

# **Stephen F. Austin State University**

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



**Nacogdoches, Texas**

**October 29 and 30, 2007  
Volume 239**

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**Stephen F. Austin State University  
Minutes of the Meeting of the  
Board of Regents  
Nacogdoches, Texas  
October 29 and 30, 2007  
Austin Building 307**

**Monday, October 29, 2007**

The regular meeting of the Board of Regents was called to order at 8:00 a.m., Monday, October 29, 2007, by Chair Valerie Ertz.

**PRESENT:**

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

President:              Dr. Baker Pattillo

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

General Counsel:     Ms. Yvette Clark

Other SFA administrators, staff, and visitors

*The Building and Grounds Committee convened at 8:00 a.m. and adjourned at 10:28 a.m.*

Reconvening at 10:40 a.m. in open session as a Committee of the Whole, the board heard a marketing report from Andy Kesling on the following topics:

- University magazine
- University website
- Media outreach

The Committee of the Whole was recessed at 11:15 a.m.

*The Finance/Audit Committee convened at 11:15 a.m. The committee recessed at 11:55 a.m. to attend the Lumberjack Luncheon and a tour of the Phonejacks Calling Center and the campus entrance signs on North Street. Reconvening and continuing with the Finance/Audit Committee agenda at 2:13 p.m., the Finance/ Audit Committee adjourned at 3:30 p.m. The Academic and Student Affairs Committee convened at 3:36 p.m. and adjourned at 5:55 p.m.*

Reconvening at 6:00 p.m. in open session, the chair called for an immediate executive session to consider the following items:

#### SECURITY PERSONNEL AND DEVICES

Deliberations Concerning Security Personnel and Devices (Texas Government Code, Section 551.076), including but not limited to TAC 202 Information Security Review and DIR Penetration Review

#### REAL ESTATE

Deliberations Regarding the Purchase, Exchange, Lease, Sale or Value of Real Property (Texas Government Code, Section 551.072), including a possible real estate purchase

#### LEGAL ADVICE

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers (Texas Government Code, Section 551.071), including but not limited to license agreement, Watkins Trust, and Attorney General agreement involving financial aid

#### GIFTS AND DONATIONS

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations (Texas Government Code, Section 551.073), including a possible naming opportunity related to a gift

#### PERSONNEL MATTERS REGARDING SPECIFIC UNIVERSITY EMPLOYEES

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee (Texas Government Code, Section 551.074), including but not limited to the chief information officer, interim director of alumni affairs, the vice president for development, baseball/softball coaches, vice presidents and the president

The executive session ended at 7:00 p.m. and the board recessed for the day, with no further action.

**Tuesday, October 30, 2007**

The chair reconvened the board meeting into open session at 7:30 a.m. on Tuesday, October 30, 2007.

**PRESENT:**

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

President: Dr. Baker Pattillo

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

General Counsel: Ms. Yvette Clark

Other SFA administrators, staff, and visitors

The chair immediately called for a continuation of the October 29, 2007, executive session to consider the following agenda items:

**SECURITY PERSONNEL AND DEVICES**

Deliberations Concerning Security Personnel and Devices (Texas Government Code, Section 551.076), including but not limited to TAC 202 Information Security Review and DIR Penetration Review

**REAL ESTATE**

Deliberations Regarding the Purchase, Exchange, Lease, Sale or Value of Real Property (Texas Government Code, Section 551.072), including a possible real estate purchase

**LEGAL ADVICE**

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers (Texas Government Code, Section 551.071), including but not limited to license agreement, Watkins Trust, and Attorney General agreement involving financial aid

#### GIFTS AND DONATIONS

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations (Texas Government Code, Section 551.073), including a possible naming opportunity related to a gift

#### PERSONNEL MATTERS REGARDING SPECIFIC UNIVERSITY EMPLOYEES

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee (Texas Government Code, Section 551.074), including but not limited to the chief information officer, interim director of alumni affairs, the vice president for development, baseball/softball coaches, vice presidents and the president

The executive session ended at 8:55 a.m.

The chair reconvened the meeting into open session at 9:12 a.m.

The chair welcomed guests to the board meeting and called upon Regent Garrett to lead the pledge to the flags. Regent Pond provided the invocation.

Dr. Allen Richman introduced the officers of the School of Honors, who presented the first two Honors Medals to Dr. Baker Pattillo and Ms. Valerie Ertz.

### APPROVAL OF MINUTES

#### BOARD ORDER 08-01

Upon motion by Regent Amaral, seconded by Regent Thompson, with all members voting aye, it was ordered that the minutes of the July 9 and 10, 2007 and the August 11, 2007 meetings be approved.

### PERSONNEL

#### BOARD ORDER 08-02

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

#### FACULTY APPOINTMENTS FOR 2007 – 2008

##### BUSINESS

Dale Spradling, Visiting Assistant Professor of Accounting, Ph.D. (University of Houston) at a salary of \$85,204 for 100 percent time for nine months, effective September 1, 2007.

Ted Whitmer, Visiting Professor of Economics and Finance, J.D. (University of Houston Law Center), at a salary of \$75,000 for 100 percent time for nine months, effective September 1, 2007.

## EDUCATION

Layne DeBardelaben, Clinical Instructor of Human Services, M.A. (University of Houston), at a salary of \$47,000 for 100 percent time for nine months, effective September 1, 2007.

Amy Elizabeth Part Durham, Clinical Instructor of Human Services, M.S. (Stephen F. Austin State University), at a salary of \$47,000 for 100 percent time for nine months, effective September 1, 2007.

Michael Munro, Clinical Instructor of Human Services, M.Ed. (Stephen F. Austin State University), at a salary of \$45,000 for 100 percent time for nine months, effective September 1, 2007.

Frankie Swift, Lecturer of Human Services, M.A. (Angelo State University), at a salary of \$47,000 for 100 percent time for nine months, effective September 1, 2007.

Hallie Dianne Trautman, Assistant Professor of Secondary Education and Educational Leadership, Ed.D. (Sam Houston State University) at a salary of \$48,925 for 100 percent time for nine months, effective September 1, 2007.

## FINE ARTS

Valerie A Austin, Visiting Instructor of Music, M.M. (University of Florida), at a salary of \$44,000 for 100 percent time for nine months, effective September 1, 2007.

Mr. Brad Maule, Lecturer of Theatre and Art, B.F.A. (Stephen F. Austin State University), at a salary of \$38,000 for 100 percent time for nine months, effective September 1, 2007.

Brett A. Richardson, Lecturer of Music, M.M. (Texas A&M Commerce) at a salary of \$42,000 for 100 percent time for nine months, effective September 1, 2007.

Gary James Schott, Visiting Assistant Professor of Art, M.F.A. (University of Illinois), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2007.

Christopher A. Scott, Instructor of Music, M.M. (Florida State University), at a salary of \$42,000 for 100 percent time for nine months, effective September 1, 2007.

#### FORESTRY AND AGRICULTURE

Sheryll B. Jerez, Assistant Professor of Environmental Science, M.S. (Kansas City University), at a salary of \$52,000 for 100 percent time for nine months, effective November 1, 2007, contingent upon completion of Ph.D. by October 15, 2007.

#### LIBERAL AND APPLIED ARTS

Alan Baily, Visiting Assistant Professor of Political Science, Geography and Public Administration, Ph.D. (Louisiana State University), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2007.

Charles E. Kroll, Senior Lecturer of English and Philosophy, Ph.D. (University of Texas), at a salary of \$30,000 for 100 percent time for nine months, effective September 1, 2007.

Billy Monroe, Visiting Instructor of Political Science, Geography and Public Administration, B.A. (University of Texas), at a salary of \$38,000 for 100 percent time for nine months, effective September 1, 2007.

Cindy Pressley, Visiting Instructor of Political Science, Geography and Public Administration, J.D. (T.C. Williams School of Law), at a salary of \$38,000 for 100 percent time for nine months, effective September 1, 2007.

Rebecca J. Woods, Visiting Assistant Professor of Psychology, Ph.D. (Texas A&M University), at a salary of \$40,000 for 100 percent time for nine months, effective September 1, 2007.

#### SCIENCES AND MATHEMATICS

Carol Athey, Clinical Instructor of Nursing, B.S.N. (Stephen F. Austin State University) at a salary of \$49,000 for 100 percent time for nine months, effective September 1, 2007.

Susan P. Ballard, Clinical Instructor of Nursing, B.S.N. (University of Arlington) at a salary of \$49,000 for 100 percent time for nine months, effective September 1, 2007.

Angela L. West, Lecturer of Mathematics and Statistics, M.S. (Stephen F. Austin State University) at a salary of \$34,000 for 100 percent time for nine months, effective September 1, 2007.

## STAFF APPOINTMENTS FOR 2007 – 2008

### ADMISSIONS

Jennifer M. Bruner, Regional Admissions Coordinator, at a salary of \$39,733 for 100 percent time for 12 months, effective September 4, 2007.

Douglas J. Daigle, Counselor/Recruiter, at a salary of \$29,840 for 100 percent time for 12 months, effective August 13, 2007.

### ATHLETICS

Amber M. Burdge, Assistant Director Athletics, at a salary of \$53,000 for 100 percent time for 12 months, effective August 13, 2007.

Cody Evans Clark, Assistant Track Coach, at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

Lori Dianne Kowaleski, Assistant Softball Coach, at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

Stephen Brad Laird, Assistant Football Coach, at a salary of \$38,000 for 100 percent time for 10.5 months, effective September 1, 2007.

Rebecca Gay McNutt, Head Softball Coach, at a salary of \$44,205 for 100 percent time for 10.5 months, effective July 9, 2007.

Jaye Dee Nayreau, Instructor/Assistant Coach Women's Basketball, at a salary of \$45,661 for 100 percent time for 10.5 months, effective September 1, 2007.

Ryder L. Peacock, Assistant Track Coach, at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

William Craig Snider, Assistant Softball Coach, at a salary of \$29,881 for 100 percent time for 10.5 months, effective September 1, 2007.

### COUNSELING AND CAREER SERVICES

Binta Yaisa Lorde, Counselor, at a salary of \$38,000 for 100 percent time for 12 months, effective October 22, 2007.

Ronald Jeffrey Smith, Counselor, at a salary of \$38,000 for 100 percent time for 12 months, effective October 29, 2007.



## EDUCATION

Janiece L. Buck, Coordinator Project Certification Preparation English Language Learners, at a salary of \$55,000 for 100 percent time for 12 months, effective September 1, 2007.

Mary C. Nino, Certification Officer/Post Baccalaureate Initial Certification Coordinator, at a salary of \$45,000 for 100 percent time for 12 months, effective July 24, 2007.

Donnya E. Stephens, Gear Up Special Project Coordinator, at a salary of \$35,000 for 41 percent time for 12 months, effective September 1, 2007.

## FINE ARTS

Christian H. Cutler, Gallery Director, at a salary of \$42,000 for 100 percent time for 12 months, effective July 16, 2007.

## FORESTRY AND AGRICULTURE

David Creech, Associate Director of Mast Arboretum, at a salary of \$46,860 for 46 percent time for 12 months, effective October 1, 2007.

## HUMAN SERVICES

Casey Danielle Perry, Clinical Audiologist, at a salary of \$70,000 for 100 percent time for 12 months, effective July 18, 2007.

## INFORMATION TECHNOLOGY SERVICES

Seana Lee Utley, Programmer Analyst II, at a salary of \$40,000 for 100 percent time for 12 months, effective August 6, 2007.

## LIBRARY

Lori C. Wijntjes, Writing Program Director of the Library/Academic Assistance and Resource Center, at a salary of \$40,000 for 100 percent time for 12 months, effective August 20, 2007.

## PINEYWOODS AHEC

Lurah M. Bryant, Coordinator Area Health Education Center, at a salary of \$30,000 for 100 percent time for 12 months, effective July 16, 2007.

Randall M. Scott, Coordinator Area Health Education Center, at a salary of \$31,500 for 100 percent time for 12 months, effective September 10, 2007.

## PUBLIC AFFAIRS

Amy Frances Roquemore, Editorial Coordinator, at a salary of \$40,000 for 100 percent time for 12 months, effective October 1, 2007.

## CHANGES OF STATUS FOR 2007 – 2008

### ACADEMIC AFFAIRS

Mary Nelle Brunson, from Assistant Professor of Elementary Education at a salary of \$76,568 for 100 percent time for 12 months, to Interim Assistant Provost and Assistant Professor of Elementary Education at a salary of \$100,000 for 100 percent time for 12 months, effective September 1, 2007.

### ALUMNI AFFAIRS

Jeffrey H. Davis, from Director of Development for Alumni Affairs at a salary of \$50,393 for 100 percent time for 12 months, to Interim Director for Alumni Affairs at a salary of \$80,393 for 100 percent time for 12 months, effective September 7, 2007.

### ATHLETICS

Aaron Delatoree, from Intern/Coach at a salary of \$8.00 per hour for 100 percent time for 10.5 months, to Assistant Football Coach at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

Erin Lycan, from Intern/Coach at a salary of \$7.00 per hour for 100 percent time for 10.5 months, to Assistant Soccer Coach at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

Loree M. McCary, from Athletic Trainer at a salary of \$52,034 for 100 percent time for 12 months, to Athletic Trainer and Senior Women's Administrator at a salary of \$57,034 for 100 percent time for 12 months, effective September 1, 2007.

Erin C. McClanahan, from Intern/Coach at a salary of \$7.00 per hour for 100 percent time for 10.5 months, to Assistant Volleyball Coach at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

Brian J. McNutt, from Intern/Coach at a salary of \$5.85 per hour for 100 percent time for 10.5 months, to Assistant Football Coach at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

Brandon R. North, from Intern/Coach at a salary of \$8.00 per hour for 100 percent time for 10.5 months, to Assistant Football Coach at a salary of \$24,000 for 100 percent time for 10.5 months, effective September 1, 2007.

#### EDUCATION

Marie D. Davenport, from Adjunct Faculty in Secondary Education at a salary of \$2,500 for Summer II, to Certification Preparation Coordinator at a salary of \$55,000 for 100 percent time for 12 months, effective September 1, 2007.

#### FINANCE AND ADMINISTRATION

Deborah L. Sellman, Coordinator of Planning, Resources and Accountability for Academic Affairs at a salary of \$57,960 for 100 percent time for 12 months, to Interim Budget Director at a salary of \$75,000 for 100 percent time for 12 months, effective August 22, 2007.

#### FINE ARTS

Mario P. Ajero, from Instructor of Music at a salary of \$41,756 for 100 percent time for nine months, to Assistant Professor of Music at a salary of \$42,756 for 100 percent time for nine months, effective September 1, 2007.

#### INFORMATION TECHNOLOGY SERVICES

John W. Parker, from Programmer Systems II at a salary of \$45,905 for 100 percent time for 12 months, to Programmer Systems II/Interim Assistant Director of ITS at a salary of \$45,905 for 100 percent time for 12 months, with an additional salary supplement of \$500 per month for the interim duties, effective April 1, 2007 through August 31, 2007; and from Programmer Systems II at a salary of \$48,528 for 100 percent time for 12 months to Programmer Systems II/Interim Assistant Director of ITS at a salary of \$48,528 for 100 percent time for 12 months, with an additional salary supplement of \$500 per month for the interim duties, effective September 1, 2007.

Stephen J. Watson, from Programmer Systems I at a salary of \$44,037 for 100 percent time for 12 months, to Programmer Systems I/Interim Assistant Director of ITS at a salary of \$44,037 for 100 percent time for 12 months, with an additional salary supplement of \$350 per month for the interim duties, effective April 1, 2007 through August 31, 2007; and from Programmer Systems I at a salary of \$45,798 for 100 percent time for 12 months, to Programmer Systems II/Interim Assistant Director of ITS at a salary of \$45,798 for 100 percent time for 12 months, with an additional salary supplement of \$350 per month for the interim duties, effective September 1, 2007.

## LIBERAL AND APPLIED ARTS

Mark Barringer, from Associate Professor of History and Associate Dean of Liberal and Applied Arts at a salary of \$85,443 for 100 percent time for 12 months, to Associate Professor of History and Associate Dean of Liberal and Applied Arts with an increase in administrative duties at a salary of \$90,000 for 100 percent time for 12 months, effective September 1, 2007.

Barbara Carr, from Chair and Professor of English and Philosophy at a salary of \$96,430 for 100 percent time for 11 months, to Professor of English and Philosophy at a salary of \$76,520 for 100 percent time for nine months, effective September 1, 2007.

Ray Darville, from Professor of Sociology at a salary of \$73,984 for 100 percent time for nine months, to Interim Chair of Communication and Professor of Sociology at a salary of \$73,984 for 100 percent time for nine months, with an additional stipend of \$1,100 per month for the interim duties, effective September 24, 2007.

Ann Doyle-Anderson, from Chair and Professor of Modern Languages at a salary of \$89,622 for 100 percent time for 11 months, to Chair and Professor of Modern Languages at a salary of \$97,122 for 100 percent time for 11 months, effective September 1, 2007, as a budget correction.

Wanda Mouton, from Interim Chair and Associate Professor of Communication at a salary of \$56,533 for 100 percent time for nine months, with an additional stipend of \$1,111 per month for the interim duties, to Associate Professor of Communication at a salary of \$56,533 for 100 percent time for nine months, effective September 21, 2007.

Lee W. Payne, from Visiting Lecturer of Political Science, Geography and Public Administration at a salary of \$18,000 for 100 percent time for four months, to Visiting Instructor of Political Science, Geography and Public Administration at a salary of \$38,000 for 100 percent time for nine months, effective September 1, 2007.

Becky L. Price-Mayo, from Lecturer of Social Work and Interim Director at a salary of \$52,365 for 100 percent time for 12 months, to Lecturer of Social Work and Director at a salary of \$44,947 for 100 percent time for 10 months, effective September 1, 2007.

Kandy J. Stahl, from Chair and Professor of Psychology at a salary of \$94,816 for 100 percent time for 11 months, to Chair and Professor of Psychology at a salary of \$102,316 for 100 percent time for 11 months, effective September 1, 2007, as a budget correction.

## LIBRARY

Susan D. Clarke, from Librarian II at a salary of \$39,747 for 100 percent time for 12 months, to Librarian II/Digital Projects Librarian with additional administrative duties at a salary of \$48,000 for 100 percent time for 12 months, effective October 1, 2007.

Shirley Dickerson, from Interim Library Director at a salary of \$68,843 for 100 percent time for 12 months, with a stipend of \$1,000 per month for additional duties, to Library Director at a salary of \$95,000 for 100 percent time for 12 months, effective August 1, 2007.

Rachel B. Galan, from Acting Associate Library Director and Librarian II at a salary of \$48,963 for 100 percent time for 12 months, to Associate Library Director at a salary of \$70,000 for 100 percent time for 12 months, effective September 1, 2007.

Reginald L. Gossett, from Assistant Manager Library Systems at a salary of \$43,768 for 100 percent time for 12 months, to Manager Library Systems at a salary of \$47,589 for 100 percent time for 12 months, effective September 1, 2007.

Christine E. Hennessey, from Library Assistant II at a salary of \$ 21,000 for 100 percent time for 12 months, to Librarian I at a salary of \$35,000 for 100 percent time for 12 months, effective July 23, 2007.

David W. Justus, from Manager Library Systems at a salary of \$64,667 for 100 percent time for 12 months, to Associate Director Library Technology at a salary of \$69, 667 for 100 percent time for 12 months, effective October 1, 2007.

Mary E. McWilliams, from Program Director of Academic Assistance and Resource Center at a salary of \$41,548 for 100 percent time for 12 months, to Program Director of Academic Assistance and Resource Center with additional administrative duties at a salary of \$47,106 for 100 percent time for 12 months, effective September 1, 2007.

Linda L. Reynolds, from Interim Director East Texas Research Center and Librarian II at a salary of \$39,134 for 100 percent time for 12 months, to Director of East Texas Research Center and Librarian II at a salary of \$41,000 for 100 percent time for 12 months, effective September 1, 2007.

## SCIENCES AND MATHEMATICS

Casandra L. Wright, from Program Director of Academic Assistance and Resource Center at a salary of \$41,208 for 100 percent time for nine months, to

Lecturer of Mathematics and Statistics at a salary of \$34,000 for 100 percent time for nine months, effective September 1, 2007.

## RETIREMENTS

Harvey R. Brown, Grant Director, College of Education, effective August 31, 2007

Ray Eastman, Associate Professor of Psychology, effective December 31, 2007

Stephanie George, Lecturer of Communication, effective July 31, 2007

David L. Creech, Regents Professor of Agriculture, effective August 31, 2007

Mary E. Garrett, Coordinator of A & P Laboratory in Biology, effective December 31, 2007

Ernest Ledger, Professor of Geology, effective May 31, 2008

William J. Oliver, Professor of Communication, effective December 31, 2007

Marlin Young, Provost/Vice President for Academic Affairs, effective August 31, 2007

## ACADEMIC AND STUDENT AFFAIRS

### **BOARD ORDER 08-03**

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

#### **SMALL-SIZE CLASSES SUMMER II AND FALL 2007**

WHEREAS, the following was considered by the board of regents: Coordinating board rules require that all regular organized undergraduate classes with fewer than ten student enrolled and regular graduate classes with fewer than five students enrolled be approved by the board of regents. Under policies established by the board, such classes can only be taught for specific reasons, such as the course being needed for students to meet graduation requirements, etc. Courses for Summer II and Fall 2007 are listed in Appendix 1.

THEREFORE, it was ordered that the Summer II and Fall, 2007 small-size class list be approved, as presented in Appendix 1.

# REQUEST TO MOVE THE GEOGRAPHY PROGRAM FROM THE DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION INTO THE DEPARTMENT OF SOCIOLOGY IN THE COLLEGE OF LIBERAL AND APPLIED ARTS

WHEREAS, the following was considered by the board of regents: The College of Liberal and Applied Arts is requesting that the geography program be moved into the Department of Sociology. This move is highly appropriate in light of the natural synergies that exist between the two disciplines. A merger would enable the deepening and expansion of opportunities for students both at the undergraduate and graduate levels. Moreover, faculty in these areas will be in a position to interact more frequently to develop mutual research agendas. It is significant that the individuals involved in the potential consolidation of disciplines are uniformly supportive of the initiative. Thus the move is in the best interest of the faculty, students and university.

THEREFORE, it was ordered that the geography program be moved into the Department of Sociology in the College of Liberal and Applied Arts.

# REQUEST NAME CHANGE FOR DEPARTMENT OF HUMAN SCIENCES TO SCHOOL OF HUMAN SCIENCES

WHEREAS, the following was considered by the board of regents: In accordance with guidelines in policy A-63, Designation of School Status, "the subdivision of a college organized for the common purpose of providing higher education in specialized or professional fields that lead to a degree, certificate, or licensure, and headed by a director or associate dean" may seek school status. The following department change is requested:

The Department of Human Sciences will be changed to the School of Human Sciences. The change in status will better reflect the specialized and professional programs leading to seven diverse degrees in the field of human sciences. In addition, the department currently has five accrediting agencies to which it reports that are specific to human sciences, and five of the programs in human sciences require professional exams/certifications for practice in the field. The designation of school status will more accurately reflect the educational experience of graduates within these areas of study.

THEREFORE, it was ordered that the Department of Human Sciences be renamed the School of Human Sciences.

# APPROVAL OF LICENSING AGREEMENT FOR SPONSORED RESEARCH PROJECT WITH DECKER OPERATING COMPANY

WHEREAS, the following was considered by the board of regents: The university has negotiated a sponsored research agreement with Decker Operating Company, LLC that involves potential intellectual property licensing rights. The sponsor desires to support the university's biotechnology program and wishes to fund two areas of basic research. A licensing agreement has been negotiated as a companion to the research agreement should intellectual property rights be discovered within the course and scope of the

sponsored research projects. The university's policy on Intellectual Property, D-20, requires approval by the board of regents for all agreements which grant a third party the right to make, use, or sell a patented invention, invention know-how or trade secret that has been disclosed or assigned to, or otherwise owned by the university. A sample copy of the licensing agreement is included in Appendix 2.

THEREFORE, it was ordered that the president be authorized to sign a license agreement with Decker Operating Company, LLC, upon review and recommendation by the general counsel.

#### **REQUEST TO MERGE THE DEPARTMENT OF CRIMINAL JUSTICE WITH THE DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION IN THE COLLEGE OF LIBERAL AND APPLIED ARTS**

WHEREAS, the following was considered by the board of regents: The College of Liberal and Applied Arts is requesting the merger of the Department of Criminal Justice and the Department of Political Science and Public Administration. The disciplines share numerous areas of common ground – law, judicial system, public administration – in which genuine collaboration among the faculty can be developed. Faculty members are uniformly in support of the proposal and are in active discussion about how instructional and research agendas can be integrated. The change will be effective Fall 2008.

THEREFORE, it was ordered that Department of Criminal Justice be merged with the Department of Political Science and Public Administration in the College of Liberal and Applied Arts, effective Fall 2008.

### **BUILDING AND GROUNDS**

#### **BOARD ORDER 08-04**

Upon recommendation by the Building and Grounds Committee, with Carlos Amaral voting aye, Richard Boyer voting aye, James Dickerson voting nay, Valerie Ertz voting aye, Bob Garrett voting aye, Joe Max Green voting aye on all items except the Concrete Contract with Cox Concrete Contractors, for which he recused himself from the discussion and the vote, Paul Pond voting aye, James Thompson voting aye, and Melvin White voting aye, it was ordered that the following Building and Grounds items be approved:

#### **REAL ESTATE PURCHASE OF WIGGINS PROPERTY**

WHEREAS, the board of regents considered the following: The university has the opportunity to purchase 83.56 acres owned by Junell Heldenbrand Wiggins on County Road 124 in the Central Heights community. The tract joins farm property that is owned by the university. The farm property that the university owns is used for teaching and research purposes. The property was appraised for \$210,000. The property would provide expanded teaching and research opportunities for the agriculture and forestry programs.



THEREFORE, it was ordered that the university be authorized to offer Ms. Wiggins the appraised value of the property, \$210,000, plus all associated closing costs. It was further ordered that the director of physical plant be authorized to sign necessary documents. The source of funds for the purchase will be the Higher Education Fund.

#### NAMING OF THE JAMES I. PERKINS COLLEGE OF EDUCATION

WHEREAS, the following was considered by the board of regents: In accordance with *Board Rules and Regulations*, academic colleges may be named for a living person who makes a significant donation to the university. The board was asked to consider the appropriate naming of the College of Education.

THEREFORE, it was ordered that the board adopt the appropriate gift agreement to name the James I. Perkins College of Education, by which the president is authorized to sign, and the following resolution:

## RESOLUTION

Adopted on October 30, 2007 by the

**Board of Regents  
of  
Stephen F. Austin State University**

WHEREAS, James I. Perkins III has served Stephen F. Austin University as a member of the Board of Regents from 1969 until 1981, serving as board chairman from 1977 to 1978; and

WHEREAS, he was one of the founders of the Stephen F. Austin State University Foundation, serving as a member of the Board of Trustees from 1975 until 1993 and board chairman from 1990 until 1993; and

WHEREAS, he continues to faithfully serve Stephen F. Austin State University with distinction and honor as a dedicated and loyal alumnus; and

WHEREAS, he has distinguished himself as an innovative leader in the banking industry of East Texas; and


WHEREAS, he and his family recognize that education is the key to creating a higher standard of living for the East Texas community; and

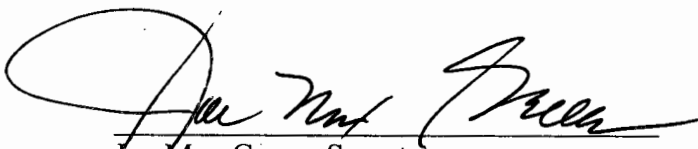
WHEREAS, he has contributed and continues to contribute generously to the programs of Stephen F. Austin State University; and

WHEREAS, in his loyal dedication to Stephen F. Austin State University and his generous spirit of service and standards of excellence, he has set a distinguished example for others;

NOW THEREFORE, LET IT BE RESOLVED, for his record of effective and devoted service to Stephen F. Austin State University, the Board of Regents expresses its admiration, gratitude and high regard by naming the College of Education at Stephen F. Austin State University the

**James I. Perkins College of Education**

  
Valerie E. Ertz, Chair

  
Joe Max Green, Secretary

## SELECTION OF A CONSTRUCTION PROGRAM MANAGER

WHEREAS, the following was considered by the board of regents: As a result of the amount of construction in which the university will be engaged, the administration has issued a request for proposals for construction program management. Program management firms offer construction program assessment, planning, management and review. A group of finalists, Turner Construction, Parsons, and Carter-Burgess, has been presented to the board of regents for consideration. The Building and Grounds Committee received a copy of the responses to the RFP issued and has interviewed each of the three selected firms. The committee unanimously recommended Turner Construction as the most qualified consultant for the Program Management Services with which to open negotiations. The Building and Grounds Committee voted unanimously to recommend Carter-Burgess as the alternate choice if the university is unable to finalize negotiations with Turner Construction.

THEREFORE, it was ordered that Turner Construction be selected as the construction program management firm to assist the university in construction projects and authorize the president to sign the contract. It was further ordered that, if a satisfactory contract cannot be negotiated with Turner Construction, Carter-Burgess is the alternate choice.

## APPROVAL OF THE DEWITT NURSING SCHOOL FACILITY PROJECT BUDGET AND AUTHORIZATION TO SEEK COORDINATING BOARD APPROVAL

WHEREAS, the following was considered by the board of regents: In the 80<sup>th</sup> regular session of the Texas legislature, H. B. 1775 was passed that authorized \$13,000,000 of tuition revenue bonds to construct a nursing facility on property donated to the university by Richard and Lucille DeWitt. The total estimated cost for the project, including construction, furnishing, infrastructure, and bond issuance costs is \$13,000,000.

THEREFORE, it was ordered that a project budget be authorized to construct the nursing facility at a cost not to exceed \$13,000,000 and the administration be authorized to seek coordinating board approval for the project.

## AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS FOR AN ARCHITECT FOR THE DEWITT SCHOOL OF NURSING FACILITY

WHEREAS, the board of regents considered the following: Pursuant to nursing facility project authorization, the university wishes to begin the DeWitt School of Nursing facility construction project with the selection of an architect.

THEREFORE, it was ordered that the university be authorized to issue a request for proposals for a nursing facility architect. The finalists will be presented to the board of regents for selection at the January 29, 2008 meeting.

## CONCRETE CONTRACT WITH COX CONCRETE CONTRACTORS

WHEREAS, the board of regents considered the following: In October 2005, the university established a blanket contract with one annual renewal for minor improvements of \$25,000 or less involving concrete site repair, concrete new construction and other associated minor alterations. Individual orders are issued for each job. FY06 expenditures totaled \$169,543.49 and FY07 expenditures were \$81,035.48.

THEREFORE, it was ordered that a contract be awarded to Cox Concrete Contractors for a blanket contract for minor improvements of \$25,000 or less involving concrete site repair, concrete new construction and other associated minor alterations. The contract will be established for one year, with four one-year renewal options, subject to administrative approval. The administration recommends that the president be authorized to sign the contract.

## EQUESTRIAN CENTER SUPPORT FACILITY

WHEREAS, the following was considered by the board of regents: The university is proceeding with development of facilities at the Equestrian Center. The proposed support facility when completed will contain offices, locker rooms, restrooms, showers, tack room, break room, and team meeting room. The first phase of this project is to construct the building shell. The interior build out will be in a subsequent fiscal year. The site of the building is west of the practice arena.

THEREFORE, it was ordered that the university be authorized to proceed with the Equestrian Center project and that Scott and Strong be approved as project architect under the university's contract with that firm, that a lump sum construction contract for the building shell be awarded to the lowest qualified bidder, that this phase of the project cost be approved to not exceed \$125,000, that the president be authorized to sign the contracts, and that the bid results be reported to the building and grounds committee at the next proposed meeting. The source of funds will be intercollegiate athletics funds.

## FINANCIAL AFFAIRS

### BOARD ORDER 08-05

Upon motion by Regent Thompson, seconded by Regent White, with Regent Boyer, Regent Ertz, Regent Garrett, Regent Green, Regent Pond, Regent Thompson, and Regent White voting aye, Regent Amaral and Regent Dickerson voting nay, it was ordered that the following financial items be approved:

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

WHEREAS, the following was considered by the board of regents: According to the *Rules and Regulations of the Board of Regents*, the director of audit services shall annual submit information on the annual audit plan, work schedule, and staffing plan to the president for his review and to the board of regents for their approval. The director shall

submit an annual report as required by Art. 6252-5d, V.T.C.S., recodified at Government Code, Chapter 2102. The annual report shall be submitted to the president and the board for review prior to public dissemination.

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

THEREFORE, it was ordered that the annual audit plan, the audit charter, and the audit report be approved.

#### RESOLUTION AUTHORIZING A REQUEST FOR FINANCING – EDUCATION RESEARCH CENTER

WHEREAS, the following was considered by the board of regents: At the April 24, 2007 meeting the board of regents authorized the university to seek Texas Higher Education Coordinating Board approval for the Education Research Center at a project cost not to exceed \$28,000,000. The coordinating board approved the project on June 13, 2007. The project will be funded with the issuance of tuition revenue bonds and HEF bonds. The portion of the project to be funded with tuition revenue bonds is \$20,178,000.

