outlined in Tex. Gov’t Code § 2161.123(d) and 34 Tex. Admin. Code § 20.13(d). Reference the HUB procedure manual.

The university will ensure that HUB and procurement policies and procedures are written to ensure HUBs have maximum opportunity to participate in all procurement opportunities. Reference Best Value Procurement (17.1), the procurement procedure manual and the HUB procedure manual.

The university will pursue various forms of outreach to identify HUB vendors and non-certified minority and women-owned businesses with which to develop a business relationship. Non-certified minority and women-owned businesses that may meet HUB requirements will be advised of and/or assisted with the state's certification process.

The university will seek to contract with HUBs indirectly through subcontracting opportunities in accordance with Tex. Gov’t Code §§ 2161.251-.253 and 34 Tex. Admin. Code § 20.14.
The university will establish educational training for personnel making procurement decisions to assure compliance with stated objectives.

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

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

**Cross Reference:** Tex. Gov’t Code Ch. 2161; 34 Tex. Admin. Code §§ 20.11-.28; Best Value Procurement (17.1)

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

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

**Forms:** None

**Board Committee Assignment:** Finance
Honorary Degree

Original Implementation: October 18, 1988
Last Revision: January 31, 2012
January 27, 2015

Stephen F. Austin State University may, on occasion, grant honorary degrees to individuals who have over an extended period rendered exceptional contributions to the university or the public interest through public service, philanthropic activity, intellectual or artistic performance, or leadership roles. Honorary degrees may not be awarded to individuals officially associated with the university at the time of the award or to individuals holding elective office unless they have achieved distinction in another field of endeavor.

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

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Academic and Student Affairs
Information Security for Portable Devices

Original Implementation: October 18, 2011

Last Revision: None January 27, 2015

Portable computing devices are becoming increasingly powerful and affordable. Their small size and functionality are making these devices more desirable to replace traditional desktop devices in a wide number of applications. However, the portability offered by these devices may increase the security exposure to the university and the individuals using the devices.

The information resource owner, or designee, is responsible for ensuring that the risk mitigation measures described in this policy are implemented. The intended audience is all users of SFA information resources regardless of the portable devices ownership.

Definitions:

Confidential Information – Information that is protected from disclosure requirements under the provisions of applicable state or federal law, e.g., Family Educational Rights and Privacy Act (FERPA), The Texas Public Information Act. Most student records are confidential information.

Information Resources (IR) - The procedures, equipment, and software that are designed, employed, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information or data.

Information Resource Owner— an entity responsible for:

- a business function; and,
- determining controls and access to information resources supporting that business function.

Internet Service Provider (ISP)— A company that provides access to the Internet.

Portable Computing Device — Any easily-portable device that is capable of capturing, processing, storing, and transmitting data to and from the SFA information resources. This includes, but is not limited to: laptops, personal digital assistants (PDAs), and smart phones.

Portable Storage Device — Any easily portable device that stores electronic data. This includes, but is not limited to: flash/thumb drives, iPods, CD-Rs/CD-RWs, DVDs, and removable disk drives.

Remote Access – The act of using a computing device to access another computer/network from outside of its established security realm (e.g, authentication mechanism, firewall, or encryption).

Policy:

14.6 Information Security for Portable Devices
The information resource owner, or designee, is responsible for ensuring that the risk mitigation measures described in this policy are implemented.

The intended audience is all users of SFA information resources regardless of the portable devices ownership.

**Risk Mitigation Measures:**

- Portable computing devices, containing confidential information will be protected from unauthorized access by passwords or other means.
- Any confidential information stored on portable computing or storage devices will be encrypted with an appropriate encryption technique.
- All remote access to confidential information from a portable computing device will utilize encryption techniques, such as virtual private network (VPN), secure file transfer protocol (SFTP), or secure sockets layer (SSL).
- Confidential information will not be transmitted via wireless connection to, or from, a portable computing device unless encryption methods that appropriately secure wireless transmissions, such as virtual private network (VPN), encrypted Wi-Fi, or other secure encryption protocols are utilized.
- Unattended portable computing or storage devices, containing confidential information, will be kept physically secure using means appropriately commensurate with the associated risk.
- Where appropriate, keep portable computing devices patched/updated, and install anti-virus software and a personal firewall.

**Cross Reference:** Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g; Tex. Gov’t Code Ch. 552; 1 Tex. Admin. Code §§ 202.1-.2, .70-.78

**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
Employee insurance and benefits include the following: Benefits-eligible employees are offered a basic insurance plan. This plan, which is fully funded by the state for full-time benefit-eligible employees who are employed 75% FTE or higher and is funded at one-half of the premium for part-time employees working between 50-74% FTE. The basic plan includes hospitalization insurance, $5,000 term life insurance and $5,000 accidental death and dismemberment insurance. Enrollment in health insurance coverage may be subject to a 90-day waiting period for employees hired on or after September 1, 2013. The 90-day health coverage waiting period does not apply to:

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

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

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

**Group Hospitalization Insurance**
A major medical health/hospitalization plan is provided, based on residency or work zip code, and/or a choice of HMO (when available). Employees may select from the following hospitalization categories:
Coverage Category
Employee
Employee & Child/Children
Employee & Spouse
Employee & Family

Details on coverage and rates are available from the Benefits Office in Human Resources or at the web site:
http://www.ers.state.tx.us/.

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

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

Group Term Life Insurance

Optional Term Life Insurance. Coverage of up to twice the annual salary may be selected without evidence of insurability within thirty-one (31) days of employment. Evidence of insurability must be provided for Election III or Election IV, or for any election beyond thirty-one (31) days.

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

Coverage is reduced at age 70 for active employees based on the carrier's standard reduction schedule. The monthly premium cost is based on age and salary on September 1 of the current fiscal year.
Dependent Life Insurance. Coverage is available to all employees insured under the Texas Employee's Group Benefit Program. Coverage includes the spouse of the employee and each unmarried child from the date of birth to 26 years in the amount of $5,000 life and $5,000 AD&D. Application for coverage must be made within thirty-one (31) days from the date of employment, or dependent's eligibility date; otherwise evidence of insurability is required.

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

<table>
<thead>
<tr>
<th>Age When Disability Starts</th>
<th>Maximum Duration of Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under age 60</td>
<td>Age 65</td>
</tr>
<tr>
<td>Age 60, but less than age 64</td>
<td>60 months</td>
</tr>
<tr>
<td>Age 65 - 69</td>
<td>Age 70</td>
</tr>
<tr>
<td>Age 70 and older</td>
<td>12 months</td>
</tr>
</tbody>
</table>

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

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

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

Long Term Care
A long term care plan was offered by Employees Retirement System of Texas to active employees and their families through John Hancock Insurance. John Hancock stopped accepting new enrollment into this insurance January 1, 2012. If an employee has this coverage, it will continue and their policy number will not change as long as the employee continues to make payments. John Hancock will be the direct contact for any questions about that coverage. Employees can contact a representative toll-free at (800) 400-9396. The active employee may enroll at the time of employment (or within 31 days), without evidence of insurability. However, any family members must go through evidence of insurability to enroll in the plan. For information, or to sign up, go to http://www.ers.state.tx.us/ or call John Hancock at 1-800-400-9396 or visit their website at www.JohnHancock.ltc.com.

Retiree Insurance Coverage
University employees may continue their health insurance coverage providing they have 10 or more years of creditable service, have been covered under the Texas Employee's Group Benefit Program, for at least three years prior to September 1, 2001, or 10 years after September 1, 2001, and meet the criteria for retirement benefits. Beginning September 1, 2003, the qualification for retiree insurance is age 65, or age plus years of service equals 80. Those who become totally disabled are entitled to participate in retiree insurance coverage. The state will continue to fund the amount funded prior to retirement toward retiree and dependent coverage. A thirty-one (31) day enrollment period is provided for persons retiring or qualifying for retiree insurance coverage. If employed at the time of retirement, and eligible for insurance benefits, there will be no waiting period for enrollment in the health plan. However, if the retiring member is not in an active status at the time of reaching eligibility for retiree insurance, (age 65 or age plus years of service equal to 80), there will be a ninetysixty-day (90/60) waiting period for participation in the health plan, unless changed by the Texas legislature. Complete information will be made available to all qualified retirees by Human Resources prior to their date of retirement.

Social Security
All employees of the university are covered by the Federal Insurance Contribution Act (FICA). Employee contributions are withheld based on federal rules.

Flexible Benefit Plan
Benefits eligible employees may participate in the Flexible Benefit Plan established in accordance with Section 125 of the Internal Revenue Code. The plan permits employees to pay for certain eligible expenses with pre-tax money. Through this plan, participants are
automatically enrolled in Redirection of Insurance Premiums. Allowable insurance premiums will be paid with pre-tax money, with the exception of Short-Term Disability, Long-Term Disability and Dependent Life.

Through this plan, the employee may choose to participate in one or both of Reimbursement Accounts:

- **Medical Reimbursement Account** - The participant may specify an amount of pre-tax money to be deposited in a medical reimbursement account. The participant can then apply for reimbursement when certain allowable out-of-pocket health care expenses are incurred.

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

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

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

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

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

**State Deferred Compensation Plan/TEXA$AVER**

This plan is available to all employees. This plan allows employees to allocate a specified amount of their earnings to a tax-sheltered plan purchased by the state of Texas. Employees interested in learning more about this plan should contact the Benefits Office in Human Resources or the website at [http://www.ers.state.tx.us/](http://www.ers.state.tx.us/).

**Tax Sheltered Annuities**

All faculty and staff members are eligible to purchase a supplemental tax sheltered annuity. Individuals electing to participate in the Tax Sheltered Annuity Plan should contact an authorized company for information and request to complete the proper forms. The employee must complete a written agreement authorizing the deduction from their monthly salary.

The authorization initiating a tax sheltered annuity should be executed before the 20th of the month to be effective the next pay period. This agreement will remain in effect until the
employee initiates a change of authorization or the maximum amount has been contributed. Changes to the salary reduction authorization are permitted. Employees may change carriers at any time. An employee may terminate an authorized reduction in salary by completing the proper forms in Human Resources.

Once an annuity contract has been purchased for an employee, any questions concerning the contract's relation to the income tax laws are strictly between the faculty or staff member and the Internal Revenue Service. Information on Tax Sheltered Annuities may be obtained from the Benefits Office in Human Resources.


Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Finance and Audit
Investments

Original Implementation: April 30, 1996

Policy Statement

Stephen F. Austin State University invests the public funds in its custody with primary emphasis on the preservation and safety of the principal amount of the investment. Secondarily, investments must be of sufficient liquidity to meet the day to day cash requirements of the university. Finally, the university invests to maximize yield within the two previously indicated standards. All investments within this policy conform to all applicable state statutes and local rules governing the investment of public funds.

This policy is promulgated in accord with the Public Funds Investment Act (Government Code, Chapter 2256), and related portions of the Texas Education Code.

Scope

This policy establishes rules for the investment of all university funds that are governed by Chapter 2256 of the Texas Government Code known as the Public Funds Investment Act, and certain portions of the Texas Education Code. Endowment funds are invested in accordance with a separate policy approved by the Board of Regents (board). Quasi-endowment funds that are considered to be public funds will be governed by this policy.

