

STEPHEN F. AUSTIN

STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** U.S. Patriot Act

**Policy Number:** 11.31

**Is this policy new, being reviewed/revised, or deleted?** Delete

**Date of last revision, if applicable:** 4/15/2015

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** The policy exists to describe the university's responsibilities to comply with federal law regarding terrorism.

**Reason for the addition, revision, or deletion (check all that apply):**

☒ Scheduled Review

☐ Change in law

☐ Response to audit finding

☐ Internal Review

☐ Other, please explain:

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:**

**Specific rationale for deletion of policy:** The policy is obsolete. There are no current major provisions under the U.S. Patriot for which the university would be responsible that merit a policy. The current policy includes provisions to ensure oversight of certain biological chemicals purchased at SFA and the reporting requirements. The select agents are identified by the U.S. government, and SFA's laboratories are not equipped to handle these types of chemicals/biologicals. Since we do not have any select agents on campus there is no need for us to report. Before SFA could ever purchase these types of select agents we would have to have a major upgrade to our laboratories, which would trigger the reporting of the individuals.

*Additional Comments:*

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Reviewers:

Loretta Doty, Director of Human Resources

Jeremy Higgins, Director of Environmental Health, Safety and Risk Management

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

## **USA Patriot Act TO BE DELETED**

**Original Implementation:** October 17, 2002

**Last Revision:** April 14, 2015

The USA Patriot Act, otherwise known as ~~Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT)~~ makes it unlawful for certain individuals to work with specific biological agents, toxins and delivery systems.

SFA has a small number of faculty, staff and graduate assistant positions that are affected by compliance with this act. For those hired prior to the act and affected by this compliance, the hazardous materials officer will identify and document compliance. Employees with access to the select agents are to be investigated by the federal government. The hazardous materials officer shall submit the employee's names to the US Department of Health and Human Services and the attorney general for investigation. Upon completion of the investigation, the attorney general will promptly notify the secretary and the secretary shall promptly inform SFA whether the employee is granted or denied access.

In order to respond to the requirement with respect to future job vacancies, the Human Resources selection procedure shall include a statement concerning the USA Patriot Act for restricted positions and instructions for compliance. When Human Resources receives a request to advertise a restricted position, additional screening questions will be required of applicants to determine if they meet minimum qualifications before they can be referred for the final hiring decision. The selected candidate will be required to complete a "Statement of Eligibility to Handle Select Biological Agents or Toxins" form. This form should satisfy and address the minimum qualifications and compliance for a final hiring decision or for a person already occupying a position prior to the act's inception.

For additional details on the USA Patriot Act refer to the Human Resources website for the USA Patriot Act Frequently Asked Questions.

**Cross Reference:** ~~Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT) and subsequent reauthorizations; Public Health Security and Bioterrorism Preparedness and Response Act of 2002~~

**Responsible for Implementation:** President

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

**~~Forms:~~** Statement of Eligibility to Handle Select Biological Agents or Toxins

**~~Board Committee Assignment:~~** Academic and Student Affairs