THEREFORE, it was ordered that the *Resolution Authorizing a Request for Financing* (Appendix 4) be approved to permit the university to begin work with the Texas Public Finance Authority for purposes of issuing tuition revenue bonds to help fund the Education Research Center project.

#### RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES FOR THE EDUCATION RESEARCH CENTER WITH PROCEEDS OF FUTURE DEBT

WHEREAS, the following was considered by the board of regents: The university has incurred necessary startup expenditures to begin the Education Research Center project. The university wishes to use bond proceeds to reimburse all or a portion of those costs. Board adoption of the *Resolution Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt* provides this option.

THEREFORE, it was ordered that the *Resolution Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt* be adopted for the Education Research Center as shown in Appendix 5.

#### RESOLUTION AUTHORIZING A REQUEST FOR FINANCING – DEWITT NURSING SCHOOL FACILITY

WHEREAS, the following was considered by the board of regents: At the October 30, 2007 meeting, the board of regents authorized the university to seek Texas Higher Education Coordinating Board approval for the construction of a nursing facility at a project cost not

to exceed \$13,000,000. The project will be funded with the issuance of tuition revenue bonds.

THEREFORE, it was ordered that the *Resolution Authorizing a Request for Financing* (Appendix 6) be approved to permit the university to begin work with the Texas Public Finance Authority to issue tuition revenue bonds to help fund the nursing facility project.

#### RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES FOR THE DEWITT SCHOOL OF NURSING BUILDING WITH PROCEEDS OF FUTURE DEBT

WHEREAS, the following was considered by the board of regents: Expenditures for work to construct the nursing facility will precede the issuance of tuition revenue bonds to fund the project. The university wishes to use bond proceeds to reimburse all or a portion of those costs. Board adoption of the *Resolution Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt* provides this option.

THEREFORE, it was ordered that the *Resolution Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt* shown in Appendix 7 be adopted for the nursing facility.

#### HEF REALLOCATIONS AND AUTHORIZATIONS FOR BANNER PURCHASE, AUSTIN BUILDING RENOVATIONS, LIBRARY RENOVATIONS, AND AUSTIN STREET PROPERTY PURCHASES

WHEREAS, the following was considered by the board of regents: The Higher Education Fund (HEF) is used to support education and general fund capital and construction needs. Those include construction, renovation, HEF bond debt service, library materials, computer software, and capital equipment.

THEREFORE, it was ordered that reallocation of the Higher Education Fund be approved to incorporate the following initiatives, and authorization was given for the president to sign the necessary purchase orders and documents:

- A. The Banner conversion project budget of \$1,355,497 includes \$862,253 of fiscal year 2007 funds. Authority was approved, not to exceed \$370,000, to purchase Banner related hardware and associated maintenance.
- B. Reallocation was authorized for \$110,000, for a total project budget not to exceed \$260,000, for Austin Building meeting rooms. Renovation will include renovations, furniture, technology/equipment upgrades, and specific authority to purchase furniture through design consultant.
- C. Reallocation of \$52,000 for total project budget not to exceed \$602,000 was authorized for library relocation projects to support architectural fees for the Office of Instructional Technology, Academic Advising Center, Teaching Excellence Center, and SFA 101 library renovations.

- D. Reallocation of \$480,779 was authorized to reimburse the designated fund for property purchases on 430 and 514 East Austin Street.

#### PROPOSAL TO ALLOW DISCOUNTED NON-RESIDENT TUITION RATES TO STUDENTS FROM BORDER STATES

WHEREAS, the following was considered by the board of regents: In the past, Stephen F. Austin State University was allowed to offer a border state non-resident tuition discount to students in Louisiana and Arkansas. Instead of those students paying non-resident tuition rates, the university was allowed to charge \$30 more than the Texas resident rate for tuition. In fiscal year 2006, the Texas Higher Education Coordinating Board (THECB) disallowed the university's discounted tuition rate for those students. Subsequently, in fiscal year 2007, the THECB established that we could again provide the discounted rate with governing board and commissioner of the THECB approval. The fiscal year 2007-08 non-resident tuition rate without a discount is \$328 per semester credit hour and the Texas resident rate is \$50 per semester credit hour.

THEREFORE, it was ordered that the non-resident tuition border state rate be extended to all states that border Texas, including Arkansas, Louisiana, New Mexico, and Oklahoma. It was further ordered that the rate be established at \$30 more than the rate for Texas resident students and become effective for the 2008 spring semester. The board of regents acknowledged that the discounted tuition rate is in the best interest of the university and found that such a rate will not cause unreasonable harm to any other institution. The administration was authorized to seek approval from the commissioner of the THECB, acknowledging that legislation requires that approval be obtained at least every two years.

#### PROPOSAL TO ALLOW CHANGES TO THE INSTALLMENT AGREEMENT

WHEREAS, the following was considered by the board of regents: Recently passed legislation allows state universities to provide new tuition and fee installment plan options for students. The legislation allows for payments "in installments under one or more payment plan options that require the first payment to be made in advance of the beginning of the semester and the final payment to be made before the last day of the semester." The new legislation also gives the governing board authority to provide an installment plan option in the summer terms.

THEREFORE, it was ordered that the following tuition and fee installment payment schedule be authorized, effective for fall and spring semesters, beginning with the spring 2008 semester:

50 percent due	Prior to the first class day
25 percent due	On or before the 60 <sup>th</sup> day of the semester
25 percent due	On or before the 90 <sup>th</sup> day of the semester

The schedule aligns the second installment payment with the due date of the short term loan program.

It was further ordered that a tuition and fee installment payment schedule be authorized for summer terms, offering two equal installments during the summer term, under the following plan:

50 percent due	Prior to the first class day
50 percent due	On or before the 30 <sup>th</sup> day of the summer term.

## **UNIVERSITY POLICIES AND PROCEDURES**

### **BOARD ORDER 08-06**

Upon motion by Regent Green, seconded by Regent Pond, with all members voting aye, the proposed policy revisions were adopted, as presented in Appendix 8.

## **REPORTS**

President Pattillo made a report to the regents concerning the following topics:

- President's Christmas Reception, December 13
- Possible Called Board Meeting, December 14
- Dinner Friday Evening, December 14
- Commencement, December 15

Gina Oglesbee, director of audit services, reported on:

- Audit Plan
- Annual Risk Assessment

Marc Guidry, chair of the Faculty Senate, reported on the following:

- Faculty accomplishments
- The effect of low salaries on faculty hires and retention
- Raising funding for graduate assistants
- The results of a Faculty Senate-administered baseball complex survey

Kent Willis, president of the Student Government Association, made the following report:

- Student Discount Cards
- Busses to away games
- Students desire for new welcome signs at campus entrances
- Thank Physical Plant and UPD for the upcoming ride around.
- Traveling trophy with Sam Houston

At the conclusion of the reports, Chair Ertz announced an executive session at 10:25 a.m. to continue discussion on the previously listed executive session items. The executive session ended at 11:55 a.m. and the board adjourned with no further action.



Course Information					
Section Id.	Title	Number Enrolled	Credit Hour Value	Total Credit Hours	Texas Education Code Offering Compliance
ACC 501 022	FINANCIAL ACCOUNTING	4	3	12	§51.403(d.2,d.3)
ELE 533 001	PRACTICUM IN RAWSON-SAUNDER	3	3	9	§51.403(d.1,d.9)
HMS 239 201	INTRODUCTORY NUTRITION	1	3	3	§51.403(d.1)
COU 591 020	MENTAL HEALTH PSYCHOPATH	4	3	12	§51.403(d)
EPS 563 020	INDIVIDUAL CASE CONSULTATIO	4	3	12	§51.403(d.)
SPE 445 001	BASIC ORIENTATION & MOBILIT	6	3	18	§51.403(d.)
KIN 200 017	PHYSICAL FITNESS TRAINING	8	1	8	§51.403(d.9)
MUE 540 501	MUS RESEARCH SEM	4	3	12	§51.403(d.3)
MHL 355 001	MUSIC/CHILDREN III	8	3	24	§51.403(d.2)
AGR 300 001	AGRICULTURE CONCURRENT PROG	1	3	3	§51.403(d.1)
ART 230 001	SCULPTURE 1	9	3	27	§51.403(d.2, d.3)
ENV 412 001	ENVIRONMENTAL HYDROLOGY	9	3	27	§51.403(d.3)
FOR 255 001	FOREST WILDLIFE MANAGEMENT	9	3	27	§51.403(d.3)
ENG 133 498	HONORS COMP	7	3	21	§51.403(d.1)
ILA 211 001	TOPICS IN GERMAN LANG & CUL	9	3	27	§51.403(d.9)
PSY 550 002	SCALE DEVELOPMENT	1	3	3	§51.403(d.9)
BIO 502 001	AQUATIC VASCULAR PLANTS	4	3	12	§51.403(d.2, d.3)
BTC 554 451	CRITICAL READING II	4	1	4	§51.403(d.1, d.9)
CHE 536 001	TOPICS IN INORGANIC CHEMIST	2	3	6	§51.403(d.3)
CHE 337 001	PHYSICAL CHEMISTRY I	4	4	16	§51.403(d.2, d.3)
CHE 452L020	COMPREHENSIVE BIOCHEMISTRY	4	1	4	§51.403(d.2, d.3)
CHE 443 001	INSTRUMENTAL ANALYSIS	5	4	20	§51.403(d.2, d.3)
GOL 566 001	MAG/METAMORPH PETROLOGY	3	3	9	§51.403(d.2)
GOL 435 001	INTRODUCTION TO GEOPHYSICS	9	4	36	§51.403(d.6)
STA 524 001	APPLIED MULTIVARIATE ANALYS	3	3	9	§51.403(d.2, d.3)
STA 525 001	APPLIED NONPARAMETRIC STATI	3	3	9	§51.403(d.2, d.3)
MTH 539 001	REAL ANALYSIS I	4	3	12	§51.403(d.2, d.3)
MTH 345 001	MATH FOR THE SECONDARY SCH	5	3	15	§51.403(d.2, d.3)
STA 327 001	EXPERIMENTAL DESIGN ANALYSI	6	3	18	§51.403(d.2, d.3)
STA 320 001	STATISTICAL METHODS	8	3	24	§51.403(d.2, d.3)
MTH 419 001	PROBABILITY THEORY	9	3	27	§51.403(d.2, d.3)
NUR 316 501	HEALTH ASSESSMENTS	8	2	16	§51.403(d.1, d.3)
PHY 512 001	ATOMIC PHYSICS	3	3	9	§51.403(d.2, d.3)
PHY 431 001	INTRO QUANTUM MECHAN	5	3	15	§51.403(d.2, d.3)
PHY 470 001	INDIV INST IN TECH PRES	7	2	14	§51.403(d.2, d.3)

Total Estimated Credit Hours in Small Classes  
 Total Estimated SFA Credit Hours Fall 2007  
 Estimated Small Class Credit Hours as a Percentage of SFA Total Credit Hours

520  
 145,669  
 .36%

Date:

10/30/07

Approval:

Valerie E. E. S.

Course Information					
Section Id.	Title	Number Enrolled	Credit Hour Value	Total Credit Hours	Texas Education Code Offering Compliance
ELE 578 001	SEMINAR IN BASIC LANGUAGE SKILLS	1	3	3	§51.403(d.1)
ELE 578 002	SEMINAR IN INSTRUCTION & ASSESSMENT	1	3	3	§51.403(d.1)
MLG 580 501	DEVELOPING SELF-DISCIPLINED LEARNING	1	3	3	§51.403(d.1)
ECH 328 001	PSYCHO-SOCIAL DEVELOPMENT	6	2	12	§51.403(d.2)
MLG 400 001	CASE STUDIES/MID-LEVEL STUDENTS	8	3	24	§51.403(d.3)
DAN 341 001	HISTORY & PHILOSOPHY OF DANCE	9	3	27	§51.403(d.2)
ART 100 001	DRAWING I	6	3	18	§51.403(d.9)
HRT 326 001	DESIGN APPLICATION SOFTWARE II CAD	9	2	18	§51.403(d.2)
HRT 326L 020	DESIGN APPLICATION SOFTWARE II CAD	9	1	9	§51.403(d.2)
ENG 421 090	EMERSON/THOREAU	8	3	24	§51.403(d.2)
SPA 232 002	INTERMEDIATE SPANISH STUDY ABROAD COSTA RICA	7	3	21	§51.403(d.3)
SPA 235 001	SPANISH CONVERSATION COSTA RICA STUDY ABROAD	9	3	27	§51.403(d.9)
PSY 550 001	ATTITUDES & PERSUASION	1	3	3	§51.403(d.9)
CHE 112 001	INTRODUCTORY CHEMISTRY II	7	3	21	§51.403(d.2)
CHE 112L 020	INTRODUCTORY CHEMISTRY II LAB	7	1	7	§51.403(d.2)
MTH 234 001	CALCULUS II	9	3	27	§51.403(d.3)
MTH 264 002	CALCULUS II LAB	9	1	9	§51.403(d.3)

Total Estimated Credit Hours in Small Classes  
 Total Estimated SFA Credit Hours Summer II 2007  
 Estimated Small Class Credit Hours as a Percentage of SFA Total Credit Hours

256  
 18,433  
 .13%

Date: 10/30/07 Approval: Valerie E. St.

## LICENSE AGREEMENT

This Agreement is between the Stephen F. Austin State University (“University”), an educational and research institution and agency of the State of Texas with its principal administrative office in Nacogdoches, Texas, and Decker Operating Company, LLC, a Texas limited liability company, having its principal administrative office located at 1706 Seamist, Suite 590, Houston, Texas 77008 (“Licensee”). Certain capitalized terms used herein are defined in Section 2 hereof.

### Recitals

- A. Dr. Alexandra Martynova – VanKley, is an Assistant Professor in Biotechnology at the University (“Dr. VanKley”).
- B. Mr. Arman Nalian is a Research Associate in Biotechnology at the University (“Mr. Nalian”).
- C. In those capacities and based on the Research Agreement of even date herewith, as it may be amended from time to time (“Research Agreement”), Dr. VanKley and Mr. Nalian will lead a team of researchers which includes Ms. Irina Teplova, and Ms. Yulia Leontieva (collectively, the “Research Team”).
- D. Licensee has funded the research of Dr. VanKley and Mr. Nalian in the “Field” (hereinafter defined) and has agreed to fund additional research in the Field under the Research Agreement.
- E. In the course of the research funded by the Licensee, Dr. VanKley, Mr. Nalian may make certain discoveries in the Field arising out of the research funded under the Research Agreement.
- F. The University owns any “Patent Rights” (hereinafter defined) and “Technology Rights” (hereinafter defined) that are developed, discovered, invented or disclosed by Dr. VanKley and/or Mr. Nalian, as well as other member of the Research Team pursuant to its University Policy and as acknowledged and agreed by Dr. VanKley, Mr. Nalian and other members of the Research Team under this Agreement.
- G. The University has the right to grant licenses to Licensee of for future developments, discoveries and inventions (“Future Discoveries”) within the Field arising out of research funded under the Research Agreement or otherwise.

## **Terms and Conditions**

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

### **1. Effective Date**

This Agreement is effective September 1, 2007 ("Effective Date")

### **2. Definitions**

As used in this Agreement, the following terms have the meanings indicated:

- 2.1 "Affiliates" means any business entity more than 50% owned by Licensee, any business entity which owns more than 50% of Licensee, or any business entity that is more than 50% owned by a business entity that owns more than 50% of Licensee.
- 2.2 "Field" means the two unrelated project areas conducted by the biotechnology lab of the research team involving 1) the development of *Eimeria* diagnostic assay using Real-Time PCR and 2) Integration of dilute acid pretreatment and enzymatic hydrolysis of lignocellulosic feedstock using hyperthermophilic cellulases. See Attachment A.
- 2.3 "Future Discoveries" shall mean any Inventions in the Field made, developed, discovered or disclosed by Dr. VanKley, Mr. Nalian or other members of the Research Team arising out of research funded by Dr. Decker under the Research Agreement or otherwise within seven (7) years of the Effective Date, and include any rights of the University under any domestic or foreign patent application with respect thereto, and any continuation, continuations-in-part and divisionals and any domestic or foreign patents issuing with respect thereto, including substitutes or reissues thereof.
- 2.4 "Licensed Product" means any product sold by Licensee and its Affiliates and sublicensees utilizing the Licensed Subject Matter pursuant to this Agreement.
- 2.5 "Licensed Subject Matter" means Future Discoveries that constitute Patent Rights or Technology Rights in the Field.
- 2.6 "Licensed Territory" means the world.
- 2.7 "Net Sales" means the gross revenues actually received by Licensee and its affiliates from Sales of Licensed Products less allowances to customer for spoiled goods, lost quantities, trade and cash discounts, and sales and/or use taxes actually paid, import and/or export duties actually paid, outbound transportation costs paid or allowed, and amounts allowed or credited due to returns (not to exceed the original billing or invoice amount). For avoidance of doubt, no sales on credit or

account shall be gross revenues actually received until the funds related to such credits or accounts are actually collected by Licensee.

- 2.8 “Patent Rights” means University’s rights in information or discoveries covered by patents and/or patent applications, whether domestic or foreign, and all divisions, continuations, continuations-in-part, reissues, reexaminations or extensions thereof, and any letters patent that issue thereon, which are for inventions in the Field.
- 2.9 “Research Team” shall mean the following researchers: Dr. Alexandra VanKley, Mr. Armen Nalian, Ms. Irina Teplova, Ms. Yulia Leontieva and other scientists who shall be added to the Research Team from time-to-time notification to Licensee of the addition by the University within thirty (30) days of such addition. Notice of removal of a member of the Research Team for any reason shall be given to Licensee within thirty (30) days of such removal. Each member shall execute this Agreement and acknowledge that he or she is bound by this Agreement.
- 2.10 “Sale or Sold” means the sale of a Licensed Product for value to a party other than Licensee and its Affiliates.
- 2.11 “Technical Information” means any know-how, technical information, process, procedure, protocol, technique, design, drawing, data, devices, models, layouts, quality standards, specifications, manuals, process of manufacture, manufacturing techniques, test systems specifications, simulated designs, and all other data relating to the use, manufacture, marketing, maintenance, and sale of products in the Field created at the University which are not included in the Patent Rights.
- 2.12 “Technology Rights” means all rights to the Technical Information.

### **3. Certain Representations**

- 3.1 University represents and warrants that (i) it is the owner of the entire right, title, and interest in and to Licensed Subject Matter, (ii) it has the sole right to grant licenses for the use thereof, and (iii) it has not granted licenses therefor to any other person or entity.
- 3.2 Licensee understands and acknowledges that University, by this Agreement, makes no representation as to the operability or fitness for any use, safety, efficacy, ability to obtain regulatory approval, patentability, and/or breadth of the Licensed Subject Matter.
- 3.3 Licensee, by execution hereof, acknowledges, covenants and agrees that (i) it has conducted sufficient due diligence with respect to all items and issues pertaining to this Agreement; and (ii) Licensee has adequate knowledge and expertise, or has utilized knowledgeable and expert consultants, to adequately conduct the due diligence, and agrees to accept all risks inherent herein.

#### 4. License

- 4.1 University hereby grants to Licensee and its Affiliates a royalty-bearing, exclusive license under the Licensed Subject Matter to use the Licensed Subject Matter and to manufacture, have manufactured, sell, have sold or otherwise commercialize Licensed Products, and to sublicense the above rights (subject to providing in any sublicense royalties payable to the University by sublicensee the same as royalties payable hereunder excepting the provisions of the last sentence of Section 5.1 below), within the Licensed Territory. Licensee shall reasonably pursue the commercial production and sales of commercially feasible Licensed Products. Licensee shall notify the University of any sublicensing agreement and provide a copy thereof to the University within thirty (30) days after the execution of any such agreement.
- 4.2 Regarding subsequent research in the Field:
- (a) If the University funds continued research, up to \$100,000 in the Field beyond the provisions of the Research Agreement as it may be amended, extended or supplemented, University shall license to Licensee any Patent Rights or Technology Rights in the Field without further obligation on the part of Licensee. To the extent the University funds continued research over \$100,000 in the Field, University shall offer Licensee the opportunity to fund such research under an amendment to the Research Agreement or a new research agreement between such parties.
  - (b) If Licensee wishes not to fund any such additional research (beyond the \$100,000 funded by the University), then University may agree with one or more other parties to fund such additional research and grant a license to commercially exploit any Inventions (as defined in the Research Agreement) under said additional research, and any such Invention may be licensed by the University, and it shall be joined in by Licensee hereunder, conditional on the following.
  - (c) The parties acknowledge and agree that to the extent that Licensee has funded the initial research in the Field upon which any additional research is based, Licensee shall be reasonably compensated for such funding by any new licensees of any developments, discoveries and inventions in the Field arising from the additional research funding (beyond the \$100,000 funded by the University). Thus, University hereby agrees to include in any license granted for any such Invention a royalty payable to Licensee in the same amount and on the same terms as any royalty payable to the University. Licensee agrees to join into any such license agreement to verify the licensee's rights thereunder as well as to verify Licensee's rights.
  - (d) Likewise, for any license granted to other parties which sponsor the research for products in the Field where the Licensee in this contract did

not fund the research in whole, and for which the new research and products are not based in anyway upon the research funded by Licensee, then Licensee will not be entitled to any royalties or remuneration under such independent license. The Licensee agrees to execute appropriate documentation necessary to release the University from this Agreement for any research not funded by Licensee and not based on whole or in part upon the research which has been funded by Licensee. The University agrees to pay for a third party scientist to review and advise whether such subsequent research was in any way related to research funded by Licensee before such a release is executed.

- 4.3 University further grants and assigns to Licensee all rights and causes of action at law or in equity on account of past, present and future authorized or unauthorized use of the Licensed Subject Matter by others and for infringement by others of said Licensed Subject Matter and like protection, including, but not limited to, patent prosecution, interference proceedings, actions for infringement, opposition proceedings, cancellation proceedings, priority contests, actions for unfair competition, dilution, license breach, customs proceedings, and royalty collection proceedings.

## **5. Royalty Payments**

- 5.1 In consideration of rights granted by University to Licensee under this Agreement, Licensee will pay University a royalty equal to three percent (3%) of Net Sales of Licensed Products by Licensee and its Affiliates in accordance with the following. This royalty shall begin to accrue and be payable on the Net Sales after the earlier to occur of (1) Licensee and its Affiliates having aggregate, cumulative Net Sales in the amount of \$500,000, or (2) the expiration of two years after the first date of a Sale of any Licensed Product.
- 5.2 Licensee shall notify University in writing of the first date of a Sale of any Licensed Product within thirty (30) days of such Sale. Within 30 days after each anniversary date of such date of first Sale, Licensee will deliver to University a true and accurate written report, even if no payments are due University, giving the Sales and Net Sales of each Licensed Product and other relevant information about the business conducted by Licensee and its Affiliates during the preceding year under this Agreement as are pertinent to calculating the royalty hereunder. Any royalties that accrued for Net Sales during the preceding year shall be paid along with the delivery of such report within thirty (30) days after each such anniversary.
- 5.3 During the term of this Agreement and for five years thereafter, Licensee and its Affiliates agree to keep complete and accurate records of Sales and Net Sales of Licensed Products under the license granted in this Agreement in sufficient detail to enable the royalties payable hereunder to be verified. Licensee agrees to permit the University or its representatives, at University's expense, to periodically, but

not more than once per year, examine and/or audit its books, ledgers, and records during regular business hours and after not less than fourteen (14) days written notice, for the purpose of and to the extent necessary to verify any report required under this Agreement. If the amounts due to University are determined to have been underpaid by more than five percent (5%) of the amount paid, Licensee will pay accrued interest on underpaid amounts for the time underpaid at 12% per annum.

- 5.4 On or before each anniversary of the Effective Date, Licensee will deliver to University a written report as to Licensee's and its Affiliates' efforts and accomplishments during the preceding year in commercializing the Licensed Subject Matter in the Licensed Territory.
- 5.5 All amounts payable hereunder by Licensee must be paid in United States funds without deductions for taxes, assessments, fees, or charges of any kind unless expressly allowed hereunder. Checks must be made payable to Stephen F. Austin State University and sent to the University address noted in Paragraph 14.2. Conversions of amounts due to the University hereunder from foreign currency amounts to United States Dollars shall be at the prevailing rate for bank cable transfers in the New York City foreign exchange market as quoted by J.P. Morgan/Chase Bank for the last day of the one-year period on which royalties are paid.

## **6. Patents**

- 6.1 Licensee shall reasonably pursue, prosecute and maintain at its own expense U.S. Patent Rights for all parts of the Licensed Subject Matter that, in the opinion of Licensee, are patentable and have reasonable commercialization prospects for Licensee, which Patent Rights, shall be in the name of and owned by the University. Licensee shall also pursue patent prosecutions for corresponding non-domestic applications, also at its own expense, in jurisdictions where reasonable commercialization of the Licensed Subject Matter is to be pursued by Licensee, which Patent Rights shall be in the name of and owned by the University. University shall cooperate with Licensee as reasonable and appropriate to pursue the above Patent Rights.

## **7. Patent Marking and Infringement by Third Parties**

- 7.1 To the extent Licensee can reasonably mark a product and packaging and documentation manufactured or sold by it under this Agreement, Licensee must permanently and legibly mark all products and documentation manufactured or sold by it under this Agreement with a patent notice as may be permitted or required under Title 35, United States Code.
- 7.2 Licensee, at its expense, shall, to the extent commercially reasonable in Licensee's opinion, enforce any patent exclusively licensed hereunder against infringement by third parties and it is entitled to retain recovery from such



enforcement, which includes, but is not limited to, lawsuits and/or settlement negotiations, provided that Licensee shall pay University the royalty hereunder on any monetary recovery it receives net of its reasonable out-of-pocket costs for such recovery. If Licensee does not file suit against a substantial infringer of Patent Rights within 6 months of knowledge thereof, then University may enforce any patent licensed hereunder on behalf of itself and Licensee. University shall retain recoveries from such enforcement in an amount to pay its reasonable out-of-pocket costs of such enforcement plus its royalty on such recovery hereunder net of its reasonable out-of-pocket costs for such recovery, and remit the balance of such recovery to the Licensee.

- 7.3 In any infringement suit or dispute, the Licensee and University agree to cooperate fully with each other in all reasonable respects. At the request and expense of the party bringing suit, the other party will permit access to all relevant personnel, records, papers, information, samples, specimens, etc., during regular business hours.

## **8. Indemnification and Insurance**

- 8.1 Licensee agrees to hold harmless and indemnify University, its Regents, officers, employees and agents from and against any claims, demands, or causes of action whatsoever, including without limitation, those arising on account of any injury or death of persons or damage to property caused by, or arising out of, or resulting from, the exercise or practice of the license granted hereunder by Licensee, its Affiliates or their officers, employees, agents or representatives.
- 8.2 Licensee represents and warrants that it is covered by comprehensive general liability insurance in the minimum amount of \$1,000,000, and shall maintain such insurance during the term of this Agreement and for the period of time required below. Licensee and its Affiliates and sublicensees shall maintain on an ongoing basis such comprehensive general liability insurance which covers all activities and obligations of the Licensee and its Affiliates and sublicensees per the terms of the Agreement hereunder.
- 8.3 Commencing not later than thirty (30) days prior to the first use in humans of a Licensed Product, and thereafter for the time period required below, Licensee shall obtain and maintain on an ongoing basis product liability insurance covering Licensed Products.
- 8.4 Licensee will provide written notice to University at least forty-five (45) days prior to any cancellation or material change in any required insurance coverage.
- 8.5 Promptly after the effective date of this Agreement with respect to the comprehensive general liability coverage, and not later than thirty (30) days prior to the first use in humans of a Licensee Product with respect to the product liability coverage, Licensee will provide to University certificates evidencing each such coverage.

- 8.6 Licensee shall maintain, and require all Affiliates and sublicensees to maintain, such insurance coverage without interruption during the term of this Agreement, and beyond the expiration or termination of this Agreement, during the period that any Licensed Product is being commercially distributed or sold by Licensee, its Affiliates or sublicensees.

**9. Use of University's Name**

Licensee may not use the name of University without prior express written consent.

**10. Confidential Information and Publication**

- 10.1 University and Licensee each agree that all information contained in documents forwarded to one by the other concerning the subject matter of this Agreement (i) are to be received in strict confidence, (ii) used only for the purposes of this Agreement, and (iii) not disclosed by the recipient party, its agents or employees without the prior written consent of the other party, except to the extent that the recipient party can establish competent written proof that such information:

- (a) was in the public domain at the time of disclosure;
- (b) later became part of the public domain through no act or omission of the recipient party, its employees, agents, successors or assigns;
- (c) was lawfully disclosed to the recipient party by a third party having the right to disclose it without obligation of confidentiality;
- (d) was already known by the recipient party at the time of disclosure as shown by written records of the recipient party at the time of the disclosure;
- (e) was independently developed by the recipient without reference to the disclosing party's information; or
- (f) is required by law or regulation to be disclosed.

- 10.2 Each party's obligation of confidence hereunder shall be fulfilled by using at least the same degree of care with the other party's confidential information as it uses to protect its own confidential information. This obligation shall exist while this Agreement is in force and for a period of three years after its termination.

**11. Term and Termination**

- 11.1 The period for which this Agreement shall be in effect is from the Effective Date through the earlier of September 1, 2017 or end of the life of all of the patents under the Patent Rights, subject to earlier termination as provided below.

- 11.2 Any time after five (5) years from the completion of the research under the Research Agreement, as it may be extended, University has the right to rescind the exclusive license granted herein and convert it to a non-exclusive license if Licensee or its Affiliates has failed to reasonably commercialize at least one Licensed Product within 3 years after discovery of a patentable invention. For this Agreement, “reasonably commercialize” shall mean that Licensee and/or its Affiliates and sublicensees have paid to University at least \$15,000 in aggregate royalties for one or more Licensed Products within three (3) years after royalty payments begin to accrue under Section 5.1.
- 11.3 Subject to the provisions of Paragraph 13.1, this Agreement may also terminate:
- (a) automatically if Licensee becomes bankrupt or insolvent and/or if the business of Licensee is placed in the hands of a receiver for debt relief or trustee for a trust created for debt relief, whether by voluntary act of Licensee or otherwise; or
  - (b) upon the expiration of 60 days after delivery to Licensee of written notice from the University if Licensee breaches or defaults on its obligation to make payments or reports in accordance with the terms of Section 5 hereunder, unless, before the end of the 60 day period, Licensee has cured the default or breach by the University’s receipt of the required report or payment; or
  - (c) upon the expiration of 90 days after delivery of written notice from University if Licensee breaches or defaults on any other obligation hereunder, unless, before the end of the 90-day period, Licensee has cured the default or breach; or
  - (d) at any time upon written notice from Licensee to University stating that it has determined that the rights it has received under this Agreement constitute an infringement on the rights of others to a material portion of the Licensed Subject Matter; or
  - (e) at any time upon 90 days written notice from Licensee to University stating that it has determined that the rights it has received under this Agreement are insufficient to protect or continue to protect a Licensed Product; or
  - (f) upon the expiration of 90 days after delivery of written notice from Licensee if University breaches or defaults on any obligation hereunder, unless, before the end of the 90-day period, University has cured the default or breach; or
  - (g) at any time by mutual written agreement between Licensee and University, subject to any terms herein which survive termination.

**11.4 If this Agreement is terminated:**

- (a) nothing herein will be construed to release either party of any obligation matured prior to the effective date of the termination;
- (b) after the effective date of the termination, Licensee may sell all Licensed Products and parts thereof it has on hand at the date of termination, if it pays earned royalties thereon according to the terms of Article 5; and
- (c) the parties hereto will continue to be bound by the provisions of Articles 8 (Indemnification and Insurance), 9 (Use of University's Name), 10 (Confidential Information and Publication), 13 (Alternate Dispute Resolution) and 14 (General) of this Agreement.

**12. Assignment**

- 12.1 Except to an assignee of the entire business of Licensee associated with the Licensed Subject Matter who expressly assumes the obligations of Licensee under this Agreement; this Agreement may not be assigned to any entity or person not an Affiliate of Licensee without the prior written consent of University. This Agreement may be assigned at any time by Licensee to an Affiliate of Licensee.

**13. Alternate Dispute Resolution**

- 13.1 To the extent that Chapter 2260, *Texas Government Code*, is applicable to this Agreement and is not preempted by other applicable law, the dispute resolution process provided for in Chapter 2260 and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by University and the Licensee to attempt to resolve any claim for breach of contract made by Licensee that cannot be resolved in the ordinary course of business. The Vice President for Finance and Administration of University shall examine Licensee's claim and any counterclaim and negotiate with Licensee in an effort to resolve such claims. The parties hereto specifically agree that (i) neither the occurrence of an event giving rise to a breach of contract claim nor the pendency of a claim constitute grounds for the suspension of performance by Licensee; (ii) neither the issuance of this Agreement by University nor any other conduct, action or inaction of any representative, of University relating to this Agreement constitutes or is intended to constitute a waiver of University's or the state's sovereign immunity to suit; and (iii) University has not waived its right to seek redress in the courts.

**14. General**

- 14.1 This Agreement constitutes the entire and only agreement between the parties for the license hereunder, and all other prior negotiations, representations, agreements, and understandings are superseded hereby. No agreements altering or supplementing the terms hereof may be made except by a written document signed by both parties.