Objectives

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

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

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

Investments may be diversified in order to respond to changing economic and/or market conditions.

No investments within the portfolio or investment practices conducted to effect investment activities shall violate the terms of this policy.
**Investment Strategy**

All investments will be made in accordance with the university’s investment policy. Investments may be diversified as needed to support the university’s financial requirements. The preservation and safety of principal is the first priority, however, it is recognized that unrealized losses will occur in a rising interest rate environment, just as unrealized gains will occur during periods of falling interest rates. Investments will be structured to provide sufficient liquidity and marketability to meet operating requirements. The investment portfolio may be diversified with authorized securities to accommodate changing market conditions. An investment decision shall consider yield only after the requirements for principal preservation, liquidity, and marketability have been met.

All securities transactions, including collateral for repurchase agreements, but excluding mutual funds and investment pools, must be settled on a delivery versus payment basis.

An investment strategy may include investment pooling with another public institution as authorized in Texas Education Code Sec. 51.0031. Funds invested with another institution that meets guidelines established by Sec. 51.0031 will be managed in accordance with prudent person investment standards.

Investments may be categorized and described as:

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

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

C. **Long Term - over one year**: United States Treasury and Agency securities are the primary investment vehicles. The 30 Year Treasury Bond rate is the benchmark for long term funds.

D. **Maturity**: The length of time for investments within this policy will vary according to needs.

D. 

—— **Current Unrestricted and Restricted Funds - 2 days to one year**

   **Plant Funds - 3 months to 3 years**
**Investment Authority**

The vice president for finance and administration and director of financial services shall be designated as the university’s investment officers and are responsible for the duties outlined herein. The names and titles of the investment officers shall be filed with the Board of Regents. Changes of names and/or titles must be filed with the Board of Regents as they occur.

The vice president for finance and administration or director of financial services may only invest funds regulated by this policy and purchase securities authorized by this policy.

The board may contract with an investment management firm registered under the Investment Advisers Act of 1940 or with the State Securities Board to provide for the investment and management of public funds under its control.

The board may contract with another institution(s) to invest all or part of the university’s funds in accordance with Texas Education Code Sec. 51.0031.

**Investment Responsibilities**

The vice president for finance and administration is responsible for investment management decisions and activities. The vice president for finance and administration delegates the day-to-day management of the investment activities to the director of financial services.

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

The vice president for finance and administration shall develop and maintain written administrative procedures and guidelines for the operation of the investment program which are consistent with and part of this Investment Policy (Appendix B).

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

**Prudence**

The "prudent person" standard will be used in the investment function and shall be applied in the context of individual transactions as well as management of the overall portfolio.
Accordingly, all investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived.

**Investment Guidelines**

**Authorized Investments**

All university funds and funds held in trust for others may be invested in the securities listed below and/or pooled with another institution of higher education as authorized in Texas Education Code (TEC) Section 51.0031. For investments exclusive of funds authorized by Sec. 51.0031, credit rating requirements will be monitored at least monthly for securities that are subject to Chapter 2256 of the Government Code. If or when a rating drops below the established minimum, the investment will be liquidated as soon as prudently possible.

**Securities Authorized**

A. obligations, including letters of credit, of the United States of America, or its agencies and instrumentalities;
B. direct obligations of the state of Texas or its agencies and instrumentalities;
C. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States of America, the underlying security for which is guaranteed by an agency or instrumentality of the United States of America;
D. other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state of Texas or the United States of America or their agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
E. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm of not less than A or its equivalent;
F. certificates of deposit issued and share certificates issued by a depository institution that has its main office or a branch office in Texas and conforms to Section 2256.010 of the Texas Government Code that is:
   1. guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
   2. secured by obligations that are described in Authorized Investments section A-E listed above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the following nature:
      a. obligations whose payment represents the coupon payments on the outstanding—
principal balance of the underlying mortgaged-backed security collateral and pays no principal;
b. obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
c. collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
d. collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

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

G. fully collateralized repurchase agreements that conform to Section 2256.011 of the Texas Government Code: with a definite termination date, secured by a combination of cash and obligations described by Authorized Investments section A-E, requiring the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity’s name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state;

H. bankers acceptances that conform to Section 2256.0912 of the Texas Government Code having a stated maturity of 270 days or fewer from the date of issuance, to be liquidated in full at maturity, eligible for collateral for borrowing from a Federal Reserve bank, and accepted by a bank organized and existing under the laws of the United States of America or any state, if the short-term obligations of the bank, or of a bank-holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency;
I. commercial paper that conforms to Section 2256.013 of the Texas Government Code has a stated maturity of 270 days or fewer from the date of its issuance, and is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States of America or any state;

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

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

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

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

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

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

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

Unauthorized Investments
a. obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgaged-backed security collateral and pays no principal;
b. obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
c. collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
d. collateralized mortgage obligations with an interest rate determined by an index that adjusts in an opposite direction to the change in a market index.

Diversification

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

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

The vice president for finance and administration may diversify investment maturity to limit interest rate risk. Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment the greater the sensitivity of its fair value to changes in market interest rates. To the extent possible, investment maturity will be matched with anticipated cash flow requirements. Matching maturity and cash flow requirements will minimize occasions for sale of securities prior to maturity, thereby reducing market risk. However, no provision of this policy shall be
interpreted as prohibiting the sale of any security prior to maturity, provided that it is in the university’s financial interest to sell the security.

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

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

**Insurance or Collateral**

All depository bank accounts shall be secured by a pledge of collateral with a market value equal to no less than 100% of the deposits plus accrued interest less any amount insured by the FDIC. *Pledged collateral must and conform to* -- pursuant to Chapter 2257 of the Government Code, —Collateral for Public Funds.

Evidence of the pledged collateral associated with depository bank accounts shall be maintained by the director of financial services. Eligible repurchase agreements shall be documented by a specific agreement noting the collateral pledged in each agreement. Collateral shall be reviewed monthly by the controller and director of financial services to assure the market value of the securities pledged equals or exceeds the depository bank balances.

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

**Collateral Defined**

The university shall accept only the following securities as collateral:
A. FDIC insurance coverage;
B. United States Treasury, Agency, or Instrumentality securities;
C. Direct obligations of the state of Texas or its agencies and instrumentalities;
D. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or the United States of America;
E. Obligations of states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of no less than A or its equivalent;
F. Collateralized mortgage obligations (CMO) directly issued by a federal agency or instrumentality of the United States of America, the underlying security for which is guaranteed by an agency or instrumentality of the United States of America. CMO must have a stated final maturity date of less than 10 years.
Investment Strategy

All investments will be made in accordance with the university’s investment policy. Investments—may be diversified as needed to provide investment suitability to the university’s financial—requirements. The preservation and safety of principal is the first priority, however, it is—recognized that unrealized losses will occur in a rising interest rate environment, just as—unrealized gains will occur during periods of falling interest rates. Investments will be of the type—to provide sufficient liquidity and marketability for any operating requirements. The investment—portfolio may be diversified with authorized securities to accommodate changing market—conditions. Diversification may include investment pooling with another public institution as—authorized in TEC 51.0031. An investment decision shall consider yield only after the—requirements for principal preservation, liquidity, and marketability have been met.

Investments may be categorized and described as:

E. Short Term—less than 90 days Funds needed to meet short term operating requirements—normally will be invested in either investment pools or overnight sweep accounts established with—banking institutions. The benchmark is the average three month Treasury Bill yield.

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

G. Long Term—over one year United States Treasury and Agency securities are the primary—investment vehicles. Normally, investments are laddered so that most principal is returned over a—five year period in increments sufficient to meet anticipated operating and capital needs. The 30—Year Treasury Bond rate is the benchmark for long term funds.
H. **Maturity** - The length of time for investments within this policy will vary according to fund type and will be dependent on funding requirements. As a general rule, funds will be invested for the time periods indicated:

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

**Delegation of Authority**

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

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

The VPFA shall develop and maintain written administrative procedures and guidelines for the operation of the investment program which are consistent with and part of this Investment Policy (Appendix B).

The VPFA and director of financial services shall be designated as the university’s investment officers and are responsible for the duties outlined herein. The names and titles of the investment officers shall be filed with the Board of Regents. Changes of names and/or titles must be filed with the Board of Regents as they occur.

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

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

The "prudent person" standard will be used in the investment function and shall be applied in the context of individual transactions as well as management of the overall portfolio.
Accordingly, all investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived.

**Internal Controls**

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

**Investment Authority**

The VPFA or director of financial services shall invest only those funds regulated by this policy and shall purchase only those securities authorized by the Authorized Investments section of this policy. The governing board may contract with institutions to invest all or part of the university’s funds in accordance with TEC 51.0031.

**Authorized Financial Dealers and Institutions**

Investment transactions (bids and offers) will occur only between the university and board authorized broker/dealers or institutions authorized by Texas Education Code Sec. 51.0031.

For funds subject to Chapter 2256 of the Texas Government Code, a written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with Stephen F. Austin State University. The qualified representative of the business organization offering to engage in an investment transaction with Stephen F. Austin State University shall execute a written instrument substantially to the effect that the business organization has (a) received and reviewed the investment policy of the university and (b) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the university and the organization that are not authorized by Stephen F. Austin State University’s investment policy.

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

**For funds invested with institutions authorized by Texas Education Code Sec. 51.0031, will be invested pursuant to the qualifying institution’s investment policy.**
Securities may not be bought from any organization whose representative has not provided the university with the acknowledgment required in the above paragraph.

External Financial Advisor Contract Renewal or Extension

Pursuant to Chapter 2256 of the Texas Government Code, a contract with an external investment manager may not exceed two years. A renewal or extension of the contract by the board must be made by order, ordinance, or resolution.

Disclosure Requirements for Outside Financial Advisor

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

Performance Evaluation

The vice president for finance and administration and director of financial services shall submit quarterly reports to the Board of Regents and the president of the university in the format prescribed by the Public Funds Investment Act, within a reasonable time after the end of the quarter. The reports must:

(A) describe in detail the investment position of the university on the date of the report;
(B) be prepared by the investment officer(s) of the university;
(C) be signed by the investment officer(s) of the university;
(D) contain a summary statement of each pooled fund group that states the:
   (1) beginning market value for the reporting period;
   (2) ending market value for the period; and
   (3) fully accrued interest for the reporting period;
(E) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;
(F) state the maturity date of each separately invested asset that has a maturity date;
(G) state the account or fund or pooled group fund for which each individual investment was acquired; and
(H) state the compliance of the investment portfolio of the university as it relates to the relevant provisions of the Public Funds Investment Act.