- 14.2 Any notice or report required by, or appropriate in connection with, this Agreement must be given by prepaid, first class, certified mail, return receipt requested, addressed in the case of University to:

Vice President for Finance and Administration  
Stephen F. Austin State University  
P. O. Box 6108  
Nacogdoches, Texas 75962-6108  
Fax: 936-468-7027  
Telephone: 936-468-2203

With a copy to:

General Counsel  
Stephen F. Austin State University  
P. O. Box 13065  
Nacogdoches, Texas 75962-3065  
Fax: 936-468-3875  
Telephone: 936-468-4305

or such other addresses as may be given from time to time under the terms of this notice provision.

And in the case of Licensee to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

With a copy to (which shall not constitute notice):

Porter & Hedges, L.L.P.  
1000 Main Street, 36<sup>th</sup> Floor  
Houston, Texas 77002  
Attention: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Telephone: \_\_\_\_\_

- 14.3 Licensee must comply with all applicable federal, state and local laws and regulations in connection with its activities pursuant to this Agreement.
- 14.4 This Agreement will be construed and enforced in accordance with the laws of the United States of America and of the State of Texas.

- 14.5 Failure of a party to enforce a right under this Agreement will not act as a waiver of that right or the ability to later assert that right relative to the particular situation involved.
- 14.6 Headings are included herein for convenience only and shall not be used to construe this Agreement.
- 14.7 If any part of this Agreement is for any reason found to be unenforceable, all other parts nevertheless remain enforceable.

IN WITNESS WHEREOF, parties hereto have caused their duly authorized representatives to execute this Agreement.

**UNIVERSITY**

\_\_\_\_\_  
By: Baker Pattillo, President  
Stephen F. Austin State University

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

**LICENSEE**

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

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

Acknowledged and Agreed:

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## ATTACHMENT A

### JUSTIFICATION FOR DEVELOPMENT OF *EIMERIA* DIAGNOSTIC ASSAY

**Problem.** Coccidiosis, caused by the protozoan *Eimeria* is a common disease in poultry. It is estimated that it costs \$700 million annually to combat this disease. A severe outbreak leads to weight loss and high mortality among the birds. The severity of the disease and clinical characteristics of the infection differ among seven *Eimeria* species known to infect chickens. The precise identification and quantification of the species affecting the flock is essential for monitoring and control of coccidiosis and for selection of appropriate treatment. Morphological observations of oocyst and counting of oocysts in the ceca and intestines of chickens is a common method of *Eimeria* identification used in the poultry industry. This approach is laborious and inaccurate.

**Done (Nov 05-Aug 07).** Our laboratory has developed an assay for identification of five out of seven known species of *Eimeria*. A patent application to cover this innovation in collaboration with the USDA is being submitted. In order to offer a tool to monitor coccidiosis in the industry our laboratory has developed a quantification assay for *E. acervulina* and *E. tenella*, the two most ubiquitous species causing coccidiosis in poultry. We have obtained excellent correlation between morphological quantification which is routinely carried out in the industry and the Real-Time PCR data. These findings suggest that the Real-Time PCR approach is feasible and it can be used to quantify other species of *Eimeria* as well.

**To be done.** To deliver this assay to the market, identification of other species as well as drug resistant strains is required. Therefore our research efforts will concentrate on both finding other genetic markers and on quantification of *E. maxima*, *E. brunetti*, *E. mivatis* and *E. praecox*. This will allow us to offer this diagnostic assay to the broiler industry and to manufacturers of vaccines and coccidiostats. In addition, investigation of other assay technologies will allow development of a field assay.



**To be done with RDF funding.** Additional funding will allow our research team to investigate several lead proteins which were identified from a draft of the Eimeria genome by bioinformatics analysis. The identified proteins could potentially be used as a vaccine. Plant host will be used to produce the protein. The efficacy of the protein will be tested as SFA poultry research center.

## **Integration of dilute acid pretreatment and enzymatic hydrolysis of lignocellulosic feedstock using hyperthermophilic cellulases**

Lignocellulosic feedstock (such as agricultural residues, grasses, forestry waste) can provide source of fermentable sugars for ethanol production. Production of cellulosic ethanol can be achieved in three steps: Pretreatment, enzymatic hydrolysis of cellulose and fermentation of sugars to ethanol. High lignin content and the crystalline structure of cellulose in lignocellulosic biomass are the main impediments to efficient bioethanol production. Current processes overcome these difficulties by pretreatment to disrupt lignin structure prior to hydrolysis. The most effective known pretreatment involves processing lignocellulose with dilute acid at high temperatures. However, such high temperatures are incompatible with currently available mesophilic enzymes; pretreatment and hydrolysis must occur as separate steps.

The discovery of hyperthermophilic enzymes isolated from an organism with an optimal growth temperature above 95 °C provides an opportunity to develop a combined process of pretreatment and hydrolysis thereby reducing ethanol production costs. Hyperthermostable enzymes offer many advantages. High temperatures result in low viscosity, high bioavailability, high catalytic rates, and low risk of microbial contamination. The conversion of cellulose into glucose consist of two steps: In the first step  $\beta$ -1,4 endoglucanase breaks the cellulose to cellobiose which is a glucose dimer. Subsequently, the cellobiose is broken to glucose by  $\beta$ -glucosidase.

**Done (June 05-Aug 07).** Our laboratory has successfully cloned and produced the wild type and a mutant of  $\beta$  - 1,4 endoglucanase from *Pyrococcus horikoshii*. The protocols for mutations, production and catalytic assays have been developed and tested. The mutation in the active site of the enzyme increased the rate of product release and thus improved the catalytic activity of the enzyme. In addition, several mutations were proposed based on molecular dynamics simulations of this enzyme.

**To be done.** Clone and produce  $\beta$  - glucanase from *Pyrococcus horikoshii* and to carry out the proposed mutations in both enzymes an attempt to improve their catalytic activity.

**To be done with RDF funding.** Additional funding will allow our research team to investigate integration of dilute acid pretreatment and enzymatic hydrolysis of lignocellulosic feedstock in a small pilot scale study.

**STEPHEN F. AUSTIN STATE UNIVERSITY  
DEPARTMENT OF AUDIT SERVICES  
INTERNAL AUDIT CHARTER  
October 30, 2007**

**Purpose**

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

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

**Authority**

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

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

**Standards and Independence**

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

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

## **Responsibility**

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

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

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

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

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

**Board of Regents  
Stephen F. Austin State University  
Nacogdoches, Texas**

**RESOLUTION AUTHORIZING A REQUEST FOR FINANCING**

Stephen F. Austin State University  
Education Research Center

**WHEREAS**, the Texas Public Finance Authority (the Authority) has the exclusive authority to act on behalf of Stephen F. Austin State University (the University) in the issuance of bonds pursuant to Texas Government Code, Section 1232.101, as amended; and

**WHEREAS**, the University has been authorized to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads and related infrastructure for an education research facility (the "Project"), to be financed by the issuance of tuition revenue bonds pursuant to Texas Education Code 55.1758, in the aggregate principal amount not to exceed \$20,178,000; and

**WHEREAS**, the Board of Regents of Stephen F. Austin State University (the Board of Regents) now desires to approve and authorize financing for the Project, and authorize the President of the University (the President) or his designee to submit a request for financing to the Authority to issue tuition revenue bonds in an aggregate amount not to exceed \$20,178,000 to finance the Project and to take other actions related thereto; and

**WHEREAS**, the Board of Regents of Stephen F. Austin State University (the Board of Regents) has approved an estimated project budget of \$28,000,000 and plans to authorize the issuance of Higher Education Fund bonds to support project costs in excess of tuition revenue bond authority.

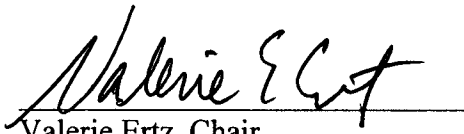
**THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY THAT:**

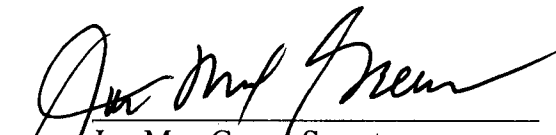
The University is duly authorized by law pursuant to Texas Education Code, Section 57.1758 to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads and related infrastructures to be financed by the issuance of tuition revenue bonds for the Project in the aggregate amount not to exceed \$20,178,000;

Dr. Baker Pattillo, President, or his designee is hereby authorized and directed to submit a request to the Authority to issue tuition revenue bonds in an aggregate amount not to exceed \$20,178,000 to finance the major portion of the Project as is hereby specifically approved by the Board of Regents and further approved by the Texas Higher Education Coordinating Board as may be required;

The President or his designee is hereby further authorized to approve, execute, and deliver or cause to be delivered those documents and such other instruments including but not limited to the financing documents required by the Authority's rules, and to take such other actions as are necessary and appropriate in connection with the issuance, sale, or delivery of the bonds. Due notice of the meeting and the subject matter of this Resolution was given as required by law; and a quorum of the Board of Regents was present at the meeting at which this resolution was considered.

**Adopted by a vote of 7 yeas, 2 nays effective as of October 30, 2007.**

  
Valerie Ertz, Chair  
Board of Regents  
Stephen F. Austin State University

  
Joe Max Green, Secretary  
Board of Regents  
Stephen F. Austin State University

**Board of Regents  
Stephen F. Austin State University  
Nacogdoches, Texas**

**RESOLUTION DECLARING EXPECTATION TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF FUTURE DEBT**

**WHEREAS**, Stephen F. Austin State University (the University) intends to make a capital expenditure not to exceed of \$20,178,000 to construct, equip and furnish an education research facility on its campus in Nacogdoches, Texas (the Project), which is to be funded with proceeds of tuition revenue bonds to be issued by the Texas Public Finance Authority (the Authority) as authorized by Texas Education Code, Section 55.1758; and

**WHEREAS**, the University intends to expend an amount not to exceed \$20,178,000 (the Expenditure) for Project costs funded from other legally available funds and intends the Expenditure to be reimbursed from proceeds of tuition revenue bonds to be issued by the Authority for the Project; and

**WHEREAS**, under Treas. Reg. Section 1.150-2 (the Regulation), to fund such reimbursement with proceeds of tax-exempt obligations, the University must declare its expectation of such reimbursement before making the Expenditure; and

**WHEREAS**, the University and the Authority desire to preserve the ability to reimburse the Expenditure with proceeds of tax-exempt obligations;

**NOW, THEREFORE, THE UNIVERSITY HEREBY RESOLVES** that it reasonably expects to reimburse the Expenditure occurring after the date of this resolution with the proceeds of the bonds to be issued hereafter by the Authority, and this Resolution shall constitute a declaration of official intent under the Regulation.

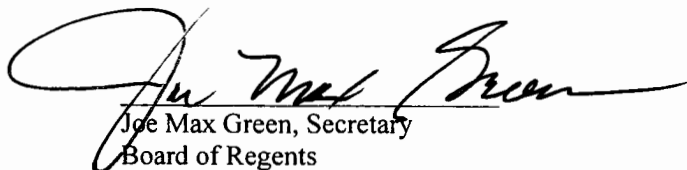
**BE IT FURTHER RESOLVED** that a copy of this resolution be spread upon the minutes of the October 30, 2007 meeting of the Board of Regents of Stephen F. Austin State University.

This Resolution will be available for public inspection at the office of the Authority at 300 West 15<sup>th</sup> Street, Suite 411, Austin, Texas, and at the office of the University at 1936 North Street, Austin Building, Office 315, Nacogdoches, Texas.

**Adopted by a vote of 7 yeas, 2 nays, effective as of October 30, 2007.**



Valerie Ertz, Chair  
Board of Regents  
Stephen F. Austin State University



Joe Max Green, Secretary  
Board of Regents  
Stephen F. Austin State University



**Board of Regents  
Stephen F. Austin State University  
Nacogdoches, Texas**

**RESOLUTION AUTHORIZING A REQUEST FOR FINANCING**

Stephen F. Austin State University  
Nursing Facility

**WHEREAS**, the Texas Public Finance Authority (the "Authority") has the exclusive authority to act on behalf of Stephen F. Austin State University (the "University") in the issuance of bonds pursuant to Texas Government Code, Section 1232.101 as amended; and

**WHEREAS**, the University has been authorized to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads or related infrastructure to expand the nursing school facilities of the University (the "Project") to be financed by the issuance of bonds pursuant to Texas Education Code 55.1768 in the aggregate principal amount not to exceed \$13,000,000, and to renovate other facilities, with any portion of this amount not needed for the Project ; and

**WHEREAS**, the Board of Regents of Stephen F. Austin State University (the "Board of Regents") now desires to approve and authorize financing the Project, and authorize the President of the University (the "President") or his designee to submit a request for financing to the Authority to issue bonds in an aggregate amount not to exceed \$13,000,000 to finance the Project and to take other actions related thereto.


**THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY THAT:**

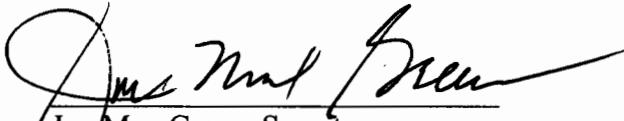
- 1) The University is duly authorized by law pursuant to Texas Education Code, Section 57.1768 to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads or related infrastructures for the Project to be financed by the issuance of bonds in the aggregate amount not to exceed \$13,000,000;
- 2) Dr. Baker Pattillo, President, or his designee is hereby authorized and directed to submit a request to the Authority to issue bonds in an aggregate amount not to exceed \$13,000,000 to finance the Project as hereby specifically approved by the Board of Regents and further approved by the Texas Higher Education Coordinating Board as may be required;
- 3) The President or his designee is hereby further authorized to approve, execute, and deliver or cause to be delivered those documents and such other instruments including but not limited to the financing documents required by the Authority's rules, and to

take such other actions as are necessary and appropriate in connection with the issuance, sale, or delivery of the bonds;

- 4) Due notice of the meeting and the subject matter of this Resolution was given as required by law; and a quorum of the Board of Regents was present at the meeting at which this resolution was considered.

**Adopted by a vote of 7 yeas, 2 nays effective as of October 30, 2007.**

  
\_\_\_\_\_  
Valerie Ertz, Chair  
Board of Regents  
Stephen F. Austin State University

  
\_\_\_\_\_  
Joe Max Green, Secretary  
Board of Regents  
Stephen F. Austin State University

**Board of Regents  
Stephen F. Austin State University  
Nacogdoches, Texas**

**RESOLUTION DECLARING EXPECTATION TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF FUTURE DEBT**

**WHEREAS**, Stephen F. Austin State University (the "University") intends to make a capital expenditure not to exceed \$13,000,000 to construct, equip and furnish a nursing facility on its campus in Nacogdoches, Texas (the "Project"), which is to be funded with proceeds of bonds to be issued by the Texas Public Finance Authority (the "Authority") as authorized by Texas Education Code, Section 55.1768 (enacted by House Bill 1775, Acts of the 80<sup>th</sup> Legislature, Regular Session (2007)); and

**WHEREAS**, the University intends to expend an amount not to exceed approximately \$13,000,000 (the "Expenditure") for Project costs funded from other legally available funds and intends the Expenditure to be reimbursed from proceeds of bonds to be issued by the Authority for the Project; and

**WHEREAS**, under Treas. Reg. Section 1.150.2 (the "Regulation"), to fund such reimbursement with proceeds of tax-exempt obligations, the University must declare its expectation of such reimbursement before making the Expenditure; and


**WHEREAS**, the University and the Authority desire to preserve the ability to reimburse the Expenditure with proceeds of tax-exempt obligations;

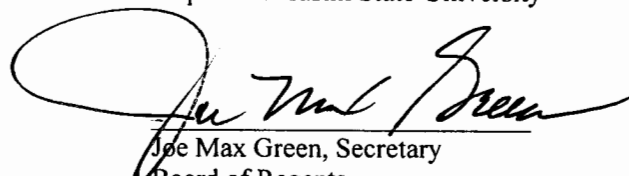
**NOW, THEREFORE, THE UNIVERSITY HEREBY RESOLVES** that it reasonably expects to reimburse the Expenditure occurring after the date of this resolution with the proceeds of the bonds to be issued hereafter by the Authority, and this Resolution shall constitute a declaration of official intent under the Regulation.

**BE IT FURTHER RESOLVED** that a copy of this resolution be spread upon the minutes of the October 30, 2007 meeting of the Board of Regents of Stephen F. Austin State University.

This Resolution will be available for public inspection at the office of the Authority at 300 West 15<sup>th</sup> Street, Suite 411, Austin, Texas, and at the office of the University at 1936 North Street, Austin Building, Office 315, Nacogdoches, Texas.

**Adopted by a vote of 7 yeas, 2 nays, effective as of October 30, 2007.**

  
Valerie Ertz, Chair  
Board of Regents  
Stephen F. Austin State University

  
Joe Max Green, Secretary  
Board of Regents  
Stephen F. Austin State University

**Policies for Board Review  
October 30, 2007**

<b>Policy Name</b>	<b>Policy Number</b>	<b>Action/Change</b>	<b>Page Number</b>
Academic Advising for Undergraduate Students	A-59	Advisors will notify students of drop and hour limitation.	P-4
Academic and Professional Preparation	A-49	Major rewrite.	P-6
Academic Probation, Suspension and Reinstatement for Undergraduates	A-3	Students returning following probation or suspension may change majors with approval of deans.	P-8
Add/Drop	A-5	Major rewrite.	P-10
Alcohol/Drug-Free Workplace	E-5	Cross references updated.	P-12
Annual Budget Preparation	C-2	Titles updated.	P-14
Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities	F-34	Added responsibility for designee of VPUA. Appeals committee will have 2 additional members knowledgeable about ADA issues.	P-15
Awarding Academic Credit for Noncollegiate Sponsored Instruction	A-52	Major rewrite.	P-18
Cellular Telephones and Wireless Communication Devices	NEW	Newly written policy.	P-23
Conflict of Interest in Sponsored Activities	A-11.5	Apparent conflicts of interest should be voluntarily reported. Titles updated.	P-26
Continuing Education, Outreach and Public Service Programs	A-32	Colleges, departments, programs, etc. generalized as units. Organizations awarding CEUs responsible for keeping records. Updated references and titles.	P-33
Designation of School Status	A-63	Minor clarification. Titles updated.	P-35
Developmental Education and Texas Success Initiative	A-57	Major rewrite.	P-37
Distance Education Faculty Compensation	A-58	Changed policy title. Major rewrite.	P-45

<b>Policy Name</b>	<b>Policy Number</b>	<b>Action/Change</b>	<b>Page Number</b>
Faculty Evaluation, Merit Pay, Promotion and Tenure	E-20A	Changed policy title. Major rewrite.	P-47
Food Purchases	C-13	Added food purchases for expenses of the board. Payments for food may be made on P-card; requirements included.	P-50
Fraud	C-46	Committee name and references updated.	P-52
Graduate Student Orientation and Advisement	A-61	Minor wording changes; titles updated.	P-58
Guarantees Relating to Matters other than Termination and Non-Renewal of Contracts	E-26A	Updated titles and positions. Minor wording changes.	P-60
Guest Lecturers	A-21	Updated titles.	P-62
Homer Bryce Stadium and William R. Johnson Coliseum	B-12	Updated titles.	P-63
Human Research Subjects Protection	A-62	Major rewrite.	P-65
Illicit Drugs and Alcohol Abuse	D-19	Disallowed use of alcoholic beverages in Student Center. Updated statutory references.	P-76
Inclement Weather and Other Emergencies	D-19.1	Updated titles and names.	P-85
Intellectual Property Rights for Distance Education	D-20A	Major rewrite	P-86
Investments – Endowment Funds	C-41.A	ETFs are permissible.	P-92
Minimum Length of Courses	A-14	Minor wording changes.	P-101
Overload Assignments	A-37	Updated references and titles.	P-102
Performance Review of Officers Reporting to the VPAA	E-38A	Changed policy title. Generalized positions included as administrators.	P-103
Petitions and Handbills	D-25	Updated titles, minor wording clarification.	P-104
Purchase Requisition	C-30	Minor clarifications; title changes.	P-107
Reporting of Abuse, Exploitation or Neglect of Elderly or Disabled Persons	D-46	Updated references. General counsel responsible for implementation.	P-108

<b>Policy Name</b>	<b>Policy Number</b>	<b>Action/Change</b>	<b>Page Number</b>
Reporting the Annual Disclosure of Crime Statistics	D-52	Newly written policy.	P-110
Residence Requirement	A-55	Doctoral programs requirements are determined by colleges. Minor wording clarification.	P-115
Salary Supplements, Stipends, and Additional Compensation	E-9	Added examples of stipends. Updated references and titles.	P-117
Student Evaluation of Instruction	A-48	Major rewrite.	P-124
Student Organization Risk Management Training	NEW	Newly written policy	P-126
Student Records	D-13	Defined school official.	P-127
Summer Teaching Appointments	A-18A	Minor wording changed and titles updated.	P-136
Timely Warning Policy	D-51	Newly written policy	P-137
Training and Certification of University Vehicle Operators	D-36	Updated captions.	P-139
University Center Operations	B-29	Changed policy title. Major rewrite	P-142

## Academic Advising for Undergraduate Students (A-59)

**Original Implementation:** October 31, 2000

**Last Revision:** ~~April 20, 2004~~ October 30, 2007

### Introduction

The mission of undergraduate academic advising at SFASU is to support students in reaching their full potential through personal exploration, goal setting and academic mastery. Advisors provide information and encouragement as students define, plan and accomplish their educational, *career and life goals* ~~and vocational objectives~~.

Each academic unit will provide all its undergraduate students, both full-time and part-time, with a systematic, effective advising program. All students who are required and those who choose to be advised prior to every registration period are to be advised according to the following guidelines:

- all students with fewer than 60 earned hours of credit and all students on academic probation must be advised prior to each registration period;
- students with 60 or more earned hours of credit must be advised on an annual basis and may be advised more frequently if desired, and should have an official degree plan on file;
- individual academic units may specify additional requirements of students for mandatory advising.

The responsibilities of the advisor may include but are not limited to the following areas of planning and mentoring:

- Exploring and clarifying educational, career and life goals
- Creating short- and long-term plans to accomplish their educational objectives
- Selecting a program of study to reflect their goals, interests and abilities
- Understanding and following academic regulations, procedures and requirements
- Identifying appropriate courses
- *Notifying students of course drop and semester credit hour limitations*

Each academic unit responsible for advising students must have an appropriate number of advisors available on a published schedule daily each registration period for the following tasks:

- advising the student on degree requirements such as core, major or other required courses, proper sequencing of courses, minimum hours of credit, minimum grade-

point averages, removal of withheld grades and time limits for completion of degree programs;

- advising the student on University requirements such as minimum course load to be classified as a full-time student, impact of repeat courses on grade point average, timetable for dropping individual courses and the impact on grade point average, residency requirements;
- referring the student to their ~~Office of the Dean~~ at the appropriate time for completing the signed degree plan and/or final graduation plan.

Academic advising programs for undergraduate students must be appropriately evaluated and included in the annual unit assessment report, including information on how the results of the assessment will be used to enhance effective assistance to students.

**Source of Authority:** ~~Provost and Vice President for Academic Affairs~~

**Cross Reference:** General Bulletin, Student Handbook

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

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

**Forms:** None



## Academic and Professional Preparation (A-49)

**Original Implementation:** April 20, 1999

**Last Revision:** ~~April 30, 2002~~ October 30, 2007

The selection, development, and retention of a competent faculty at all academic levels is of major importance in providing the students an education of the highest quality.

Recruitment and appointment procedures for faculty are specified in ~~Index~~ policy E-24A, Faculty Search. Approved appointment titles are specified in ~~Index~~ policy E-01A, Academic Appointments and Titles.

Prior to selection, minimum standards for all faculty must be met and documented. Each full-time and part-time faculty member teaching credit courses leading toward the baccalaureate degree, other than ~~physical education activities~~ courses, must have completed at least 18 graduate semester hours in the ~~teaching-content~~ discipline and, *at a minimum*, hold ~~at least a master's, or hold the minimum of a master's degree with a major in the teaching discipline~~. In exceptional cases, outstanding professional experience and demonstrated contributions to the ~~teaching-content~~ discipline may be presented in lieu of formal academic preparation. Appropriate *documentation and* justifications must be provided by the academic ~~unit-department and college on an individual basis~~.

Each faculty member teaching courses at the master's degree level must hold ~~the a~~ terminal degree, usually the earned doctorate, in the ~~teaching-content or related~~ discipline ~~or a related discipline~~. The M.F.A. and M.S.W. are considered terminal degrees in their ~~respective fields~~. In other areas, a master's degree in the ~~teaching-content~~ discipline coupled with a doctoral degree in a related discipline is considered appropriate. It is the responsibility of the ~~department and college~~ *academic unit* to justify the master's degree, or master's in the ~~teaching-content~~ discipline coupled with a related doctorate, as the terminal degree for faculty members teaching in those disciplines.

All faculty members teaching courses at the doctoral degree level must hold ~~the earned doctorate a terminal degree~~ in the ~~teaching-content or related discipline or a related discipline~~. In unusual cases, graduate faculty may be utilized who have demonstrated exceptional scholarly or creative activity, or professional experience, but who may not possess the required academic credentials. Such exceptional cases must be completely justified and documented by the ~~department and college~~ *academic unit*.

Graduate teaching assistants who have primary responsibility for teaching a course for credit and/or for assigning final grades for such a course must have earned at least 18 graduate semester hours in their ~~teaching-content~~ discipline, be under the direct

supervision of a faculty member experienced in the ~~teaching-content~~ discipline, receive regular in-service training, and be evaluated regularly.

~~It is expected that t~~The highest earned degree presented as the credential qualifying the faculty member to teach *must be* is from a regionally accredited institution. If the degree is from a non-regionally accredited institution ~~within the United States or an institution outside the United States~~, the *academic unit-department and college* must show evidence that the faculty member has appropriate academic preparation *and/or professional experience*.

Appropriate documentation includes official transcripts and, if applicable for demonstrating competence, official documentation of professional and work experience, technical and performance competency, records of publications, certifications and other qualifications. All such documentation must be kept current and on file. Official university files are maintained in the office of the *Provost and Vice President for Academic Affairs*.

**~~Source of Authority:~~** ~~Vice President for Academic Affairs~~

**Cross Reference:** Faculty Handbook *and*, Southern Association of Colleges and Schools; ~~Commission on Colleges; Criteria for Accreditation, 1998~~

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

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

**Forms:** None

## **Academic Probation, Suspension and Reinstatement for Undergraduates (A-3)**

**Original Implementation:** January 30, 1981

**Last Revision:** ~~July 15, 2003~~ *October 30, 2007*

### **Good Standing**

A student must maintain a minimum cumulative grade point average of 2.0 in order to remain in good academic standing at the university.

### **Probation**

A student is placed on academic probation after the first regular semester in which the grade point average fails to meet the minimum standard. Probation students whose semester grade point average is 2.0 or higher will be placed on "extended academic probation" until the cumulative grade point average is 2.0 or higher. Academic probation will continue until the student achieves good standing or is suspended from the university.

### **Suspension**

A student is placed on academic suspension after a regular semester that immediately follows a semester of probation if the student's semester grade point average falls below 2.0.

### **Reinstatement**

A student on academic suspension may be allowed to continue in the university through any of the following procedures:

1. Following the student's first suspension, attend summer school at Stephen F. Austin State University and:
  - a. Raise his/her grade point average to the minimum university standard as specified in the General Bulletin, or
  - b. Pass with a C average or better at least 9 semester credit hours as specified by his/her dean.
2. Following the student's first suspension be reinstated on probation automatically after one regular semester's absence from the university. Following the student's second or subsequent suspension, be reinstated on probation automatically after an absence from the university of two regular semesters. Summer terms are exempted from periods of academic suspension.

3. Follow procedures established by his/her dean.

### **Change of Major**

~~A student on probation or suspension may not change his/her major.~~ *Students on academic probation, extended academic probation, or students returning after serving a suspension may change majors upon approval from their current and receiving deans.*

~~**Source of Authority:** Provost and Vice President for Academic Affairs~~

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

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

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

**Forms:** None

## Add/Drop (A-5)

**Original Implementation:** April 27, 1986

**Last Revision:** ~~January 30, 2007~~ October 30, 2007

Students may add courses through the ~~2nd~~ *second* class day during the summer semesters and through the ~~4th~~ *fourth* class day during the fall or spring semesters. Academic chairs/directors may reconcile class schedules through the official reporting date. Students may drop classes through five working days past mid-semester or mid-session as applicable. A student will not be allowed to drop a course after these dates, unless he or she withdraws from the university.

The following applies:

1. Through the official reporting date, withdrawals or a course dropped will not be recorded on a student's transcript.
2. After the official reporting date *defined as twelfth class day in fall/spring and fourth class day in a summer term* session through five working days past mid-term for full semester courses or mid-session for partial semester courses, a drop, as well as a withdrawal, will be noted as a "W" on the transcript ~~and: At that time, the student's withdrawal will be reflected on the student information system.~~ *Undergraduate students who enroll in a Texas public institution for the first time during the fall 2007 academic term and thereafter may not drop a total of more than six courses with a 'W' grade, including any course a transfer student has dropped at another Texas public institution but excluding full semester withdrawals and exceptions as defined in Texas Education Code section 51.907 (e.g. severe illness or debilitating condition, responsibility for the care of another, death of a family member, active military duty of the student or immediate family member, work conflicts or other exceptions as determined by the institution). After all W's (6 drops) have been used by a student who was a first-time freshmen entering a Texas public institution in the fall of 2007 or thereafter, the student must complete all courses taken and receive a grade.*
3. If a student has been found guilty of cheating/plagiarism according to policy A-9.1, Cheating and Plagiarism, the grade of "W" may be changed to "WF" at the discretion of the faculty member involved. *In the case of a grade change to "WF", the course will not count toward the six course drop limit referenced in section 2 since the student is incurring an academic penalty.*
4. Beginning on the sixth working day after mid-term for full semester courses or mid-session for partial semester courses, a drop will not be permitted unless the student withdraws from all courses for the term. This withdrawal will be noted on the transcript

as a "WP" if the student is passing at the time or a "WF" if the student is failing at the time.

*5. Approved medical withdrawals may be granted for mental and physical conditions that prevent the student from completing the semester. Medical withdrawal is not intended as a device to shield a student from unsatisfactory progress or any other academic irregularity. Students wishing to request a medical withdrawal must do so within one year of the affected semester. Medical withdrawal requests should be made through the Office of the Registrar and will be considered by a committee comprised of the Registrar in conjunction with other university officials as appropriate.*

**Cross Reference:** General Bulletin, Graduate Bulletin, Schedule of Classes, *Texas Education Code Section 51.907*

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

**Contact for Revision:** Registrar

**Forms:** None

## Alcohol/Drug-Free Workplace (E-5)

**Original Implementation:** Unpublished

**Last Revision:** ~~October 14, 2004~~ *October 30, 2007*

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

### Definitions

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

### Prohibition, Discipline, and Treatment

1. The university prohibits all employees (full-time and part-time faculty, staff, and students) from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.
2. Observance of this policy is a condition of employment for all employees of the university.
3. An employee violating this policy shall:
  1. be subject to employment discipline up to and including termination; or
  2. be required to undergo satisfactory participation in a drug abuse assistance or rehabilitation program, such as the Employee Assistance Program of the university.
4. Any employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract who is convicted of violating a criminal drug

statute shall notify his/her immediate supervisor of the conviction no later than five days after the conviction. The immediate supervisor shall promptly report the conviction to the appropriate vice president and the director of research services. On behalf of the university, the director of research services shall notify the federal agency grantor or contractor of the conviction within ten days of the university receipt of notice from the employee or of receipt of other actual notice.

### **Good Faith Effort**

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

**Source of Authority:** ~~41 USC Sec. 701 et seq.; General Appropriations Act; Board of Regents; President~~

**Cross Reference:** *41 USC Sec. 701 et seq* ; Faculty Handbook, Non-Academic Employee Handbook, State of Texas Travel Allowance Guide, Drug and Alcohol Testing Policy E-61

**Responsible for Implementation:** *President*

**Contact for Revision:** General Counsel

**Forms:** None



## Annual Budget Preparation (C-2)

**Original Implementation:** March 1, 1989

**Last Revision:** ~~April 20, 2004~~ *October 30, 2007*

Preparation of the annual operating budget is coordinated through the Office of the Vice President for ~~Business Affairs~~ *Finance and Administration*. Guidelines are established by the president based upon legislative appropriations, student fees and other local income, non-pledged and pledged auxiliary system student fees and other income, ~~available the university's allocation of the Higher Education Assistance~~ Fund, and estimates of other fund revenues. Guidelines will reflect current legislative appropriation riders in effect and any other legal restrictions. Budgets will be prepared by operating department heads, submitted to the next appropriate level of review, to the vice president in charge of the division, to the president for review, and then to the board of regents for final consideration. The schedule for preparation of the budget will be determined by the vice president for ~~Business Affairs~~ *finance and administration* in association with the president's cabinet. Generally the schedule may allow for board of regents review in April on even-numbered years and for review in July for odd-numbered years. Approved budgets will be announced to the university departments through administrative channels following approval of the board of regents.

All budgets are based on available funds and no expenditures may be made except as provided for in the approved budget or in accordance with changes approved by the board.

**Source of Authority:** ~~Vice President for Business Affairs~~

**Cross Reference:** None

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

**Contact for Revision:** Vice President for ~~Business Affairs~~ *Finance and Administration*

**Forms:** None

## Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities (F-34)

Original Implementation: July 14, 1998

Last Revision: ~~October 14, 2004~~ October 30, 2007

Students enrolled at Stephen F. Austin State University, or faculty or staff members requested to make accommodations for persons with disabilities, who disagree with the provision of accommodations or the denial of accommodations may submit an appeal to the director of disability services/ADA coordinator (director) located in disability services, Room 325 of the Human Services Building. Appeals covered under this policy may be initiated by: 1) student or faculty member, regarding the provision of academic accommodations; 2) student or staff member, regarding the provision of accommodations for non-academic programs or activities; 3) student, regarding the denial of accommodations by the director of disability services; 4) student, regarding the denial of housing accommodations by the director of housing.

Appeals of decisions of the director of disability services (number 3 above) should be submitted to the vice president for university affairs, *or their designee* (~~VPUA/Dice~~ **President**), located in Room 314 of the Austin Building. Grievances or complaints of discrimination based on disability relating to other circumstances not described above should be addressed through the university's "Discrimination Complaints/Sexual Harassment" policy, E-46, a copy of which may be obtained from the director of disability services/ADA coordinator or the university's general counsel.

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

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

If unresolved, the appeal will be forwarded by the director or ~~Vice President~~ **VPUA/D** to an Appeal Review Committee (Committee) for a second and final decision.

Depending upon the administrative or academic area involved in the decision being appealed, the Appeal Review Committee will be composed of three members selected by the director or ~~Vice President~~ **VPUA/D**. The director will serve as chair and ex officio member of the committee in situations listed above with the exception of number three (3) when the ~~Vice President~~ **VPUA/D** will appoint a faculty member or academic administrator with background and/or experience in disability-related matters to serve as

chair. In academic appeals (number 1 above), the committee will be composed of: one faculty member from the department involved; the dean of the college involved; and a member of the ADA Advisory Committee. For appeals in non-academic programs and activities and housing accommodations (numbers 2 and 4 above), the committee will be composed of: one staff member from the department involved; the director of the department involved; and a member of the ADA Advisory Committee. In appeals relating to denial of accommodations (number 3 above), the committee will be composed of one faculty member from the Department of Human Services; and ~~two members of the two additional members knowledgeable about ADA issues-ADA Advisory Committee~~. When selecting committee members, the director or ~~Vice President~~ VPUA/D shall exclude individuals who served on the Academic Assessment Committee or the Housing Assessment Committee that provided initial review of the documentation and/or request. The director or ~~Vice President~~ VPUA/D will communicate the decision and /or recommendations of the Appeal Review Committee to the individual seeking the appeal.

In all circumstances listed above, the Appeal Review Committee may seek input from appropriate parties other than committee members, including the student making the appeal, a faculty or staff member with experience relevant to the circumstances, the ~~Vice President~~ VPUA/D for academic affairs, dean of another college, or another director or department head with relevant experience. The Appeal Review Committee may seek advice from the university's general counsel.

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

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

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

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

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

***Forms:*** None

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

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

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

**~~Forms:~~** ~~None~~

## Awarding Academic Credit for Noncollegiate Sponsored Instruction (A-52)

**Original Implementation:** October 26, 1999

**Last Revision:** ~~July 25, 2002~~ October 30, 2007

### Role and Scope

The purpose of this policy statement is to provide an approved methodology and procedures for students ~~wishing~~ *requesting* to be awarded ~~academic~~ credit for extracurricular learning experiences on the Bachelor of Applied Arts and Sciences (BAAS) degree. Further, this policy provides a rationale for the credit awarded and definitions of the significant elements ~~of~~ *in* the process; it also establishes guidelines for developing the life-experience portfolio, and provides a means for monitoring the policy.

### Review

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

### Rationale

~~The awarding of academic-degree credit for noncollegiate sponsored instruction is based on the higher education practice position that it is reasonable educational practice to grant of granting academic credit for high-quality educational attainment comparable to the college level. programs.~~ This means of allowing credit is carried out in a variety of ways including but not limited to credit by examination, AP credit, CLEP credit, portfolio review, and Stephen F. Austin State University (SFASU) ~~departmental~~ academic unit examination. ~~sound when these programs of study and life experiences overseen by noncollegiate organizations are determined to be at the college level. Further, to be awarded toward the baccalaureate degree the credit must be appropriate to an individual's degree program.~~ The experiences of educational institutions who engage in this practice have shown that the awarding of credit for prior learning often motivates students to enroll and complete the full academic degree process, thus enriching their lives and career opportunities. *The credit awarded must be appropriate to an individual's BAAS degree program.*

### Oversight and Authority

~~Stephen F. Austin State University~~ SFASU was granted authority on July 16, 1974, by the Texas Higher Education Coordinating Board to offer the ~~Bachelor of Applied Arts and Sciences~~ BAAS Degree. The proposal submitted to and approved by the THECB for the

~~Bachelor of Applied Arts and Sciences~~BAAS Degree included in Section 1.0 the following special feature which is the focus of this policy statement:

*"Semester hour credit for experience and/or exhibited competency is permissible in both Academic Foundations (up to 12 hours) and Academic Specialization (up to 24 hours) . An expanded innovative program of advising and counseling will be necessary to administer the program."*

*Oversight for the degree and authority to administer the life-experience credit program has been placed with the College of Liberal and Applied Arts. The dean of the college is charged with developing procedures for the implementation of all features of the ~~Bachelor of Applied Arts and Sciences~~BAAS Degree.*

### Definitions

**B.A.A.S. Degree** - The ~~Bachelor of Applied Arts and Sciences~~BAAS Degree is designed to offer students with vocational-technical training and work experience in a given occupational field the opportunity to obtain a baccalaureate degree without the usual significant loss of credits that occurs in pursuing a traditional degree. The degree is designed to provide both academic and professional depth to individuals who possess recognized competency in occupational or technical fields.

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

**Extraintitutional Learning** - ~~Any~~ Documented learning experience that accrues to the student outside the sponsorship of an accredited institution of higher education.

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

**Occupational Portfolio** - A compilation of pertinent documents and third party verification that develops a history and basis for the levels of competency submitted for evaluation. Documentation should ~~focus on establishing~~ verify that skill levels and occupational competence are equivalent to college work.

### Oversight and Authority

~~Stephen F. Austin State University was granted authority on July 16, 1974, by the Texas Higher Education Coordinating Board to offer the Bachelor of Applied Arts and Sciences BAAS Degree. The proposal submitted to and approved by the THECB for the Bachelor of Applied Arts and Sciences BAAS Degree included in Section 1.0 the following special feature which is the focus of this policy statement:~~

~~"Semester hour credit for experience and/or exhibited competency is permissible in both Academic Foundations (up to 12 hours) and Academic Specialization (up to 24 hours). An expanded innovative program of advising and counseling will be necessary to administer the program."~~

~~Oversight for the degree and authority to administer the life-experience credit program has been placed with the College of Applied Arts and Sciences. The Dean of the College is charged with developing procedures for the implementation of all features of the Bachelor of Applied Arts and Sciences BAAS Degree.~~

#### Procedure for Credit Awards

Credit for documented life-experience is awarded based on the principle that valid learning experiences at the college/university level can occur outside of a direct higher education environment. These learning experiences can be derived through various extrainstitutional encounters such as continuing education, professional development instruction, the process of licensure, in-service training, military training, and direct supervision.

The evaluation of noncollegiate credit is dependent upon an examination process that is designed to ascertain whether the life-experiences have been of the nature and extent that they are equal to college level instruction. The measure of equivalency (*to college level instruction*) is determined at three levels:

1. **The Curriculum of the Learning Experience**

The course of study being reviewed will meet the standard of currency and relevance. That is, it will be equivalent to a course of study that is included in the curriculum of a contemporary institution of higher education.

2. **The Qualifications of the Instructor**

Instruction for the course must be delivered/supervised by an individual or individuals whose credentials have been reviewed and accepted by duly authorized peers or an appropriate sponsoring professional organization or corporation, *or institution of higher education.*

3. **The Evaluation of the Student Progress**

Each course of study receiving an award of credit must use a means of evaluating

the learner's progress that is appropriate to the subject matter and the manner of instruction. The evaluation must be valid and documented.

All applications for credit through noncollegiate sponsored learning experiences must be submitted by the student to his/her adviser at the time a degree plan is offered to the dean of *Liberal and Applied Arts and Sciences* or his/her designee for approval. The request for credit must be submitted as an occupational portfolio accompanied by all pertinent documentation. Should any credit be awarded for noncollegiate sponsored instruction it will be applied only to the ~~Bachelor of Applied Arts and Sciences~~ BAAS Degree.

The dean of *Liberal and Applied Arts and Sciences* or his/her designee will review all credit recommendations and make a final determination as to the amount of credit to be awarded.

Credit awarded will be submitted to the Office of the Registrar on Form AAS-Ex for posting on the student's transcript.

#### Appeals

Appeals of credit awards *must follow the SFASU approved appeal policy processes.* ~~may be made in writing to the Academic College Council of the College of Liberal and Applied Arts and Sciences for resolution. The Council may either affirm the decision of the dean or make its own credit recommendation to the dean. In all cases the decision of the Council will be final.~~

#### References

Evaluation of the application for credit will be made using the:

Directory of the National Program on Noncollegiate Sponsored Instruction  
National Guide to Credit Recommendations for Noncollegiate courses  
Guide to the Evaluation of Educational Experiences in the Armed Services  
Aviation Education Review Organization College Credit Standards Guide,

~~And~~ *and* other means and resource materials as appropriate and recognized.

~~Source of Authority:~~ Vice President for Academic Affairs

**Cross Reference:** ~~None~~ *SFA General Bulletin/Advanced Placement & Credit by Examination*



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

**Contact for Revision:** Dean of *Liberal and Applied Arts and Sciences*

**Forms:** AAS-Ex

## **Cellular Telephones and Wireless Communication Devices (NEW)**

**Original Implementation:** October 30, 2007

**Last Revision:** None

### **OVERVIEW**

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

### **DEFINITIONS:**

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

### **ELIGIBILITY:**

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

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

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

1. **University provided cell phones or wireless communication device:**  
If a department chooses this option, the entire amount of the university provided cell phone or wireless communication device is considered as a taxable fringe benefit to the employee. The employee is not required to document personal or business usage. However, the department may require that an employee reimburse the department for calls that exceed the monthly plan amount.

Departments electing this option must submit a “Cellular Telephone Request and Justification Form” to the Assistant Director of Telecommunications and Networking for each employee, as required in the Communications Services policy, F-29. The Assistant Director of Telecommunications and Networking will communicate the taxable value of the university provided cell phone and wireless communication device to the Payroll Office.

**2. Communication Allowance:**

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

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

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

**Infrequent Use of Cell Phones for Business Purposes**

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

Reimbursement of these calls will be made through accounts payable through normal procedures for reimbursement of business related expenses. Appropriate documentation, such as a copy of the wireless plan billing statement and the stated business purpose of

the call, should be submitted to support the reimbursement. Any reimbursement of business related calls will not be taxable to the employee.

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

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

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

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

## Conflict of Interest in Sponsored Activities (A-11.5)

**Original Implementation:** January 30, 1996

**Last Revision:** ~~January 15, 2002~~ October 30, 2007

### I. Policy Statement Relating to Conflict of Interest

- A. These guidelines define general university policy and procedures regarding ~~financial~~ conflicts of interest in relationship to sponsored activities involving research, education, and university service. Their purpose is to protect the credibility and integrity of Stephen F. Austin State University's faculty and staff so that public trust and confidence in the university's sponsored activities is ensured.
- B. In accordance with federal regulations, the university has a responsibility to manage, reduce, or eliminate any actual or potential conflicts of interest that may be presented by a financial *or related* interest of an investigator. Thus, the university requires that investigators disclose any significant financial *or related* interest that would reasonably appear to be affected by sponsored activities.
- C. A potential conflict of interest occurs when there is a divergence between an individual's private interests and his or her professional obligations to the university, such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the situation and not on the character or actions of the individual.
- D. For purposes of this policy, a conflict of interest exists when the university, through procedures described herein, reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of sponsored activities.
- E. Effective interaction between universities conducting research and industry is essential to ensure the rapid application of scientific discoveries to the needs of the nation and to maintain the international competitiveness of domestic industry. Nonetheless, prudent stewardship of public funds includes protecting sponsored research from being

compromised by the conflicting financial interests of any investigator responsible for the design, conduct, or reporting of sponsored activities.

- F. The value of the results of sponsored research to the health and the economy of the nation must not be compromised by any financial interest that will, or may be reasonably expected to, bias the design, conduct, or reporting of the research. This policy seeks to maintain a reasonable balance between these competing interests, give the university the ability to identify and manage financial interests that may bias the research, and minimize reporting and other burdens on the investigator.
- G. The university will take all necessary steps to assure that any identified conflicts of interests will be managed, reduced, or eliminated prior to the university's expenditure of any funds under an award and certify to the funding agency that this has been done. Conflicts which cannot be satisfactorily managed, reduced, or eliminated must be disclosed to the funding agency. *In some cases, it also might be appropriate to voluntarily report apparent conflicts of interest and the steps taken by SFA to mitigate them (such as relationships between grant and university personnel).*

## II. Definitions

- A. Conflict of interest exists if the reviewer(s) of disclosures determines that a significant financial *or related* interest could directly and significantly affect the design, conduct, or reporting of sponsored activities.
- B. The term investigator, as used in this policy, means the principal investigator project director, co-principal investigator(s), and any other person who is responsible for the design, conduct, or reporting of research, educational, or service activities funded, or proposed for funding by an external sponsor. In this context, the term investigator also includes the investigator's spouse and dependent children.
- C. Sponsored activities include research, education, service, or training activities funded by an external sponsor.
- D. Significant financial interest means anything of monetary value, included, but not limited to:
  - 1. Salary or other payments for services (e.g., consulting fees or honoraria)

2. Equity interests (e.g., stocks, stock options, or other ownership interests)
3. Intellectual property rights (e.g., patents, copyrights, and royalties from such rights)

The term does not include:

- Salary, royalties, or other remuneration from the university
- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities
- Income from service on advisory committees or review panels for public or nonprofit entities
- An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity
- Salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.

### III. Guidelines

- A. Each investigator is required to disclose the following significant financial interests:

1. Any significant financial interest of the investigator that would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor; or
2. Any significant financial interest of the investigator in an entity whose financial interest would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor.

- B. Regardless of the above minimum requirements, a faculty or staff member in his or her own best interest, may choose to disclose any other financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest. Disclosure is a key factor in protecting one's reputation and career from potentially embarrassing or harmful allegations of misconduct.

- C. Each investigator who has significant financial interest requiring disclosure shall complete a Significant Financial Interests Disclosure Form and attach all required supporting documentation. The completed disclosure form must be submitted with the proposal and Proposal Clearance Form (PCF) to the Office of Research and Sponsored Programs using normal university procedures. Supporting documentation that identifies the business enterprise or entity involved and the nature and amount of the interest should be submitted in a sealed envelope marked confidential and accompany the disclosure form and PCF.
- D. As required by federal regulation, all significant financial interests must be disclosed prior to the time a proposal is submitted. All financial disclosures must be updated by investigators during the period of the award as new reportable significant financial interests are obtained. New reportable significant financial interests includes financial interests that become reportable due to an increase in value that meets the reporting threshold, as well as the acquisition of new interests that are reportable.
- E. The Director of Research and Sponsored Programs, or official designee, shall conduct an initial review of all financial disclosures. If the initial determination is made that there may be a potential for conflict of interest covered by this policy, then the disclosure packet will be referred to an Investigating Committee. Committee members are appointed by the *Provost and* Vice President for Academic Affairs after consultation with the Associate Vice President for Graduate Studies and Research, with this person serving as chair. A conflict of interest exists when the Investigating Committee reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of the proposed sponsored activities. The committee shall then determine what conditions or restrictions, if any, should be imposed by the institution to manage actual or potential conflicts of interest arising from disclosed significant financial interests.
- F. Collaborators/subrecipients/subcontractors from other academic or not-for-profit institutions must either comply with this policy or provide a certification from their institutions that they are in compliance with federal policies regarding investigator significant financial interest disclosure and that their portion of the project is in compliance with their institutional policies. Subcontractors from commercial firms need not make a certification, except when the prime award is from the Public Health Service (PHSPHS). The PHS requires a certification from any



subcontractor, including commercial firms, stating that it is in compliance with federal policies regarding investigator significant financial interest disclosure and that its portion of the activity is in compliance with those policies.

#### IV. Finding of Presence of Conflict of Interest

##### A. Resolution

1. Resolution of any potential or actual conflicts of interest will not be required until after funding has been approved and prior to any expenditure of funds under the award.
2. The Investigating Committee, along with the investigator, will proceed to resolve any actual or potential problems revealed by the initial review of financial disclosures. In order for the conflict to be managed, reduced, or eliminated, the committee may recommend:
  1. Public disclosure of significant financial ~~interests~~*or related interests*;
  2. Monitoring of sponsored activities by independent reviewers;
  3. Modification of the sponsored activity plan;
  4. Disqualification from participation in all or a portion of the activity funded that would be affected by the significant financial interests;
  5. Divestiture of significant financial interests; or
  6. Severance of relationships that create actual or potential conflicts of interest.
3. If the Investigating Committee determines that imposing the above referenced conditions or restrictions would either be ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the Committee may recommend that, to the extent permitted by federal regulations, the sponsored activity go forward without imposing such conditions or restrictions. In these cases, the *Provost and Vice President for Academic Affairs* and the *Associate Vice President for Graduate Studies and Research* shall make the final decision regarding resolution.

4. The approved resolution plan shall be documented in writing detailing the conditions or restrictions imposed upon the investigator in the conduct of the sponsored activity or in the relationship with the business enterprise or entity.
5. Actual or potential conflicts of interest will be satisfactorily managed, reduced, or eliminated in accordance with these guidelines and all required reports regarding conflicts of interest submitted to the sponsor prior to the expenditure of any funds under an award.

- B. Records of investigator financial disclosures and of actions taken to manage actual or potential conflicts of interest, shall be retained by the Office of Research and Sponsored Programs until three (3) years after the later of the termination or completion of the award to which they relate, or the resolution of any government action involving those records.

#### V. Enforcement

- A. The *Provost and Vice President for Academic Affairs* shall be responsible for determining and implementing sanctions on investigators who have violated this policy in terms of a conflict of interest resolution. The investigator shall be notified in writing of the recommended sanctions within twenty (20) days. If the sanctions involve a recommendation for termination of employment, the university academic termination procedures will be invoked. The university must take action appropriate for the seriousness of the violation, including, but not limited to, one or more of the following, subject to existing university policies for institutional disciplinary action:
  1. Termination
  2. Removal from particular activity
  3. Special monitoring of future work
  4. Letter of reprimand
  5. Probation for specified period with conditions specified
- B. The university shall follow federal regulations regarding the notification of the sponsoring agency in the event an Investigator has failed to comply with this policy. The sponsor may take its own action as it deems appropriate, including the suspension of funding for the investigator until the matter is resolved.

- C. Individuals may appeal the judgment and/or the sanction. A written statement of the grounds for the appeal must be submitted to the president within thirty (30) days of written notification of the sanctions. Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of a written appeal, the president will evaluate the evidence and make a determination. The president will open an investigation if the previously unconsidered material evidence so warrants and may open an investigation if circumstances so dictate. The president's decision will be conveyed to all involved in a timely fashion, but must be conveyed within thirty (30) working days. In the case of termination, the appropriate university policies on termination for cause shall be followed.

#### VI. Other Policies

This policy has been developed in response to federal guidelines for sponsored activities. State ethics laws regarding employee conduct may also apply to situations involving potential conflicts of interest. Employees are encouraged to cross reference the policies listed below and to alert their supervisor(s) of any situation that may be perceived as a potential conflict of interest.

**Source of Authority:** ~~Vice President for Academic Affairs~~

**Cross Reference:** 42 CFR Part 50, Subpart F, 45 CFR-subtitle A part 94, Faculty Handbook; E-15, Employee Conduct; E-56, Ethics Policy Statements

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

**Contact for Revision:** Associate Vice President for Graduate Studies and Research

**Forms:** Significant Financial Interest Disclosure Form

## Continuing Education, Outreach, and Public Service Programs (A-32)

**Original Implementation:** March 9, 1978

**Last Revision:** ~~July 15, 2003~~ October 30, 2007

### Role and Scope of Continuing Education

Stephen F. Austin State University (SFASU) has a stated mission that includes a significant responsibility for vital community and professional outreach programs to the populations and constituencies it serves. This task is met by offerings from throughout the university with outreach and special learning opportunities other than academic degree programs.

Continuing education is a university-wide mission, whose purpose it is to support the public service responsibilities of the university. ~~Colleges, departments, programs, Academic units; or individuals employed by the university who offer continuing education related activities must adhere to the principles of this policy. Individuals not employed by the university may seek sponsorship through the University for offering continuing education activities by following the principles of this policy.~~

### Definition

Continuing education is an organized event sponsored by a unit *or individual of the university* that provides non-academic credit activities for the participants such as enrichment experiences, workshops, short courses, certificate courses, training, life-long learning, leisure learning, camps or travel. A reasonable fee ~~should~~ may be charged for these activities in an amount sufficient to permit the university to recover the cost of providing the course.

### Responsibility for Continuing Education at the University

~~The individual colleges and/or divisions of the University~~ units headed by a vice president will have administrative and programming responsibility for all activities that conform to the definition of continuing education.

Should programs by outside groups be co-sponsored by any college or ~~division~~ other unit of the university, then all fees must be received directly and accounted for by the regular university accounting procedures. Otherwise, the program may not bear the name of the university or any *of its units* college, department, or division as sponsor or co-sponsor.

General calls, inquiries, and questions coming to the campus about continuing education activities will be routed to the Office of the ~~Associate Provost and Vice President for Academic Affairs~~ for referral to the appropriate college or ~~division~~ unit of the university.

The university will maintain a schedule of announced continuing education programs on a web site. It will be the responsibility of each *college or unit* ~~or division~~ to assure that all scheduled continuing education programs are listed on the web site.

### **Awarding Continuing Education Units**

When programs result in the awarding of Continuing Education Units (CEU's) it is the responsibility of the unit of the university sponsoring the continuing education program to meet the most current guidelines established by the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools relative to the awarding of CEU's.

It is the responsibility of the *organization awarding the CEUs* ~~originating unit~~ to establish a transcript and keep the CEU records on file for the appropriate period of time.

### **Fiscal Responsibilities**

The colleges, ~~departments~~ *other*, ~~divisions~~, units and persons who offer activities that conform to the definition of continuing education must comply with all applicable university policies and procedures and state and federal regulations. Some of the policies that apply relate to the following areas: collecting and disbursing funds, authorizing refunds, authorizing payroll or stipend items, purchasing equipment or supplies, reserving rooms, purchasing food or beverage, printing, using media marketing, engaging transportation, security and accounting for all funds associated with the program including a surplus or deficit.

### **Facilities for Continuing Education**

Facilities for accommodating a continuing education events must be reserved in accordance with university ~~policies~~ *Policy B-1, Use of University Facilities, and policy B- 2, Academic Space for Non-Academic Activities.* Academic programs will always be given priority for the use of university facilities.

~~**Source of Authority:** Board of Regents, President, Provost and Vice President for Academic Affairs, Texas Education Code Section 54.545~~

**Cross Reference:** ~~Policy B-1:~~ Use of University Facilities, *policy B-1* and ~~Policy B-2:~~ Academic Space for Non-Academic Activities, *policy B-2, Texas Education Code Section 54.545*

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

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

**Forms:** None

## Designation of School Status (A-63)

**Original Implementation:** February 3, 2005

**Last Revision:** ~~None~~ October 30, 2007

### 1. Introduction

Stephen F. Austin State University is subdivided into ~~seven undergraduate~~ colleges for the purpose of accommodating broad program areas with common academic interests. The colleges are further subdivided into units designated as departments, *schools* and divisions for the purpose of allowing smaller scholarly communities to devote attention to specific degree program for students and find collegial support for research and service along traditional disciplinary lines.

From time to time there arises a need to seek the support of the university wide academic community to allow academic units to become redrawn and re-organized as specialized units within the college pursuing a common goal and under the leadership of the college dean. Such a unit may be designated as "school".

### 2. Definitions

1. University – an entity of higher education chartered by the state to grant degrees and headed by a president.
2. College – the highest academic sub-unit of the university, offering programs of study leading to a degree, and headed by an academic dean.
3. School – the subdivision of a college organized for the common purpose of providing higher education in specialized or professional fields that lead to a degree, certification, or licensure, and headed by a director or associate dean.
4. Department/Division – an academic sub-unit of a college having a common disciplinary or scholarly objective and headed by a chair or other academic administrator.

### 3. Guidelines For Designating School Status

An academic units seeking school status will be evaluated using the following guidelines:

1. The unit should offer primarily professional programs and degrees.
2. The programs of the unit should be accredited by professional agencies.
3. The unit should have a total enrollment of students majoring in its programs of at least 150.
4. The unit must have a qualified, well-trained faculty.

5. The unit may have been the recipient of a substantial endowment or gift.
4. Proposal Review and Approval

Before an academic unit of a college can receive "school" status, that unit must bring a proposal before the council of deans. The proposal should provide qualitative and quantitative data relating to the vision of the unit for acquiring the school designation. That information should be organized around the following categories:

1. A concise statement giving the rationale for the request to re-designate the academic unit as a school. This statement should address the distinctiveness of the discipline and the advantages of school status to future graduates of the program.
2. A discipline specific self-study that has been completed within the last five years (with appropriate up-dates) copies of visitors' reports, and annual assessment documents outlining the goals and accomplishments of the unit during the past five years.
3. Background of the unit including the history of the unit, outside drivers for the requested change in unit status, staffing for the program including a faculty list with degrees, accreditation, degree options available to students, trends in student placement, comparable programs at other universities, recommendations from an advisory board where applicable, letters of recommendation from professionals or practitioners in the field, and enrollment projections for five years.
4. A quality enhancement plan which addresses the continuous improvement of the effectiveness of the unit for a five year period directly following the designation of school status. Upon the recommendation of the council of deans and the approval of the provost and president, the proposal will be placed on the board of regents' agenda for approval. After approval is received, a request for approval will be forwarded to the Texas Higher Education Coordinating Board.

**Source of Authority:** ~~Provost and Vice President for Academic Affairs~~

**Cross Reference:** None

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

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

**Forms:** None

## Developmental Education and Texas Success Initiative (A-57)

**Original Implementation:** April 18, 2000

**Last Revision:** April 20, 2004 October 30, 2007

*The Texas Success Initiative (TSI) is a program administered by the Center for College Readiness at the Texas Higher Education Coordinating Board (THECB). The objective of the program is to assist colleges and universities to ensure that Texas students are prepared academically to succeed in higher education.*

*The TSI program requires each institution of higher education to assess the academic skills of each entering undergraduate student to determine the student's readiness to enroll in freshman-level academic coursework. The THECB designates particular diagnostic instruments approved for assessing students' skills in reading, writing and mathematics.*

*Entering undergraduates may earn exemption from TSI assessment by supplying certain scores on designated assessment instruments, such as SAT, ACT or TAKS. Other students may earn exemptions through prior study at private or out-of-state institutions, or through qualifying military service.*

*The purposes of the SFASU Developmental Education policy are to:*

- *Articulate SFASU's requirements regarding TSI assessment and developmental coursework;*
- *Promote quality and accountability in developmental education and advising;*
- *Provide for effective delivery of the developmental education program;*
- *Ensure that all students receive assistance in becoming ready to succeed in freshman-level academic coursework.*

~~The Texas Success Initiative is a program mandated by State law that requires skills testing of students before they enroll in a Texas institution of higher education. The Initiative prescribes developmental education for all students whose test scores, according to levels set by the Coordinating Board, indicate they lack reading, writing, and/or mathematical skills needed to succeed in college courses.~~

~~The SFASU Developmental Education policy elaborates the requirements established by the Texas Higher Education Coordinating Board. Ambiguities or omissions in the following policy are to be resolved in accordance with Coordinating Board regulations as set out in the current rules for the Texas Success Initiative. The purposes of this policy are:~~

- ~~•To provide for quality and accountability of the developmental education program;~~



- ~~To promote improvement in, and the effective delivery of, the developmental education program;~~
- ~~To provide for an effective program of individualized and flexible developmental programming.~~

### Exemption from Testing

*The assessment requirements of the TSI program do not apply to the following students:*

1. *A student who has graduated with an associate or baccalaureate degree from an institution of higher education;*
2. *A student who has transferred to SFASU from a private, independent or accredited out-of-state institution of higher education after satisfactory completion of college-level coursework as designated by SFASU;*
3. *A student who is serving on active duty as a member of the armed forces of the United States or the Texas National Guard;*
4. *A student who is currently serving as a member of a reserve component of the armed forces of the United States and has been serving for at least the three-year period preceding SFASU enrollment;*
5. *A student who was honorably discharged, retired or released from active duty as a member of the armed forces of the United States or the Texas National Guard on or after August 1, 1990;*
6. *A student who was honorably discharged, retired or released from service as a member of a reserve component of the armed forces of the United States on or after August 1, 1990;*
7. *A student who is enrolled at SFASU in a non-degree-seeking status;*
8. *A student who has achieved certain scores as determined by THECB on the SAT or ACT and has enrolled at SFASU within five years of achieving those scores;*
9. *A student who has achieved certain scores as determined by THECB on the exit-level assessment required for public high school graduates in Texas and has enrolled at SFASU within three years of achieving those scores;*
10. *A student who has satisfied all readiness requirements at another Texas institution of higher education and has supplied appropriate documentation of that status.*

~~Students are exempt from the testing requirement if, and only if, they meet one of the following criteria.~~

- 1.~~Student possesses an associate or baccalaureate degree from an accredited institution of higher education.~~
- 2.~~Student earned scores as specified by Texas Higher Education Coordinating Board Rules for the Texas Assessment of Academic Skills test (TAAS), the Texas Assessment of Knowledge and Skills (TAKS), the ACT test, or the Scholastic Assessment Test (SAT). Such scores must have been earned within the time limitations specified by the Coordinating Board.~~
- 3.~~Student is enrolled temporarily at SFASU and is not seeking a degree from SFASU.~~

- ~~4. Student has earned college-level credit hours from an accredited higher education institution with the grade of "C" or better on designated courses in reading, writing, and mathematics.~~
- ~~5. Student has previously attended a public institution of higher education in Texas and has been determined to have met collegiate readiness standards by that institution.~~
- ~~6. Student is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States and has been serving for at least three years preceding enrollment.~~
- ~~7. Student was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National guard or serve as a member of a reserve component of the armed forces of the United States on or after August 1, 1990.~~

### Testing Requirements

*SFASU accepts scores on any of the assessment instruments designated by THECB for use in assessing college readiness: THEA, ASSET, COMPASS or ACCUPLACER. Each undergraduate student must supply assessment scores in reading, writing and mathematics, or demonstrate qualification for exemption from such assessment, prior to initial enrollment.*

*Under exceptional circumstances, a student may be allowed to enroll in certain freshman-level courses for one semester without TSI assessment scores. (Enrollment restrictions based on prerequisites and other entry criteria will limit courses for which the student is eligible.) The student must then supply TSI assessment scores by the end of the first semester of enrollment. Examples of exceptional circumstances include a documented illness, injury or emergency that prevented testing, or necessary delays in providing appropriate accommodations for a student with a documented disability.*

~~Every non-exempt undergraduate student must have test scores on file prior to registration at SFASU. The Coordinating Board has approved the following assessment instruments: ASSET and COMPASS (ACT); ACCUPLACER (College Board); Texas Higher Education Assessment [THEA, formerly TASP] (National Evaluation Systems). There is no restriction on the use of any instrument for initial or subsequent testing except that there must be at least a thirty day period between administrations of the same test.~~

### Exceptions:

~~No non-exempt student may register for classes more than once without appropriate testing. Non-exempt students may initially register for classes without approved test scores under only the following circumstances:~~

- ~~1. Student suffered documented illness or injury or other bona fide emergency that prevented testing.~~

2. ~~Student possesses documented disability for which reasonable and appropriate accommodations could not be provided in a timely manner.~~
3. ~~Student, through no personal fault, has still not been tested after all reasonable institutional testing opportunities have passed.~~
4. ~~Upon recommendation of student's academic dean, it is concluded that student's best interests will be served by delaying testing until the next available testing date.~~

~~Students without scores on file during the first semester of enrollment and who cannot demonstrate collegiate readiness in Writing and Reading, according to the provisions of the present policy, are required to enroll in developmental coursework in those areas. The student may not enroll in college-level mathematics courses during that semester.~~

### **Developmental Education Program and Advising**

*For each student who fails to meet the minimum passing standards as set by THECB on a TSI assessment instrument, SFASU will:*

- *Provide individual advising regarding developmental education necessary to ensure the readiness of that student in performing freshman-level academic coursework;*
- *Assist the student in developing an individual plan for academic success, including enrollment in developmental and non-developmental coursework.*

*Each student who has not met all college-readiness requirements must meet with an advisor in the Academic Advising Center before registering for classes each semester. The student's progress towards meeting readiness standards will be reviewed during that meeting. An advisor will provide individual assistance in registering for required developmental coursework and in resolving any questions related to the student's readiness status.*

~~Non-exempt students who do not pass one or more parts of a relevant assessment instrument must engage in appropriate, continuous developmental education—beginning immediately. Reading and writing deficiencies must be remediated through appropriate developmental education during the first term of enrollment. In exceptional circumstances, part-time students may petition to seek remediation of reading and writing deficiencies sequentially rather than simultaneously. Upon the successful satisfaction of developmental education requirements for reading, the student must engage in immediate and continuous developmental mathematics education, if such remediation is required.~~

~~Students are advised with respect to developmental education in the Center for Academic Advising. All students with collegiate readiness deficiencies must contact the Center before registering for classes each semester. Most students who are required to participate in developmental education will be referred to appropriate course-based remediation, but other alternatives will be recommended when warranted. All academic advising not mandated by the Texas Success Initiative is conducted by advisors in the department of~~

the student's major, or, in the case of students who have not declared a major, in the Center for Academic Advising of Undecided Majors.