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

**Disclosure Requirements for Investment Officers**

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

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

**Diversification**

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Treasury securities and securities having principal and interest guaranteed by the U.S. Government</td>
<td>100%</td>
</tr>
<tr>
<td>U.S. Government agencies, instrumentalities and government-sponsored enterprises (excluding mortgage-backed securities)</td>
<td>50%</td>
</tr>
<tr>
<td>Collateral mortgage backed securities</td>
<td>25%</td>
</tr>
<tr>
<td>Fully insured or collateralized certificates of deposit</td>
<td>100%</td>
</tr>
</tbody>
</table>
The VPFA may diversify investment maturity to limit interest rate risk. Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment the greater the sensitivity of its fair value to changes in market interest rates. To the extent possible, investment maturity will be matched with anticipated cash flow requirements. Matching maturity and cash flow requirements will minimize occasions for sale of securities prior to maturity, thereby reducing market risk. However, no provision of this policy shall be interpreted as prohibiting the sale of any security prior to maturity, provided that it is in the university’s financial interest to affect the sale. The weighted average maturity of the entire portfolio shall be maintained at no more than 10 years and shall be reported quarterly to the Board of Regents. Pooled fund groups eligible for university investment shall have a maximum weighted average maturity of 10 years.

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

**Safekeeping and Collateralization**

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

<table>
<thead>
<tr>
<th>Investments</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankers' acceptances</td>
<td>25%</td>
</tr>
<tr>
<td>Commercial paper</td>
<td>50%</td>
</tr>
<tr>
<td>Repurchase agreements</td>
<td>100%</td>
</tr>
<tr>
<td>Registered money market funds</td>
<td>80%</td>
</tr>
<tr>
<td>Local Government Investment Pool</td>
<td>100%</td>
</tr>
<tr>
<td>Corporate Bonds</td>
<td>50%</td>
</tr>
</tbody>
</table>
Performance Evaluation

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

Training

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

Audits

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

Investment Policy Adoption and Certification

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

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

**Contact for Revision:** Vice President for Finance and Administration

**Forms:** None

**Board Committee Assignment:** Finance and Audit
APPENDIX A

INTERNAL CONTROLS

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

APPENDIX B

ADMINISTRATIVE PROCEDURES

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

Original Implementation: Unpublished
Last Revision: January 27, 2014, January 27, 2015

GENERAL

Endowment funds represent private funds given to the university by individuals and institutions to promote, encourage and advance education and to improve the degree and non-degree educational functions by establishing scholarships, fellowships, professorships, academic chairs and other academic endeavors at the university, as specified by donors.

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

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

This Investment Policy Statement (IPS) applies to all Stephen F. Austin State University (the "university") endowment funds, including those that function as endowments, and are not considered to be public funds. The IPS states the boards' attitudes, goals and objectives in the investment of the endowment assets. As such, it is intended to provide guidance to the board, the finance committee, the university administration, and the investment consultant(s)/managers in the management of the endowment assets. The IPS clearly and concisely states the responsibilities of all parties involved with the endowment funds.

INVESTMENT OBJECTIVES

The overall objective of the IPS is to assure that the university’s endowment funds are invested in a manner to achieve as high a level of return as can reasonably be expected to be achieved given the primary objective of safety and preservation of principal. In the management of the university endowment investments, consideration will be given to the need to balance a requirement for current income for present activities with a requirement for growth in principal to compensate for inflation.
INVESTMENT RISK TOLERANCE

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

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

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

DEFINITIONS

**True (or Permanent) Endowment Funds** are funds which a donor or other outside agencies have stipulated, as a condition of the gift instrument, that the principal is to be maintained in perpetuity and invested for the purposes of producing present and future income.

**Funds Functioning as Endowment Funds** are funds for which the university, rather than a donor, has determined that the corpus is to be retained and invested. Since these funds are internally designated rather than externally restricted, the university has the right at any time to expend principal.

**Gift Instrument** refers to the records that establish the terms of the gift and may consist of more than one document. The release or modification of restrictions on management, investment or purpose contained within the gift instrument is governed by Texas Property Code Section 163.007.

**Investment Consultant** represents an external firm or individual who can provide advice and/or guidance regarding investment decisions to the university, and/or hire investment managers.

RESPONSIBILITY AND DELEGATION OF AUTHORITY

The university acknowledges that the ultimate responsibility for the investment of endowment funds rests with the board. The board will determine the institutional approach used to invest endowment funds. The board may choose to hire external investment consultants and/or managers, contract with another institution, or manage funds internally. To carry out this...
responsibility, the board delegates certain authority to the financial officer(s) to oversee and work with external investment consultants and/or managers the board has selected.

**The Board**

The specific responsibilities of the board in the investment process include:
- Develop a sound and consistent investment policy that establishes guidelines and reasonable objectives for the management of endowments;
- At least annually, review the policy for continued accuracy and completeness;
- Select suitable investment consultants, managers or qualifying institutions to provide for the management of endowment funds;
- Evaluate performance results; and
- Comply with all applicable laws, including conflict of interest provisions therein.

**University Administration**

The vice president for finance and administration (vice president) and director of financial services are designated as the investment officers for the university. As such, the specific responsibilities of the vice president in the investment process include:
- Communicate with outside investment management team (consultants, managers and qualifying institutions);
- If appropriate, prudently select and recommend investment options to the board;
- Review and evaluate performance results to ensure policy guidelines are being adhered to and objectives are being met;
- Submit quarterly and annual investment reports to the board;
- Annually, determine the proper distribution of investment returns to the various spending accounts in accordance with the distribution section of this policy; and
- Comply with all applicable laws, including conflict of interest provisions.

The vice president may also establish an investment committee (committee). The committee may review and evaluate investment performance and review and revise qualified investment managers that are eligible to serve in an investment capacity for the university. The chair of the board may designate a board member to serve as a liaison on the committee.

**Qualifying Institution**

The board may contract to invest its funds with another Texas public institution. Endowment funds invested with a qualifying institution will be invested in accordance with the institution’s Investment Policy and the asset allocation of the institution’s policy will supersede the Investment Guidelines Section of this policy. The university’s investment officer(s) will provide investment performance reports to the board.
**Investment Consultant**

The board may contract with an investment consultant to manage the university’s endowment funds. The consultant may employ or delegate investment management to discretionary investment managers or affiliates. The consultant is responsible for ensuring that investment managers are in compliance with the IPS.

Specifically, the consultant will:
- Assist the officers in the development of investment policy, objectives, asset allocation strategy and portfolio structure;
- Review investment managers, including search, selection and recommendation to the investment officers and committee;
- Monitor and report on investment manager performance;
- Monitor asset allocation and rebalance to target allocation on a periodic basis; and
- Provide written performance measurement reports as required to the investment officers, investment committee and board. The reports will contain sufficient information to determine if any changes or other actions are called for with respect to the investment portfolio.

**Investment Managers**

The board may choose to use an investment consultant to select investment managers. The investment consultant may exercise discretion to hire investment managers. If an investment manager is hired through the investment consultant, the consultant is responsible for ensuring that investment managers comply with all applicable IPS guidelines.

The board may choose to directly contract with external investment managers. Each investment manager selected or approved by the board is expected to manage the endowment’s assets in a manner consistent with the investment objectives, guidelines and constraints of this policy and in accordance with applicable laws. This obligation includes discharging responsibilities with respect to the endowment consistent with “Prudent Investor” standards, and all other applicable fiduciary regulations and requirements.

If the university directly contracts with the investment manager then the manager(s) will receive a copy of the IPS and the manager must execute a written statement to the effect that the registered principal of the organization has received and thoroughly reviewed the investment policy of the university. The statement must also acknowledge that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities.

The investment manager(s) will:
- Be registered as an investment adviser under the Investment Advisers Act of 1940 (where applicable);
- Maintain adequate fiduciary liability insurance and bonding for the management of this account;
- Acknowledge in writing that it is a fiduciary with respect to the assets under its control;
• Be responsible for making decisions on a discretionary basis. This includes buy, hold, sell and timing decisions. The external manager(s) must make responsible decisions in the selections of specific securities and the general timing of purchases and sales necessary to invest only into the security class(es) for which they were retained to manage.

Custodian

The custodian is responsible for the safekeeping for the endowment’s investment assets. The specific duties and responsibilities of the custodian include:

• Maintain separate accounts by legal registration;
• Value the holdings;
• Collect all income and dividends owed to the endowment in its custody;
• Settle all transactions initiated by the investment manager; and
• Provide monthly reports that detail transactions, cash flows, securities held and their current value, and change in value of each security and the overall portfolio since the previous report.

INVESTMENT POLICY GUIDELINES

For the purpose of this policy, all individual securities which use long-term credit ratings must be rated the equivalent of “B” or better by a nationally recognized credit rating service and the fixed income portfolio must have an overall credit rating of “A”. Securities using short-term credit ratings must be rated at least A-2, P-2, F-2 or the equivalent by a nationally recognized credit rating service.

Permissible Investments

a. Direct obligations of the United States government or its direct agencies.
b. Direct obligations of federally-sponsored agencies in accordance with the above paragraph.
c. Obligations of states, agencies, counties, cities, and other political subdivisions of any state in accordance with the above paragraph.
d. United States dollar denominated bonds, debentures, or commercial paper and convertible securities issued by corporations in accordance with the above paragraph.
e. Debentures or obligations, and preferred or common stock of international governments and corporations. International preferred and common stock issues must be listed on an organized stock exchange.
f. Common stock and preferred stock issued by United States domiciled corporations and common stocks of foreign companies listed on the major U.S. or foreign security exchanges.
g. Certificates of Deposit issued by federally insured state banks, federally insured savings and loan associations and saving banks or federally insured credit unions. Amounts over the insurance limit of the institutions must be secured by pledged securities.
h. Bankers’ acceptances accepted by a bank organized and existing under laws of the United States or any state in accordance with the above paragraph.
i. Money Market Mutual Funds. Funds must be registered with the Securities and
Exchange Commission, have a maximum dollar weighted average maturity of no longer than 13 months, and be no-load funds. Funds must have assets consisting of securities described in the paragraphs above and seek to maintain a stable net asset value of $1.00 per share (or unit).

j. Mutual Funds. Funds must be registered with the Securities and Exchange Commission and invest in assets authorized under this policy.

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

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

m. Shares of Exchange Traded Funds, known as ETFs.

n. No more than ten percent (10%) of the equity portfolio can be invested at any time in one company based on the market value of the stock and portfolio.

o. No more than thirty percent (30%) of the equity portfolio can be invested in any one industry sector based on the market value of the portfolio.

p. Alternative investments. Permitted alternative investments may include hedge funds, managed futures funds, private equity funds, or real estate. Hedge funds are not subject to limitations of the “Prohibited Investment” section below. Investments in other strategies shall be reviewed and recommended by the investment officer prior to purchase.

q. Permitted alternative investments in the portfolio are limited to diversified commingled trust fund vehicles or limited partnerships offered through a third party distribution channel, such as what is offered through many broker-dealer firms.

r. Permitted alternative investments in the portfolio are limited to investment vehicles that offer the ability for the portfolio to make contributions or receive distributions at least quarterly (but preferably monthly) without restriction or incurring additional fees.

s. The portfolio shall emphasize investments in fund-of-fund vehicles that are diversified by investment style and typically utilize multiple investment managers within a fund.