### **Meeting Developmental Requirements**

*For each failed area of a TSI assessment instrument, the student must enroll immediately in developmental coursework to address that area of deficiency. The student must continue to enroll in assigned developmental coursework until SFASU determines that the student is ready to perform freshman-level academic coursework in that area. As indicators of readiness, SFASU may consider the student's performance in developmental education; performance in appropriate non-developmental coursework; and/or performance on an approved TSI assessment instrument. For course-based developmental work (ENG 099, MTH 099, RDG 098), an earned grade of "C" or higher will demonstrate that the student is college ready. A student may retest at any time to demonstrate readiness using any of the four assessment instruments approved by THECB (THEA, ASSET, COMPASS or ACCUPLACER). It is the student's responsibility to submit any updated test scores to the Academic Advising Center.*

~~For each part of an assessment not passed, students must continue in assigned developmental education until they (a) pass the designated part of an approved test, or (b) satisfy the developmental education requirement through an alternate mechanism. For course-based developmental work (ENG 099, MTH 099, RDG 098), a grade of C or higher will recognize that the student is college ready. The student may proceed to credit-bearing courses on this basis. For non-course-based developmental work, the student will be required to re-test to the minimum pass rate set by the Coordinating Board.~~

### **Requirements for Retesting**

~~The Coordinating Board specifies two levels of score for each assessment instrument: Passing and Minimal Competence.~~

- ~~1.If the student's original assessment score fell between the Board's Minimal Competence level and Passing, there is no obligation to retest once the developmental education requirement has been met at SFA.~~
- ~~2.If the student's original score was below the Minimal Competence threshold set by the Board, then the student must retest before the developmental education requirement is met. The student is required to achieve at least Minimal Competence level on the retest in order to complete the readiness requirement.~~

~~Students may re-test at any time on any of the four approved tests, but they may not take the same test within a thirty day period.~~

### **Transcripts**

~~In accordance with Coordinating Board regulations, the Registrar shall indicate each student's readiness in reading, mathematics, and writing on the transcript as soon as practicable and feasible.~~

### ***Documentation of TSI Status***

*In accordance with THECB regulations, the SFASU transcript will indicate each student's current status regarding college readiness in reading, writing and mathematics. This status will be updated each semester as soon as practical and feasible.*

### **Status of Transfer Students**

- ~~1. Students who have satisfied developmental education requirements in a particular area at another institution have satisfied those requirements at SFA. Coordinating Board rules require that all Texas institutions of higher education indicate successful completion of readiness requirements on every college transcript.~~
- ~~2. If a student has completed developmental courses at another institution but has not fully satisfied that institution's collegiate readiness requirements, the student may be subject to SFA's developmental education policy~~

~~All transfer students entering SFA whose college transcripts do not indicate satisfaction of all collegiate readiness requirements will be advised by the Academic Advising Center as to their appropriate developmental program.~~

### **Status of High School Students**

~~High school students who wish to enter any concurrent enrollment programs must take a test approved for readiness assessment purposes prior to enrollment in any collegiate-level courses unless they are otherwise exempt. Eligibility to take dual credit courses may also be established by achieving passing scores on the English/Language Arts and/or Mathematics sections of the Texas Assessment of Knowledge and Skills (TAKS) test established by the State Board of Education. High school students may take collegiate-level courses related only to test sections that have been passed.~~

### **Dual-Credit and Concurrent Students**

*High school students who achieve certain scores on the tenth-grade Texas Assessment of Knowledge and Skills (TAKS) test (or other state-administered assessment approved by the THECB) may enroll in dual-credit courses without taking a state-approved TSI assessment through their senior year of high school. Upon enrolling for degree-seeking credit, these students must satisfy requirements for TSI exemption or take an approved TSI assessment test in reading, writing and mathematics.*

*Any high school student seeking concurrent enrollment must demonstrate qualification for exemption from TSI assessment or take an approved TSI assessment instrument before enrolling in any coursework at SFASU.*

### **Status of Casual/Enrichment Students**

Casual/enrichment students must take a test for developmental education purposes prior to enrolling in any collegiate level coursework unless the student is otherwise exempt or an exceptional circumstance prevents the student from testing prior to enrollment.

### **Attendance, Grades, and Academic Standing**

*Students who have not met all readiness requirements must engage in appropriate, continuous developmental education upon enrolling at SFASU. Students are not allowed to drop developmental courses from their schedule unless they pass a TSI assessment instrument or can provide documentation of satisfying readiness requirements in another manner. If a student is allowed to drop a developmental course, the dropped course does not count towards the course drop limitation policy as described in the Texas Higher Education Coordinating Board Rules, Chapter 4, Subchapter A, Section 4.3.*

*Grades earned in developmental courses do not count towards a student's cumulative GPA. Credit for developmental courses may not be used to meet graduation requirements.*

Students taking developmental courses because of readiness deficiencies may not drop any developmental course without permission of the Academic Advising Center. Attendance at required developmental courses is to be monitored by the instructors of those courses and recorded. Developmental coursework does not count toward degree requirements at SFA and is not calculated into the SFA grade point average.

### **Limitations on Course Enrollment**

Students who have not satisfied all readiness requirements are limited in the courses for which they are permitted to enroll, as follows:

1. Students who have not satisfied Writing requirements may not take college-level English courses.
2. Students who have not satisfied Mathematics requirements may not take college-level mathematics courses.

### **Mechanisms and Standards for Evaluating Developmental Education Effectiveness**

Beginning in the 2004-2005 academic year, and every third year thereafter, the Director of the Academic Advising Center will conduct a self-study of the effectiveness of developmental education at SFA. Self-study procedures recommended by the Texas Higher Education Coordinating Board will be employed.

#### ***Evaluating Effectiveness of Developmental Education***

*Beginning in the 2007-2008 academic year and every third year thereafter, the Academic Advising Center will collect and compile information about students' success in achieving TSI readiness standards and their subsequent performance in related freshman-level academic coursework. This information will be prepared for the Office of the Provost and Vice President for Academic Affairs, and it will be used to determine program modifications and enhancements to ensure student success.*

**Source of Authority:** ~~Provost and Vice President for Academic Affairs~~

**Cross References:** Texas Higher Education Coordinating Board Rules, *Chapter 4, Subchapter A, Section 4.3 and Subchapter C, Section 4.51-4.60*; Texas Education Code, Section 51.3062 ~~Sections 4.51-4.60, 4.85; Texas Education Code, Section 51.3062~~

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

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

**Forms:** None

## **Distance Distributed Education Faculty Competencies and Compensation (A-58)**

**Original Implementation:** August 1, 2000

**Last Revision:** ~~None~~ October 30, 2007

*Employees may receive a stipend for the development of online courses or portions of online courses and/or for teaching or delivering an online course. No stipends are given for developing or delivering hybrid or ITV courses.*

*To be eligible to receive a stipend for developing or teaching an online course, the person must be recognized by the Office of Instructional Technology (OIT) as a Certified Online Instructor and approved by the academic chair/director and dean. In addition, the course must be approved by the Office of Instructional Technology as a fully-developed online course. Course content and quality is a departmental and college responsibility. Persons who received online distance education certification prior to employment at Stephen F. Austin State University (SFASU) may be granted SFASU certification by demonstrating competency in online course development and teaching to OIT.*

*The amount of the stipend for development and/or delivery of online courses is set by Provost and Vice President for Academic Affairs after receiving recommendations from the OIT and the Distance Education Committee.*

*For the purposes of clarification, distance education course definitions are as follows:*

- *Online course – A course which has been approved by SFASU as being fully-developed for online delivery.*
- *Hybrid course – A course which has not yet been approved as a fully-developed online course yet delivers at least 50% of the instruction online.*
- *ITV course – A course in which the majority of the content is delivered using two-way interactive television between one or more locations.*

### **Compensation**

~~Distance/distributed education includes both Interactive Video (ITV) and internet courses. An ITV course is sent from an ITV classroom and is received at one or more locations remote from the sending site. Internet courses are electronic courses that reside on a server and are received by computer at any location. Because the levels of effort required to develop and deliver distance and distributed courses are significantly higher than those for traditional courses, it is necessary to provide an added incentive to faculty to develop and deliver the courses. Distance/Distributed (DE) compensation at SFA is divided in two parts. A one-time award is paid to develop the course and another award is paid each time the course is delivered.~~



**Course development:**

~~ITV—Stipend to be determined; divided as follows: Attending training (50%); course development (50%).~~

~~Internet—one release time or stipend to be determined; divided as follows: Attending training (50%); course development (50%).~~

**Course delivery:**

~~ITV—Stipend per distance student to be determined with a maximum stipend to be imposed; a brief written review of the course with plans for course revision.~~

~~Internet—Stipend to be determined; a brief written review of the course with plans for course revision.~~

**College/departmental Responsibility**

~~Departments must set minimum enrollments for Internet courses.~~

~~In order for faculty to receive these compensations, budget allocations must be made prior to the fiscal year. Therefore, academic departments must provide at least an estimate of the number of ITV and Internet courses they expect to develop and deliver in an academic year.~~

~~Colleges/departments are responsible for the content and quality of courses. The Office of Instructional Technology (OIT) requires training as part of the compensation package and will provide needed support for course development. Course content is the responsibility of the faculty member.~~

~~Colleges/departments are responsible for academic advising of their students; OIT provides students support in contacting advisors for registration and when taking DE courses.~~

~~**Source of Authority:** Vice President for Academic Affairs~~

~~**Cross Reference:** None~~

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

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

~~**Forms:** None~~

## Faculty Evaluation ~~and~~, Merit Pay, ~~Promotion and Tenure~~ (E-20A)

**Original Implementation:** September, 1982

**Last Revision:** ~~July 17, 2001~~ October 30, 2007

Stephen F. Austin State University (SFASU) includes among the aspects of its mission and purpose effective teaching, significant performance and scholarly activity by its faculty members, and substantial service. It believes that the achievement of those aspects should be regularly and systematically assessed; and, in each case in which the achievement has been accomplished in an exemplary manner, recognition and rewards in the form of merit pay, promotion, and tenure should be extended. To evaluate the performance of its faculty members and to provide appropriate rewards, the university will employ the policies and procedures set forth below. As described below, an annual report of activities by each faculty member and follow-up interviews by appropriate administrators constitute the basis of evaluation and of recommended rewards. The ~~a~~Annual Faculty Activity Report (FAR) may be ~~employed-used~~ for any or all considerations: evaluation, merit pay, promotion, and tenure. Cover sheets and other information that may be required, however, differ according to the purpose(s) for which the material is being used.

The university recognizes the importance of clearly articulated criteria and procedures for documenting and evaluating meritorious performance in teaching, scholarly and creative activities, and service. ~~Stephen F. Austin State University~~ SFASU understands and supports the need for faculty evaluation to be a process that is collegial, collaborative, and continuing. The university's goal in formalizing the process for evaluating meritorious performance of its faculty is to ensure the establishment of policy within each academic unit that is consistent with the mission of the college and university, that sets guidelines for a comprehensive review process, and that results in fair and equitable assessment of faculty in all academic divisions. The academic dean of each college shall periodically review the merit evaluation criteria and procedures of each department or division within the college.

As described in the Faculty Handbook and Guarantees Relating to Matters Other Than Termination and Non-Renewal of Contracts, policy E-26A, each academic unit shall follow the procedure by which a faculty member who disagrees with his or her evaluation may request that such evaluation be reviewed within the academic unit. If the faculty member is dissatisfied with the results of such review, he or she may request that the case be reviewed at higher administrative levels according to Policy-policy E-26A.

### Faculty Evaluation

~~Both tenured and tenure-track~~ Fulltime faculty members (excluding adjuncts) shall be formally evaluated annually for teaching, ~~performance~~/scholarly/creative activity, and service. For the evaluation, the faculty members will present to ~~his/her~~their academic departmental/divisional chair/director a completed annual FAR, "~~Annual Report on~~

~~Teaching, Scholarly/Creative Activities, and Service" report of his/her~~their activities during the preceding year (September 1 through August 31) and any other pertinent information that may be requested. ~~The F~~faculty members will review ~~his/her~~their ~~a~~Annual FAR Report and administrative evaluation with their ~~Chair~~chair/director. Following the administrative reviews, the ~~c~~Chair/director will meet with the college dean to review ~~the Annual Report~~FARs, the information obtained in the interviews, and the ~~administrative~~Administrative ~~evaluation~~Evaluations. Following this review, the dean will submit an "Administrative Evaluation" form and supporting documentation to the ~~Provost and~~ Vice President for Academic Affairs for recommendation, if appropriate, to the President of the university, with a copy to the faculty member.

### Merit Pay

#### 1. Qualifications:

To qualify for merit pay, a faculty member must submit to the appropriate administrator a completed ~~FAR~~"Annual Report on Teaching, Scholarly/Creative Activities, and Service" of the preceding year and any other pertinent information that may be requested.

#### 2. Criteria and Procedures:

Outstanding teaching, scholarly/creative activity, and service shall constitute the basis for awarding merit pay to a faculty member. For each of those three categories, *colleges and therefore, each departments/divisions shall identify specific characteristics pertinent to its role within the University-wide mission and purpose*establish their own appropriate and specific merit criteria and awarding procedures.

~~Outstanding performance in one and preferably more of the three categories of activity shall be considered appropriate for consideration for the awarding of merit pay. In no case will outstanding performance in research or service compensate for poor performance in teaching.~~

#### 3. Procedures:

~~Faculty members shall provide their chair or director with copies of their "Annual Report on Teaching, Scholarly/Creative Activities, and Service" for the preceding year as well as any other supporting documentation that may be requested. The report and supporting documentation of each applicant shall be received and reviewed by the chair or director. At the discretion of the department/division an elected or appointed advisory panel/committee of faculty members may be utilized to advise the chair.~~

~~Recommendations by the chair/director and, if utilized, the faculty committee/panel shall be made to the academic dean.~~

~~The supporting documentation for each candidate shall be reviewed by the academic dean. The purpose of this review is to assure that the candidate is afforded basic fairness~~

~~and due process in accordance with the established departmental, college, and university policies and procedures and to assess the adequacy and sufficiency of the evidence. At the discretion of the college, an elected or appointed advisory panel/committee of faculty members may be utilized to advise the dean.~~

~~Recommendation~~ Merit recommendations by the chair/director are approved by the dean and Provost and dean shall be made to the Vice President for Academic Affairs. The recommendation of the chair or director (and department panel/committee if utilized) shall be included with the dean's recommendation.

The Provost and Vice President shall make merit recommendations to the President for final approval.

### Promotion

~~The policies and procedures for the promotion of a faculty member are set forth in the Academic Promotion, policy (E-3A). Apropos to this document, the supporting materials submitted to the departmental/divisional chair/director with a "Promotion/Tenure Application" should include the "Annual Report on Teaching, Scholarly/Creative Activities, and Service", used also for formal evaluation and application for merit pay, and any other relevant material that may be requested.~~

### Tenure

~~The policies and procedures for tenure of a faculty member are set forth in Tenure, policy E-50A. Apropos to these documents, the supporting materials submitted to the departmental/divisional chair/director with a "Promotion/Tenure Application" should include the "Annual Report on Teaching, Scholarly/Creative Activities, and Service", used also for formal evaluation and application for merit pay, and any other relevant material that may be requested.~~

**Source of Authority:** Board of Regents, President, Provost and Vice President for Academic Affairs.

**Cross Reference:** Faculty Handbook, E-3A, and E-50A

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

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

**Forms:** Annual Faculty Activity Report and on Teaching, Scholarly/Creative Activities, and Service (2 pages); Administrative Evaluation available in the Office of the Provost and Vice President for Academic Affairs; Promotion/Tenure Application (all available from University Printing Services)

## Food Purchases (C-13)

**Original Implementation:** April 13, 1988

**Last Revision:** ~~April 13, 2006~~ October 30, 2007

With the exception of food purchased for travel, educational research, ~~or~~ laboratory purposes, *or as provided in the Appropriations Act for expenses related to the governing board*, the only funds which may be expended for food and/or beverage purchases shall be from Auxiliary, Designated, or Restricted Accounts.

~~1.~~ Expenditure of these funds for such purposes must serve a legitimate public purpose or must further the educational function of the university.

~~2.~~ Restricted funds may be used if allowed by the donor or granting agency.

~~Payments for food purchases can be made on a University Procurement Card, (P-roCard) or with a Purchase Requisition. The P-roCard receipt/P-roCard transaction detail summary or the Purchase Requisition must indicate the time and place of the function and must identify the direct beneficiaries of the function. The Purchase Requisition must be approved by appropriate administrative personnel.~~

State funds and funds under the control of the Intercollegiate Athletic Office may not be used to purchase alcoholic beverages. Purchase of alcoholic beverages must be approved in advance by the appropriate vice president.

*Payments for food purchases can be made on a University Procurement Card, (P-Card) or with a Purchase Requisition. The P-Card receipt/P-Card transaction detail summary or the Purchase Requisition must indicate the time and place of the function and must identify the direct beneficiaries of the function. The Purchase Requisition must be approved by appropriate administrative personnel.*

The following statement must be typed on the Purchase Requisition or P-roCard transaction detail summary and must be certified as true and correct by the account manager.

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

An original itemized receipt from the restaurant or vendor *is required for P-Card documentation or for payment of a purchase order* ~~must be forwarded to the Accounts Payable Department before payment can be made~~ to a vendor or to an individual seeking reimbursement. Credit card receipts without an itemized receipt from the restaurant or vendor *are not acceptable* ~~will not be reimbursed~~.

**Source of Authority:** ~~State of Texas Purchase Policies and Procedures Guide, President, Vice President for Finance and Administration~~

**Cross Reference:** ~~Policy C-30, Purchase Requisition (C-30); Policy C-44, Procurement Card (C-44)~~

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

**Contact for Revision:** Controller, Director of Purchasing and Inventory/*HUB Coordinator*

**Forms:** None

## Fraud (C-46)

**Original Implementation:** Replaces Reporting Fiscal Misconduct Policy C-46 implemented January 28, 1997

**Last Revision:** ~~October 20, 2005~~ *October 30, 2007*

### INTRODUCTION

This policy establishes procedures and responsibilities for detecting, reporting and resolving instances of known or suspected fraudulent activity. The intent of the policy is to protect the assets and interests of the university, prescribe a coordinated approach toward investigation and resolution of fraudulent activity and outline specific responsibilities for individuals responding to the investigation of a fraudulent activity. Retaliation for filing a good faith report regarding suspected fraudulent activity is prohibited by this policy, and is cause for disciplinary action, up to and including termination.

- A) University - Stephen F. Austin State University and all of its components, regardless of the source of funding.
- B) Employee - All persons receiving compensation from the university, including faculty, staff, and students. The term also includes any volunteer who provides services to the university through an official arrangement with the university or a university organization.
- C) Management - Any administrator, manager, account holder, director, supervisor or other individual who manages or supervises funds, assets or other resources, including human resources.
- D) Fraud - Fraud is defined as a representation usually of fact about a material point which is intentionally, knowingly or recklessly false which is believed and acted upon by a victim to the victim's damage.
- E) Fraudulent Activities/Fiscal Misconduct - Defalcation, misappropriation, and other fiscal irregularities or improprieties meeting the definition of fraud in D) above including but not limited to:
  - 1) dishonest, illegal, or fraudulent acts involving university property;
  - 2) forgery or alteration of documents including checks, drafts, promissory notes, securities, purchase orders, budgets, etc.;

- 3) forgery or unauthorized alteration by employees of employee benefit or salary-related items such as time sheets, payroll documents, billings, claims, surrenders, assignments, or changes in beneficiary;
- 4) forgery or unauthorized alteration by employees of student related items such as grades, transcripts, loans, fees, financial aid applications, financial aid records;
- 5) misappropriation of funds, securities, supplies, or any other asset of the university;
- 6) illegal or fraudulent handling or reporting of money transactions;
- 7) employee acceptance or solicitation of any gift, favor, or service that might reasonably tend to influence the employee in the discharge of his or her official duties;
- 8) theft, destruction or disappearance of records, furniture, fixtures, equipment or other records or assets;
- 9) misrepresentation of information on documents;
- 10) authorizing or receiving payment for goods not received or services not performed;
- 11) knowing, reckless, or intentional inaccuracies in the maintenance of books and records or irregularities in financial reporting;
- 12) any apparent violation of federal, state or local laws related to dishonest activities or fraud;
- 13) any similar or related activity.

F) Suspected Fraudulent Activity - A reasonable belief or actual knowledge that fraudulent activity has or is occurring. Failure to show an actual diversion of assets or loss shall not be considered unreasonable belief.

#### MANAGEMENT RESPONSIBILITY

Management is responsible for detecting fraudulent or related dishonest activity in their areas of responsibility. Management is responsible for establishing and maintaining a system of internal control that provides reasonable assurance that improprieties are prevented and detected. Each manager should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that such a defalcation, misappropriation, or other fiscal irregularity has occurred. When an impropriety is



suspected, management should determine if an error or mistake has occurred or if there may be dishonest or fraudulent activity.

Management will support the university's fiduciary responsibilities and will cooperate with auditors and law enforcement agencies in the detection, investigation, and reporting of criminal acts, including prosecution of offenders. Every effort should be made to recover university losses.

## **REPORTING SUSPECTED IMPROPRIETY OR FRAUDULENT ACTIVITY**

Any employee of the university who knows of or suspects fraudulent activity or improprieties must promptly notify his or her immediate supervisor and/or one of the following investigative units: the Department of Audit Services, the Office of General Counsel, the University Police Department or the Human Resources Department. The unit contacted shall contact the remaining three units as appropriate to establish the necessary investigative team and procedures.

Great care must be taken in the reporting and investigation of suspected improprieties or irregularities to avoid incorrect accusations or alerting suspected individuals that an investigation or audit is underway and also to avoid making statements which could provide a basis for a lawsuit for false accusation or other offense. The reporting individual should not:

- 1) contact the suspected individual to determine facts or demand restitution; or
- 2) discuss the facts, suspicions, or allegations associated with the case with anyone, unless specifically directed to do so by the Department of Audit Services, University Police, or Office of the General Counsel.

To the extent permitted by the applicable provisions of the Texas Open Records Act, confidentiality of those reporting dishonest or fraudulent activities will be maintained. However, the confidentiality cannot be maintained if that individual is required to serve as a witness in legal proceedings.

The university will maintain an anonymous reporting system through the Department of Audit Services for reporting dishonest or fraudulent activity.

## **INVESTIGATION**

Prior to conducting an investigation, the following personnel will communicate as appropriate to establish the necessary investigative team: general counsel, director of audit services, university chief of police, and director of human resources.

The Department of Audit Services will supervise all audits of allegations of defalcation, misappropriation, and other fiscal irregularities. The Department of Audit services will have full and unrestricted access to all necessary records and personnel. All university furniture and contents, including desks and computers, are open to inspection when there is reasonable suspicion of a dishonest or fraudulent activity which makes such inspection appropriate; there is no assumption of privacy. General counsel shall be contacted before inspection of desks and computers beyond inadvertent or official access. Every effort should be made to effect recovery of university losses.

All affected departments and/or individuals shall cooperate fully with the investigative team to identify whether or not actual fraudulent activity has occurred.

The investigative team shall update university administration of the progress of all investigations. The scope of and individuals subject to investigations are to be considered in determining the extent and nature of notification.

The results of all investigations will be reported to the president of the university or to the chair of the regent's Finance *and Audit* Committee when considered necessary.

When an audit reveals suspected criminal activity, or an audit is initiated due to an allegation of criminal activity, the university police chief will be notified immediately and the audit will proceed under his direction. In order to avoid the use of investigative techniques that might prevent evidence from being used in a criminal prosecution, university chief of police will coordinate the criminal investigation once probable criminal activity has been detected. The Department of Audit Services shall assist the university police in investigations of suspected defalcation, misappropriation, and other fiscal irregularities that require accounting and auditing knowledge of university records.

When an audit involves allegations or reveals suspected criminal activity which may constitute a felony offense, the chief of police shall, when appropriate, immediately notify the president or his designee. The director of audit services shall keep the university chief of police informed regarding the progress of the audit.

The university police, Department of Audit Services, and Office of the General Counsel will coordinate assistance provided to state, federal, and local law enforcement agencies in connection with felony fraud investigations. All requests for information and/or assistance from such agencies, received by any other component of the university, shall be immediately forwarded to the university police for determination and handling. All reasonable assistance will be given to law enforcement agencies when requested.

All requests for information and assistance related to investigations conducted by auditors of federal and state agencies, which are concerned with potential dishonest or

fraudulent activities within the university, shall be forwarded immediately to the director of audit services for consultation with the Office of General Counsel.

In order to protect the reputations of innocent persons initially suspected of wrongful conduct and to protect the university from potential civil liability, the results of investigations and attendant audits will not be disclosed or discussed with anyone other than authorized representatives of law enforcement and/or regulatory agencies and only those persons associated with the university who have a legitimate need to know such results in order to perform their duties and responsibilities, subject to provisions of the Texas Open Records Act.

Pursuant to Section 321.022 of the Texas Government Code, the president shall file an appropriate report with the Office of the State Auditor. All records of a communication by or to the state auditor in this regard are legally considered audit working papers of the state auditor.

Audits revealing violations of the Penal Code for which an audit report will be issued shall be reduced to final report form only after consultation by university police with the local prosecutor or the Office of General Counsel to ensure that appropriate documentation of the facts has been achieved in order to permit appropriate personnel action, protect innocent persons, support appropriate civil or criminal actions, document claims made pursuant to applicable fidelity bonds, preserve the integrity of criminal investigation and prosecution and avoid unnecessary litigation.

All inquiries from the suspected individual, their representative or their attorney shall be directed to the Office of General Counsel without further comment.

All reproduction of documents, evidence, and reports shall be performed within the secured work area of the university police or Office of Audit Services. Any requests to release or review such documents will be coordinated through the Office of the General Counsel.

When an audit initiated due to an allegation of criminal activity has failed to detect criminal activity or when advised by the Office of General Counsel, the director of audit services has the discretion to stop the audit. The Office of University Police retains authority to review the progress of criminal investigations and to determine whether to pursue a criminal prosecution.

## **AUDIT FINDINGS**

Each investigation of possible dishonest or fraudulent activities has the potential to provide valuable insight into university activities. Investigations may disclose control

weaknesses or other deficiencies that require additional auditing or attention by management. The Office of Audit Services shall consider the nature and extent of the investigation and complete any additional audit work necessary to provide management with information for appropriate action.

**~~Source of Authority:~~** ~~Board of Regents; Section 321.022 of the Texas Government Code~~

**Cross Reference:** Employee Conduct E-15, Ethics Policy E-56, Discipline and Discharge E-11, *Section 321.022 of the Texas Government Code*

***Responsible for Implementation:*** *President*

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

**Forms:** None

## Graduate Student Orientation and Advisement (A-61)

**Original Implementation:** October 31, 2000

**Last Revision:** ~~July 15, 2003~~ *October 30, 2007*

Academic departments offering graduate programs should provide all of their graduate students, both full-time and part-time, with a systematic, effective program of orientation and academic advising. All students are to be assigned a graduate faculty member as an advisor to direct the student during his or her program of studies. The responsibility of the advisor will include but may not be limited to:

- providing or arranging for an orientation to departmental organization, administration, key personnel, facilities and procedures;
- directing the student to university resources, guidelines, procedures, and policies which may affect the student's graduate experience;
- informing the student of the program's relationship to the college, university, and external agencies;
- providing an orientation to the registration process, including dates, procedures, early registration, restrictions, and other information;
- advising the student on degree requirements such as core or required courses, proper sequencing of courses, minimum credit hours, minimum grade-point averages, removal of withheld grades, thesis vs. non-thesis option, transfer courses, and time limits for completion of degree programs;
- advising the student on graduate school requirements such as ~~admission to candidacy~~, maintaining good academic standing in the graduate school, comprehensive examinations, thesis approval procedures, thesis/exhibition/dissertation examinations, and policies and procedures relevant to taking (and retaking) comprehensive or thesis examinations;
- providing the student with an explanation of academic honesty in the classroom and in research;
- advising the student on his or her rights and responsibilities and pointing out the process of appealing decisions and/or the actions of others; and
- assisting the student with the process of applying for graduation and completing all documentation required for graduation.

Departmental orientation and advising programs must be appropriately evaluated and included in the annual departmental assessment report, including information on how the results of the assessment will be used to enhance effective assistance to students.

**Source of Authority :** ~~Provost and Vice President for Academic Affairs~~

**Cross Reference:** Current Graduate Bulletin, Graduate Student Handbook, Student Handbook

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

| **Contact for Revision:** *Dean and* Associate Vice President for Graduate Studies and Research

**Forms:** None

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## Guarantees Relating to Matters other than Termination and Non-Renewal of Contracts (E-26A)

**Original Implementation:** April 3, 1979

**Last Revision:** ~~January 15, 2002~~ October 30, 2007

The resolution of disagreements regarding administrative decisions other than dismissal is to be pursued first with the *academic chair/director* ~~department chairman~~. If the matter is not, or cannot be, satisfactorily resolved at that level, the faculty member may put in writing the disagreement and submit it to the *college dean* ~~of the college~~, with a copy to the *academic chair/director* ~~department chairman~~.

The *college dean* ~~of the college~~ will consult with the faculty member and the *academic chair/director* ~~department chairman~~ in an effort to resolve the disagreement. The dean may consult with others deemed to have insight into the matter. If the matter is not, or cannot be, satisfactorily resolved at that level, the faculty member may request that it be referred to the *Provost and Vice President for Academic Affairs*.

The *Provost and Vice President for Academic Affairs* will consult with the faculty member, the *academic chair/director* ~~department chairman~~, and the *college dean* ~~of the college~~ in an effort to resolve the disagreement. The *Provost and Vice President* may consult with others deemed to have insight into the matter. If the matter is not, or cannot be, satisfactorily resolved at that level, the faculty member may request that it be referred to the President.

The President will consult with the faculty member, the *academic chair/director* ~~department chairman~~, the *college dean* ~~of the college~~, and the *Provost and Vice President for Academic Affairs* in an effort to resolve the disagreement. The President may consult with others deemed to have insight into the matter. The decision of the President is final and will be communicated to the faculty member in writing within a reasonable time through *appropriate* administrative channels.

If the disagreement under review is an allegation that university policy regarding the faculty member's conditions of employment have been violated, the faculty member may request that prior to the President's final determination the matter be heard by a *subcommittee* of the University Grievance Panel.

1. ~~Advisory Subc~~*ommittee of the University Grievance Panel* to hear the evidence will be composed of five members selected as follows from the University Grievance Panel: two members selected by the faculty member, two by the President or the President's delegate, and one by lot. Each party will have one challenge without stated cause.
2. Once constituted, the ~~Advisory Committee~~ *subcommittee* will organize itself to carry out its responsibilities and establish its procedures.
3. When the ~~Advisory C~~*subcommittee* has made its determination ~~of as to~~ whether and to what extent university policy with regard to the faculty member's

conditions of employment have been violated, it will advise the President and the faculty member of its findings.

4. The President will review the report of the Advisory ~~Subcommittee~~ and will consult with the faculty member, the *academic chair/director*~~department chairman~~, the *college dean*~~of the college~~, and the *Provost and Vice President* for Academic Affairs in an effort to resolve the issue. The President may consult with others deemed to have insight into the matter. The decision of the President is final and will be communicated to the faculty member in writing within a reasonable time through *appropriate* administrative channels.

**~~Source of Authority:~~ President**

**Cross Reference:** Faculty Handbook

***Responsible for Implementation:*** President

**Contact for Revision:** President

**Forms:** None



## Guest Lecturers (A-21)

**Original Implementation:** October 1, 1980

**Last Revision:** ~~April 20, 2004~~ *October 30, 2007*

Occasionally, a faculty member may find it desirable to have a guest lecturer not affiliated with the university address his/her class. When guest lecturers not affiliated with the university are utilized in the conduct of a class, it is the obligation of the faculty member to assure that the principles of academic responsibility are upheld. Except as provided under policy governing absences from classes by faculty, the faculty member will be present when a guest lecturer addresses his/her class.

~~**Source of Authority :** Provost and Vice President for Academic Affairs~~

**Cross Reference :** Faculty Handbook

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

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

**Forms :** None

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

**Original Implementation:** 1972

**Last Revision:** ~~October 14, 2004~~ October 30, 2007

The provisions of the policy on the Use of University Facilities (B-1) govern the use of all buildings, facilities, equipment, and grounds, hereafter referred to as facilities, under the control of Stephen F. Austin State University. That policy provides that the university may establish additional procedures for the reservation and use of specific facilities; therefore, the following provisions apply to Homer Bryce Stadium and William R. Johnson Coliseum.