**Prohibited Investments**

The endowment’s assets should not be invested in the following unless agreed to by the vice president pursuant to an approved strategy or specifically approved in writing by the vice president:

a. Commodity trading including all futures contracts,

b. Short selling, option trading and margin trading unless by managers approved for that strategy, and

c. Guaranteed investment contracts.
Asset Allocation

The allowable range and target asset allocation for the endowment funds is:

<table>
<thead>
<tr>
<th>Asset Category</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fixed Income</td>
<td>0.0%</td>
<td>60.0%</td>
<td>35.0%</td>
</tr>
<tr>
<td>Total Equity</td>
<td>0.0%</td>
<td>70.0%</td>
<td>55.0%</td>
</tr>
<tr>
<td>Total Alternatives</td>
<td>0.0%</td>
<td>25.0%</td>
<td>10.0%</td>
</tr>
<tr>
<td>Total Cash or Cash Equivalents</td>
<td>0.0%</td>
<td>100.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

The allowable asset mix for fixed income and equities is:

<table>
<thead>
<tr>
<th>Fixed Income</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Government Bonds</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Corporate Bonds</td>
<td>0.0%</td>
<td>50.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Equity</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Equity</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>International Equity</td>
<td>0.0%</td>
<td>30.0%</td>
</tr>
</tbody>
</table>

Interest Rate, Credit and Foreign Currency Risks

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

Credit risk is the risk that an issuer or counterparty to the investment will not fulfill its obligations to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. To limit credit risk, this policy requires all securities which use long-term credit ratings to be rated the equivalent of “B” or better with the overall credit rating for the fixed income portfolio to be rated “A” or better. All short term credit ratings must be rated at least A-2, P-2, F-2.

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

GIFTS OF INDIVIDUAL SECURITIES

Gifts of individual securities will be liquidated and invested in accordance with IPS guidelines and investment procedures. Exceptions to this policy are securities described by sections (a), (b) and (c) of the investment guidelines. Such securities may be held so long as the asset allocation ranges are maintained.

Funds Functioning as (quasi) Endowments

The board may establish a quasi-endowment using unrestricted gifts. Income from funds held in quasi-endowments is available for the purpose established by the board. The corpus of such funds will be held until such time as the board abolishes the quasi-endowment, at which time the corpus is available for such purpose(s) as may be designated by the board. Quasi-endowment funds that are not considered to be public funds may be governed by this policy.

DISTRIBUTION POLICY

The spending policy should balance the long-term objective of maintaining the purchasing power to the endowment funds with the goal of providing a reasonable, predictable, stable, and sustainable level of income to support current needs. At the end of the investment year, in consultation with the investment manager, the vice president will review the total return on the endowment accounts and recommend an annual distribution.

PERFORMANCE EVALUATION

The vice president will submit quarterly reports to the board on the performance of the investment portfolio. The reports will disclose the book value and market value of the portfolio at the beginning and ending of the reporting period. The reports will disclose the realized and unrealized gains/losses and total return on the portfolio for the reporting period.

CONFLICTS OF INTEREST

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

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

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


Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit
Nepotism

Original Implementation: Unpublished
Last Revision: April 17, 2012/January 27, 2015

For this policy, the term “relative” shall mean those individuals within the second degree of affinity (marriage) or third degree of consanguinity (blood), defined as follows:

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

Relatives of a person within the third degree of consanguinity include the parents, children, brothers and sisters, grandparents, uncles and aunts, nephews and nieces, grandchildren, great-grandchildren, and great-grandparents.

An adopted child is treated as the natural child of the adoptive parents.

These rules concerning nepotism apply to all employees of the university including students, whether employed full or part-time. Employees are required to annually disclose, in a manner determined by the university, the existence of any relationship that may be or cause a violation of this policy.

A university employee may not hire, appoint, or confirm the appointment of a relative for a university position of employment or take any action with regard to the relative’s promotion, salary or supervision. If an appointment, reappointment, reclassification, promotion or other action places a person under the supervision of a relative, all subsequent actions with regard to the terms and conditions of employment, including the annual performance evaluation, is the responsibility of the next highest administrative supervisor. This shall further apply in situations where two employees marry and one spouse is the administrative supervisor of the other.

No relative of a member of the Board of Regents may be employed for any position with the university. However, an exception to this rule will be made in cases where the relative has been continuously employed in the position for a period of thirty (30) days prior to the appointment of the related regent. When a relative is allowed to continue in a position because of the operation of this exception, the regent who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of the relative, if such action applies only to the relative and is not taken with respect to a bona fide class or category of employees.
An individual who violates this policy may be subject to criminal penalties and/or dismissal from employment.

**Cross Reference:** Tex. Gov’t Code Ch. 573; Non-Academic Employee Handbook

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

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

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs
Off-campus Credit Courses

Original Implementation: September 8, 1978
Last Revision: July 19, 2014, January 27, 2015

Stephen F. Austin State University recognizes the need to offer off-campus credit courses to meet students’ educational interests.

Off-campus courses must comply with the policies and procedures of the Texas Higher Education Coordinating Board (THECB) and any regional and professional accreditation requirements. The responsibility for submitting a proposal for teaching an off-campus credit course rests with the dean of the college offering the course, with approval of the provost and vice president for academic affairs.

All off-campus credit courses shall will be coordinated with the Office of Instructional Technology (OIT) Center for Teaching and Learning (CTL), which is responsible for overseeing THECB notification and reporting procedures. Deans and academic unit chairs/directors/heads are responsible for scheduling, reserving space, managing course-related budgets and all instructional aspects of the courses.

Additional compensation may be appropriate if off-campus instruction makes demands on faculty beyond those required for on-campus instruction. Additional compensation must be approved by the dean and the provost and vice president for academic affairs.


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
Legislation enacted by the Texas Legislature requires instruction at public colleges and universities to be delivered in understandable English. Each public institution is required to adopt a policy establishing a procedure to ensure that proficient English is spoken by all faculty members. "Faculty member" means a person who teaches a course offered for academic credit by an institution of higher education, including teaching assistants, instructors, lab assistants, research assistants, lecturers, assistant professors, associate professors and full professors.

A faculty member may use a foreign language to conduct foreign language courses designed to be taught in a foreign language. A faculty member may also provide individual assistance during course instruction to a non-English-speaking student in the native language of the student.

Enforcement

New faculty members, as defined in this policy, who do not identify English as their primary language shall will be offered two options to demonstrate their oral proficiency in English through a two-part assessment:

- Take and pass the locally administered interview-based speaking and listening assessment, the Speaking Proficiency English Assessment Kit (SPEAK) test with a score of 45.
- Allow observation of a regularly scheduled class by a two person team from the university’s American English Language Institute (AELI). The observation shall will occur during the first two weeks of employment. Both members of the team must agree that the faculty member’s English oral proficiency is equivalent to a score of 45 on the SPEAK exam.

The chair unit head shall will place in the faculty member’s employment file the results of the oral proficiency performance. A copy of the English proficiency outcome shall will be forwarded to the appropriate dean.

Faculty members who do not demonstrate proficiency in oral English shall will be required to complete successfully the Speaking and Listening course of the ELI program conducted by the AELI. Texas law requires the faculty member to bear the costs of the program.


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
Out-of-State Electronic Fee

Original Implementation: April 20, 2004
Last Revision: July 19, 2011
January 27, 2015

The Texas Administrative Code allows institutions’ governing boards to set fees for non-resident students who reside out of Texas while taking distance education coursework. This rule allows the Stephen F. Austin State University (SFA) Board of Regents to set an Out-of-State Electronic Fee for non-resident students who reside out of Texas while taking SFA distance education coursework. The Board of Regents-approved Out-of-State Electronic Fee replaces lost formula funding. Students paying these fees are eligible to pay in-state tuition rates plus an out-of-state electronic fee in lieu of non-resident out-of-state tuition.


Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Director of Instructional Technology

Forms: None

Board Committee Assignment: Academic and Student Affairs
Outside Employment

Original Implementation: April 21, 1981
Last Revision: July 16, 2013 January 27, 2015

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 wages. Examples include: if one establishes or joins a firm, private business, or engages in the private practice of some professional skill, or working at another job. 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 exempt, full-time employees of Stephen F. Austin State University, whose employment obligations are not limited to a standard eight-hour day, and to including officers of the University Police Department.

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.

Cross Reference: Faculty Handbook

Responsible for Implementation: President

Contact for Revision: President
Forms: Request for Approval of Outside Employment form is available on-line at https://apache.sfasu.edu/sfa_forms/outsideemprequest.shtml on the human resources website.

Board Committee Assignment: Academic and Student Affairs
Overtime and Compensatory Time

Original Implementation: Unpublished

Last Revision: January 28, 2014
Last Revision: January 27, 2015

This policy does not apply to faculty.

Non-Exempt Employees:

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

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

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

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

With authorization of the president or the president’s designee, an employee may be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

Non-exempt part-time employees must be paid for hours worked over their designated hours; they may not accrue compensatory time. Exceptions to the workweek overtime calculation for University Police Department law enforcement officers shall be made in accordance with the Fair Labor Standards Act (FLSA).
To receive overtime pay:

1. Semi-monthly and monthly paid non-exempt employees record all time worked in the approved timekeeping system. The system calculates overtime based on the rules established in this policy.

2. Non-exempt employees must obtain approval from their appropriate vice president to receive overtime pay in lieu of compensatory time off. If the employee is to be paid for overtime, the employee’s name, CID, and dates worked as overtime are to be recorded on the Time Record (http://www.sfasu.edu/documents/time-record.pdf) and submitted to the Payroll Department office. If the overtime is to be paid from a funding source different from the employee’s regular task code, the department head must approve and submit a Time Record to the appropriate vice president for signature, then route to the Payroll Department office for payment.

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

Exempt Employees:

An exempt employee is not subject to the overtime provisions of the FLSA and may be allowed compensatory time off for hours in excess of 40 hours in a work week in which the combination of hours worked, paid leave, and holidays exceeds a total of 40 hours. Each department is responsible for submitting the Comp Time Earned Record (found on the SFA Business Forms website) for all exempt employees in the department. The form must contain the employee’s name, CID, total comp time hours earned for the month and the signature of each employee. The department head must sign the report and then route to the Payroll Department office for processing. Forms must be submitted by the due date established by the Payroll Department office. If time is not submitted by the due date, no compensatory time will be reported as earned during that pay period.

An exempt employee, may be allowed compensatory time off during the 12-month period following the end of the workweek in which the overtime was accrued, at a rate not to exceed equivalent time, but limited to 80 hours during any one fiscal year. Earned compensatory time not used within 12 months will expire. An exempt employee will not be paid for any unused compensatory time earned in this manner. It is the department head’s responsibility to ensure that no more than 80 hours of compensatory time is taken in a fiscal year for each exempt employee. If an employee reports more than 80 hours of compensatory time used, the Payroll Department payroll office will adjust the leave to report it as vacation time used.
With authorization of the president or the president’s designee, an employee may be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

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

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

**All Employees:**

Except as otherwise provided by law no employee may accrue compensatory time for work performed at any location other than the employee's regular place of employment or duty point. An employee may accumulate compensatory time off for hours worked during any calendar week at the employee’s personal residence if approved in advance by the president or president’s designee.

If an employee submits a written request to use accrued compensatory time not later than the 90th day before the date on which the accrued compensatory time will lapse, the department head must approve in writing the employee’s request or provide the employee with an alternate date on which the employee may use the compensatory time. The department head should make an effort to accommodate the employee’s use of the accrued compensatory time before it lapses.

Specific instruction on how to report and approve time and leave are available on the controller’s website at [http://www.sfasu.edu/controller/payroll/index.asp](http://www.sfasu.edu/controller/payroll/index.asp).


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

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

**Forms:** Vacation/Comp Time/Sick Leave Request; Comp Time Earned -Exempt Employees Only; both forms are available on the SFA Business Forms website.

**Board Committee Assignment:** Academic and Student Affairs
Performance Management Plan

Original Implementation: July 14, 1998
Last Revision: July 17, 2012 January 27, 2015

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 as an 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, casual employees, or employees working less than 50% FTE. Employees must be evaluated to be eligible for merit increases.

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. *Supervisors may not consider the employee’s use of federally protected leaves, such as Family Medical Leave, against the employee during the evaluation. For further clarification, please contact human resources.* 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 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:** 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
Professional and Consulting Services

Original Implementation: October 26, 1999
Last Revision: January 31, 2012; January 27, 2015

DEFINITIONS

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

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

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

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

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

A consultant may be used only if there is a substantial need for the consulting services and only if the agency cannot adequately perform the services with its own personnel or obtain the consulting services through a contract with a state governmental entity.

"Major consulting services contract" means a consulting services contract for which it is
reasonably foreseeable that the value of the contract will exceed $25,000. The $25,000 threshold is not a one-time cost, but rather a cumulative amount for on-going consulting services.

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

SELECTION OF A PROVIDER

Professional or consulting services contracts may require Board of Regents approval. Reference Items Requiring Board of Regents Approval (1.4). Submission of a requisition is required, and other purchasing procedures may apply.

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

Professional Services

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

1. Select the most highly qualified provider based on demonstrated competence and qualifications;
2. Attempt to negotiate a contract with the selected provider at a fair and reasonable price;
3. If a satisfactory contract cannot be negotiated with the most highly qualified provider, formally end negotiations with that provider; select the next most highly qualified provider; and attempt to negotiate a contract at a fair and reasonable price. The selection process for architectural, engineering, or land surveying services shall continue in this manner until a contract is accepted by all parties.

If a solicitation will enhance the selection process for professional services, contact the procurement director to discuss options for making informal price comparisons or preparing a formal request for proposal or request for qualifications.

Consulting Services

If consulting services are not purchased using processes allowed under Best Value Procurement
An invitation for consultants to provide offers on major consulting services contracts must be submitted to the secretary of state for publication in the Texas Register for a minimum of 30 days prior to entering into the contract. The published invitation must include a finding and explanation by the president that the consulting services are necessary. Contact the procurement director or general counsel’s office for assistance in completing the Major Consulting Contract Request form.

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

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

Upon submittal of an offer by a private consultant to provide consulting services to SFA, any officer or employee shall report to the president within 10 days of receipt of the offer: 1) any financial interest that the officer or employee has in the private consultant, or 2) any financial interest in the private consultant of anyone related to the officer or employee within the second degree by consanguinity or affinity as determined under Texas Government Code Chapter 573. Reference Texas Government Code Section 2254.032 and Ethics (2.6).

RESTRICTIONS ON HIRING FORMER OR RETIRED EMPLOYEES

Contracting with a former employee or retiree for professional or consultant services is prohibited on state funds within 12 months of the employee’s separation date from the university. The use of local funds is allowed within 12 months of the employee’s separation date with prior approval of the director of procurement and property services, director of human resources, and general counsel with approval of the university president.

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

Contracting for professional services with a company employing a former employee or retiree within 12 months of the employee’s separation date from the university is allowed only if the former or retired employee does not work on a project that is similar to his/her duties while employed by SFA.
Cross Reference: Tex. Educ. Code § 51.9335; Tex. Gov’t Code § 2252.901; Tex. Gov’t Code Ch. 2254; Tex. Gov’t Code Ch. 573; Nepotism (11.16); Ethics (2.6); Items Requiring Board of Regents Approval (1.4);
Purchase Requisition (17.19)

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: Major Consulting Contract Request Form

Board Committee Assignment: Finance and Audit
Purchase of Electronic and Information Resources

Original Implementation: July 21, 2009
Last Revision: January 28, 2014 January 27, 2015

All electronic and information resources (EIR) developed, procured or changed by an institution of higher education shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of Title 1 of the Texas Administrative Code, Part 10 unless an exception is approved by the university president in accordance with Chapter 213.37, Subchapter C.

This policy does not apply to information technology that is acquired by a contractor or grantee incidental to a contract or grant, provided the technology does not become SFA property upon the completion of the contract. Nothing in this policy is intended to prevent the use of designs or technologies as alternatives to “electronic and information resources” defined herein, provided such alternative results in substantially equivalent or greater access to and use of a product for people with disabilities.

The term "electronic and information resources" as used in this policy refers to the definition in 1 TAC 213.1(6) and includes software applications and operating systems, telecommunications products, video and multimedia products, self-contained closed products, and desktop and portable computers described in 1 TAC 213.30 through 213.34. Chapter 213, Subchapter A: “information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, duplication, or delivery of data or information. The term electronic and information resources includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, websites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, such as — For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.”

To comply with this requirement, the university will include an appropriate statement in all purchase order terms and conditions and in contracts for electronic and information resources where an exception is not granted by the president. The purchase of any EIR shall include the requirement to secure documentation from the vendor providing accessibility information and/or credible evidence of the vendor’s capability or ability to produce accessible EIR products and services as required by 1 TAC 213.38(b). Additionally, for purchases with development costs exceeding $1 million, accessibility testing may be required.
If a vendor is unable to comply with the statement, \textit{cannot provide the required documentation} and no other vendor is available to provide the EIR, and the department has a need that cannot be met with a different EIR, or \textit{alternative EIR can only be acquired with significant additional expense}, then the department and the procurement office will complete an “Electronic and Information Resources (EIR) Accessibility Exception Request” for review by the university’s electronic accessibility committee and the university general counsel and approval by the president. \textit{Any approved exception will contain the information required in 1 Tex. Admin. Code § 213.37(3).}


\textbf{Responsible for Implementation:} President

\textbf{Contact for Revision:} Director of Procurement and Property Services/HUB Coordinator

\textbf{Forms:} Electronic and Information Resources (EIR) Accessibility Exception Request

\textbf{Board Committee Assignment:} Finance and Audit
Purchases From Employees

Original Implementation: Unpublished

Purchases, including but not limited to p-card, purchase order and purchase voucher from an SFA officer or employee are prohibited except as provided herein. In addition, purchases from any person or entity with whom the SFA officer or employee has a family, financial or personal relationship must be disclosed and managed. Reference Purchasing Ethics and Confidentiality (17.22).

The purchase of commodities from any SFA officer or employee is prohibited unless the price is equal to or less than that which can be obtained from any other known and ethical source, regardless of the dollar amount.

Solicitation documentation showing pricing from a minimum of two other sources is required for any purchase including, but not limited to, procurement card, purchase order, or purchase voucher. A proprietary purchase from an officer or employee may be acceptable, but only with approval from the director of procurement.

Service contracts or agreements between employees and the university are normally processed through the university payroll system. Contracts or agreements of this nature must be approved in advance by the director of procurement and the general counsel. –The standard procedure is to submit an additional compensation form to human resources. Reference Salary Supplements, Stipends, and Additional Compensation policy (12.16).

Cross Reference: Salary Supplements, Stipends and Additional Compensation (12.16); Purchasing Ethics and Confidentiality (17.22)

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: Sole Source/Product Justification

Board Committee Assignment: Finance and Audit
Purchasing Ethics and Confidentiality

Original Implementation: Unpublished

Last Revision: January 31, 2012

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

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

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

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

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

Family Relationship –

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

Financial Relationship –

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

Personal Relationship –

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

Specific rules apply to purchases from an SFA employee. See Purchasing P<em>urchases From Employees</em> (17.21).

If not related to a particular transaction, university employees may accept from vendors and others: (1) unsolicited advertising or promotional material such as pens, pencils, scratch pads, and calendars; (2) occasional business lunches or food and refreshments of insignificant value; and (3) other items of nominal or minor value (i.e., a box of candy, fruitcake, etc.) that are merely tokens of appreciation. Refer to Ethics (2.6) for the statutory definition of a "benefit." Refer to Gifts, Prizes and Awards (3.18) regarding the giving of gifts, prizes and awards.

Written disclosure specific to the procurement must be signed by all parties involved in the procurement process for major contract awards of $1 million or more in value. All such written disclosures will be retained in procurement services. Reference Ethics (2.6) for specific information regarding the disclosure.
Specific disclosure is required by SFA employees for consultant contracts in which there is a financial interest in the private consultant by an officer or employee, or by anyone related to the officer or employee within the second degree of affinity or third degree of consanguinity. Relatives of an employee within the second degree of affinity include the spouse of the employee and the parents, children, brothers, sisters, grandchildren, nephews, nieces, uncles, aunts and first cousins of the employee’s spouse. The relatives of an employee within the third degree of consanguinity include the employee’s parents, children, brothers and sisters, grandparents, uncles and aunts, nieces and nephews, grandchildren, great-grandchildren, and great-grandparents. Reference Professional and Consultant Services (17.12) or Ethics (2.6) for specific information regarding the disclosure.

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

Purchasing professionals have the right under law to have any ethics question reviewed and decided by the Texas Ethics Commission. To learn whether a specific action violates the ethics rules, contact the Texas Ethics Commission, 201 East 14th St., 10th Floor, Austin, Texas 78701 or call them at 512-463-5800.

Cross Reference: Ethics (2.6), Professional and Consultant Services (17.12); Purchasing Purchases From Employees (17.21); Gifts, Prizes and Awards (3.18); Tex. Gov’t Code § 573.021-.025; 2262.004; Tex. Gov’t Code § 2254.032

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: Disclosure of Substantial Interest

Board Committee Assignment: Finance and Audit
Retirement Programs

**Original Implementation:** September 1, 1983

**Last Revision:** January 31, 2012, January 27, 2015

Employees of the university working 20 hours per week (50 percent time) or more for a period of at least four and one-half months must participate in a retirement program. This excludes students employed in positions requiring student status as a condition of employment.

Contribution amounts for the employee, and the employer matching monies, are determined by the Texas State Legislature. These amounts are subject to change with any legislative session.

With regard to federal, private and other non-education and general contributions to retirement programs, matching contributions into both ORP and TRS based on salaries and wages paid from these sources will be direct fringe benefits charged against these sources.

**Teacher Retirement System of Texas (TRS)**

Employees who participate in the Teacher Retirement System of Texas are required to contribute a percentage of their gross annual salary to the Retirement System. Contributions are obtained through monthly payroll deductions. An employee’s contributions are tax-deferred.

**Optional Retirement Program (ORP)**

An Optional Retirement Program is available to the following employees of the university who must be employed at 100% FTE for a full semester or four and one-half months: faculty members; faculty administrators; librarians; executive administrators, other key administrators, athletic coaches, and professionals as those terms are defined in 19 Tex. Admin. Code § 25.4. Eligibility to participate is subject to rules adopted by the Texas Higher Education Coordinating Board. Positions listed as non-exempt are ineligible to participate. Eligibility in ORP is in lieu of present or future active membership in the Teacher Retirement System of Texas.