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

1. The ~~Special Events Coordinator~~ *Coordinator of Athletic Operations* will complete a facility use application.
2. The ~~Special Events Coordinator~~ *Coordinator of Athletic Operations* will assist university departments and student organizations with coordination of university police department and university physical plant services for upcoming events.
3. If a fee is required, a contract will be completed before the date of the event.
4. The William R. Johnson Coliseum marquee will be used to advertise only official university events. Requests for messages on the marquee should be made to the ~~Special Events Coordinator~~ *Coordinator of Athletic Operations*.

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

**Cross Reference:** None

***Responsible for Implementation: President***

**Contact for Revision:** ~~Vice President for University Affairs~~ *President*

**Forms:** None

## Human Research Subjects Protection (A-62)

**Original Implementation:** April 30, 2002

**Last Revision:** ~~None~~ October 30, 2007

### I. Introduction

A. Stephen F. Austin State University (*SFASU*) is a dynamic, learning-centered university dedicated to student success, vital community outreach programs, and the advancement of knowledge and creativity. While fulfilling this mission, the university seeks to protect the welfare of every person who may be involved in research and training projects.

B. The university bears the responsibility for complying with federal, state, and local laws and gives assurance that it will comply with the Department of Health and Human Services (DHHS) regulations for the Protection of Human Subjects in Research (45 CFR 46, as amended), *which include* ~~Additionally, the institution will comply with the requirements set forth in 45 CFR 46 Subpart D which provides additional protections for others-specific groups~~ involved in research, such as *pregnant women*, children, prisoners, and persons confined to facilities where the individual's freedom of movement might be restricted.

C. ~~Thus, t~~*Therefore*, the university has set forth the following ~~principles and policies~~*policy and principles*, which should be interpreted in the context of the ethical principles regarding all research involving humans as subjects as set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research entitled, Ethical Principles and Guidelines for the Protection of Human Subjects of Research (the "Belmont Report"), and in the Code of Federal Regulations (CFR).

### II. Institutional Policy

A. It is the policy of the university that all research and research-related activities, in which humans are used as subjects, shall be subject to review under current DHHS regulations by an Institutional Review Board (IRB).

B. Research means *an systematic investigation, including research development, testing and evaluation, designed to develop or contribute to activity designed to test a hypothesis, permit conclusions to be drawn, and thereby develop or contribute to generalizable knowledge* (expressed, for example, in theories, principles, and statements of relationships). Research is usually

described in a formal protocol that sets forth an objective and a set of procedures designed to reach that objective.

C. This policy does not apply to program assessment or evaluation, journalistic inquiries, and activities designed to gather information about specific topics which are not generalizable beyond the scope of the investigation. (See also *Section VI. Exempted Research*, ~~page 6.~~)

D. Except for research in which the only involvement of human subjects is in one or more of the categories exempted by this policy, all research projects involving human subjects, and all other activities which even in part involve such research must be approved by the IRB acting in whole or in part if:

1. the research is sponsored by this institution; or
2. the research is conducted by or under the direction of any employee or agent of this institution in connection with his or her institutional responsibilities (this includes student research under the direction of a faculty sponsor); or
3. the research is conducted by or under the direction of any employee or agent of this institution using any property or facility of this institution; or
4. the research involves the use of this institution's non-public information to identify or contact human research subjects or prospective subjects; or
5. the research is conducted by or under the direction of any employee or agent of another institution but who is using research subjects associated with this institution or using facilities or property belonging to the university under written agreement with appropriate university officials.

### III. Guiding Principles to the Ethical Use of Human Research Subjects

A. ~~1.~~ Since the participation of humans in research projects may raise fundamental ethical and civil rights questions, SFASU makes no distinctions between funded and unfunded projects, sponsored and unsponsored projects, or between projects carried out by students, faculty, or other university employees, on-campus or off-campus.

B. ~~2.~~ All activities involving humans as subjects must provide for the safety, health and welfare of every individual. Rights, including the right to privacy, must not be infringed.

~~3.~~C. The direct or potential benefits to the subject or the importance of the knowledge to be gained must outweigh the inherent risks to the individual.

~~4-D.~~ Participation in projects must be voluntary, and informed consent must be obtained from all subjects, unless this requirement is specifically waived by the Institutional Review Board (IRB) as provided in 45 CFR 46.116(c). To obtain the subject's informed consent, the researcher must use methods that are in accordance with the requirements of 45 CFR 46.116 and 45 CFR 46.117 and adequate and appropriate to the risks of the project.

~~5-E.~~ Whenever possible, consent should be obtained from the participants themselves. If a subject is not legally or physically capable of giving informed consent, a legally authorized representative may do so.

~~6-F.~~ An individual does not abdicate any rights by consenting to be a research subject. A subject has the right to withdraw from a research project at any time or can refuse to participate; in either case, the subject must not experience loss of benefits to which he or she would otherwise be entitled. Further, a subject has the right to receive appropriate professional care, to enjoy privacy and confidentiality in the use of personal information, and to be free from undue embarrassment, discomfort, anxiety, and harassment.

~~7-G.~~ Safeguarding information about an individual that has been obtained in the course of an investigation is a primary obligation of the investigator. When the investigator is a student, responsibility for the conduct of the research and the supervision of human subjects lies with the faculty sponsor.

~~8-H.~~ Projects are reviewed by the IRB as set forth in this policy. All members of the university community involved in investigation are responsible for continual monitoring to assure compliance of their research with these principles.

~~9-I.~~ No individual involved in the conduct and/or supervision of a specific project can participate in IRB review, except to provide information.

~~10-J.~~ A second review may be required if: a) a long interval has elapsed between the initial IRB review and the beginning of the project; b) the proposed effort is in a rapidly changing scientific area; or c) the principle investigator wishes to change procedures after the proposed project has been reviewed by the IRB.

~~K.~~ *~~11-All approved research is subject to continuing review at intervals appropriate to the degree of risk, but not less than once per year.~~*

~~112-L.~~ In all cases, the investigator should show practical regard for the ~~Stephen F. Austin State University~~ *SFASU* community, recognizing that violations of the

ethical and legal standards incorporated in this statement of principles (for example, concerning confidentiality, informed consent, debriefing, and regard for the health, safety and welfare of all human subjects) could impugn the investigator's own name and reputation and the reputation of the university. The investigator does not abdicate ethical and legal responsibility merely by complying with this protocol. It is always the responsibility of the investigator to obtain clearance from the IRB prior to the initiation of any research activity involving the use of human subjects. Failure to do so may result in personal restrictions on the research activities of such individuals, as well as potentially endanger all federal funding to the university.

~~123.~~ *M.* Involving human subjects in research will not be permitted until the IRB has reviewed and approved the research protocol and informed consent has been obtained.

### III. IRB Membership and Institutional Responsibilities

~~Stephen F. Austin State University~~ *SFASU* has established an Institutional Review Board for the Protection of Human Subjects in Research (IRB) which has the responsibility and authority to review, approve, disapprove, or require changes in appropriate research activities involving human subjects.

~~1.~~ *A.* The IRB shall have direct jurisdiction over all human subject research activities of ~~Stephen F. Austin State University~~ *SFASU* faculty, staff, and students. The IRB shall have at least six members: one community representative not associated with the university, four faculty members knowledgeable about applicable laws and standards of professional conduct and practice in the use of human subjects in research, and one faculty member from a non-scientific department. All members are appointed by the president of the university for indefinite terms. The IRB chair is selected and appointed by the president of the university from among the faculty members on the IRB.

The IRB may, at its discretion, invite individuals with competence in special areas to assist in the review of complex issues which require expertise beyond or in addition to that available on the IRB. These individuals shall have no voting rights.

*B. Whenever possible, the chair of the IRB will be granted a one course release each semester in order to assure sufficient staff to support the committee's review and recordkeeping duties.*

C. The IRB will meet once each month or as needed with due regard for a thorough but speedy assessment of applications.

~~3-D.~~ An expedited review procedure is possible for those applications which involve no more than minimal risk to subjects and also fall under one of the research categories eligible for expedited review or fall under the categories exempted by federal regulations. Final determination as to whether a specific project is eligible for expedited review can only be made by the IRB.

~~4-E.~~ The department chair or director (or a designated faculty member responsible for preliminary IRB review) will be responsible for insuring that research by individuals (faculty, students, or employees) is conducted according to human subjects guidelines.

F. The IRB will weigh the following primary factors in making its determination:

1. ~~a-~~ That the rights and welfare of the subjects will be adequately protected. Each project will be scrutinized with the interests of the subjects foremost in consideration. No procedures shall be followed that would result in unnecessary or unacceptable risks to the subjects. Appropriate safeguards and emergency measures must be provided.
2. ~~b-~~ That the risks to the subjects are reasonable in relation to anticipated benefits. The project protocol will be evaluated to determine if the risks to subjects are reasonable in relation to the anticipated benefits, if any, to the subjects and the importance of the knowledge that may reasonably be expected to result. The IRB expects that human subjects will not be utilized in projects which are poorly designed. However, the responsibility for monitoring research design lies primarily with the appropriate department chair, division director, or faculty sponsor.
3. ~~c-~~ That the informed consent of subjects will be obtained by adequate and appropriate methods.

~~6-G.~~ It is the responsibility of a faculty/staff member to monitor classroom projects of their students that involve human subjects, and to consult with the IRB on projects that involve human subjects.

#### IV. Informed Consent



A. No subject may be involved in research without the legally effective informed consent of the subject or the subject's legally authorized representative. This consent must be sought under circumstances that provide sufficient opportunities for the subject to freely consider whether or not to participate. Particular attention should be paid toward minimizing the possibility of coercion or undue influence.

B. The information given to the subject or to the subject's legally authorized representative must be in simple, easily understood language. If the subject population is not English speaking, the informed consent must be presented in whatever language is appropriate.

C. If the subject is a minor, written parental consent is required unless this requirement is waived by the IRB. A waiver of the written informed consent requirement in accordance with 45 CFR 46.116(c) will be granted only if the investigator can provide adequate justification for the request. In addition to obtaining parental consent, the investigator must obtain the assent of the child unless the child is incapable of giving assent and the IRB has waived the requirement

**NOTE:** As defined by the General Counsel of ~~Stephen F. Austin State University~~ *SFASU*, the legal age of consent (for research purposes) in the State of Texas is 18 years old.

D. No informed consent, whether written or oral, may waive or limit in appearance or in fact, the subject's legal rights, including any release of the institution or its agents from liability or negligence.

E. Specific requirements for informed consent, *and guidelines, and sample consent forms* can be found on the *Office of Research and Sponsored Programs (ORSP)* web site at [www.sfasu.edu/orsp](http://www.sfasu.edu/orsp).

#### V. Expedited Review

A. DHHS regulations recognize that there are certain categories of research which involve procedures which pose no more than minimal risks to subjects and for which clear standards can be set. Accordingly, research projects which fall under one of the categories listed below will be eligible for expedited review. The research protocol will be reviewed by the IRB chair and/or one or more experienced IRB members selected by the chair. This group will exercise all of the authorities of the IRB except that the reviewers may not disapprove the research.

B. Listed below are six categories subject to expedited review. In addition, there are five categories subject to expedited review which involve medical, dental, and pharmacological research. Information on these five categories is available from ORSP. Expedited review will be given only for research protocols that fall under one of the following categories.

1. Minor modifications or additions to existing approved studies.
2. Research on individual or group behavior or characteristics of individuals (*including, but not limited to, research on, ~~such as surveys, interviews, studies of~~ perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, social behavior, game theory, ~~and~~ test development*) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies, when ~~where~~ the investigator does not manipulate subjects' behavior and the research will not involve stress to subjects.
3. The study of existing data, documents, records, pathological specimens or diagnostic specimens.
4. *Collection of data from ~~V~~voice, video, digital, or image recordings made for research purposes (e.g., ~~such as~~ investigations of speech defects).*
5. Moderate exercise by healthy volunteers.
6. Recording of data from subjects 18 years of age or older using noninvasive procedures routinely employed in clinical practice.

#### VI. Exempted Research

The university has adopted six categories of research as exempt from on-going IRB review based upon DHHS regulations published in the Federal Register on January 26, 1981 and March 4, 1983.

It is the department chair's responsibility, in consultation with an IRB contact person as needed, to determine whether research projects fall within the following categories of exemption:

- A. ~~1.~~ Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as *research on:*

~~a. 1. research on~~ regular and special education instructional strategies; or

~~b. 2. research on~~ the effectiveness of or the comparison among instructional techniques, or curricula; ~~or classroom management methods.~~

2-B. Research involving the use of educational tests (cognitive diagnostic, aptitude, achievement), if information taken from these sources is recorded in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

3-C. Research involving survey or interviewing procedures, **EXCEPT** where any of the following conditions exist:

~~a. 1.~~ responses are recorded in such a manner that the subjects can be identified, directly or through identifiers linked to the subject;

~~b. 2.~~ the subject's responses, if they become known outside the research could reasonably place the subject at risk of criminal or civil liability or be damaging to the subject's financial standing or employability;

~~c. 3.~~ the research deals with sensitive aspects of the subject's own behavior, such as illegal conduct, drug use, sexual behavior, or use of alcohol; or

~~d. 4.~~ the research involves the use of children, minor age students, or other vulnerable groups as subjects.

D. All research involving survey or interview procedures is exempt, without exception, when the respondents are elected or appointed public officials or candidates for public office.

E. ~~4.~~ Research involving the observation (including observation by participants) of public behavior, **EXCEPT** where any of the following conditions exist:

~~1. a.~~ observations are recorded in such a manner that the subjects can be identified, directly or through identifiers linked to the subjects;

~~b. 2.~~ the observations recorded about the individual, if they become known outside the research, could reasonably place the subject at risk of criminal or civil liability or be damaging to the subject's financial standing or employability; ~~and~~

~~e-3.~~ the research deals with sensitive aspects of the subject's own behavior such as illegal conduct, drug use, sexual behavior, or use of alcohol; or

~~d-4.~~ the research involves the use of children, minor age students, or other protected or vulnerable groups as subjects and the investigator is a participant in the activities being observed.

~~5-F.~~ Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the principle investigator(s) in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

~~6-G.~~ Research and demonstration projects which are conducted by or subject to the approval of the Department of Health and Human Services, and which are designed to study, evaluate, or otherwise examine:

~~a-1.~~ programs under the Social Security Act, or other public benefit or service programs;

~~b-2.~~ procedures for obtaining benefits or services under those programs;

~~e-3.~~ possible changes in or alternatives to those programs or procedures; or

~~d-4.~~ possible changes in methods or levels of payment for benefits or services under those programs.

## VII. Definition of Terms

*A. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge (expressed, for example, in theories, principles, and statements of relationships). Research is usually described in a formal protocol that sets forth an objective and a set of procedures designed to reach that objective.*

~~1. Research means an activity designed to test a hypothesis, permit conclusions to be drawn, and thereby develop or contribute to generalizable knowledge (expressed, for example, in theories, principles, and statements of relationships). Research is usually described in a formal protocol that sets forth an objective and a set of procedures designed to reach that objective.~~

2-B. Human Subject means a living person about whom an investigator conducting research obtains a) data through intervention or interaction with the individual (e.g., surveys, interviews) or b) identifiable, private information (e.g., existing records).

3-C. Private Information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place and information which has been provided for specific purposes by an individual and which that individual can reasonably expect will not be made public (e.g., a medical record).

4-D. Minimal Risk means that the risks of harm anticipated in the proposed research are not greater in either probability or magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

5-E. Informed Consent means the knowing, legally-effective consent of any individual or the individual's legally authorized representative. Such consent can be obtained only under circumstances that a) provide the prospective subject or representative sufficient opportunity to consider whether or not to participate, b) minimize the possibility of coercion or undue influence, and c) provide information about the research to the participants.

6-F. Legally Authorized Representative means an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to the subject's participation in the research procedure(s) (e.g., the parent of a minor child).

Application procedures, explanation of IRB procedures and requirements for approval, and IRB forms and sample consent forms are located at the Office of Research and Sponsored Programs (ORSP) web site at [www.sfasu.edu/orsp](http://www.sfasu.edu/orsp).

**SOURCE OF AUTHORITY:** Ethical Principles and Guidelines for the Protection of Human Subjects in Research: The Belmont Report; Title 45, Part 46 of the Code of Federal Regulations, as amended; President; Vice President for Academic Affairs

**Cross Reference:** None Ethical Principles and Guidelines for the Protection of Human Subjects in Research: The Belmont Report; Title 45, Part 46 of the Code of Federal Regulations, as amended.

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

**Contact for Revision:** Associate Vice President for Graduate Studies and Research

**Forms:** None

## Illicit Drugs and Alcohol Abuse (D-19)

**Original Implementation:** September 1, 1986

**Last Revision:** ~~January 20, 2006~~ *October 30, 2007*

It is the declared policy of the United States government to create a drug-free America by 1995. As a part of that policy, the Drug-Free Workplace Act of 1988, P.L. 100-690, Subtitle D was adopted. On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendment of 1989, P.L. 101-226, which amends provisions of the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965. University policies relating to the use of illegal drugs and alcoholic beverages have been established by the board of regents of Stephen F. Austin State University in compliance with state and federal law.

### Standards of Conduct

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

University policy prohibits all employees (full-time and part-time faculty, staff, and students) from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.

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

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

Lumberjack Alley tailgate events (must cease 30 minutes prior to the game);

Homer Bryce Stadium Pressbox (only if catered or sold through a licensed vendor);

~~University Center receptions or meals (only if catered or sold through a licensed vendor and approved in advance by the President);~~

Opera House Downtown Art Gallery (only beer and wine may be served for events approved in advance by the dean of fine arts);

President's House (both interior and exterior).

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

It is the policy of Stephen F. Austin State University that any unlawful manufacture, possession or delivery of any controlled substance or illegal drug is strictly prohibited. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be.

### Health Risks

#### Alcohol Abuse.

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



in cirrhosis, alcoholic hepatitis, and cancer of the liver, peptic ulcer disease and possible damage of the adrenal and pituitary glands. Prolonged, excessive drinking can shorten life-span by 10-12 years.

### Illicit Drugs.

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

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

**Depressants.** The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but a somewhat larger dose can cause slurred speech, ataxia or unstable gait and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.

**Stimulants.** Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils; elevated blood pressure, heart and respiratory rate; and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose with long-term use eroding the nasal septum. The injection of cocaine with unsterile equipment can cause AIDS, hepatitis and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Overdoses occur easily.

**Hallucinogens.** Phencyclidine (PCP) users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic PCP users report persistent memory problems and speech difficulties. Mood disorders, such as depression, anxiety and violent behavior, may also occur. In late stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large

doses may produce convulsions and coma, heart failure, lung problems and/or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

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

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

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

## University Penalties

### Students.

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

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

### Employees.

Observance of the policy regarding alcoholic beverages and illegal drugs is a condition of employment for all university employees. An employee violating this policy shall be subject to employment discipline up to and including termination, or shall be required to undergo satisfactory participation in a drug abuse assistance or rehabilitation program. Any employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract who is convicted of violating a criminal drug statute shall notify his/her immediate supervisor of the conviction no later than five days after the conviction. The immediate supervisor shall promptly report the conviction to the appropriate vice president and the director of research services. On behalf of the university, the director of research services shall notify the federal agency grantor or contractor of the conviction within ten days of the University's receipt of notice from the employee or of receipt of other actual notice.

## State and Federal Penalties

### **Federal Law**

Offense	Minimum Punishment	Maximum Punishment
Manufacture, distribution or dispensing drugs	A term of imprisonment not more than 20 years, and a minimum fine of	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$4,000,000 (for

Offense	Minimum Punishment	Maximum Punishment
(includes marijuana)	\$1,000,000	an individual) or \$20,000,000 (if other than an individual)
Possession of drugs (including marijuana)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years or not less than 5 years, a fine of not less than \$5,000 plus costs of investigation and prosecution
Operation of a common carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

**Texas Law**

Offense	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substances (drugs)	Confinement in the Texas Department of Criminal Justice State Jail facility for a term of not more than 2 years or less 180 days, or confinement in a community correctional facility for not more than 1 year, and a fine not to exceed \$10,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs)	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Delivery of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$50,000
Possession of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 2 years or less than 30 days, or confinement in TDCJ for a term of not more than 10 years or less than 2 years and a fine of not more than \$10,000
Driving while intoxicated	Confinement in jail for a term of not more than two years or less	Confinement in jail for a term of not more than two years or

Offense	Minimum Punishment	Maximum Punishment
(includes intoxication from alcohol, drugs, or both)	than 72 hours, and a fine of not more than \$2,000, possible loss of driver's license and license surcharge up to \$2,000 per year for 3 years.	less than 30 days, or confinement in TDCJ for a term of not more than ten years or less than two years and a fine of not more than \$10,000
Public intoxication		A fine not to exceed \$500
Purchase <u>or</u> consumption <u>or</u> possession of alcohol by a minor	Fine of not more than \$500	For a subsequent offense a fine of not less than \$250 nor more than \$2000
Sale of alcohol or furnishing alcohol to a minor	Fine of up to \$4,000 and/or up to 1 year in jail	Both
Driving under the influence of alcohol by a minor	Fine of not more than \$500 and community service related to education about or prevention of misuse of alcohol.	A fine of not less than \$500 or more than \$2,000, confinement in jail not to exceed 180 days and/or both; community service related to education about or prevention of misuse of alcohol.

### Counseling, Treatment and Rehabilitation

#### Students.

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

Prevention/Education. The objectives of this element of the assistance program are to: increase awareness of the students, faculty, and staff concerning the psychological and health risks associated with chemical use; provide information to students regarding a variety of wellness issues which promote successful college adjustment; and, orient students, faculty and staff to the services available through the assistance program. Presentations are available to student groups on a variety of topics including alcohol and

substance abuse, adult children of alcoholics, assertiveness skills, stress and time management, self-esteem and related issues. A group representative should contact the counseling services office to schedule a presentation. The assistance program also offers an Alcohol Awareness Workshop. The workshop provides basic information, tools for self-assessment, information on university and state regulations, and an orientation to the assistance program. Students may request to attend the workshop or be referred by the judicial officer.

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

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

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

### Employees.

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

It is the intent of Stephen F. Austin State University to continue to strive for a drug-free campus and to comply with state and federal regulations regarding prevention programs

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

**~~Source of Authority~~Cross Reference:** P.L. 100-690, sec. 5151 et seq., partially codified at 21 USC § ~~848(a)~~1501-1502, Anti Drug Abuse Act of 1988; P.L. 101-226, which amends provisions of the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965, 20 USC 1145(g), 3182, 3191-3197; General Appropriations Act; OMB Circular A-21; V.T.C.A., Transportation Code, 708.102; V.T.C.A., Alcohol Beverage Code secs. 106.01 to 106.15; V.T.C.A., Penal Code secs. 12.01 to 12.49; ~~Board of Regents; President~~

**~~Cross Reference~~Responsible for Implementation:** ~~None~~President

**Contact for Revision:** General Counsel

**Forms:** None

## Inclement Weather and Other Emergencies (D-19.1)

**Original Implementation:** June 1, 1990

**Last Revision:** ~~January 19, 2006~~ *October 30, 2007*

In the event that inclement weather or other conditions impede the normal operations of the university, the president may declare an emergency, cancel classes, and close university offices for an appropriate period. The president's decision may be provided to the news media by the ~~Director of Public Affairs~~ *Office of Public Affairs*. In the absence of a specific announcement curtailing activities, the faculty, staff, and students should assume normal operation of the university.

If the president decides to declare an emergency, cancel classes, and close university offices, certain critical areas shall be required to continue operations. These are:

1. University Police - Employees designated by the chief of university police.
2. Physical Plant - Employees designated by the director of the physical plant department.
3. Housing - Employees designated by the director of housing.
4. *Student University Center* - Employees designated by the director of ~~Auxiliary~~ *student* services.
5. Any other area deemed critical by an appropriate vice president.

Employees who are required to report to work during the period the university is closed may receive compensatory time. Employees who voluntarily report to work during the period the university is closed shall not receive compensatory time. Employees who are on vacation or sick leave during the period the university is closed will not be charged for leave.

The provisions of this policy apply to all employees, regardless of the nature of their employment or the time of their work shift.

**Source of Authority:** ~~President~~

**Cross Reference:** None

**Responsible for Implementation:** *President*

**Contact For Revision:** Vice President for *University Affairs* ~~Finance and Administration~~

**Forms:** None



## Intellectual Property Rights for Distance Education (D-20a20A)

**Original Implementation:** April 22, 2003

**Last Revision:** ~~None~~ October 30, 2007

### Guiding Principles

1. The university strongly supports and encourages the development of intellectual property from faculty, staff and students. It also recognizes the importance of such property in fulfilling the mission of the university and in providing strength and vitality within the academic programs.
2. The university recognizes that faculty and students have exclusive ownership of copyrightable materials they create in the normal course of academic teaching or enrollment in classes, including, but not limited to syllabi, class notes and outlines, exams, handouts, web enhancements, etc. ~~The~~ This policy below, then, applies only to classes in which 50% or more of the content is delivered electronically and for which the university has a compelling interest because of its obligation to deliver advertised curricular programs and courses. The compelling interest of the university is to be negotiated via the procedure outlined in the "Introduction to Categories" ~~below~~ section.
3. The university supports the concept that ownership of intellectual property rights in distance education classes does not have to be an all-or-nothing proposition. The university believes that clarification of rights supports mutual interests of both the university and the developers of electronically delivered classes.
4. Strategic judgments about distance course development or the development of whole degree programs offered via distance education media are to be driven by curricular needs identified and approved by appropriate faculty, chairs, and deans of the colleges involved and in consultation with the director of Distance Education OIT. Expansion of distance education course offerings should be the result of careful strategic planning to maximize student enrollment and to meet the needs of students ~~who are unable to come regularly to the campus or who live outside commuting distance from the University.~~ In this process the university should promote programmatic and faculty strengths while seeking a distinctive niche in the distance education marketplace.
5. Members of the academic faculty are expected to maintain currency in their professional activities and ~~are encouraged to keep up with~~ technological innovations ~~available for course delivery appropriate to~~ enhance courses they teach. This may range from simply placing course syllabi ~~on-line~~ online to the development and delivery of complete distance education courses. While faculty should not be compelled against their wishes to create distance education classes as "works made for hire," the strategic mission of the university and the needs of the curricula may compel the university to seek and hire faculty and staff who possess these skills or are willing to complete the training necessary to acquire them. In extreme cases, when it is not possible to develop courses critical to the delivery of ~~on-line~~ online programs with existing faculty and staff, the university

- may be compelled to develop them through "work for hire" contractual arrangements outside the university community.
6. This policy shall apply to all persons employed by Stephen F. Austin State University, to anyone using SFASU facilities or resources under the supervision of SFASU personnel, and to all SFASU students.
  7. The intent of this policy is that the university-supported development of distance education courses will be the decision of faculty, ~~chair-academic chairs/directors~~ within individual departments and ~~college dean-of-the college~~, based on programmatic needs. Further, the decision about the appropriate category for each specific course will be made by the faculty, *academic chairs/directors* ~~chair-and college dean~~ prior to the development of the course.
  8. Appeals ~~by the faculty member~~ of these issues regarding the application of this policy ~~brought by the faculty member~~ shall be referred first to ~~the to the faculty member's Chair~~ *the academic unit's chair/director* and *the college dDean*. If the ~~issues are concern~~ is not resolved at this level, ~~they-it may~~ will be referred to a ~~Distance Education~~ OIT Arbitration Committee *appointed by the Provost and Vice President for Academic Affairs* which is comprised of one representative from the faculty, administration, and the ~~Office of Instructional Technology~~ OIT ~~appointed by the Provost~~.

### **Introduction to Categories**

Courses in which 50% or more of the content is delivered through Stephen F. Austin State University via electronic means except as noted below are governed by one of three categories: 1) works totally faculty or staff generated; 2) works jointly generated by the individual and university; and 3) works for hire - university generated. Decisions about the appropriate assignment of course category should be made according to the unique role of the course in the program and through negotiations between the faculty member(s), their ~~Department Chair and Dean~~ *academic chair/director and college dean* and the director of ~~Distance Education~~ OIT. Faculty members must meet with their ~~Academic Department Chair/director, Dean~~ and director of ~~Distance Education~~ OIT and ~~obtain~~ *receive approval from the Dcollege dean* prior to creating electronically developed course materials for distributed learning in order to reach and sign a license agreement as to the appropriate category ~~classification~~. It is understood that if circumstances change, a new *license Agreement* will be issued to reflect the new ~~classification~~ *categorization*. It is also understood that courses in which the university does not have a "compelling interest" may not require any ~~License~~ *license Agreement-agreement* with the university and can be considered the sole property of the author(s). This determination must be made (in writing) before the course is developed. (An example of a "compelling interest" for the university might be a graduate course that is part of a complete ~~online~~ *on-line* degree program that would be jeopardized if the faculty member left the university and the faculty replacement was either unskilled or unable to create a similar course in a timely fashion.)

### **Rights of the Individual Applied to All Three Categories**

- To make derivative works that do not compete with academic interests of the university; (See policy E-35 - Outside Employment.)
- To be identified as the author of the work, including the right to decide whether to allow the author's name to be displayed in association with the work;
- To use the work for teaching, scholarship, and research by colleagues or students in one's own department on the SFA campus; and
- To borrow portions of the work for use in compilations or other composite works that do not compete with academic interests of the university.

### **Rights of the University Applied to All Three Categories**

- To control whether the university's name or logo is displayed in association with the work;
- ~~To require an appropriate acknowledgment of University support of the creation of the work; and~~
- To be informed in advance of any uses, reproductions, distributions, and dispositions of the work by the author(s) that may be construed as a conflict of interest or in conflict with the university policy on outside employment.

### **Category 1 - Works Totally Faculty or Staff Generated**

Works in this category result from an individual's efforts on his/her own personal time without any direct support from or through the university and without any use of university resources beyond those normally provided by the university such as a standard office and laboratory space, library facilities, and ordinary access to computers, software and networks.

### **Rights, responsibilities and agreements while individual is employed by the university:**

- The individual has exclusive right to allow or disallow the use of their intellectual property in part or in whole by others;
- The individual has the exclusive right to market the course outside the university in a manner that does not compete with the mission or market of the university;
- The individual agrees to revise the course as necessary to meet or exceed the ~~Principles of Good Practice for Electronically Delivered Courses~~*Principles of Good Practice for Electronically Delivered Courses* as required by the Texas Higher Education Coordinating Board (THECB);
- The individual agrees to a review of the course by appropriate academic program leaders and ~~Distance Education~~OIT staff to verify that the course meets or exceeds the ~~Principles of Good Practice for Electronically delivered courses~~*Principles of Good Practice for Electronically Delivered Courses*;
- The individual is solely responsible for keeping the course current;
- The individual agrees to teach sections of the course as often as requested by ~~their~~ *his/her academic chair/director*~~department Chair~~;

- The individual agrees to abide by all applicable university, state and federal laws. Before any use is made of intellectual property materials, the author or producer shall warrant that he or she is the sole owner of the author's contribution to the work and that the contribution does not infringe *on* any copyright, violate any property rights or contain any libelous unlawful material.

### **Portability:**

Upon the individual's departure from employment by the university, the university forfeits all rights to use the course or any components of intellectual property of the individual unless permission is otherwise granted in writing by the individual.

### **Category 2 - Works Jointly Generated by the Individual and University**

Works in this category result from the individual's effort in part or entirely on university time and/or with access to and use of specialized staff, facilities and equipment beyond that normally provided and/or compensation in the form of direct grants, additional compensation, or release time for course development.

### **Rights, responsibilities and agreements while individual is employed by the university:**

- The individual has the exclusive right to market the course outside the university in a manner that does not compete with the mission or market of the university;
- The individual has the right to be informed in advance of any uses, reproductions, distributions, and dispositions of the work by the university;
- The individual agrees to an initial and periodic review of the course by appropriate academic program leaders and ~~Distance Education OIT Staff~~ staff to verify that the course meets or exceeds the ~~Principles of Good Practice for Electronically Delivered Courses~~ *Principles of Good Practice for Electronically Delivered Courses* as required by the ~~Texas Higher Education Coordinating Board~~ *THECB*;
- The individual agrees to revise the course as necessary to meet or exceed the ~~Principles of Good Practice for Electronically Delivered Courses~~ *Principles of Good Practice for Electronically Delivered Courses* and understands that any compensation for development of the course is contingent upon adherence to *Principles of Good Practice for Electronically Delivered Courses*. If the individual refuses to revise the course according to the recommendations of the review process, the university retains the right to assign revision and teaching tasks to another faculty *member* of the university's choosing;
- The individual agrees to teach sections of the course as often as requested by ~~their~~ *his academic chair/director* ~~department Chair~~;
- The individual is solely responsible for keeping the course current; ~~and~~
- The individual agrees to abide by all applicable university, state and federal laws. Before any use is made of intellectual property materials, the author or producer shall warrant that he or she is the sole owner of the author's contribution to the

work and that the contribution does not infringe any copyright, violate any property rights or contain any libelous unlawful material;-

- The university has the right to use the intellectual property of the individual in a course as part of SFASU course delivery for both credit and noncredit purposes;
- The university has the right to borrow portions of the work for use in compilations or other composite works;
- The university has the right to make derivative works if the author or authors assign copyright ownership to a third party; and
- The university may not assign the use of the individual's intellectual property in the course or course components to another instructor without first allowing the Individual the options to teach the section(s) of the course being offered up to and including what is normally considered an overload for the individual.