Time Limit for Election of ORP--Eligible new employees have 90 days after employment by the university in an ORP-eligible position to elect to participate in ORP. An employee who elects to participate in ORP must complete the Form TRS 28 and the proper payroll forms. If applicable, the employee will complete Form TRS 29 to withdraw all contributions they made to TRS prior to election ORP.

A listing of authorized vendors and agents is available in Human Resources.
Cross Reference: Tex. Gov’t Code Ch. 821-830; 19 Tex. Admin. Code § Ch. 25

Responsible for Implementation: President

Contact for Revision: Director of Human Resources

Forms: Form TRS 28 and the ORP-1 (both forms are available in Human Resources)

Board Committee Assignment: Finance and Audit
Security Sensitive Positions

**Original Implementation:** May 1, 1989

**Last Revision:** January 31, 2012

Security sensitive positions are those in which employees handle currency, have access to a computer terminal, have access to a master key, have access to the personal information or identifying information of another person, have access to the financial information of the employer or another person, or work in an area of the university which has been designated as a security sensitive area. Positions designated as security sensitive will be identified as such in individual job descriptions, in any advertising for job applicants, and in all personnel transaction forms and correspondence with Human Resources concerning recruitment.

Department heads and/or account managers having the authority to employ, who desire to establish, change, or delete a position as security sensitive must submit, through administrative channels, a recommendation to the appropriate vice president. If approved, the vice president will forward the recommendation to the director of Human Resources who will identify the position as security sensitive in the personnel records of the university. All advertisements and notices released for security sensitive positions shall include the statement: "Security Sensitive Position."

Human Resources will conduct a criminal record check prior to employment. The candidate may be offered employment by the university contingent upon the evaluation of the criminal history record check. If the check reveals a criminal record, the director of Human Resources will evaluate the record in light of the university's policy on employment of persons with criminal history and confer with the department head on whether the employee will be "recommended" or "not recommended" for employment. A recommendation for employment will be made when there is no criminal record, or when there is a record but it is not considered a bar to employment of the candidate by the university for that position. The appropriate vice president or president will make the final decision on employment of the candidate.

After the expiration of the employee's probationary term of employment, all criminal history information relating to the employee shall be destroyed.

**Cross Reference:** Tex. Educ. Code § 51.215; Tex. Gov’t Code § 411.094

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

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

**Forms:** None
Board Committee Assignment: Academic and Student Affairs
# Student Employment

**Original Implementation:** June 18, 1987  
**Last Revision:** January 28, 2014

This policy pertains to students employed in student assistant positions and/or college work-study student assistant positions.

1. Students seeking on-campus employment may view on-line jobs at https://careers.sfasu.edu. Students must apply on-line and the hiring department will arrange an interview.

2. All students employed by the university are required to attend complete an orientation session process provided by Human Resources (HR) on or before their first day of employment. It is the employing department's responsibility to ensure that all new student workers report to new student employee orientation for paperwork processing before they begin work. If students have not worked on campus previously, they should attend training provided by Career Services in the Rusk Building. It is the responsibility of the department to make sure the student workers attend this training. Once the necessary employment forms and trainings have been completed, the student may be authorized to work on campus. Students working in College Work-Study positions must obtain a College Work-Study Permit authorization from the Financial Aid Office each semester they intend to work. International Students must also provide Forms I-20 and I-94 as part of their student employment paperwork process.

The hiring department will complete an electronic personnel action form (EPAF) to set up the student’s job assignments. Rate changes and new account assignments must also be completed on the EPAF. Terminations from employment with the university and the ending of a job assignment are also documented through completion of the proper EPAF. Departments must also complete the Administrative Account Disablement form when a student terminates their assignment or employment.

3. In the fall and spring semesters, student employees of the university will be restricted to no more than twenty (20) hours of work per week, unless approved by the provost and vice-president for academic affairs or his/her designee, as indicated on the Departmental Approval to Work More Than 20 Hours form. This form may be found on the Student Employment page of the Human Resources website. Student employees may not exceed 115 total working hours per month (approximately 26.5 hours per week). This limitation applies to all semesters, for the dates between the semesters, including summers and holidays. Total working hours are any hours worked and owed compensation as defined by the Fair Labor Standards Act (FLSA). Total working hours may not exceed forty (40) hours in one week.
3. To be eligible for on-campus employment during the fall or spring semesters as a student worker assistant, a student must carry six (6) or more semester hours. It is the employing department's responsibility to ensure that student workers assistants are enrolled for the required number of semester hours. SFA student workers assistants enrolled for 1-5 academic hours must be approved by the dean of student affairs, as indicated on the Departmental Approval to Work While Enrolled for Fewer Than 6 Hours form. This form may be found on the Student Employment page of the Human Resources website.

4. During the summer, students employed as either student assistants or work-study employees, and are must be enrolled for three (3) or more hours of coursework or be registered for courses in the upcoming fall semester to be eligible for student assistant summer employment. They may not work more than twenty (20) hours per week, unless they receive proper authorization as instructed in section 3.

Those students who do not attend school in the summer but have a reasonable expectation of being enrolled as SFA students in the upcoming fall semester are eligible for student assistant employment up to forty (40) hours per week in the summer. Reasonable expectation for a new student would include being accepted by the Office of Admissions.

5. Departments should contact Human Resources if they have questions concerning the appropriate pay rate. Students should be paid no less than minimum wage and no more than $15.00 per hour. If a department wants to set up an internal pay structure for their department, they may contact Human Resources for assistance.

6. Job vacancies requiring services of SFA students should be posted at https://careers.sfasu.edu on the Careers at SFA website for at least three days before the employing department recommends appointment of a candidate to fill the opening. In order to be considered an applicant for a student position, students must apply online. It is the employing department’s responsibility to notify Human Resources immediately when the job is filled. Under no circumstances will a student position be filled without completing the job vacancy and posting requirements. A department may request to waive the requirement of posting a student position in unique circumstances by contacting the director of human resources in writing. Approval of such exception is authorized by the director of human resources or their designee.

7. College Work-Study (CWS) is a federally or state-funded program designed to provide financial aid to those students choosing to earn a portion of their educational expenses. The Student Financial Aid Office determines the student's eligibility for CWS employment in accordance with established federal guidelines. Departments allocated CWS funds should be aware of the following procedures:
A. The College Work-Study Program (college work-study program) is a form of student employment and is subject to the conditions outlined above.

B. To be eligible for the CWS program, the student must first complete the financial aid application for need-based aid by the established deadline. If the results of the need analysis indicate the student is eligible for CWS, and the student expresses an interest in the program, the Financial Aid Office (financial aid office) will make the award accordingly.

C. The student must reapply for CWS each academic year. If the student wishes to be employed through the CWS program in the summer, he/she must request that the Financial Aid Office (financial aid office) review his/her file for eligibility in the preceding spring semester.

D. Before beginning employment, each student must present to the employing department a copy of their current year award notification from their MySFA account. This notification will indicate the maximum amount of money the student may earn during a given semester(s) of employment by the university on a college work-study account. It is important to note that this amount is the maximum amount that can be paid from a CWS budget. It is the employing department's responsibility to control the hours worked by the CWS personnel to be absolutely certain that the student does not earn more than the amount of money allowed from CWS funds. The student must accept the work-study award before he/she can accept a work-study position.

Federal regulation specifies that work-study students cannot work during their regularly scheduled class hours. It is the responsibility of the employing department to ensure that working hours do not conflict with a student's class time. This can be determined by comparing the time clock entries with the student's class schedule. If after review by the financial aid office it is determined that a student has worked during regularly scheduled class hours, wages for those hours cannot be paid from college work-study funds but will have to be paid by the employing department.

Once the student has earned the total amount of his/her CWS award, the department must prohibit the student from being paid — terminate the student from their CWS account. At that time the department may choose to either pay the student worker out of their departmental account as a “student assistant” or terminate the student worker—employee and must complete an EPAF to make this change.

It is recommended that departments do not employ CWS students on their CWS and department accounts simultaneously. They should first exhaust their CWS allotment funds and then appoint the student to their departmental account.

A fall award notification allows the student to work from August through December.
spring award notification allows the student to work from January through May. A summer award notification allows the student to work from May through August. (The division between the summer sessions is determined by the university's summer calendar.) Exact dates vary from year to year and are determined by the Student Financial Aid Office.

E.

E. If questions arise concerning the College Work-Study Program, call the Financial Aid Office at 936-468-2403.

8. Student assistants may not hold any other position such as a graduate assistantship or temporary casual employment at the same time they are employed as a student assistant or work study assistant.

Foreign-International Students Employees:

The Department of Homeland Security permits foreign students to be employed under the same regulations as students who are U.S. citizens. Questions about documentation and identification requirements may be answered by Human Resources. International students working on campus must provide sufficient documentation validating work authorization. Federal regulations limit international student employees to 20 hours per week while classes are in session (fall and spring semesters). International students will not be allowed to work until they have a social security number. Questions about documentation and identification requirements may be answered by human resources.

Graduate Assistantships:

Employment authorization and processing of graduate assistants goes through the Human Resources office and the Graduate Office.

Nepotism:

University policy regarding nepotism applies to student employment. See Nepotism (11.16).

Cross Reference: Nepotism (11.16); Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359; 42 U.S.C. §§ 2751-2756(b); 8 C.F.R. § 214.2(f); 34 C.F.R. § 675.20(c)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: College Work-Study Permit (issued by Financial Aid), Departmental Approval to Work More Than 20 Hours (online), Departmental Approval to Work While Enrolled for Fewer than 6
Hours (online), I-9 Form, I-20 Form, I-94, W-4 Form (Human Resources).

Board Committee Assignment: Academic and Student Affairs
Temporary Employment

Original Implementation: September, 1988

When it becomes necessary for a department to seek temporary employees, and temporary assistance is not available from within the department, division or college, the following procedures must be followed.

Temporary Casual Employment

A department may employ a temporary, casual employee either on a part-time or full-time basis for a period not to exceed ninety (90) consecutive calendar days and may not be allowed to work again in a casual position until 26 weeks have past. Departments may hire a casual employee without posting the position. Casual employees must be paid at least minimum wage and must complete the appropriate paperwork with the Human Resources office within the first three (3) days on or before the first day of employment and attend the mandatory EEO Training within the first thirty (30) days of employment. Departments should complete the EPAF (Electronic Personnel Action Form) to hire the casual employee no later than the first day of employment.

Temporary Services

Temporary employees may also be secured through the temporary agency which has contracted with SFA to provide temporary labor services. The SFA department needing assistance should contact the temporary agency to make the order and negotiate the wage to be paid to the temporary services employee. Upon agreement between the department and the temporary agency, the temporary agency will contact the SFA Human Resources and Procurement and Property Services departments to notify them of the agreement. More detailed information regarding the temporary agency and how to secure a temporary employee can be found on the SFA Human Resources and Procurement and Property Services departments’ websites.