### **Portability:**

#### **Rights of the individual following the individual's departure from the university:**

- Non-exclusive right to use the course as part of course delivery for both credit and noncredit purposes provided the university's name or image (logo) is not used in connection with the course;
- Exclusive right to market course provided the university's name or image is not used in connection with the course.

#### **Rights of the university following the individual's departure from the university:**

- Non-exclusive right to use the course or course components as part of the SFASU course delivery for both credit and noncredit purposes without Individual consent.

### **Category 3 - Works for Hire - University Generated**

Works in this category result from an individual's effort under a formal contractual arrangement with the university for the development and/or revision of courses or as a result of the terms of the individual's job description or hiring agreement.

#### **Rights and agreements while individual is employed by the university:**

- The individual agrees to develop the course to meet or exceed the ~~Principles of Good Practice for Electronically Delivered Courses~~ *Principles of Good Practice for Electronically Delivered Courses* and understands that any compensation for development and/or revision of the course is contingent upon adherence to Principles of Good Practice as required by the ~~Texas Higher Education Coordinating Board~~ *THECB*;
- The individual agrees to a review of the course by the appropriate academic program leaders and ~~Distance Education~~ *OIT* Staff to verify that the course meets or exceeds the ~~Principles of Good Practice for Electronically Delivered~~

~~Courses~~ *Principles of Good Practice for Electronically Delivered Courses* and the appropriate standards and contractual specifications;

- The individual agrees to teach sections of the course as often as requested by their department chair;
- The university has exclusive right to use the materials generated under the terms of the contract;
- The university has the right to borrow portions of the work for use in compilations or other composite works;
- The university has exclusive right to market the course outside the university.

### **Portability:**

Upon the departure of the individual from employment at the university, the individual forfeits all rights to use or market the course or any components of the intellectual property unless permission is otherwise granted in writing by the university. The university retains exclusive right to use and revise the course as part of the SFASU course delivery for both credit and noncredit purposes. The university has the exclusive right to market the course outside the university.

**~~Source of Authority:~~** Board of Regents, President, Provost and Vice President for Academic Affairs

**Cross Reference:** University Policies, Intellectual Property D-20, Conflict of Interest in Sponsored Activities A-11.5, Instructor-Generated Materials A-22.1, Copyrighted Works Reproduction A-12, Distance/Distributed Education Faculty Compensation A-58, Outside Employment E-35.

***Responsible for Implementation:*** President; Vice President for Academic Affairs

**Contact for Revision:** President

**Forms:** License Agreement for Works Totally Faculty or Staff Generated; License Agreement for Works Jointly Generated by the Individual and University; License Agreement for Works for Hire - University Generated; *Principles of Good Practice for Electronically Delivered Courses*.

## Investments - Endowment Funds (C-41.A)

**Original Implementation:** Unpublished

**Last Revision:** ~~January 30, 2007~~ *October 30, 2007*

### GENERAL

This Investment Policy Statement (IPS) applies to all Stephen F. Austin State University (the "university") endowment funds. These funds are given to the university by individuals and institutions to promote, encourage and advance education and to improve the degree and non-degree educational functions by establishing scholarships, fellowships, professorships, academic chairs and other academic endeavors at the university, as specified by donors.

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

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

The investment of the endowment funds is governed by Section 51.0031 of the Texas Education Code. This section states that the university " ... with regard to donations, gifts and trusts may establish endowment funds that operate as trusts and are managed under prudent person standards. As used in this section, "prudent person standard" is the standard of care described in Article VII, Section 11b. of the Texas constitution, and means that standard of judgment and care that persons of ordinary prudence, discretion, and intelligence exercise in the management of their affairs in regard to the investments of their funds, considering probable income as well as probable safety of their capital.

In the management of the university endowment investments, consideration will be given to the need to balance a requirement for current income for present activities with a requirement for growth in principal to compensate for inflation. Consideration will be given to the need for safety of principal, liquidity, diversification, yield and quality.

The overall objective of the IPS is to assure that the university's endowment funds are invested in a manner to achieve as high a level of return as can reasonably be expected to be achieved given the primary objective of safety and preservation of principal. The IPS

clearly and concisely states the responsibilities of all parties involved with the endowment funds. The IPS will assist the board, the finance/*audit* committee ("committee") and the university administration in effectively communicating with and monitoring the investment manager(s) and the investment firm(s) that will be engaged from time to time to facilitate the management of the endowment assets of the university. It states the boards' attitudes, guidelines and objectives in the investment of the endowment assets.

## **RESPONSIBILITIES**

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

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

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

## **INVESTMENT POLICY**



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

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

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

## **INVESTMENT POLICY GUIDELINES**

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

The following categories of securities are permissible investments:

- a. Direct obligation of the United States government or its direct agencies.
- b. Direct obligations of federally-sponsored agencies in accordance with the above paragraph.
- c. United States dollar denominated bonds, debentures, or commercial paper and convertible securities issued by corporations in accordance with the above paragraph.
- d. Common stock and preferred stock issued by United States domiciled corporations and common stocks of foreign companies listed on the major U.S. or foreign security exchanges.
- e. Certificates of Deposit issued by federally insured state banks, federally insured savings and loan associations and saving banks or federally insured credit unions. Amounts over the insurance limit of the institutions must be secured by pledged securities.

- f. Bankers acceptances accepted by a bank organized and existing under laws of the United States or any state in accordance with the above paragraph.
- g. Money Market Mutual Funds. Funds must be registered with the Securities and Exchange Commission, have a maximum dollar weighted average maturity of no longer than 13 months, and be no-load funds. Funds must have assets consisting of securities described in the paragraphs above and seek to maintain a stable net asset value of \$1.00 per share (or unit).
- h. Direct Security Repurchase Agreements. Direct Repos must be fully secured (collateralized) by securities authorized under the sections (a) through (f) above. Such collateral must be held by a third party. All agreements will be in compliance with Federal Reserve Bank guidelines.
- i. Shares of investment companies as defined by the Investment Company Act of 1940. These companies include both closed-end investment companies and open-end investment companies (mutual funds). Shares in these companies may be purchased if they own securities described in sections (a) through (h) above.
- j. *Shares of Exchange Traded Funds, known as ETFs, are permissible investments under this section.*
- j.k. Certain types of transactions and purchase of certain types of securities are specifically prohibited by this policy. Commodity trading including all futures contracts, purchasing of letter stock, short selling, option trading, and margin trading are specifically prohibited. Neither tax-exempt debt of state and local governments, private placements, nor guaranteed investment contracts may be purchased. No investments will be made in derivative products as defined by the Financial Accounting Standards Board in Statements of Financial Accounting Standards, No. 119. Collateralized mortgage obligations that do not pass the Federal Financial Institution's Examination Council test may not be purchased.
- k.l. Assets and/or funds reportable within the scope of the university's annual financial report may not be invested in or used to purchase securities, including obligations, of a private corporation or other private business entity that owns 10% or more of a corporation or business entity which records or produces any song, lyrics or other musical work that explicitly describes, glamorizes or advocates: (1) acts of criminal violence, including murder, assault, assault on police officers, sexual assault, and robbery; (2) necrophilia, bestiality, or pedophilia; (3) illegal use of controlled substance; (4) criminal street gang activity; (5) degradation or denigration of females; or (6) violence against a particular sex, race, ethnic group, sexual orientation, or religion.
- k.m. No more than six percent (6%) of the portfolio, including convertible securities, can be invested in any one company. This will be measured on a cost basis. No more than ten percent (10%) of the portfolio can be invested at any time in one company based on the market value of the stock and portfolio. This section is not applicable to investments in U.S. government securities.

- ~~n.n.~~ No more than fifteen percent (15%) of the portfolio can be invested in any one industry sector, as defined by Standard and Poor's broad categories, based on the cost value of the portfolio. No more than thirty percent (30%) of the portfolio can be invested in any one industry sector based on the market value of the portfolio. The holdings do not have to be invested in industry groups that represent a cross-section of the economy.
- ~~n.o.~~ Permitted alternative investments in the portfolio may include hedge funds, managed futures funds, private equity funds, or real estate. Investments in other strategies shall be reviewed and recommended by the investment committee prior to purchase. Permitted alternative investments in the Portfolio are limited to diversified commingled trust fund vehicles or limited partnerships offered through a third party distribution channel, such as what is offered through many broker-dealer firms. Any investment vehicles where the portfolio's liability can exceed the value of the portfolio's investment are strictly prohibited. The portfolio shall emphasize investments in fund-of-fund vehicles that are diversified by investment style and typically utilize multiple investment managers within a fund. The portfolio, however, may invest in single manager funds, but these investments shall not comprise the majority of the investment. Permitted alternative investments in the portfolio are limited to investment vehicles that offer the ability for the portfolio to make contributions or receive distributions at least quarterly (but preferably monthly) without restriction or incurring additional fees. The maximum allocation to any one fund shall not exceed 10% of the total investment portfolio. If the allocation to alternative investments exceeds the limit at any point in time, the investment committee shall rebalance the allocation to the fund at the next opportunity when the fund permits liquidation of fund holdings.
- ~~o.p.~~ All of the equities purchased for the portfolio (based at market value) should have a minimum market capitalization of \$250 million. The allowable range and target asset allocation for the endowment funds is:

Class	Allowable Range	Target
Equities securities	0% - 70%	55%
Fixed income securities	0% - 60%	35%
Cash or cash equivalents	0% - 100%	0%
Alternative Investments	0% - 15%	10%

For the fixed income portion of the portfolio the asset mix should be, maximum U.S. government bonds 100%, minimum government bonds 0%, maximum corporate bonds 50%, minimum corporate bonds 0%, maximum cash 100%, minimum cash 0%. Gifts of individual securities will be liquidated or transferred to an equity fund manager currently employed by the university under the Use of Investment Firms section. The liquidation or transfer will take place as soon as possible. If liquidated, the proceeds will be invested in

accordance with the allowable range and target asset allocation set forth in this policy. Exceptions to this policy are securities described by sections (a), (b) and (c) above. Such securities may be held so long as the asset allocation ranges are maintained. The policy in this section can be overridden by a written directive from a donor.

## **USE OF INVESTMENT FIRMS**

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

Selection of outside investment managers will follow these guidelines:

- a. The vice president or designee, within statutory and other regulatory authority, may place selected funds of the university with investment managers outside the university for investment purposes. The investment of such funds will be subject to the provisions of this investment policy statement. The vice president or designee is authorized to negotiate with outside investment managers for the benefit of the university.
- b. Outside investment manager(s) will receive a copy of the IPS and a Letter of Instructions outlining investment instructions and asset allocation parameters expressed in writing by the vice president or designee. The Letter of Instructions will state return objectives that are reasonable and achievable within the guidelines provided herein. These return objectives should be achieved over a reasonable time frame, thus it is not necessary for the outside manager(s) to exceed the return expectations each quarter. In addition, each outside investment manager must execute a written statement to the effect that the registered principal of the organization has received and thoroughly reviewed the investment policy of the university. The statement must also acknowledge that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities.
- c. Consistent with this investment policy statement and their Letter of Instruction, the outside investment manager(s) will be responsible for making decisions on a discretionary basis. This includes buy, hold, sell and timing decisions. The outside manager(s) must make responsible decisions in the selections of specific securities and the general timing of purchases and sales necessary to achieve a satisfactory overall return for the assets.

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

Investment managers employed by the university to invest in equities may be evaluated using the following guidelines:

- a. The average portfolio Beta should be between 1.10 and 0.90. That is to say that the volatility of the fund should not differ from the volatility of the S&P 500 by more than ten percent. The Beta calculation should include any cash position in the portfolio.
- b. The R-Squared may be as high as 100% over a time frame of one year or longer if all investment objectives are met. R-Squared is a statistical evaluation to measure similarity in behavior of the portfolio to the market.
- c. The annualized Alpha should be greater than the managers fee essentially showing that value is being added for the risk taken. Alpha measures the excess return for the amount of risk taken.
- d. Portfolio turnover will be monitored. If the performance results of the portfolio meet the objectives stated herein, the rate of turnover in the portfolio will not be an evaluative factor. However, a portfolio turnover higher than the average of similar fund managers is considered a negative.

Files will be maintained on investment firms with which the university deals. The files will contain information that supports the financial stability of the firms. These files will be updated annually. A list of approved brokers and firms will be maintained and changes will be approved by the board of regents.

## **DISTRIBUTION POLICY**

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

When the contingency reserve has reached a balance in excess of two years of normal distributions, the committee may recommend that additional distributions be made from the contingency reserve.

## **PERFORMANCE EVALUATION**

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

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

## **CONFLICTS OF INTEREST**

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

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

## **DISCLOSURE REQUIREMENTS**

### **Disclosure Requirements for Outside Financial Advisors**

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

## Disclosure Requirements for Investment Officers

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

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

## AUDITS

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

**Cross Reference:** Texas Education Code, Section 51.0031; Texas Government Code Sec. 2256.005; Texas Government Code 2263

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

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

**Forms:** None

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## Minimum Length of Courses (A-14)

**Original Implementation:** February 4, 1986

**Last Revision:** ~~April 20, 2004~~ October 30, 2007

Stephen F. Austin State University requires that each course (except individual instruction) offered for degree credit shall conform, in format, to the rules and regulations of the Texas Higher Education Coordinating Board.

Permission to offer a course in a shortened format must be given by the appropriate academic dean and the Provost and Vice President for Academic Affairs, who shall determine that the format and content make it appropriate for shortened duration and that the quality of the course is equal to or better than a course offered under a regular format. ~~A student~~ Students enrolled in such a course must meet the regular university admissions requirements of the University.

**Source of Authority:** ~~Texas Higher Education Coordinating Board, President, Vice President for Academic Affairs~~

**Cross Reference:** Chapter 4, Subchapter A, Section 4.6, Texas Higher Education Coordinating Board, May 27, 2003.

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

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

**Forms:** None



## Overload Assignments (A-37)

**Original Implementation:** February 27, 1978

**Last Revision:** ~~April 30, 2002~~ October 30, 2007

Overload teaching assignments may be necessary to meet the university's teaching obligations.

An individual who accepts an overload assignment must certify that the overload responsibility will be fulfilled above and beyond the standard work-week for which he/she has already contracted.

Overload compensation generally is equal to an amount that is paid adjunct faculty teaching the same course.

**Source of Authority:** ~~Board of Regents, President, and Vice President for Academic Affairs~~

**Cross Reference:** Faculty Handbook,; Compensation in Excess of Base Salary, pPolicy E-9; *Faculty Workload, policy A-18*

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

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

**Forms:** None

## **Performance Review of Officers Reporting to the *Provost and Vice President for Academic Affairs (E-38A)***

**Original Implementation:** December 6, 1979

**Last Revision:** ~~April 30, 2001~~ October 30, 2007

The *Provost and Vice President for Academic Affairs* will conduct a performance review of each ~~officer-administrator~~ reporting to him/her in an individual conference in the late spring each year. The performance review will focus on the fulfillment of those responsibilities outlined by university policy or included in specific assignments.

A summary of the annual performance review will be prepared by the *Provost and Vice President for Academic Affairs* for the individual reviewed and the President.

During the second year of service and once every three years thereafter, the performance review of ~~administrators who report to the Provost and Vice President for Academic Affairs~~ college deans and the Director of the Library will be augmented by written input solicited from their peers (deans, chair/directors) and respective faculty and administrative staff. ~~by the Vice President for Academic Affairs of all department chairs/directors in the college/library, all full-time faculty members from the departments of the college/library, and other college deans.~~ The questions to be used will be developed by the *Provost and Vice President for Academic Affairs* in consultation with ~~administrators reporting to him/her the deans and library director, the department chairs/directors~~ and the President.

A summary of the triennial review will be prepared by the *Provost and Vice President for Academic Affairs* for the individuals reviewed; ~~those the department chairs/directors, faculty, and deans~~ participating in the process; and the President.

**Source of Authority:** Vice President for Academic Affairs

**Cross Reference:** None

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

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

**Forms:** None

## Petitions and Handbills (D-25)

Original Implementation: July, 1980

Last Revision: ~~October 14, 2004~~ October 30, 2007

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

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

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

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

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

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

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

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

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

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

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

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

b. the *Baker Pattillo University Center-Student Center* must comply with the rules governing this *building and its grounds*. ~~University Centersaid building and grounds.~~

12. These rules do not apply to:

a. the university, and its agents, servants, or employees, acting in the course and scope of their agency or employment; and

b. the Stephen F. Austin State University Alumni Association and the Stephen F. Austin State University Foundation.

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

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

***Contact for Revision:*** *Dean of Students*

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

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

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

***Forms:*** *Registration Form – Student Affairs/Student Activities*~~*ffairs*~~

## Purchase Requisition (C-30)

**Original Implementation:** Unpublished

**Last Revision:** ~~October 14, 2004~~ *October 30, 2007*

Specific requests by a department to purchase goods or services begins with the completion of a "Purchase Requisition" that must be approved by the account manager or his/her designee. *Approval levels will be documented via FRS Approval Structures maintained by the purchasing office.*

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

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

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

The "Purchase Requisition" is to be generated electronically. On-line Requisitions are entered through the FRS System following the guidelines outlined in the FRS Purchasing Software Manual. Contact the purchasing office for more information if you do not currently have this access. The manual is available in pdf format at URL <http://www.sfasu.edu/purchasing/manuals.asp> ~~http://www.sfasu.edu/purchasing/purchasing/manuals.htm~~. For Training, contact the purchasing office information is available at URL <http://www.sfasu.edu/purchasing/FRS/FRStraining.htm>.

**Source of Authority:** ~~President, Vice President for Business Affairs~~

**Cross Reference:** ~~Policy C-7, Best Value Procurement (C-7)~~

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

**Contact for Revision:** Director of Purchasing and Inventory/HUB Coordinator

**Forms:** None

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

**Original Implementation:** August 1, 2000

**Last Revision:** ~~October 14, 2004~~ *October 30, 2007*

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

### Definitions

1. "Abuse" means:
  - a. the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
  - b. sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.
2. "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

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

**Cross Reference:** *Chapter 48, Human Resources Code, V.T.C.A.* ~~None~~

***Responsible for Implementation:*** *General Counsel*

**Contact for Revision:** Director of Disability Services, General Counsel

**Forms:** None



## **Reporting the Annual Disclosure of Crime Statistics (D-52) NEW**

**Original Implementation:** October 30, 2007

**Last Revision:** None

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the “Clery Act,” requires institutions of higher education receiving federal financial aid to report specified crimes statistics on college campuses and to provide other safety and crime information to members of the campus community. Campuses must publish an Annual Security Report detailing statistics regarding reported crimes committed on campus and at affiliated locations for the previous three calendar years, and describing specified policies, procedures and programs regarding safety and security. This requirement of the Clery Act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about the safety of the campus so that they can make informed decisions.

The Clery Act requires the collection and reporting of annual crime statistics reflecting reports of specified crimes that occur on and adjacent to a university campus and certain properties associated with the campus. The statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime. Campuses must also provide a geographic breakdown of the crime statistics according to the following defined geographic areas: “on campus” (including further breakdown of the number of crimes that occurred in campus student residential facilities), “in or on a non-campus building or property” and “on public property.”

### **Annual Security Report**

The Stephen F. Austin State University Police Department (SFAPD) prepares an Annual Security Report to comply with the Clery Act. This report is prepared in cooperation with the Housing and Student Judicial Services Departments. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

SFAPD officers enter all reports and all crime incidents reported directly into an automated case management software program. Once an officer enters the report in the program, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department examines the data to ensure that all crimes that have been reported are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting (UCR) Handbook as required by the Clery Act regulations.

SFASU is required under the Clery Act to provide a Crime Statistics Summary Report related to its campus and other locations by calendar year. This SFASU Crime Statistic Summary Report is sent annually to the U.S. Department of Education and can be viewed

on the Office of Postsecondary Education–Department of Education’s website at <http://ope.ed.gov/security/InstDetail.asp>

The university’s Annual Security Report (ASR) is updated each year and it is available on the SFA Web site at: <http://www.sfasu.edu/upd/crimestats.asp>. Copies of the ASR may also be obtained at the SFA Police Department located on East College Street or by calling 936.468.2252.

The Annual Security Report must describe specified campus policies concerning:

- Reporting criminal activity or other emergencies on campus;
- Security of, maintenance of and access to campus facilities;
- Authority of campus law enforcement units;
- Monitoring and recording through local police agencies of off-campus criminal activities by students; and
- Alcohol and drugs.

In addition, the report must describe:

- The type and frequency of campus programs to inform students and employees about campus security procedures and precautions and the prevention of crimes;
- Available drug and alcohol abuse prevention education programs;
- Campus programs to prevent sexual assaults, including procedures to be followed when such an assault occurs; and
- Where law enforcement agency information concerning registered sex offenders may be obtained.

### **Definitions of Reportable Crimes:**

**Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter** is defined as the killing of another person through gross negligence.

**Sex Offenses – Forcible** is defined as any sexual act directed against another person, forcibly and/or against that person’s will; or not forcible or against the person’s will where the victim is incapable of giving consent.

**Sex Offenses – Non-forcible** are incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition; incest and statutory rape.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Illegal Weapons Possession** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Law Violations** is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics-manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations** is defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification is the furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; providing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

**Hate Crime** is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI's Hate Crime Data Collection Guidelines.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## **Other Policy-Related Definitions**

### **Campus**

The term "campus" is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students and supporters for institutional purposes (such as food or other retail vendor).

### **Non-campus building or property**

A "non-campus building or property" is defined as any building or property owned or controlled by a student organization officially recognized by the institution; or any building or property (other than a branch campus) owned or controlled by an institution that is used in direct support of or relation to the institution's educational purposes, is

frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

### **Public property**

“Public property” is defined as all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

### **Campus Security Authorities**

Campus security authorities, as defined by the Clery Act, have an obligation to report allegations of Clery Act-defined crimes that they conclude are made in good faith. These crime allegations should be reported to the SFASU Police Department (SFAPD). The Clery Act definition of a campus security authority includes SFASU personnel beyond SFAPD officers. An official of SFASU who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings, is a campus security authority. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals and students in particular are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

### **Counselors Confidential Reporting**

Campus professional counselors, when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The Clery Act defines a professional counselor as an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

**Cross Reference:** 20 USC 1092(f); Timely Warning Policy (D-51)

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

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

**Forms:** None

## Residence Requirement (A-55)

**Original Implementation:** January 25, 2000

**Last Revision:** ~~July 15, 2003~~ *October 30, 2007*

The term "In-residence" includes all of the following types of courses: on-campus; off-campus; distance education; field-based; practicum; internship; and for the master's *and doctoral* degrees, thesis *and dissertation* courses. Extension courses are not considered in-residence and do not count toward residence requirements. Only courses offered by SFASU may be counted toward in-residence requirements.

### Undergraduate Degree Programs

Undergraduate degrees require a minimum of 42 semester hours in-residence, 36 of which must be advanced work (300-499).

First majors consist of at least 30 semester hours ~~but not more than 36 hours~~ and must include at least 18 hours advanced work. At least 12 of these advanced hours must be in-residence.

A second major must consist of at least 24 semester hours, of which 12 must be advanced, in-residence courses.

An academic minor consists *normally* of from 18 - ~~23~~ 24 semester hours with at least 9 hours of advanced courses, six of which must be in-residence.

### Master's Degree Programs

Master's degrees require a minimum of 24 semester hours in-residence, ~~including at least half of the work in both the major and the minor.\*~~

Advanced Graduate Studies courses (575 and 576) may be counted toward residence requirements.

### Doctoral Degree Programs

Doctoral program *in-resident requirements are determined by the colleges* ~~must include a sufficient amount of residence courses on the main campus to equal a minimum of one academic year of study.~~

**Source of Authority:** ~~Provost and Vice President for Academic Affairs~~

**Cross Reference:** None

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

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

**Forms:** None

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## Salary Supplements, Stipends, and Additional Compensation (E-9)

**Original Implementation:** April 13, 1988

**Last Revision:** ~~October 19, 2006~~ October 30, 2007

### I. Purpose

~~1.~~ This policy establishes guidelines consistent with federal and state regulations for the total allowable compensation that can be paid to faculty and staff from university-controlled funds. This policy does not apply to overtime and compensatory time for classified (non-exempt) employees or to compensatory time for professional (exempt) employees [see Overtime and Compensatory (Comp) Time, policy E-36].

### II. General

1. Each faculty and staff member (employee) is accountable to the university for 100 percent of the duties and responsibilities associated with the employee's basic appointment. The primary obligation of university employees is the full and complete execution of all assigned duties and responsibilities.
2. State regulations prohibit the appointment of university employees for more than 100 percent time for services considered to be regularly assigned duties associated with an individual's full-time responsibility.
3. Employees may be requested to provide consulting, extension, and/or other activities within the university that are considered to be in addition to their regularly assigned duties for which compensation in excess of base salary may be paid.
4. Compensation in excess of base salary is a temporary adjustment of total compensation, which must be specified and approved in writing prior to work commencing by the appropriate administrative channels, and is expressly conditioned on availability of funds.
5. Without exception, all payments to university employees will be made through Payroll Services
6. The activities listed below are considered additional responsibilities for which an employee may receive extra compensation:
  - a. special projects assigned by approved university administrators that are in addition to an employee's normal responsibilities;
  - b. intra-university consulting or other special services conducted for a university department or area other than the employee's department;



- c. services beyond normal duties of the position held which cannot be reimbursed by compensatory (comp) time, including effort committed to research and sponsored programs;
  - d. increases in teaching load (overload) approved by the provost/vice president for academic affairs; and
  - e. duties performed by an employee not under contract at the time the duties must be performed, or those that are not considered in the base salary.
7. The base salary period for a full-time faculty appointment is the academic year (normally September 1 through the following May 31). Summer months and periods of time during the academic year when the university is not in session, e.g., weekends, holidays, semester breaks, are not included in the base salary period.
- On occasion, regular university activities for which faculty are responsible are scheduled outside the base period, are assumed to be included in the base pay, and therefore are not eligible for extra compensation (examples include Showcase Saturday and Freshman Orientation).
8. Additionally, the university may employ faculty members during the summer months for specific teaching, research, or sponsored program assignments for which they are paid a salary.
9. Any individual who is dually employed (rather than grant funded) with the university and with another state or federal agency must obtain prior written approval from the president and board of regents before entering into any activity for which compensation in excess of base salary is to be requested or paid (Dual Employment, Policy E-12).

### III. Types of Extra Compensation

1. There are three types of compensation in excess of base salary: (1) salary supplements; (2) stipends; and (3) additional compensation.

#### 0.1. Salary Supplements:

"Salary supplement" means a payment that temporarily augments the base appointment salary. When the special assignment ends, the salary reverts to the base appointment salary. A salary supplement increases the base appointment salary for the purpose of calculating the maximum amount an employee may receive in additional compensation (see section C, below.)

- 1. Payment of salary supplements is approved either directly by the board of regents or indirectly through board policy.
- 2. Salary supplements appear on the regular monthly payroll check and are included in all benefit calculations.

3. Salary supplements are requested on the Personnel Action Request (PAR).
  4. Salary supplements cannot be paid from research or sponsored program (4xxxxx) accounts.
  5. Examples of salary supplements may include compensation for: (1) interim appointments; (2) faculty course overloads (Policy A-37, Overload Assignments); (3) ~~payments for off-campus teaching assignments (Policy A-34, Off-Campus Credit Classes);~~ and (4) endowed positions.
- ~~4.2.~~ Stipends:
- "Stipend" means a lump-sum payment in addition to the base appointment salary that provides recognition or incentives to employees as established in university Policy. A stipend does not increase the base appointment salary for the purpose of calculating the maximum amount an employee may receive in additional compensation (see section C, below) and is not counted as additional compensation.
- ~~a.~~ Payment of stipends is approved either directly by the board of regents or indirectly through board policy. Stipends must be approved by the appropriate vice president or president.
  - ~~a.b.~~ Stipends are paid mid-month.
  - ~~b.c.~~ Stipends are requested on the Stipend Authorization form.
  - ~~c.d.~~ Stipends can be paid from designated (2xxxxx), auxiliary (3xxxxx), and gift (5xxxxx) accounts.
  - ~~d.e.~~ Stipends cannot be paid from state appropriated fund accounts (1xxxxx) or research or sponsored program (4xxxxx) accounts.
  - ~~e.f.~~ Examples of stipends may include: (1) the Regents Professors Award (Policy A-38); (2) the President's Staff Award; (3) teaching excellence awards; (4) the preparation of and/or teaching of online courses covered by policy A-58, Distance/Distributed Education Faculty (not paid by sponsored program funds); (5) *payments for off-campus teaching assignments (Policy A-34, Off-Campus Credit Classes);* (6) *payments to employees for mentoring students as part of a certification program;* and (57) incentive payments.
  - ~~f.g.~~ In addition, stipends may be paid to university employees for musical or theatrical performances at university-sponsored events.
- ~~2.3.~~ Additional Compensation:
- "Additional compensation" means a payment in addition to the base appointment salary for work that is clearly in addition to regularly assigned duties and that must be performed outside of normal working hours or during vacation or compensatory time, as appropriate. Additional compensation does not affect the base appointment salary.

- . Additional compensation is subject to a cap equal to 25 percent of the base appointment salary. The cap applies to all sources of funds (See 10, below)
- a. Additional compensation is paid mid-month and is included in all benefit calculations except health insurance.
- b. Requests for additional compensation (1) should be submitted in advance, before work is started, on the Authorization for Additional Compensation Services form, and (2) should be approved for payment after services are rendered on the Authorization for Additional Compensation Payment form.
- c. Classified employees (non-exempt employees) can be paid additional compensation only for casual, seasonal work that must be performed (1) outside their regular department, and (2) outside of normal working hours, unless vacation leave or compensatory time is used. Work done within the department outside of normal working hours is not considered additional compensation, but rather overtime or compensatory time. Overtime and compensatory time are addressed in Policy E-36, Overtime and Compensatory (Comp) Time.
- d. A description of the extra work and documentation of the additional compensation shall be maintained by the department chair, division director or other primary administrator who initiated the request for addition compensation.
- e. Department chairs, division directors, and all deans shall analyze carefully the total professional commitments, including outside consulting, of the employee requesting additional compensation. Additional compensation should be approved only if the employee's and the department's general functions will not be adversely affected.
- f. If allowed by the sponsor, additional compensation may be paid from research and sponsored program funds; however, all such requests for additional compensation must be rerouted by the employee's dean or primary administrator to the Office of Research and Sponsored Programs for verification of sponsor approval (see IV, below).
- g. Examples of additional compensation may include: (1) overload commitments to research or sponsored programs; (2) casual, seasonal work; and (3) teaching SFA 101.
- h. At no time can the rate of pay of any employee compensated with state, federal, or privately funded research or sponsored program funds exceed the employee's normal monthly rate of pay.
- i. Additional compensation is subject to the maximum salary limits described below.

1. Maximum Salary for 12-month Employees:  
 Employees on 12-month fiscal year (FY) appointments may receive up to 25 percent of their current base appointment salary in additional compensation (see example below).  
12-month Employee Example: A 12-month employee with an annual base salary of \$60,000 may earn additional compensation up to \$15,000 for a maximum salary of \$75,000 in a fiscal year.  
 $\$60,000 \times 0.25 = \$15,000$  maximum additional compensation  
 $\$60,000 + \$15,000 = \$75,000$  maximum 12 month compensation
2. Maximum Salary for 9-month Faculty Members:  
 Faculty members on 9-month academic year (AY) appointments may receive up to 25 percent of their current base appointment salary in additional compensation (plus summer salary, see (3) below).  
9-month Faculty example: A faculty member with a 9-month AY base salary of \$45,000 may earn additional compensation during the nine-month appointment of up to \$11,250, for a maximum nine-month salary of \$56,250.  
 $\$45,000 \times 0.25 = \$11,250$  maximum in additional compensation  
 $\$45,000 + \$11,250 = \$56,250$  maximum 9 month compensation
3. Maximum Summer Salary for Faculty Members:  
 The limit on salaries for summer assignments depends on the source of funds (see examples below).
  - a. Research and Sponsored Programs - Federal and state regulations limit the amount of salary faculty members may earn during the summer from research and sponsored programs to 3/9th of the 9-month AY teaching salary; the National Science Foundation further limits this amount to 2/9th of the AY salary.
  - b. Summer Teaching Assignments - The maximum summer salary for teaching assignments is summarized in SFA Policy E-71, Faculty Compensation Plan (see also Policy A-18A, Summer Teaching Appointments).  
Summer Faculty Example: A faculty member with a 9-month AY base salary of \$45,000 that earns \$15,000 in summer salary (equal to 3/9th) may earn additional compensation during the 3-month summer of up to \$3,750, for a maximum salary of \$18,750 in a summer.  
 $\$45,000/9 \text{ mo} \times 3 = \$15,000$  maximum summer salary

(3/9th)

$\$15,000 \times 0.25 = \$3,750$  maximum in additional compensation

$\$15,000 + \$3,750 = \$18,750$  maximum summer compensation

#### ~~IV~~.III.

#### Use of Federal and State Research and Sponsored Program Funds

1. In general, federal and state agencies discourage the use of research or sponsored program funds for additional compensation; some agencies specifically prohibit additional compensation. Intra-university consulting and contributions to a sponsored agreement conducted by another faculty member at the same institution are not eligible for additional compensation except as specified below.
2. Federal and state regulations allow additional compensation to be paid only when:
  - . consultation is across departmental lines or involves a separate or remote operation; and/or
  - a. the work performed is in addition to the regular departmental load
3. For state and federal agencies that allow additional compensation to be paid from research and sponsored program funds, the sponsor must be informed of the intent to charge salary as extra compensation in the original budget proposal. If research or sponsored program funds are used to pay any additional compensation, the grant or contract should clearly state:
  - . that additional compensation will be paid to university employees;
  - a. the name or position of the individuals who will be receiving the additional compensation; and
  - a-b. the work and services to be performed by these individuals
4. The amount of the additional compensation should be segregated from regular salary expenses and the budget justification should clearly indicate:
  - . the total dollar amount of additional compensation requested; and
  - a. the percent of additional effort committed to the project or the hourly rate and number of hours committed to the project
5. The award document from the federal or state sponsoring agency must state that additional compensation is allowed or imply that the proposal was accepted with no alterations regarding the request for additional compensation.
6. If a request for additional compensation is for an employee who will be paid from research or sponsored program funds, the dean must first route the Authorization for Additional Compensation Services form to the Office of Research and Sponsored Programs to verify sponsor approval.