Temporary Staff Appointments

A department may occasionally have a need to fill a temporary position for a time period which would extend beyond the 90-day temporary casual employment category. A “temporary staff appointment” is available for a terminal period of time which would be determined and clearly communicated by the president or appropriate vice president before the employment could take place. These temporary positions will be required to be posted for 5 days. The appointment will be communicated in writing to the selected candidate and it will be clearly stated that the position is temporary, for a specified period of time. A sample letter is available in human resources.
These positions will be eligible for benefits, if they are employed for a period of more than four and one-half months and have at least a 50% FTE. The employment of the selected candidate will be “at-will” and may be terminated at any time during the employment period for any reason other than for a discriminatory or other illegal—unlawful reason.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: President

Forms: Electronic Personnel Action Form (EPAF)

Board Committee Assignment: Academic and Student Affairs
The Ed and Gwen Cole Art Center and the Griffith Gallery

Original Implementation: April 21, 2009
Last Revision: April 17, 2012

Overview
The Ed and Gwen Cole Art Center and the Griffith Gallery are exhibition spaces for artistic programs of the School of Art in the College of Fine Arts. These facilities are a major “window” through which the public creates its perception of Stephen F. Austin State University. As such, the facilities should in all ways project a progressive, high stature, professional and welcoming image and offer artistic experiences to the public.

The purpose of the Ed and Gwen Cole Art Center and the Griffith Gallery is to support the mission of the School of Art, the College of Fine Arts and the university. Because these entities have “community outreach” as an accreditation goal of the Southern Association of Colleges and Schools, any event or activity in these facilities is subject to being assessed and included as a demonstration of how this mission is being achieved.

Scheduling and use of these facilities and their equipment is pursuant to university policy on the Use of University Facilities (16.33). The dean of the College of Fine Arts is the administrator of these facilities and their operating policies. Nothing contained in this policy shall be construed to prohibit or hinder the operation of the Ed and Gwen Cole Art Center or the Griffith Gallery in pursuing the university's mission as a public institution of higher education. All activities associated with that mission shall have priority in the use of these facilities.

Governance
The director of galleries is responsible for scheduling all events and activities for the Ed and Gwen Cole Art Center and the Griffith Gallery, subject to final approval by the director of the School of Art and the dean of the College of Fine Arts. Faculty and external organizations may offer input but have no authority for scheduling of these facilities.

Priority of Use
Because the Ed and Gwen Cole Art Center and the Griffith Gallery are academic and art exhibition facilities, their use shall be prioritized for the following types of sponsored and co-sponsored categories of events:

- Category I – Events of, or sponsored by, the Schools of Art, Music, or Theatre, and other performance and exhibition activities that are a necessary adjunct to academic programs in the College of Fine Arts;
Category II – Events for organizations such as the Friends of the Visual Arts, Nacogdoches Junior Forum, Watercolor East Texas, Nacogdoches Photographic Association, and the Nacogdoches Art League that are sponsored by the School of Art;

Category III - Events co-sponsored by the College of Fine Arts such as university departments or registered student, faculty, and staff organizations of both an academic and non-academic nature; and

Category IV - Events co-sponsored jointly between official university departments or agencies, and non-university groups.

Scheduling Requests
Reservation requests shall be evaluated on a case-by-case basis for scheduling availability, the expected number of attendees, and relationship to the purpose of the facilities.

While the facilities are occasionally rented by external parties, they are not “for rent” facilities open to the public. The facilities shall not be used for:

- annual events in Category III or Category IV that are scheduled on an ongoing basis;
- receptions, including wedding or retirement receptions;
- events at which it may be construed that the facilities are being used to sell alcohol, including ticketed events or events with admission charges such as wine tasting;
- private party events in which alcohol would be served, unless sponsored or co-sponsored in Categories I, II, III, or IV;
- non-university fundraising activities;
- events that promote an agenda other than that which would contribute to the facilities’ purpose, e.g., political campaigning; or
- dances or other social events.

Reservation Procedures
Reservations for all events in the Ed and Gwen Cole Art Center or Griffith Gallery shall be made through the gallery director. Reservations shall be limited by the preexisting exhibition schedule, and the nature of the event. Functions that may interfere with the conservation and preservation of art being exhibited will not be considered.
The galleries should be reserved as far in advance as possible; suggested minimal time is 60 days prior to the event. Alternate dates should also be selected in case the date of the first choice is not available. For Category I and II events, a Cole Art Center Usage Agreement form must be completed; this form is available on the College of Fine Arts website. For Category III and IV events and private party functions, a Facility Use Agreement form must be completed and signed by the person or persons who are legally and financially responsible for the event; this form is available on the website of the General Counsel under “Forms.” An initial meeting with the gallery director is required at the time the agreement is signed, and the payment of any deposits shall be submitted at this time. The schedule of fees may be obtained from the College of Fine Arts website.

Four weeks prior to an event, a meeting with the gallery director shall be scheduled to formalize set-up procedures, equipment, and personnel needs.

**Food and Beverages**

Food and beverages may be served in Griffith Gallery and the Ed and Gwen Cole Art Center, subject to approval by the gallery director. The serving and consumption of alcohol in the Ed and Gwen Cole Art Center is permitted under the following conditions: only if

1. the event must be approved in advance by the dean of the College of Fine Arts; and
2. the event must be an authorized, university-sponsored or co-sponsored event. Private party functions not sponsored by the university may not serve alcohol at these facilities;
3. for events sponsored or co-sponsored with a party that is not an SFA-affiliated 501(c)(3), the party is required to acquire insurance coverage for their use of the facility, with the university named as an additional insured, in the amounts and on the conditions required by the office of environmental health, safety and risk management. For purposes of this provision, an SFA-affiliated 501(c)(3) includes the SFA Foundation, SFA Real Estate Foundation, Alumni Foundation and Alumni Association, Quarterjack Club, and Tip-in Club;
4. food and non-alcoholic beverages must also be served; and
5. any event that includes alcohol must be in compliance with local and state laws at all times, including the Texas Alcoholic Beverage Code.

The dean of the College of Fine Arts will provide to the provost and general counsel at the end of each fiscal year the number of alcohol related events sponsored or co-sponsored at this facility.

Alcohol may be procured by purchase using funds in approved discretionary accounts or by donation. Any event that includes alcohol must be in compliance with local and state laws at all times, including the Texas Alcoholic Beverage Code.
Cross Reference: Use of University Facilities (16.33); Alcohol and Drug Abuse Service (13.47); Texas Alcoholic Beverage Code

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Dean of the College of Fine Arts

Forms: Cole Art Center Usage Agreement; Facilities Use Agreement

Board Committee Assignment: Building and Grounds
Time Reporting for Non-Exempt Employees

Original Implementation: Unpublished
Last Revision: October 21, 2013, January 27, 2015

This policy pertains to the reporting of hours worked and leave taken by non-exempt employees, including student employees. Non-exempt refers to employees who are not exempt from as described in the Fair Labor Standards Act.

Official time records are to be maintained for all non-exempt employees via the university’s electronic timekeeping system. When an employee does not have access to enter time through the electronic timekeeping system, time must be recorded and sent to the Payroll Department office in a method established and by the due dates set by the Payroll Department office.

It is the supervisor’s responsibility to instruct the employee on how and when to enter time worked and leave taken. It is the employee’s responsibility to enter time worked and leave taken accurately per the supervisor’s instructions. Under no circumstance may one employee clock in or out for another employee. Any employee participating in this type of violation will face disciplinary action.

An employee is subject to disciplinary action, including termination, for any fraudulent time entered or failure to enter leave taken. It is the supervisor’s responsibility to verify and electronically certify through the approval process that entries accurately reflect time worked and leave taken for the applicable period. Supervisors may delegate the responsibility to approve and verify time in the university’s electronic timekeeping system, but under no circumstance should an employee approve his or her own time. All entries and approvals must be completed by the due dates established by the Payroll Department office. Instructional information about the university’s electronic timekeeping system shall be posted on the Payroll Department–payroll office website.

The work week begins at 12:01 a.m. on Saturday and ends at 12 midnight on Friday. Compensatory time and overtime are calculated based on the university workweek and in accordance with the Fair Labor Standards Act. See Overtime and Additional Compensation Compensatory Time (12.14). Compensatory time, vacation leave, and sick leave may not be used prior to earning (or accruing) the leave.

Student Employees

Student employees are limited to 20 hours per week on combined Stephen F. Austin State University jobs, unless prior approval is obtained from the provost and vice president for
academic affairs, and then may not exceed 40 hours per week under any circumstances. The 20-hour limit is not applicable during summers. The Departmental Approval to Work More Than 20-Hours form must be completed and submitted to the Office of Human Resources.

Cross Reference: Overtime and Additional Compensation, Compensatory Time (12.14)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: Departmental Approval to Work More Than 20 Hours

Board Committee Assignment: Academic and Student Affairs
Turner Auditorium

Original Implementation: May, 1987  
Last Revision: July 19, 2014, January 27, 2015

Auditorium Operating Policy

Scheduling and use of Turner Auditorium and its equipment are pursuant to Use of University Facilities (16.33). The dean of the College of Fine Arts is the administrator of the facility and its operating policies. Nothing contained in this policy shall be construed to prohibit or hinder the operation of Turner Auditorium in pursuing the university's mission. All activities associated with that mission shall have priority in the use of this facility.

Priority of Users

Because Turner Auditorium is an academic and a performing arts facility, its use shall be restricted according to the following prioritized categories:

Category I - Events sponsored by the Schools of Art, Music, or Theatre; and other performance activities that are a necessary adjunct to academic programs in the College of Fine Arts.

Category II - Events that are a part of the University Series or the Children's Performing Arts Series (CPAS).

Category III - Events sponsored by any university academic units or organizations.

Category IV - Events sponsored by non-university groups subject to the regulations described herein.

Reservations Procedures

Reservations for all functions in Turner Auditorium are made through the office of the dean of the College of Fine Arts. The dean will act as arbitrator in circumstances where scheduling conflicts cannot be resolved. Scheduling priorities will be given in accordance with the following procedures:

Category I - Events requiring the use of the auditorium for five days or longer have priority for reserving dates until October 1 of the previous academic year. Events requiring the use of the auditorium for fewer than five days have priority for reserving dates through October 31 of the previous academic year.

Category II - Events in this category have priority for reserving dates after November 1 and prior
to January 1 of the previous academic year.

Category III and IV - Events in these categories may reserve available dates after May 1 of the previous academic year.

Events with Admission Charges

Category I and II events: If an event has an admission charge, the Fine Arts Box Office must deposit all proceeds into a university account according to business office procedures.

Category III and IV events: Admission pricing and procedures may be established by individual users for their events. Services of the Fine Arts Box Office are not available; nevertheless, university academic units must conform to university business practices and policies.