**Source of Authority:** ~~29 U.S.C., sec. 201 et seq.; Federal OMB Circular A-21; Uniform Grant Management Standards for the State of Texas; Texas Government Code Sec. 605, 658.001-.007, 659; Board of Regents; President.~~

**Cross Reference:** Summer Teaching Appointments, A-18A; Off-Campus Credit Classes, A-34; Overload Assignments, A-37; Regents Professors, A-38; Grants and Contract Administration, A-56; Distance/Distributed Education Faculty, A-58; Dual Employment, E-12; Overtime and Compensatory (Comp) Time, E-36; Fair Labor Standards, E-70; Faculty Compensation Plan, E-71, *29 U.S.C., sec. 201 et. seq.; Federal OMB Circular A-21; 2 CFR Part 220; Uniform Grant Management Standards for the State of Texas; Texas Government Code Sec. 605, 658.001-.007, 659.*

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

**Contact for Revision:** ~~President~~ *Vice President for Finance and Administration* (Director of Human Resources, Controller, Director of Research and Sponsored Programs).

**Forms:** Personnel Action Request (Available on-line through MySFA under myServices. NCR paper is available in University Printing Services.), Stipend Authorization, Authorization for Additional Compensation Services, Authorization for Additional Compensation Payment.

## Student Evaluation of Instruction (A-48)

**Original Implementation:** April 20, 1999

**Last Revision:** ~~January 15, 2002~~ October 30, 2007

All courses taught shall, at minimum, be evaluated annually by students in the course. The format, instruments and evaluation procedures will be determined by the academic unit. ~~by each faculty member (part-time, adjunct, teaching assistants) shall be evaluated at least once a year by students in the courses. Courses evaluated will be those taught in the fall and/or spring semesters. Evaluation data are used for a variety of important purposes including, but not limited to:~~

- Course and program improvement, planning, and accreditation;
- Instruction evaluation purposes;
- Making decisions on faculty tenure, promotion, pay, and retention;
- ~~A~~The purpose of the evaluations shall be (1) to assisting each faculty members in their continuous instructional improvement of his/her instruction and (2) to; and —Assisting faculty and cChairs/dDirectors in making recommendations related to personnel decisions. The format/instrument for evaluation shall be one(s) agreed upon by individual colleges. There is no requirement for a common university evaluation instrument. At the discretion of each faculty member, the evaluations may be made either in the fall or spring except that the academic departmental/divisional Chair/Director shall have the right to arrange all evaluations so as to achieve an equal balance by semester or to meet accreditation requirements.

### Procedures

1. ~~The evaluations shall be conducted during the last three weeks preceding final examinations.~~
2. ~~The academic departmental/divisional Chair/Director shall arrange for the evaluations of all of his/her faculty members' courses.~~
3. ~~The evaluation of each course shall be administered by a person designated by the departmental/divisional Chair/Director.~~
4. ~~A monitor shall remain in the classroom or laboratory until all instruments have been completed. Then he/she shall gather all instruments and deliver them to the appropriate departmental/divisional Chair/Director.~~
5. ~~The Department Chair will report the results of the evaluation to the individual faculty member after grades are recorded on students' transcripts.~~
6. ~~Information contained in the student evaluation shall be incorporated into the annual faculty evaluation process used by the departmental/divisional Chair/Director, College Dean, the Vice President for Academic Affairs, and the President.~~

**Source of Authority:** ~~Vice President for Academic Affairs~~

**Cross Reference:** Faculty Handbook

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

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

**Forms:** None



## **Student Organization Risk Management Training (NEW)**

Original Implementation: October 30, 2007

Last Revision: None

Stephen F. Austin State University shall provide a risk management program at least once during each academic year for members and advisors of student organizations registered at the institution. It is the policy of the university that each student organization registered with the university meeting the definition below must have representatives attend the annual risk management program. The registered advisor(s) of these organizations must attend this training no less than once every four years.

For the purposes of this policy:

- I. Organizations required to have representatives attend the program are:
  - A. All organizations classified as a Level II organization by the Office of Student Activities.
  - B. All newly registered student organizations, regardless of their classification, within their first year of registration.
- II. Members required to attend the program are the president and vice president, or their equivalents, as listed on the organization's registration with the Office of Student Activities. If an organization has an officer position that is the equivalent of a risk management officer and/or a new member officer, these officers must also attend the program.
- III. Definition and requirements for persons serving as an advisor(s):
  - A. "Advisor" means a person who:
    1. serves in an advisory capacity to a student organization to provide guidance to the organization and its members;
    2. is older than 21 years of age; and
    3. is not a student at Stephen F. Austin State University.
  - B. An advisor must attend a risk management program at least once every 4 years, or whenever a mandated advisor training is provided.
- IV. The content of the risk management program will include topic areas mandated by the Texas Education Code as well as topic areas deemed relevant by the university.

**Cross Reference:** Texas Education Code Sec 51.9361

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

**Contact for Revision:** Director of Student Activities

**Forms:** None

## Student Records (D-13)

**Original Implementation:** 1974

**Last Revision:** ~~July 10, 2007~~ *October 30, 2007*

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

### I. Definitions

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

- A. Student means any person who attends or who has attended the university.
- B. Education records means any record (in handwriting, print, tapes, film, or other medium) maintained by the university or an agent of the university which is directly related to a student, except:
  - 1. a personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute;
  - 2. an employment record of an individual whose employment is not contingent on the fact that he/she is a student, provided the record is used only in relation to the individual's employment;
  - 3. records maintained by the university police department if the records are maintained solely for law enforcement purposes, are revealed only to law enforcement agencies of the same jurisdiction, and the department does not have access to education records maintained by the university;
  - 4. records maintained by university health services if the records are used only for treatment of a student and made available only to those persons providing the treatment; and,

5. alumni records which contain information about a student after he/she is no longer in attendance at the university and the records do not relate to the person as a student.
6. *A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted as its agent to provide a service instead of using university employees or officials (such as an attorney, auditor, or collection agent); a person serving on the board of regents; a scholarship committee, for the sole purpose of evaluating scholarship recipients; an outside individual/entity involved in the financial aid process reviewing information regarding financial aid eligibility; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.*

*A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the university.*

## **II. Annual Notification**

Annual notification is published on the SFA website and in the schedule of classes. Specific information may be obtained by consulting with administrative officials listed in this policy.

## **III. Student Rights**

Each student has the right:

- A. to be provided with a list of the types of education records maintained by the university;
- B. to inspect and review the contents of his/her records, excluding the exceptions included in this policy;
- C. to obtain copies of his/her records at personal expense;

- D. to explanations and interpretations of his/her records; and,
- E. to a hearing to challenge the contents of his/her records.

#### IV. **Procedure to Inspect Education Records**

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

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

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

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

#### V. **Types and Custodians of Education Records**

Type of Record	Content	Custodian
Academic	Grades, classification, academic standing, application for admission, and admissions scores.	Registrar, Director of Admissions
Financial	Amount of financial assistance given by University and type of assistance.	Director of Financial Aid, Controller
Disciplinary	Nature of offense and type of University action.	Judicial Officer
Placement	Academic record and documents of recommendations.	Director of Counseling and Career Services
Health	Medical history to include all treatment by University physicians.	Director of Health Services
Counseling	Test scores and counseling sessions.	Director of Counseling and Career Services

**VI. Fees for Copies of Records**

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

**VII. Right of University to Refuse Access**

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

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

**VIII. Refusal to Provide Copies**

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

- ~~1~~A. The student has an unpaid financial obligation to the university.
- ~~2~~B. There is an unresolved disciplinary action against the student.

**IX. Disclosure of Education Records**

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

- ~~1~~A. to school officials who have a legitimate educational interest in the records;
  - ~~2~~1. A school official is a person:
    - ~~1~~a. employed by the university in an administrative, supervisory, academic or research, or support staff position;
    - ~~2~~b. appointed to the Board of Regents;
    - ~~3~~c. employed by or under contract to the university to perform a special task.
  - ~~3~~2. A school official has a legitimate educational interest if the official is:

- ~~1.a.~~ performing a task that is specified in his/her job description or by a contract agreement;
- ~~2.b.~~ performing a task related to a student's education;
- ~~3.c.~~ performing a task related to student discipline;
- ~~4.d.~~ providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.
- ~~2.B.~~ to officials of another school, upon request, in which a student seeks or intends to enroll;
- ~~3.C.~~ to certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs;
- ~~4.D.~~ in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- ~~5.E.~~ in compliance with a state law requiring disclosure that was adopted before November 19, 1974;
- ~~6.F.~~ to organizations conducting certain studies for or on behalf of the university;
- G. to accrediting organizations to carry out their functions;
- ~~7.H.~~ to parents of an eligible student who claim the student as a dependent for income tax purposes;
- ~~8.I.~~ to comply with a judicial order or a lawfully issued subpoena;
- J. to appropriate parties in a health or safety emergency.

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

#### **X. Record of Requests for Disclosure**

The university will maintain a record of all requests for and/or disclosure of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed,

and the legitimate interest the party had in requesting or obtaining the information. The record of requests may be reviewed by the student.

#### **XI. Directory Information**

The university designates the following items as directory information:

- ~~a~~.A. name,
- ~~a~~.B. all addresses, including university issued email address
- ~~a~~.C. all telephone numbers,
- ~~b~~.D. major field of study,
- ~~e~~.E. academic classification,
- ~~a~~.F. participation in officially recognized activities and sports,
- ~~e~~.G. weight and height of members of athletic teams,
- ~~f~~.H. dates of attendance and enrollment status
- ~~g~~.I. degrees and awards received,
- ~~h~~.J. previous schools attended,
- ~~i~~.K. photograph, and
- ~~j~~.L. class roster.

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

#### **XII. Review and Destruction of Education Records**

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

#### **XIII. Correction of Education Records**

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

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



education record to any person, it must also disclose the student's statement to the person.

#### **XIV. Disclosure of Social Security Account Number**

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

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

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

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

disclosure under statute or regulation prior to January 1, 1975, in order to verify the identity of an individual.

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

**Cross Reference:** Family Educational Rights and Privacy Act of 1974, 20 U.S.C. sec. 1232 et seq.; 34 C.F.R. Part 99; 5 U.S.C. 552a; SFA Web Pages

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

**Contact for Revision:** General Counsel

**Forms:** None

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## Summer Teaching Appointments (A-18A)

**Original Implementation:** April 20, 2004

**Last Revision:** ~~None~~ October 30, 2007

The university offers no guarantee of a summer teaching appointment to any faculty member except as specifically contracted. All summer instructional contracts are contingent upon sufficient class enrollments and availability of funding.

Utilizing faculty input *and based on student and programmatic needs*, each department, school or college is required to adopt a written policy concerning the allocation of summer teaching assignments. These policies will define priority for summer course offerings and set criteria for allocating teaching assignments among the eligible faculty, including the impact of grant funds on summer employment.

These policies and procedures are subject to the approval of the academic dean and Provost *Vice President for Academic Affairs*. Once approved, a copy of the policy will be placed on file with the dean and ~~provost~~ Provost and Vice President for Academic Affairs and distributed to the faculty. The policy must be reviewed by the departments, schools or colleges on no less than five year intervals.

**Source of Authority:** ~~Provost and Vice President for Academic Affairs~~

**Cross Reference:** Faculty Handbook

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

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

**Forms:** None

## **Timely Warning Policy (D-51) NEW**

**Original Implementation:** October 30, 2007

**Last Revision:** None

A Campus Crime Alert/Timely Warning ("Alert/Timely Warning") is provided to heighten safety awareness and to provide students, faculty and staff timely notification of crimes that are considered to represent a serious or continuing threat to the campus community. The alert will provide pertinent information related to the crime and suspect (as more specifically described below in the Timely Warning Procedure), and will also seek information that may lead to arrest and conviction of the offender.

The Stephen F. Austin State University Police Department (SFAPD) is responsible for preparing and issuing Alerts/Timely Warnings. SFAPD personnel will make the decision of whether to issue an Alert/Timely Warning on a case-by-case basis considering the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Information for Alerts/Timely Warnings may also come from other law enforcement agencies or other officers. Alerts/Timely Warnings will be issued to the campus community as soon as pertinent information about the crime is available.

Alerts/Timely Warnings will be delivered using the following means:

- by e-mail to students' and employees' campus e-mail accounts,
- on the SFAPD Campus Alert website at <http://www2.sfasu.edu/upd/information.html>,
- by webpage banners on all pages hosted on the main SFA web server, directing traffic to the campus alert website.

### **Timely Warning Procedure**

The SFAPD will prepare and issue an Alert/Timely Warning whenever a report is received of a crime that represents a serious or continuing threat to the safety of students, faculty and staff.

Campus Crime Alerts/Timely Warnings will be e-mailed to all students, faculty and staff and will be posted on the SFAPD's website. Alternative methods for distributing Campus Crime Alerts may include media releases, campus newspaper, flyers posted in university buildings, and phone message boards.

Whenever local authorities make the SFAPD aware of an off-campus crime that represents an ongoing threat to the safety of students, faculty and staff, the university will issue a Campus Crime Alert/Timely Warning.

Information included in Campus Crime Alerts/Warnings will include, at minimum:

- A succinct description of the incident and type of crime, including location, date and time of occurrence
- A physical description of the suspect, including gender and race
- Composite drawing of the suspect, or photograph, if available

- Apparent connection to previous incidents, if applicable
- Race of the victim, but only if there was an apparent bias motive
- Sex of the victim, if relevant
- Injury sustained by the victim
- Date and time the campus alert was released
- A notice to the campus community to exercise caution

**Cross Reference:** 20 USC 1092(f); Policy for Reporting the Annual Disclosure of Crime Statistics (D-52)

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

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

**Forms:** None

## Training and Certification of University Vehicle Operators (D-36)

Original Implementation: May 4, 1983

Last Revision: ~~October 14, 2004~~ October 30, 2007

1. For the purpose of this policy, the following definitions shall apply.
  - a. "Operate" means to be in actual physical control of a motor vehicle upon a highway.
  - b. "Highway" means the entire width between property lines of any road, street, way, thoroughfare, or bridge in this state not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power.
  - c. "University" means Stephen F. Austin State University.
  - d. "Approved Driver Certificate" means a certificate issued by the university based on prescribed training, demonstrated proficiency and satisfactory driving record.
  - e. A "hazardous traffic violation" means any act committed in connection with the operation of a motor vehicle on a public street or highway, which constitutes a hazard to traffic and is prohibited by state law or city ordinance." Hazardous violations shall include parking on pavement and all equipment violations except overweight violations.
  - f. "A satisfactory driving record" means a driving record in which an employee has less than ten points accumulated for traffic-related violations during the last three years and has no violations occurring during the last seven years according to the point system provided in this policy.
2. In determining employee eligibility for an Approved Driver Certificate, the following points shall be assessed for convictions of traffic related violations:
  - a. Four points for any hazardous traffic violation which does contribute to a traffic accident.
  - b. Ten points for any of the following:
    - i. Driving while intoxicated
    - ii. Aggravated assault with motor vehicle
    - iii. Driving under the influence of drugs
    - iv. Murder without malice with motor vehicle
    - v. Homicide by vehicle
    - vi. Failure to stop and render aid
3. A person with a 10-point violation on his record within the past seven years shall not be eligible for an Approved Driver Certificate.
4. For the purposes of this policy, the chief of university police may regard a probated sentence, deferred adjudication, enhancement, or reduction for a traffic related violation the same as a conviction.

5. In order to operate a university motor vehicle upon a highway, an employee must be designated by the employing department, college, or division as a driver and must meet the following standards:  
Provide evidence of an appropriate, valid Texas driver's license, or a valid out of state license if an active duty member of the military or reserves;
  - a. Provide evidence of the satisfactory completion of a course of defensive driving; and,
  - b. Provide evidence from the Driver Records Division of the Texas Department of Public Safety, or out of state driver record bureau if an active duty member of the military or reserves of a satisfactory driving record.

Applications for an Approved Driver Certificate may be obtained from the chief of university police. (See Driver Certification policy).

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

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

7. An Approved Driver Certificate shall be valid for three years. Renewal of the certificate may be acquired by the presentation of a satisfactory driving record issued by the Driver Records Division of the Department of Public Safety during the month of renewal.
8. An employee holding an Approved Driver Certificate who is involved in a hazardous traffic violation may be required to repeat any phase of the certification process. Habitual or repeated violation of the university policy or the Texas Motor Vehicle Law, may result in the suspension or cancellation of an Approved Driver Certificate. The chief of university police may refuse to issue or renew an Approved Driver Certificate to an employee without notice or hearing.
9. Upon presentation of a satisfactory driving record and proficiency, an employee may apply for, and the chief of university police may issue, a Temporary Approved Driver Certificate. A temporary certificate may be issued for a period of 180 calendar days and may not be renewed. The temporary condition of the certificate may be removed by the chief of university police upon the completion by the employee of the defensive driving course required in paragraph 5.
10. The manager of transportation shall not permit an employee who does not hold an Approved Driver Certificate to operate any university motor vehicle

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

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

***Responsible for Implementation:*** *President*

***Contact for Revision:*** *President*

***Forms:*** *Approved Driver Certificate Form (UPD)*

**~~Source of Authority:~~** ~~Board of Regents, President~~

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

**~~Contact for Revision:~~** ~~President~~

**~~Forms:~~** ~~None~~



## **~~University Center~~Student Center Operations (B-29)**

**Original Implementation:** 1966

**Last Revision:** ~~October 20, 2005~~ October 30, 2007

### **GENERAL OPERATIONS**

1. Reservations in the ~~University Center~~Student Center (SC) are made through the coordinator of university reservations and conferences, referred to hereinafter as the coordinator.
2. It is the responsibility of the sponsoring agency to ensure that the programs, related activities, and printed material are accessible to persons with disabilities. The university does not accept responsibility for insuring that the programs or activities of the group are in compliance with the provisions for the Americans with Disabilities Act. Questions regarding accessibility of facilities for a specific program being held in the ~~University Center~~Student Center should be directed to the coordinator.
3. Lounges are primarily intended for general use by the public. Limited use of the areas for active programming will be allowed upon approval of the director of the ~~Student Center~~Auxiliary Services. Approval will depend upon several variables that will include time, size, and type of program.
4. Animals or pets of any kind, excluding, service animals shall not be permitted in the building at any time.
5. Individuals or groups reserving space in the ~~University Center~~Student Center shall be responsible for the behavior of their members and guests and also shall be responsible for any damage caused by their guest or members.
6. Failure to comply with the operations policy or with requests of the persons enforcing this policy may result in suspension of privileges to use the ~~University Center~~Student Center and/or lead to action under the university disciplinary code.
7. Disorderly conduct and disturbing the peace shall not be permitted in the ~~University Center~~Student Center and may lead to disciplinary action.

~~Alcoholic beverages will be permitted in the University Center for receptions or meals (only if catered or sold through a licensed vendor and approved in advance by the President).~~

~~10-8. Card playing or table games may be played only in rooms reserved for such purposes. No such games will be played in any food service areas or lounge areas~~  
~~dining area, the Hungry Jack Inn, or lounge areas. Gambling in the building is prohibited.~~

- ~~10.9.~~ No classes, lectures, laboratories, tests or any type of class for credit shall be scheduled in the ~~University Center~~*Student Center*, except under extenuating circumstances.
- ~~11.10.~~ The ~~University Center~~*Student Center* will not be responsible for any articles lost in the building.
- ~~12.11.~~ Food and drinks shall not be permitted on the second floor of the building except when provided by ~~University Center~~*Student Center* personnel for approved reservations. Food and beverages are not allowed in the carpeted lounge areas without prior arrangements with the coordinator.
- ~~13.12.~~ Electrical circuits shall not be altered nor connected to, except through outlets provided and with the approval of the coordinator.
- ~~14.13.~~ Equipment and furnishings assigned to the ~~University Center~~*Student Center* shall not be removed from the immediate vicinity of the ~~University Center~~*Student Center* for any reason, except upon permission from the director of the *Student Center Auxiliary Services*.
- ~~15.14.~~ The public address system shall be used for music and official announcements only.
- ~~16.15.~~ Skates, skateboards, bicycles or bikes of any kind are not allowed inside the ~~University Center~~*Student Center*.

## DISTRIBUTION OF PROMOTIONAL MATERIALS

1. Only university organizations, including academic departments, registered student organizations, faculty and staff organizations, other organizations and entities officially associated with the university and the alumni association may display or distribute promotional materials in the ~~University Center~~*Student Center* after following established procedures. Promotional materials include literature, publications, and posters.

~~a.~~ The promotion of commercial enterprises is prohibited.

~~a.~~ Promotional materials must be registered and filed with the Office of Student Affairs.

~~b.~~ Posters and banners must be registered by the coordinator.

~~c.~~ Posters shall not exceed 14" X 22".

~~d.d.~~ Banners shall not exceed 18 feet long by 36 1/2" tall.

~~e.e.~~ Posters may be put up within five (5) days prior to the event or earlier if the space is available and shall be limited to three (2) posters per event in the ~~University Center~~ *Student Center* at any one time. Any exceptions must be reviewed and approved by the director of the ~~Student Center~~ *Auxiliary Services*. Posters will not be displayed for longer than two weeks.

~~f.f.~~ No posters or decorations will be placed on the building proper, including posts, porches, terraces, doors, walks, walls, fountains, planters, floors, or draperies.

~~g.g.~~ Banners may be hung in designated areas of the ~~University Center~~ *Student Center*.

~~h.~~ After the scheduled event, ~~University Center~~ *Student Center* personnel will remove and discard all posters and banners.

~~i.~~ Banners will not be posted longer than two (2) weeks.

2. After registration, any materials to be displayed on the tables in food service areas must be taken to supervisory personnel of the respective dining areas for distribution instructions. Material may not be distributed in cafeterias during dining hours.

## POLITICAL CAMPAIGN POLICY

1. No political campaign posters of students or non-students will be posted in the ~~University Center~~ *Student Center*.
2. Campaign literature of student candidates with permission of the cafeteria manager may be placed on the tables in the cafeterias if the literature does not include fund or membership solicitation.
3. Posters or flyers announcing political events, registered for campus, may be posted in the ~~University Center~~ *Student Center* or distributed on cafeteria tabletops in conformance with ~~University Center~~ *Student Center* policy. Only the name of the candidate, the date, time, place and sponsoring organization may be on posters or flyers announcing a political event.
4. Candidates for political office, both student and non-student, may casually visit with students, personnel, or other patrons in the ~~University Center~~ *Student Center* to solicit votes. Distributing campaign literature or cards will be prohibited in the ~~University Center~~ *Student Center*.
5. Political Candidates may reserve rooms for meetings following all ~~University Center~~ *Student Center* policies and subject to all applicable charges.

## SOLICITATION

1. Selling, canvassing, petitioning, fund raising, surveying and membership drives by approved student organizations, will be permitted in the ~~University Center~~*Student Center* after registration with the director of the *Student Center*. ~~Auxiliary Services and the Office of Student Affairs~~. University departments, faculty and staff organizations, the alumni association and other organizations and entities officially associated with the university must seek approval from the director of the *Student Center*. ~~Auxiliary Services~~. Reservations for tables and space in the ~~University Center~~*Student Center* must then be made with the coordinator.
2. No group, except for university departments and the alumni association with approval, shall act as an agent for a commercial company.
3. Fund raising or charitable solicitation and the sale of products or services by community organizations or businesses are prohibited in the ~~University Center~~*Student Center*. This regulation shall not apply to university functions as defined in the university solicitation policy.
4. Solicitation for newspaper delivery may be conducted in the ~~University Center~~*Student Center* on days designated by the director of the *Student Center*. ~~Auxiliary Services~~ in areas assigned by the coordinator. All newspaper solicitors will have equal space.
5. Commercial cable service providers under contract with Stephen F. Austin State University may conduct solicitation in the ~~University Center~~*Student Center* on days designated by the director of the *Student Center*. ~~of Auxiliary Services~~ in areas assigned by the ~~University Center~~*Student Center* coordinator.

## BUILDING HOURS

1. The main portion of the ~~University Center~~*Student Center* will be open daily from ~~6:30 a.m. until 9:00 p.m.~~ 24 hours a day when classes are in session for fall and spring semesters as supported by student traffic. ~~The building will open Saturdays at 7 a.m. and Sundays at 8 a.m.~~ There will be a late charge, for those who reserve rooms, for each additional hour after ~~9:00~~ 10:00 p.m. The ~~University Center~~*Student Center* may stay open late without charge for a university-sponsored event. The post office area will be open 24 hours daily. *Food service areas* ~~Cafeterias and the Hungry Jack Inn~~ will be open according to posted schedules.
2. All events in the ~~University Center~~*Student Center* will conclude by 12 midnight, Sunday through Thursday and by 1 a.m. Friday and Saturday. All patrons of the facilities are to vacate the center immediately after that time. No student, faculty or staff member, except by permission of the director of the *Student Center*. ~~Auxiliary Services~~ shall remain in the ~~University Center~~*Student Center* after it is officially closed.

3. Hours of operations of the various areas and closing of the building between semesters, on holidays, and during summer semesters shall be at the discretion of the director of the *Student Center Auxiliary Services*.

## DECORATIONS

1. Organizations or individuals conducting activities in the ~~University Center~~ *Student Center* may request assistance with decorating needs from the special services manager. Arrangements for decorations will be made with the coordinator.
2. There is no charge for using the table decorations from the existing inventory, for catered meals and receptions. Groups and individuals reserving rooms are responsible for safekeeping of arrangements and will be charged for loss or damage. If ~~SCUC~~ linen tablecloths are used, no crepe paper may be used due to fading. There will be charges for the use of ~~SCUC~~ linen on non-food tables.
3. Delivery of decorator items from the ~~University Center~~ *Student Center* to other buildings is prohibited except as approved by the director of the *Student Center Auxiliary Services* and with appropriate charges.
4. The ~~University Center~~ *Student Center* will not store items overnight for patrons. All items, including balloons, brought into the center for decorating purposes must be removed immediately following the event. Trash bags may be supplied by the ~~SCUC~~ custodial service for balloon and trash removal.
5. The ~~University Center~~ *Student Center* shall not be responsible for any articles left in the building.
6. Decorations will be attached only to self-supporting scaffolding and/or attachments provided for decorating purposes. Standards, easels, room dividers, or tack boards are available and may be requested through the coordinator.
7. Excessive decorating requests such as: hanging and removing items from the ceiling or sides of the room above the existing wires, activities requiring the use of scaffolding, ladders and electrical hookups will be charged a maintenance fee. (See charges)
8. The use of adhesive tape, glues including spray glue and hot glue, tacky tape, thumb tacks, masking tape or nails on doors, posts, ceilings, walls, floors or fixtures is prohibited.
9. The use of hay or other flammable materials will not be permitted in the ~~SCUC~~ without prior approval.
10. Decorations must be constructed by the organization outside the facility. Sawing, painting or hammering, other than joining complete sections, must be done outside the building.
11. In case of special decorating needs, check with the coordinator. A time may be established for entry into the facility for the purposes of decorating with appropriate charges.

12. Services and equipment provided at no charge are subject to availability, and working conditions.

## RESERVATIONS

1. Reservation books are opened the first working day of the new calendar year for the following calendar year. The general policy is to honor reservations on a first-come, first-serve basis. Regular summer camps and special university functions will automatically be scheduled for the corresponding dates each year.
2. Reservation contracts must be confirmed and the reservations document signed or confirmed by email by the reserving person two weeks prior to each event. Unconfirmed reservations after this time will automatically be canceled.
3. Reservations will not be accepted the day of the event.
4. The scheduling of activities, facilities, or equipment for recognized university clubs and organizations must be made by a group officer or the sponsor of the organization.
5. Failure to use or release a ~~University Center~~*Student Center* facility forty-eight hours prior to the event may result in the group paying the regular room rates.
6. Groups scheduling activities with an expected attendance of ~~700~~400 or more are required to secure the services of a university police officer.
7. Commercial enterprises are normally not permitted to reserve or use space in the ~~University Center~~*Student Center* for purposes of promotion or selling. The director of the ~~Student Center~~*Auxiliary Services* may approve a commercial enterprise entering into an agreement with the ~~University Center~~*Student Center* for solicitation within the center, provided the activity has cultural or educational value.
8. Changes in physical set-up of reserved space must be arranged with the coordinator or after office hours with the ~~University Center~~*Student Center* night manager. Requested changes will only be accommodated as time permits and will be subject to charges.
9. Off campus groups or individuals may be required to make a prepayment of three fourths of the expected total bill two weeks before the event.
10. Groups and individuals with outstanding bills or debts owed to the ~~University Center~~*Student Center* will have their reservation privileges in the SCUC suspended.
11. Only food and beverage prepared by the ~~University Center~~*Student Center* food service will be served in the meeting and dining rooms of the ~~University Center~~*Student Center*. A catering booklet with menus and ~~University Center~~*Student Center* charges is available in the coordinator's office and on the catering website at <http://www.sfasu.edu/auxsvcs/pricelist/>
12. Only registered university organizations may reserve tables adjacent to the lounge areas in the ~~University Center~~*Student Center*.

13. Events that will continue after 9 p.m. must be scheduled at least two (2) weeks prior to the event.
14. Use of university facilities or services are subject to be changed or cancelled based upon priority needs of the university as determined by the director of the *Student Center Auxiliary Services*.

### TECHNICAL SERVICES

1. The ~~University Center~~ *Student Center* will provide technical equipment if available. See the coordinator for a list of available equipment and prices, visit <http://www.sfasu.edu/auxvcs/pricelist/> Reservations for the event and technical equipment are made with the coordinator two weeks before the event. Late additions of technical equipment to the order must be made at least two days prior to the event and a late charge will be assessed (See charges).
2. Only ~~University Center~~ *Student Center* personnel will be permitted in the technical service booth above the Grand Ballroom.
3. ~~University Center~~ *Student Center* technical equipment will not be taken from the ~~University Center~~ *Student Center* except by approval of the director of the *Student Center Auxiliary Services* and with the appropriate charges.

### FACILITY USAGE BY APPROVED STUDENT ORGANIZATIONS AND UNIVERSITY DEPARTMENTS

1. Approved student organizations and university departments will be permitted to use ~~University Center~~ *Student Center* facilities for non-catered events at no charge.
2. Any dance sponsored by an approved student organization must have prior approval from the dean of students *or designee* ~~Development~~ before room reservations will be made. Dances will be limited to one (1) per month per organization.
3. Student organizations will be allowed two (2) hours per week for series meeting purposes. Exceptions must be approved by the coordinator. Series meetings are scheduled by email on a first come first served basis. Once the series is confirmed and the reservation is processed, changes will not be made without a fee. If two weekly series meetings are missed the series will be canceled.
4. An activity scheduled to continue past 12 midnight must be supervised by a university police officer(s). A fee will be assessed for UPD service in addition to the ~~SCUC~~ late charge.

### FACILITY USAGE BY OFF-CAMPUS GROUPS

1. Off-Campus groups which are sponsored by a university department may use the ~~University Center~~ *Student Center* facilities without room charges.

2. Off-Campus groups without a university department sponsor shall be permitted to use the facilities of the ~~University Center~~ *Student Center* and will be subject to guidelines and charges.

## CATERING

See catering booklet or access the Catering website at <http://www.osa.sfasu.edu/auxering.html> on the internet.

## CAMPUS LOST AND FOUND

The ~~University Center~~ *Student Center* shall maintain a campus Lost and Found Department at the Information Desk. (See Disposition of Abandoned Personal Property policy in the SFA Policy and ~~Procedure~~ Manual).

## CHARGES

See ~~University Center~~ *Student Center* price list at our web site <http://www.auxser.sfasu.edu/uc/pricelist.html> on the internet.

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

**Cross References:** None

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

**Contact for Revision:** Director ~~Library Services~~ *of Student Services/Director of Student Center*

**Forms:** None