**Jointly Sponsored Events**

Jointly sponsored events (i.e., events where official university academic units and organizations jointly sponsor an event with a non-university group) may be scheduled only in accordance with the provisions of Use of University Facilities (16.33). Jointly sponsored events in Turner Auditorium are subject to the following regulations:

1. Only entities of SFA (colleges, academic units, auxiliary offices) may jointly sponsor an event with a non-university group.
2. A jointly sponsored event must have approval from an academic unit chair/director, dean or vice president and have relevant educational objectives.
3. A written agreement between the university entity and the non-university group must be prepared in consultation with the Office of the Dean of the College of Fine Arts and the Turner facilities manager. This agreement must be signed by the appropriate authorities.
4. The university sponsor shall assume full responsibility for the event and all related charges, including costs for damages.
5. The Turner staff will work directly with the university sponsor rather than the non-university group. The university sponsor will be considered the producer of the event.
6. All advertising, promotion, and announcements of the event must include the name of SFA, be approved by the university sponsor and conform to University Publications (15.8).
7. The university sponsor shall assure that the use of Turner Auditorium does not result in private gain for the non-university group.

**General Operating Regulations**

1. No signs, messages or other materials may be posted, displayed, distributed, or announced in, on, or adjacent to Turner Auditorium by the user or sponsor without prior written approval by the dean of the College of Fine Arts. Such materials may not be fastened to any
part of the facility except in spaces provided for that purpose and may not be permitted to interfere with crowd movement and safety.

2. Advertising: All news releases, handbills, advertisements, television and radio announcements or other media utilized to inform the public of a non-university event to be held in Turner Auditorium must be approved by the public affairs office and also must carry a disclaimer, approved by the university general counsel, to the effect that use of Turner Auditorium does not imply endorsement of the event by the sponsoring organization or the university.

3. Safety regulations, as determined by the Turner staff and the university safety officer, will govern all areas of Turner Auditorium and the Griffith Fine Arts Building.

4. The user organization is responsible for the conduct of its representatives, members, and guests of the event while in the Griffith Fine Arts Building. Organizations with a history of conduct violations during previous use of Turner Auditorium may be denied subsequent use.

5. In accordance with Smoking and Use of Tobacco Products (13.21), Griffith Fine Arts Building is a non-smoking facility and smoking is prohibited within 20 feet of any entrance/exit. In addition, the use of electronic cigarettes is prohibited in the auditorium.

6. Each user is advised to make its policies regarding the taking of photographs and/or recordings clear to the audience.

7. Users must have prior written permission from the Turner staff to make any broadcasts, telecasts, master recordings, films, or transcripts of performances. If consent is given, the user organization will furnish and install all necessary equipment other than that provided by the Turner staff.

8. The user must specify hours of occupancy and may not have activities in the facility other than at those times. The Turner staff will be in attendance and will be paid for by the user during all specified hours, according to a schedule of fees kept in the dean’s office.

9. Turner staff needed shall be determined by the Office of the Dean of the College of Fine Arts and the Turner facilities manager. A Turner technical crew for all events and house management when an audience is present are required. Any additional required personnel (ticket sellers/takers, ushers, etc.) shall be provided by the user, at the user's expense.

10. Users may use their own crews for tasks more appropriately understood by their personnel (music stand and chair setup, prop arrangements, etc.). These arrangements must be approved in advance by the Office of the Dean of the College of Fine Arts and Turner facilities manager. Such arrangements do not, however, release the user from the basic personnel charges identified in this policy.

11. Services for an event performed by the Turner staff outside scheduled occupancy shall be paid for by the user. All university equipment will be operated by trained personnel employed by the university and/or approved by the Turner facilities manager.

12. All users and sponsors shall be responsible for payment for damages to the facility, its fixtures and equipment, whether caused by the user, sponsor, or its patrons, with the
exception of ordinary wear and tear.
13. Pianos owned by SFA may be provided, according to the schedule of fees.
14. Stage work shall be done at the user's expense under the supervision of the Turner facilities manager. Approval must be secured for user organizations to employ their own personnel.
15. Users must request equipment that may be deemed non-standard by the Turner facilities manager prior to signing the contract.
16. User must obtain approval from the Turner facilities manager before placing any equipment on the stage. All decorations shall be installed without defacing the building and shall be subject to the supervision and approval of the Turner facilities manager.
17. The user organization shall leave the stage and stage areas, including dressing rooms and access areas, clean and clear after the final performance. Any exception to this must be approved by the Turner facilities manager. If the stage is not cleared within the designated period, the Turner staff will employ a crew for which the user will pay. A user will be released from further clean-up responsibility only after inspection by the Turner facilities manager.
18. Additional charges will apply for custodial services required outside regularly scheduled housekeeping hours.
19. The user organization shall not allow beverages, food, gum, or refreshments of any kind to be sold, brought into, or served in Griffith Fine Arts Building. No refreshments shall be taken onto the stage, into the backstage areas, or into the auditorium at any time. Exceptions must be approved by the Turner facilities manager.
20. Should an event be canceled within three weeks before the scheduled performance, a cancellation fee will be charged to the user according to the schedule of fees.
21. House doors open thirty (30) minutes before curtain time. The house manager starts the performance.
22. Any user whose technical or house crew fails to operate and maintain the facility according to the stated operating regulations shall be required to employ Turner staff for future events, or may forfeit future use.

Cross Reference: Use of University Facilities (16.33); University Publications (15.8); Smoking and Use of Tobacco Products (13.21)

Responsible for Implementation: Provost and Vice President for Academic Affairs

Contact for Revision: Dean of the College of Fine Arts
Forms: Reservation Form, Schedule of Fees
Board Committee Assignment: Building and Grounds
Use of Electronic Information Resources

Original Implementation: July 25, 2002
Last Revision: July 19, 2014, January 27, 2015

STATEMENT

Stephen F. Austin State University (SFA) supports the responsible use of its electronic information resources. SFA's information resources include, but are not limited to, computers, servers, wired and wireless networks, computer-attached devices, network-attached devices, voice systems, cable systems and computer applications. The use of information resources is for SFA academic activities, research and public service. Access to SFA's information resources is, however, a privilege. All users of information resources should act responsibly to maintain the integrity of these resources. Furthermore, all users shall abide by all existing SFA codes of conduct as well as local, state and federal statutes. SFA reserves the right to limit, restrict or extend privileges and access to its resources.

RESPONSIBILITIES

- It is the responsibility of all individuals using SFA's information resources to protect the privacy of their account(s). Personal account information should not be released to friends, relatives, roommates, etc. Users are responsible for the security of their passwords. Passwords should be changed on a regular basis.
- All individuals using SFA information resources are prohibited from using a computer account for which they are not authorized, or obtaining a password for a computer account not assigned to them.
- The owner or designated assignee of a computer that is attached to the SFA network is responsible for both the security of the computer system and for any intentional or unintentional activities from or to the network connections. Owners or designated assignees are responsible for all network activity originating from their equipment, regardless of who generates it.
- Any person operating a network-intensive application or a defective computer that causes network overload shall be notified, and steps shall be taken to protect other users and the overall SFA network. This may include disconnecting the defective computer system from the network until the problem is resolved. If the condition is an imminent hazard to the SFA network or disrupts the activities of others, the defective computer system or the subnet to which it is attached may be disabled without notice. The operator of the defective computer system shall be expected to follow instructions from networking staff for securing the machine.
• Any person using e-mail should not send unnecessary e-mails, attachments, or messages locally or over the network.

• The content of any files or services made available to others over the network is the sole responsibility of the person with ownership of and/or administrative authority over the computer providing the service. It is this person's responsibility to be aware of all applicable federal and state laws, as well as SFA policies. This person shall will be liable for any violations of these laws and policies.

• It is the responsibility of every person using SFA's information resources to refrain from engaging in any act that may seriously compromise, damage, or disrupt the operation of computers, terminals, peripherals, or networks. This includes, but is not limited to, tampering with network components of a local area network (LAN) or the backbone, blocking communication lines, interfering with the operational readiness of a computer, creating/operating unsanctioned servers or personal Web (NAT, DHCP or BOOTP servers included) or File Transfer Protocol (FTP) sites, or delivering unsanctioned streaming audio, video, high bandwidth gaming, or high bandwidth video conferencing. Users should refrain from using an IP address not specifically assigned to them and should not attempt to create unauthorized network connections or unauthorized extensions, or re-transmitting any computer or network services.

• All email messages of a personal nature sent by faculty, staff, and retirees using an SFA email address must contain the following disclaimer: “The views and opinions expressed in this message are my own and do not necessarily reflect the views and opinions of Stephen F. Austin State University, its Board of Regents, or the State of Texas.”

• All breaches of system security shall will be reported immediately to networking personnel.

INFRACTIONS

Examples of infractions include, but are not limited to:

• Circumventing or attempting to circumvent data protection schemes or exploiting security vulnerabilities loopholes.

• Running programs that attempt to identify passwords, weaknesses in the SFA system, or other security codes.

• Attempting to monitor or tamper with another user's data communications or network traffic, or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner.

• Knowingly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place an excessive load on a computer system or network. This includes, but is not limited to, programs known as computer viruses, Trojan horses and worms.
● Using SFA computer resources for private business or commercial activities (except where such activities are otherwise permitted or authorized), fundraising or advertising on behalf of non-SFA organizations, reselling of SFA computer resources and using SFA's name in an unauthorized manner.
● Engaging in unlawful communications, including threats of violence, obscenity, child pornography and harassing communications.
● Attempting to alter any SFA computing or networking components (including, but not limited to, switches, routers and data/phone/cable TV wiring) without authorization or beyond one's level of authorization.
● Failing to comply with requests from appropriate SFA officials to discontinue activities that threaten the operation or integrity of computers, systems, networks, or otherwise violate this policy.

**PENALTIES**

Misuse of computing, networking, or information resources may result in the loss of computing privileges, as well as other disciplinary action.

**PRIORITIES**

When demand for computing resources exceeds available capacity, priorities for their use shall be enforced. The priorities for use of computing resources are:

● Highest: Uses that directly support the educational, research and service missions of SFA.
● Medium: Uses that indirectly benefit the education, research and service missions of SFA, as well as reasonable and limited personal communications.
● Lowest: Recreational use, including game playing and general browsing.
● Forbidden: Uses listed in the Infractions section of this policy, as well as breaches of the Responsibilities section not specifically listed under the Infractions section.

SFA may enforce these priorities by restricting or limiting usages in circumstances where their demand and limitations of capacity impact or threaten usages of higher priority.

**IMPLIED CONSENT & LIABILITY RELEASE**

All individuals with access to SFA computing resources are responsible for their appropriate use. Such use constitutes an agreement to comply with applicable SFA policies and regulations, with applicable city, state, and federal laws and regulations, and with applicable policies of the affiliated networks and systems.
Each person requesting service from an SFA Telecommunications and Networking technician for equipment owned by a person or entity other than SFA must acknowledge and accept the following liability release before the technician provides the requested service:

By accepting technical support from the Telecommunications and Networking staff, I expressly waive all claims against SFA and its agents for any damages to my computer system or data that are incidental to the technical support rendered by Telecommunications and Networking. I understand that the technical support I receive from Telecommunications and Networking may void manufacturer warranties and I understand that Telecommunications and Networking offers no verbal or written warranty, either expressed or implied, regarding the success of this technical support. I understand that I have the right not to accept support from Telecommunications and Networking staff and to seek technical assistance elsewhere.

**Cross Reference:** None

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

**Contact for Revision:** Director of Information Technology Services, Chief Information Officer

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs