REPORT TO THE BOARD OF REGENTS

October 30-31, 2022

Meeting 358

STEPHEN F. AUSTIN
STATE UNIVERSITY

TABLE OF CONTENTS
BOARD REPORT FOR OCTOBER 30-31, 2022
BOARD OF REGENTS MEETING 358

Sunday, October 30, 2022

Agenda 2
Roll Call 9

SYSTEM AFFILIATION REPORTS

Student Government Association Report 11
Staff Council Report 26
Academic Group Reports 40
Alumni Report 42

EXECUTIVE SESSION

Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076) 48

Deliberations Regarding Negotiated Contracts for Prospective Gifts or Donations. (Texas Government Code, Section 551.073) 49

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, EEOC charges, *Ann Wilder v. SFASU*; *Christin Evans v. Sydney Miley, et al; Tammy Wheeler v. Board of Regents of Stephen F. Austin State University, et al.* and *Sarah Evans vs. Stephen F. Austin State University, et al.* (Texas Government Code, Section 551.071) 50

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the director of athletics, executive director for enrollment management, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, vice presidents and the interim president. (Texas Government Code, Section 551.074) 51

Monday, October 31, 2022

Roll Call 53

ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Agenda Item 6: Department Name Change for Department of Geology in the College of Sciences and Mathematics 55
Agenda Item 7: Academic and Student Affairs Policy Revisions 56
Academic Unit Head –Responsibilities, Selection, and Evaluation 4.4 58
Accessibility of Electronic Information Resources 16.9 63

Continuing Education 5.3 67
Credit and Contact Hours 5.4....71
Designation of School Status 4.5 74
Discipline and Discharge 11.4 77
Emeritus 7.10 85
Faculty Search 7.12....88
Faculty Workload 7.13....91
Guest Lecturers 7.15 97
Library Faculty 7.17....99
Misconduct in Federally Funded Research 8.7....104
Moving Expenses 3.23....124
Performance Evaluation of Faculty 7.22 127
Performance Management Plan 11.20 133
Prohibition of Enrollment Inducement of Military Service Members 6.23....136
Public Health 13.16....139
Reasonable Workplace Accommodations for Disabilities 11.22 142
Regents Scholar 7.24 147
Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities 13.18 150
Selection of Academic Deans 4.9 153
Staff Employment 11.5 156
Timely Warning 13.22 161
University Closure for Inclement Weather and Other Emergencies 13.12 165

BUILDING AND GROUNDS COMMITTEE
Report: Construction Report 169
Agenda Item 8: Oncor Transfer of Equipment and Facilities Bill of Sale and Assignment and Assumption Agreement 208

FINANCE AND AUDIT COMMITTEE
Agenda Item 9: Acknowledge Receipt of Audit Services Report 213
Agenda Item 10: Annual Audit Report and Audit Charter 214
Agenda Item 11: Ratification of the 2024-25 LAR Submission 215
Agenda Item 12: Amendment to KDW Contract for Demolition of Hall 16 216
Agenda Item 13: Acknowledge Receipt of Contract Monitoring Report....217
Agenda Item 14: College of Fine Arts Expansion Project Budget Increase and GMP Amendment 226
Agenda Item 15: Campus Space Realignment and Renovation Project Budget – Steen Library Renovations 228
Report: HEF Status Report Fiscal Year 2022-2023 229
Agenda Item 16. Grant Awards 230
Agenda Item 17. Finance and Audit Policy Revisions....236
Contracting Authority 1.3 237
Food Purchases 17.6 240
Institutional Reserves 3.19....243
Procurement of Electronic and Information Resources 17.16 246
Working Hours and Holidays 12.24 250

BUILDING AND GROUNDS COMMITTEE
Building and Grounds Committee Tour 254

COMMITTEE OF THE WHOLE
Pledge – ROTC Cadet Perry 255
Special Recognition 256

Action Item 1: Approval of Board Minutes Meeting 357, July 24-26, 2022 261

PERSONNEL
Action Item 2: Approval of Faculty and Staff Appointments 540
Action Item 3: Approval of Changes of Status 542
Action Item 4: Approval of Faculty Tenure 545
Action Item 5: Approval of Retirements 546

ACADEMIC AND STUDENT AFFAIRS COMMITTEE
Action Item 6: Department Name Change for Department of Geology in the College of Sciences and Mathematics 549
Action Item 7: Academic and Student Affairs Policy Revisions 550
- Academic Unit Head –Responsibilities, Selection, and Evaluation 4.4 552
- Accessibility of Electronic Information Resources 16.9 557
- Continuing Education 5.3 561
- Credit and Contact Hours 5.4 565
- Designation of School Status 4.5 568
- Discipline and Discharge 11.4 571
- Emeritus 7.10 579
- Faculty Search 7.12 582
- Faculty Workload 7.13 585
- Guest Lecturers 7.15 591
- Library Faculty 7.17 593
- Misconduct in Federally Funded Research 8.7 598
- Moving Expenses 3.23 618
- Performance Evaluation of Faculty 7.22 621
- Performance Management Plan 11.20 627
- Prohibition of Enrollment Inducement of Military Service Members 6.23 630
- Public Health 13.16 633
- Reasonable Workplace Accommodations for Disabilities 11.22 636
- Regents Scholar 7.24 641
- Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities 13.18 644
- Selection of Academic Deans 4.9 647
- Staff Employment 11.5 650
- Timely Warning 13.22 655
- University Closure for Inclement Weather and Other Emergencies 13.12 659

BUILDING AND GROUNDS COMMITTEE

Action Item 8: Oncor Transfer of Equipment and Facilities Bill of Sale and Assignment and Assumption Agreement 663

FINANCE AND AUDIT COMMITTEE

Action Item 9: Acknowledge Receipt of Audit Services Report 665
Action Item 10: Annual Audit Report and Audit Charter 666
Action Item 11: Ratification of the 2024-25 LAR Submission 667
Action Item 12: Amendment to KDW Contract for Demolition of Hall 16 668
Action Item 13: Acknowledge Receipt of Contract Monitoring Report 669
Action Item 14: College of Fine Arts Expansion Project Budget Increase and GMP Amendment 678
Action Item 15: Campus Space Realignment and Renovation Project Budget – Steen Library Renovations 680
Action Item 16: Grant Awards 681
Action Item 17: Finance and Audit Policy Revisions 687
Contracting Authority 1.3 688
Food Purchases 17.6 691
Institutional Reserves 3.19 694
Procurement of Electronic and Information Resources 17.16 697
Working Hours and Holidays 12.24 701

REPORTS

Faculty Senate 705
Staff Council 707
Student Government Association 720
President 722


Stephen F. Austin State University
Board of Regents
Meeting 358
October 30, 2022

O P E N M E E T I N G N O T I C E

Stephen F. Austin State University
Board of Regents Board Meeting and Committee Meetings
Nacogdoches, Texas
October 30-31, 2022
Meeting 358
Austin Building, Room 307

The Board of Regents of Stephen F. Austin State University will convene a two-day Board Meeting and Committee Meetings on October 30-31, 2022 according to the following agenda. In-person attendance is permitted or view a livestream of the meeting at: http://www.sfasu.edu/about-sfa/board-of-regents/meeting-information.

SUNDAY, October 30, 2022
1:00 p.m.
CALL TO ORDER IN OPEN SESSION

Welcome and Introductions

System Affiliation Reports
- Student Government Association Report
- Staff Council Report
- Academic Group Reports
- Alumni Report

RECESS TO EXECUTIVE SESSION
(Scheduled for approximately 4:30 p.m.)

The board will move to executive session for consideration of the following items:

Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076)

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

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, EEOC charges, *Ann Wilder v. SFASU*; *Christin Evans v. Sydney Miley, et al; Tammy Wheeler v. Board of Regents of Stephen F. Austin State University, et al.* and *Sarah Evans vs. Stephen F. Austin State University, et al.* (Texas Government Code, Section 551.071)

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the director of athletics, executive director for enrollment management, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, vice presidents and the interim president.

RECONVENE BOARD MEETING IN OPEN SESSION
(Scheduled for approximately 8:00 p.m.)

The board will recess for the evening at approximately 8:00 p.m. with no further action expected.

THIS IS A CONTINUATION OF A TWO-DAY BOARD MEETING AND COMMITTEE MEETINGS AGENDA:

MONDAY, October 31, 2022
9:00 a.m.
RECONVENE BOARD MEETING IN OPEN SESSION

Call to Order

Welcome and Introductions

RECESS TO COMMITTEE MEETINGS

MEETING OF THE ACADEMIC AND STUDENT AFFAIRS COMMITTEE
(Scheduled at approximately 9:05 a.m. or following the previous agenda item)

Presentation and Committee Action on Agenda Items 6-7:

6. Department Name Change for Department of Geology in the College of Sciences and Mathematics

7. Academic and Student Affairs Policy Revisions
    Academic Unit Head –Responsibilities, Selection, and Evaluation 4.4
    Accessibility of Electronic Information Resources 16.9
    Continuing Education 5.3
    Credit and Contact Hours 5.4
    Designation of School Status 4.5
    Discipline and Discharge 11.4
    Emeritus 7.10
    Faculty Search 7.12
    Faculty Workload 7.13
    Guest Lecturers 7.15
    Library Faculty 7.17
    Misconduct in Federally Funded Research 8.7
    Moving Expenses 3.23
    Performance Evaluation of Faculty 7.22
    Performance Management Plan 11.20
    Prohibition of Enrollment Inducement of Military Service Members 6.23
    Public Health 13.16
    Reasonable Workplace Accommodations for Disabilities 11.22
    Regents Scholar 7.24
    Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities 13.18
    Selection of Academic Deans 4.9
    Staff Employment 11.5
    Timely Warning 13.22
    University Closure for Inclement Weather and Other Emergencies 13.12

MEETING OF THE BUILDING AND GROUNDS COMMITTEE
(Scheduled at approximately 9:20 a.m. or following the previous agenda item)

Presentation and Committee Action on Agenda Item 8:

Report: Construction Report

8. Oncor Transfer of Equipment and Facilities Bill of Sale and Assignment and Assumption Agreement

MEETING OF THE FINANCE AND AUDIT COMMITTEE
(Scheduled for approximately 10:00 a.m. or following the previous agenda item)

Presentation and Committee Action on Agenda Items 9-17:

9. Acknowledge Receipt of Audit Services Report
    Endowment Audit
    Higher Education Emergency Relief Funds Audit
    Annual Inventory
    Internal Projects / Investigations
    Update on Audit Plan

10. Annual Audit Report and Audit Charter

11. Ratification of the 2024-25 LAR Submission

12. Amendment to KDW Contract for Demolition of Hall 16

13. Acknowledge Receipt of Contract Monitoring Report

14. College of Fine Arts Expansion Project Budget Increase and GMP Amendment

15. Campus Space Realignment and Renovation Project Budget – Steen Library Renovations

Report: HEF Status Report Fiscal Year 2022-2023

16. Grant Awards

17. Finance and Audit Policy Revisions
    Contracting Authority 1.3
    Food Purchases 17.6
    Institutional Reserves 3.19
    Procurement of Electronic and Information Resources 17.16
    Working Hours and Holidays 12.24

MEETING OF THE BUILDING AND GROUNDS COMMITTEE

At approximately 11:00 a.m., the board will tour the Art Building.

RECESS COMMITTEE MEETINGS

The board will break for lunch at approximately 12:00 p.m.

RECONVENE BOARD MEETING IN OPEN SESSION
(Scheduled for approximately 1:30 p.m. or following the previous agenda item)

Pledge and Invocation

Special Recognitions

Board Action on Item 1:

1. Approval of Board Minutes Meeting 357, July 24-26, 2022

Board Action on Personnel Items 2-5:

2. Approval of Faculty and Staff Appointments

3. Approval of Change of Status

4. Approval of Faculty Tenure

5. Approval of Retirements

Committee Reports and Board Action:

Academic and Student Affairs Committee Report and Board Action on Agenda Items 6-7:

6. Approval Department Name Change for Department of Geology in the College of Sciences and Mathematics

7. Approval of Academic and Student Affairs Policy Revisions
    - Academic Unit Head –Responsibilities, Selection, and Evaluation 4.4
    - Accessibility of Electronic Information Resources 16.9
    - Continuing Education 5.3
    - Credit and Contact Hours 5.4
    - Designation of School Status 4.5
    - Discipline and Discharge 11.4
    - Emeritus 7.10
    - Faculty Search 7.12
    - Faculty Workload 7.13
    - Guest Lecturers 7.15
    - Library Faculty 7.17
    - Misconduct in Federally Funded Research 8.7
    - Moving Expenses 3.23
    - Performance Evaluation of Faculty 7.22
    - Performance Management Plan 11.20
    - Prohibition of Enrollment Inducement of Military Service Members 6.23
    - Public Health 13.16

Reasonable Workplace Accommodations for Disabilities 11.22
Regents Scholar 7.24
Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities 13.18
Selection of Academic Deans 4.9
Staff Employment 11.5
Timely Warning 13.22
University Closure for Inclement Weather and Other Emergencies 13.12

Building and Grounds Committee Report and Board Action on Agenda Item 8:

8. Approval of Oncor Transfer of Equipment and Facilities Bill of Sale and Assignment and Assumption Agreement

Finance and Audit Committee Report and Board Action on Agenda Items 9-17:

9. Acknowledge Receipt of Audit Services Report
Endowment Audit
Higher Education Emergency Relief Funds Audit
Annual Inventory
Internal Projects / Investigations
Update on Audit Plan

10. Approval of Annual Audit Report and Audit Charter

11. Ratification of the 2024-25 LAR Submission

12. Approval of Amendment to KDW Contract for Demolition of Hall 16

13. Acknowledge Receipt of Contract Monitoring Report

14. Approval of College of Fine Arts Expansion Project Budget Increase and GMP Amendment

15. Approval of Campus Space Realignment and Renovation Project Budget – Steen Library Renovations

16. Approval of Grant Awards

17. Approval of Finance and Audit Policy Revisions
Contracting Authority 1.3
Food Purchases 17.6
Institutional Reserves 3.19
Procurement of Electronic and Information Resources 17.16
Working Hours and Holidays 12.24

REPORTS

Faculty Senate Report
Review of current Faculty Senate Focal Points

Staff Council Report
- Review of Staff Council Purpose and Recently Completed Tasks
- Upcoming Staff Council Initiatives

Student Government Association Report
- Tailgating Wars
- Mental Health Awareness Week
- Student Leader Advisory Board (SLAB)
- SGA presence at Faculty Senate and Alumni Association Meetings
- Academic Calendar

President Report
- Faculty/Staff Picnic
- Thanksgiving Holidays
- Big Dip
- December Commencement
- Centennial
- Spring Semester
- Legislative Session
- SFA Gala

Nominating Committee Assignment

ESTIMATED ADJOURNMENT OF BOARD MEETING
(Approximately 4:00 p.m.)

Where appropriate and permitted by law, Executive Sessions may be held for the above listed subjects (Section 551.071). Possible action may be taken in Open Session on matters considered in Executive Session. Further details regarding the posted agenda are available for public review in the Office of the Board of Regents, Austin Building 310, and Telephone (936) 468-4048.

Stephen F. Austin State University
Board of Regents
Meeting 358
October 30, 2022

ROLL CALL

Regents

Karen Gantt, Chair
Tom Mason, Vice Chair
Jenn Winston, Secretary
David Alders
Robert Flores
Brigettee Henderson
Judy Olson
Laura Rectenwald
Nancy Windham
Paige Vadnais, Student Regent

Administrators

Steve Westbrook
Damon Derrick
Jane Ann Bridges
Anthony Espinoza
Brandon Frye
Graham Garner
Rachele Garrett
Ryan Ivey
Michara DeLaney-Fields
Gina Oglesbee
Lorenzo Smith
Jill Still
Charlotte Sullivan


STEPHEN F. AUSTIN STATE UNIVERSITY
1923
System Affiliation Reports

Student Government Association

System Affiliation Report to the SFA Board of Regents

October 2022

STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS

Data Collection

- Student Government Association (SGA) analyzed the questions related to potential system affiliation submitted to the general online form by the student population
- We took the submitted feedback and narrowed it down to 19 questions to submit to each of the university systems
- Once SGA received the responses from each system, we created a subcommittee under the Student Affairs Committee of our Senate
- We hosted a roundtable-style open forum for students to attend to determine the strengths and weaknesses of each university system

STEPHEN F. AUSTIN STATE UNIVERSITY

Texas A&M University System

THE TEXAS A&M UNIVERSITY SYSTEM

STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS

Strengths

THE TEXAS A&M UNIVERSITY SYSTEM

- Non-invasive footprint of the system on SFA's current culture
- Networking advantages
- Access to academic resources and financial aid through the Regents Grants and Scholarships
- Presence of the Texas A&M Forestry Service which would be a profound benefit to our Arthur Temple College of Forestry and Agriculture

STEPHEN F. AUSTIN STATE UNIVERSITY

Weaknesses

THE TEXAS A&M UNIVERSITY SYSTEM

- Concerns of increase cost of tuition
- Provided vague answers that left a feeling of condescension
- Does not seem to have much to offer SFA other than the network

STEPHEN F. AUSTIN STATE UNIVERSITY

Texas State University System

TEXAS STATE UNIVERSITY

STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS

Strengths

TEXAS STATE UNIVERSITY

- There is not one specific flagship university
- Known as a leader in online education
- Approximate 20% increase in enrollment in the last decade
- All universities in system are localized to the East Texas region

STEPHEN F. AUSTIN STATE UNIVERSITY

Weaknesses

- Responses submitted by the Texas State System could have explicitly outlined the system's plan for financial support of SFA
- In comparison to the other systems, Texas State offers the least amount of financial support

Texas Tech University System

STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS

Strengths

- Responses indicated a non-invasive footprint on SFA's current culture
- Benefits from the pre-professional and graduate opportunities offered by Texas Tech
- The maintenance of student organizations response was highly favored by students as Tech would not consolidate student organizations in the acquisition
- No jobs would be lost (rated as a high priority for students)
- Chancellor's Council funding would provide a potential much-needed financial aid opportunity
- Chancellor of Texas Tech is an alumnus of SFA, which students felt was a nice touch
- No university in Texas Tech system has geographic proximity to SFA

STEPHEN F. AUSTIN STATE UNIVERSITY

Weakness

- While other systems allowed tuition to remain an SFA Administrative decision, Texas Tech would impose a bi-annual proposal of tuition on SFA, to be approved by the overarching system. Students felt that this would be problematic as it may encourage tuition increases
- No increase current employee benefits
- Could have offered more in-depth responses on aid to SFA financially

STEPHEN F. AUSTIN STATE UNIVERSITY

University of Texas University System



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.



STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS

Strengths

THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

- Pledged $1 million for financial aid
- $1 million for library renovations and upkeep
- Increase to faculty wages
- Gained cyber security software systems, insurance, and digital library coverage

STEPHEN F. AUSTIN STATE UNIVERSITY

Weakness

THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

- Responses were largely financially-based rather than being student-centered when compared to the other university systems
- Did not submit a sufficient response to the question about student employee salaries

STEPHEN F. AUSTIN STATE UNIVERSITY

Final Considerations

Ultimately, the decision to join a system or remain independent lies with the Board of Regents of SFA; however, in your consideration, SGA requests that the following be considered in the decision-making process:

1. The maintenance of the student life culture and traditions at SFA
2. The financial benefits to student financial aid, employee wages and benefits, and the university
3. Benefits to the students academically through pre-professional and graduate program opportunities, as well as academic resources offered at all degree levels

STEPHEN F. AUSTIN STATE UNIVERSITY

Staff Council Report

University System Affiliation Evaluation

Sunday, October 30, 2022

Let’s start from the top.

The meaningful inclusion of staff voices.

Staff Council

a call for feedback

hundreds of responses

twenty questions

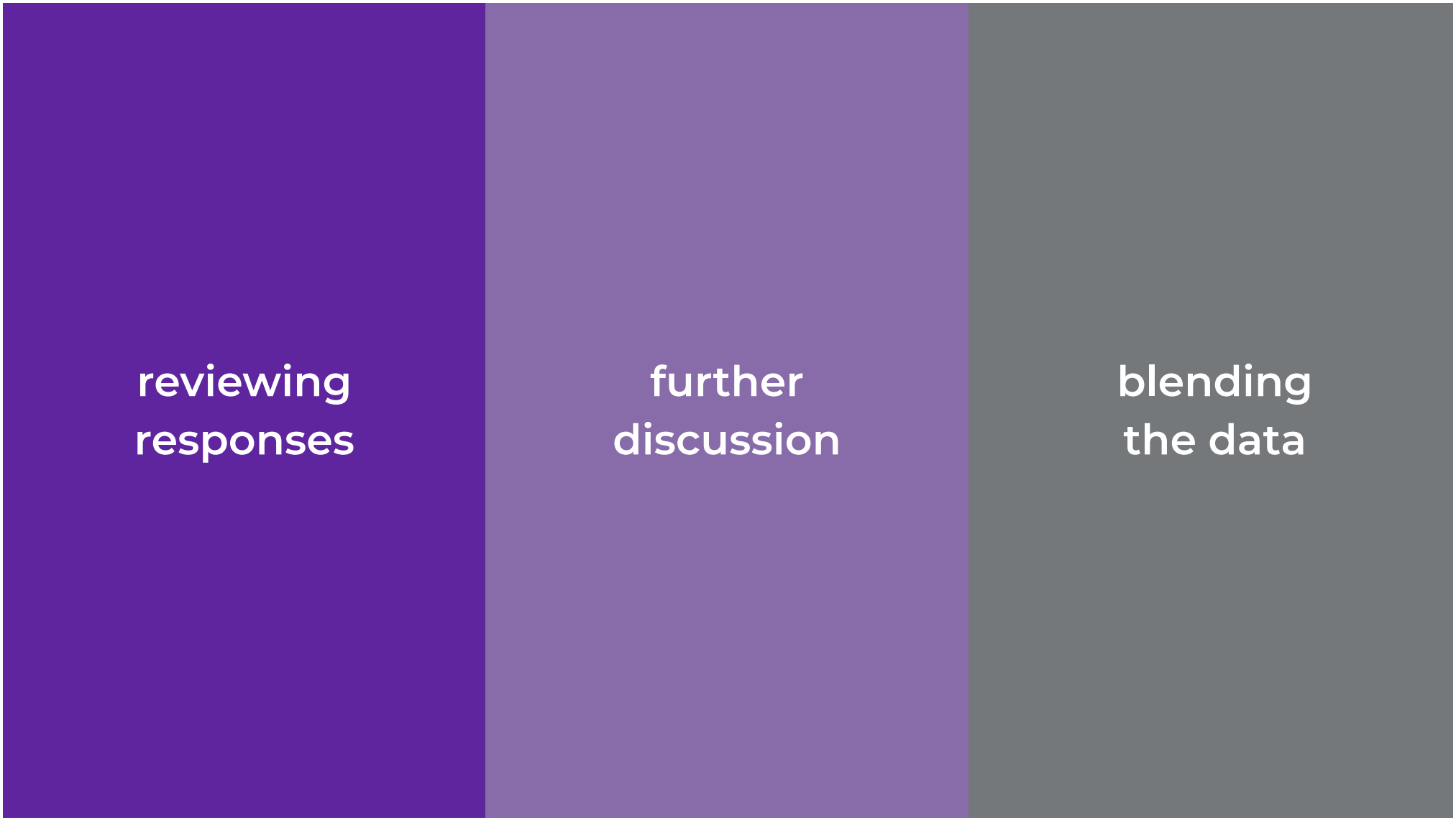

resources
traditions
finances
recruitment
infrastructure
salaries
benefits
outsourcing
culture
professional development
change
budgetary priorities
retirement
inclusion
job stability
identity
benefit to SFA
leave accrual
insurance
equity
strategic vision
growth
branding
leadership
software
holiday schedules
community

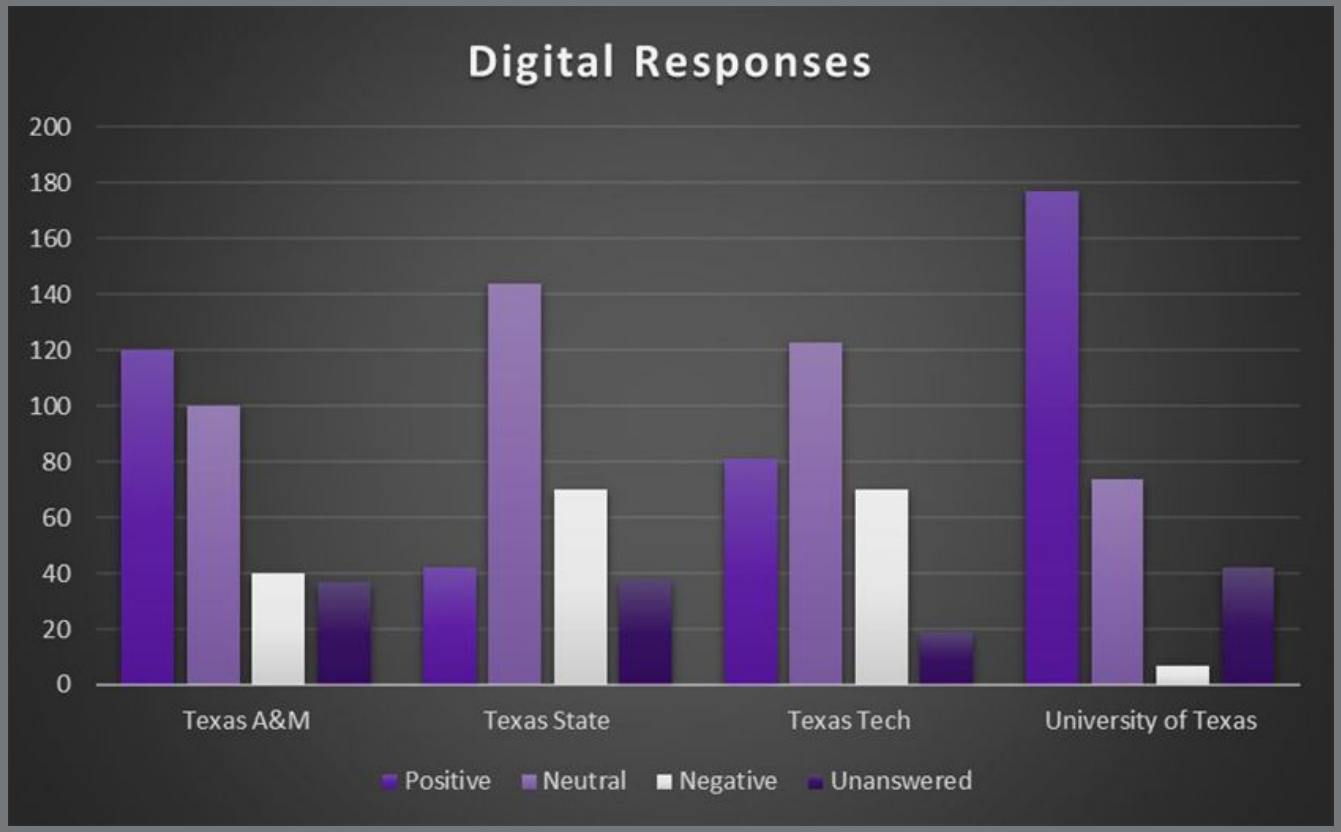

job security
salary equity, compression, and disparity
SFA traditions and identity

System Responses

What the data tells us.

Staff Council


reviewing responses
further discussion
blending the data



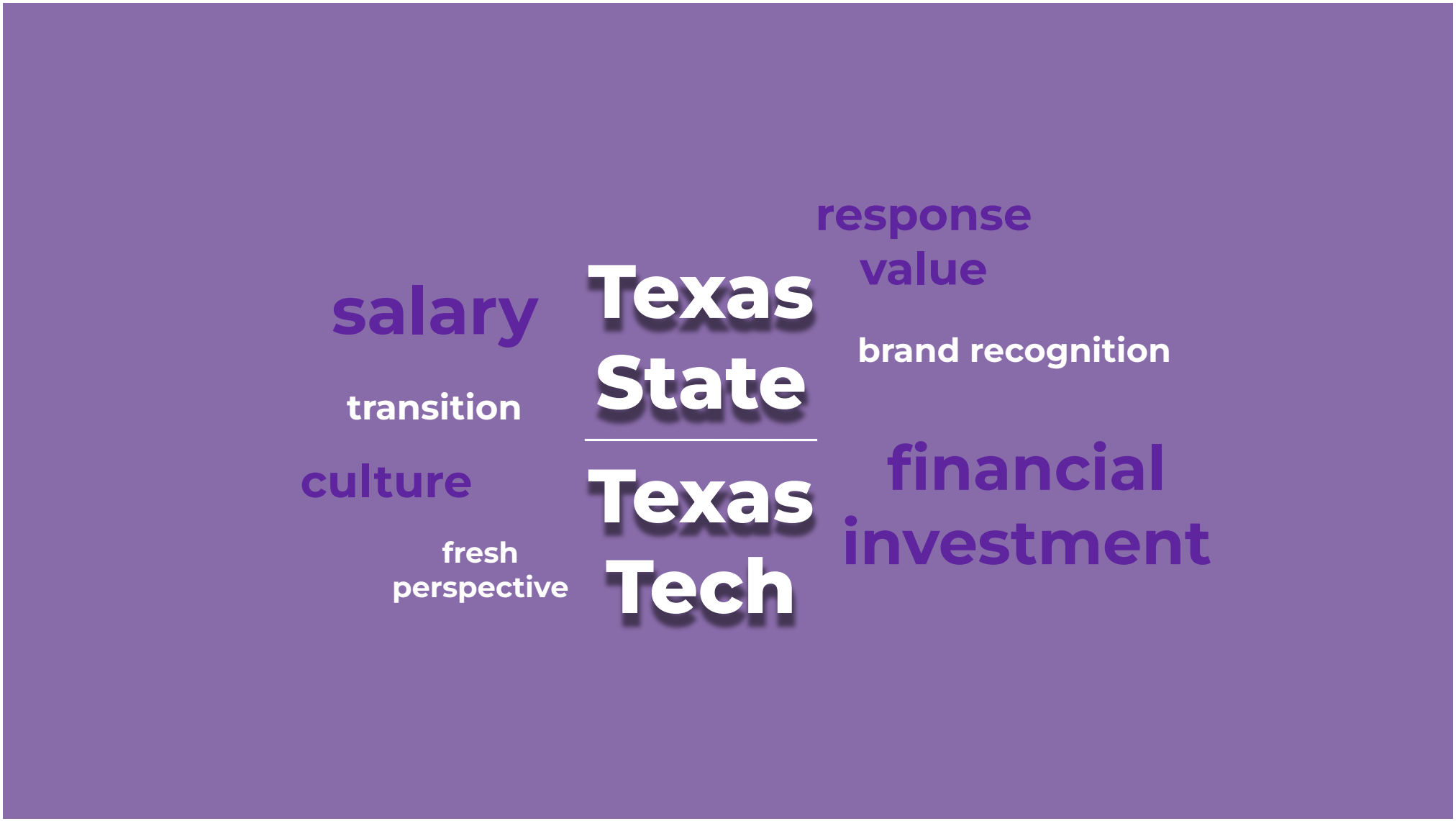
Staff Council

	Positive	Neutral	Negative	Unanswered
Texas A&M	120	100	40	37
Texas State	42	144	**70**	38
Texas Tech	81	123	**70**	19
University of Texas	**177**	74	7	42
Total	420	441	187	136

Staff Council


enrollment growth
fresh perspective
salary
identity
government relations
University of Texas
brand recognition
thoughtful proposal
financial investment
transition support
scholarships


brand recognition
salary
financial support
forestry
Texas A&M
thorough proposal
employee benefits
alignment
fresh perspective
transition support


response
value
salary
Texas State
brand recognition
transition
culture
financial investment
fresh perspective
Texas Tech

Final Considerations

Investing in the continued success of SFA.

Staff Council

100 years

transparency
communication
connection

prioritizing
what matters



STEPHEN F. AUSTIN STATE UNIVERSITY

Provost and Executive Vice President for Academic Affairs
P.O. Box 6079, SFA Station • Nacogdoches, Texas 75962-6079
Phone (936) 468 2707 •

To: Steve Westbrook, Interim President, SFA
Cc: Deans Council, Chairs Forum, Faculty Senate

From: Lorenzo M. Smith, Provost and Executive Vice President for Academic Affairs
Date: October 21, 2022

Subject: Strengths and Weaknesses of Prospective System Affiliates

Strengths and Weaknesses

The staff, faculty, and administrators in Academic Affairs (Academic Affairs) have reviewed the questionnaire responses from the four prospective system affiliates. Academic Affairs noted similar replies among all four systems in areas such as policy and procedural autonomy, cultural identity, state legislature representation, curriculum control, overall governance, and name/color/logo. Academic Affairs also noted several differences among the responses. These differences are highlighted in the tables below for your reference. Data were collected through an electronic survey facilitated by the Office of Institutional Research.

A. Staff Salaries: Commitment to introduce new revenue to increase staff salaries.

SYSTEM	Weak	Unclear	Strong
Texas A&M University	26%	45%	28%
Texas State University	63%	32%	5%
Texas Tech University	53%	38%	10%
University of Texas	3%	17%	79%

B. Faculty Salaries: Commitment to introduce new revenue to increase faculty salaries.

SYSTEM	Weak	Unclear	Strong
Texas A&M University	32%	43%	25%
Texas State University	62%	33%	5%
Texas Tech University	54%	36%	10%
University of Texas	3%	9%	88%

C. Financial Aid: Commitment to introduce new revenue to increase student financial aid.

SYSTEM	Weak	Unclear	Strong
Texas A&M University	22%	36%	42%
Texas State University	51%	43%	6%
Texas Tech University	42%	43%	16%
University of Texas	3%	15%	82%

D. Signature Programs: Potential to introduce new revenue to advance synergistic programming.

SYSTEM	Weak	Unclear	Strong
Texas A&M University	17%	33%	50%
Texas State University	43%	48%	9%
Texas Tech University	35%	45%	20%
University of Texas	6%	26%	68%

E. Financial Strength: Potential to provide financial strength to support future initiatives.

SYSTEM	Weak	Unclear	Strong
Texas A&M University	18%	35%	47%
Texas State University	55%	31%	13%
Texas Tech University	40%	41%	19%
University of Texas	4%	13%	83%

F. Mission-Centric Budgeting: Commitment to align budget allocations with the SFA mission.

SYSTEM	Weak	Unclear	Strong
Texas A&M University	21%	39%	40%
Texas State University*	36%	50%	14%
Texas Tech University	33%	47%	20%
University of Texas	7%	23%	70%

*Statistical significance: mean responses of Academic Affairs Leadership were significantly lower than Faculty or Staff means (P-value < .05). **Notes**: **1)** Percentages may not total exactly to 100, due to rounding. **2)** 220 total responses; 1,074 eligible participants invited; response rate = 21%, **3)** 134 incomplete surveys (opened link, but did not record any responses or submit); incomplete = 13%

Principles to Consider

Throughout the process of prescribing the rubrics for our assessment, Academic Affairs considered the five guiding principles shown below. During its deliberations, it is requested of the Board of Regents to also consider these five principles.

Student Success is maximized when university leadership chooses to:

1. **Invest in people who interact directly with students:** SFA's frontline of engagement is academic instruction and other services through which students are directly engaged. Examples of people who most directly and meaningfully interact with students are frontline employees like the faculty, advisors, recruiters, reception staff, police, and counselors. Student success hinges upon frontline employee success.
2. **Invest in people who directly support frontline faculty and staff:** People who most closely support frontline employees are, for example, accountants in the Physical Plant Department, interior designers in the Procurement and Business Services Office, and certification coordinators in the Center for Teaching and Learning. Frontline employee success hinges upon supporting employee success.
3. **Promote not only financial transparency, but financial clarity as well:** University leaders effectively run businesses, and businesses need transparency and clarity in financial matters. While establishing transparency can be straight-forward, establishing clarity often requires detailed consultations, effective presentations, and time.
4. **Look most favorably upon mission-centric budget proposals:** Regardless of its financial status, SFA's budget should reflect its mission. If a misalignment between the budget and mission is observed, then an effort to establish greater alignment should be made.
5. **Be visionary about how much further SFA can serve its constituents and community:** SFA is succeeding in advancing success. Its employees perform with excellence, compassion, and pride. Employers flock to its campus seeking *Stephen F. Austin State University* talent. Through difficult, visionary choices, SFA has a rare opportunity to stand out more than ever as THE shining star from Deep East Texas.

Alumni Task Force

System Affiliation Review

Board of Regents

October 30, 2022

STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS

SFA Alumni Association Resolution

The purpose of this resolution is to provide stakeholders (SFA students, alumni, and friends) with the SFA Alumni Association's stance and overall support for the betterment and growth of Stephen F. Austin State University overall.

- Whereas the SFASU Alumni Association's mission is to engage students, alumni, and friends to create an attitude of loyalty and support;
- Whereas the SFASU Alumni Association's role is to live out our action statement: "We grow Lumberjack Pride!" amongst our 115,000+ living alumni and friends;
- Whereas the SFASU Alumni Association encourages everyone at Stephen F. Austin State University to do the hard work and make the difficult, sometimes challenging decisions through open dialogue to ensure the best assets of the university - it's people - are able to perform to their fullest potential in an effort to protect the future growth of Stephen F. Austin State University;
- Whereas the SFASU Alumni Association will support innovative university growth initiatives in the rapidly changing higher education climate to help elevate the institution and engagement in the communities in which we live and work;

Be it resolved, that the SFASU Alumni Association Board of Directors fully supports the best interest of Stephen F. Austin State University as outlined in our bylaws – Axe 'Em Jacks!



STEPHEN F. AUSTIN STATE UNIVERSITY

Voice of Alumni (Internal)

- Interdependent designation
- Clarity on MOUs
- Local decision-making amongst SFA administration and the SFA Alumni Association vs. system-driven decision-making
- Financial support and resources from the SFASU Foundation to the SFA Alumni Association in current structure remains whole (i.e. university, foundation, etc.) – funding does not change



STEPHEN F. AUSTIN STATE UNIVERSITY

Voice of Alumni (External)

- Retain and enhance the existing SFA brand
- No change to brand identity
  - Institutional name: Stephen F. Austin State University
  - Colors: Purple & White
  - Mascot: Lumberjack/Ladyjack
  - Logo(s): Primary & Tertiary
- Preserve the integrity of the SFA degree for 115,000+ living alumni
- Preservation of our unique, cultural values



STEPHEN F. AUSTIN STATE UNIVERSITY

General consensus of the SFA Alumni stakeholder group shows strong support of affiliation ***with the system that best exemplifies*** the core values, unique and rich history, traditions and culture of Stephen F. Austin State University.

It is imperative that the operational integrity of the SFA Alumni Association be maintained and enhanced in order to continue to ***own engagement*** and ***grow Lumberjack Pride***.


STEPHEN F. AUSTIN STATE UNIVERSITY
1923
Executive Session

Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices (Texas Government Code, Section 551.076)

- Chief Information Officer Security Report

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

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, EEOC charges, *Ann Wilder v. SFASU*; *Christin Evans v. Sydney Miley, et al*; *Tammy Wheeler v. Board of Regents of Stephen F. Austin State University, et al.;* and *Sarah Evans vs. Stephen F. Austin State University, et al.* (Texas Government Code, Section 551.071)

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to director of athletics, executive director for enrollment management, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, vice presidents and the interim president. (Texas Government Code, Section 551.074)


Stephen F. Austin State University
Board of Regents
Meeting 358
October 31, 2022

Stephen F. Austin State University
Board of Regents
Meeting 358
October 31, 2022

ROLL CALL

Regents

Karen Gantt, Chair
Tom Mason, Vice Chair
Jenn Winston, Secretary
David Alders
Robert Flores
Brigettee Henderson
Judy Olson
Laura Rectenwald
Nancy Windham
Paige Vadnais, Student Regent

Administrators

Steve Westbrook
Damon Derrick
Jane Ann Bridges
Anthony Espinoza
Brandon Frye
Graham Garner
Rachele Garrett
Ryan Ivey
Michara DeLaney-Fields
Gina Oglesbee
Lorenzo Smith
Jill Still
Charlotte Sullivan

Academic and Student Affairs Committee

DEPARTMENT NAME CHANGE FOR DEPARTMENT OF GEOLOGY IN THE COLLEGE OF SCIENCES AND MATHEMATICS

Explanation:

The College of Sciences and Mathematics recommends a name change for the Department of Geology to the Department of Earth Sciences and Geological Resources. The department believes this name change will better reflect the disciplines within that department and bring the department more in line with current professional and academic trends impacting those disciplines.

Recommendation:

The administration recommends approval of the name change from Department of Geology to Department of Earth Sciences and Geological Resources.

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

Explanation:

The *Board Rules and Regulations* state that the Academic and Student Affairs Committee will consider: the curricula of the various colleges and departments of the university with any other matters dealing with academic programs and the progress thereof; the research programs within the university and their relationship to all graduate education; student affairs within the university; and personnel matters within the university.

The following policies are necessary to incorporate organizational, job title, and regulatory changes and to improve the flow of information in the above areas of responsibility. The general counsel has reviewed the proposed revisions.

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented:

Academic Unit Head –Responsibilities, Selection, and Evaluation 4.4
Accessibility of Electronic Information Resources 16.9
Continuing Education 5.3
Credit and Contact Hours 5.4
Designation of School Status 4.5
Discipline and Discharge 11.4
Emeritus 7.12
Faculty Search 7.12
Faculty Workload 7.13
Guest Lecturers 7.15
Library Faculty 7.17
Misconduct in Federally Funded Research 8.7
Moving Expenses 3.23
Performance Evaluation of Faculty 7.22
Performance Management Plan 11.20
Prohibition of Enrollment Inducement of Military Service Members 6.23
Public Health 13.16
Reasonable Workplace Accommodations for Disabilities 11.22*
Regents Scholar 7.24
Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities 13.18
Selection of Academic Deans 4.9
Staff Employment 11.5
Timely Warning 13.22
University Closure for Inclement Weather and Other Emergencies 13.12

*Note: Policy New Name
6.23 – Prohibition of Enrollment Inducement of Students Utilizing Military Benefits
11.22 – Reasonable Workplace Accomdation

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic Unit Head-Responsibilites, Selection, and Evaluation

Policy Number: 4.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy outlines the roles of the unit head of the academic department/division/school.

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 <u>each</u> substantive revision: Text clarification and minor updates.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affair Policy Committee
Faculty Senate
Chairs Forum
Deans Council
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Academic Unit Head—Responsibilities, Selection, and Evaluation

Original Implementation: March 7, 1978
Last Revision: ~~October 28, 2019~~*October 31, 2022*

Purpose

The purpose of this policy is to outline the roles of the unit head of an academic department/division/school.

Definition

The unit head is the chief executive of an academic department/division/school (hereafter referred to as "academic unit" or "unit").

Responsibilities of the Unit Head

The primary responsibilities of the unit head are to establish and maintain a climate conducive to the pursuit of knowledge. The decisions of the unit head should be made and implemented in the context of collegiality and regular communication. More specifically, the administrative responsibilities of a unit head include, but are not limited to, the following:

- Provide leadership in the establishment of a visionary direction and the maintenance of standards for the academic unit, consistent with college and university missions;
- Serve as the principal advocate for the unit and as an advocate for the college and university missions;
- Ensure quality through evaluation, modification, and development of academic programs;
- Respond to the needs of students, faculty, administration, the public, and others;
- *Develop~~s~~ and manage~~s~~ course schedules for each semester/parts of term;*
- *Assign~~s~~ and manage~~s~~ faculty workload*
- Manage and allocate fiscal and physical resources of the unit;
- Establish, maintain, and communicate effective personnel management procedures and processes; and
- Promote the academic unit externally.

Selection of the Academic Unit Head

A search and screening committee will be used in each search for an academic unit head. The dean of the college will meet with the faculty of the academic unit prior to the selection of the screening committee and will determine whether a search should be open or closed to outside candidates.

1. The committee will be formed by the dean of the college in consultation with the faculty of the academic unit and with the approval of the provost and *executive* vice president for academic affairs. The committee will have an odd number of members, with at least five

members. The committee may be larger depending on the size and complexity of the unit's programs.

2. Every committee will have representation from outside the academic unit and at least one member with appropriate administrative experience. Outside representatives will be appointed by the dean after considering recommendations by the faculty.
3. Once the size of the committee is established, the faculty will elect its specified number of representatives to the committee. Faculty members eligible to vote will hold faculty rank of instructor, assistant professor, associate professor, professor, or librarian I-IV in the academic unit. When possible, all tenure-track ranks will be represented on the committee. In all cases, the faculty will elect a majority of the committee. *Changes to the composition of the search committee may be considered with the approval of the dean and the provost and executive vice president.*
4. The dean will convene the committee for its organizational meeting at which time the committee will elect its chair and other officers. *Guidelines for the logistics of the search will be provided by the dean, in accordance with any requirements of the Department of Human Resources.* The committee chair will inform the faculty of the names of the committee members.
5. Candidates ~~-~~invited to campus for interviews will be provided ample opportunity to meet faculty, students, *the* dean of the college, *the* provost and *executive* vice-president for academic affairs and the committee, *as well as other individuals and groups, as appropriate*.
6. Following the interviews, the committee will invite comments from all faculty, staff, ~~and~~ students, *and other individuals and groups, as appropriate*, who were involved in the campus visits. The committee will forward *strengths and concerns for each finalist and/or* a recommendation to the dean along with a summary of comments. The dean, in turn, will forward *strengths and concerns and/or* a recommendation to the provost and *executive* vice president for academic affairs that is accompanied by all previous recommendations and summaries.
7. The provost and *executive* vice president for academic affairs, *or designee,* will make the appointment for an indeterminate term, subject to approval by the president and the Board of Regents.

Academic Unit Head Appointments

Academic unit heads may be hired under either an eleven-month or twelve-month contract.

Academic unit heads under an eleven-month contract are expected to be on duty each workday within the contract period when classes are in session. It is the responsibility of academic unit heads to ensure that ongoing academic unit obligations are met during their absence. Vacation time is not accrued under an eleven-month appointment. Sick leave is earned according to the schedule for Texas state employees. Academic unit heads under an eleven-month contract are also subject to being called upon to address a task or issue outside the normal workday when it is determined by the dean to be in the best interest of the university. Academic unit heads who are appointed for eleven months should have no university duties during the equivalent of one calendar month (twenty-one workdays throughout the year). The twenty-one days will be logged in the academic unit office and approved by the respective dean prior to *unit heads* taking leave from duties.

Academic unit heads under a twelve-month contract are expected to be on duty each workday. Vacation and sick leave are earned according to the schedule for Texas state employees. Academic unit heads are subject to being called upon to address a task or issue outside the normal workday when it is determined by the dean to be in the best interest of the university.

Evaluation of the Academic Unit Head

The evaluation of the academic unit heads is designed to promote academic excellence throughout the university. This process takes two forms: periodic reviews by the academic unit faculty, and annual *administrative evaluation* ~~reviews~~ by the dean. The annual *administrative evaluation* ~~review~~ provides the basis upon which to award merit to unit heads.

1. The unit head will be evaluated annually by the dean of the college. In making an evaluation, the dean will consider the responsibilities of the unit head as stated above, while any additional criteria will be communicated to the unit heads in advance of the evaluation period.
2. ~~After the completion of the first year and at least once every three years thereafter~~*After the completion of the first year and every third year thereafter,* the ~~unit head's performance will be evaluated by the faculty of the academic unit~~*faculty of the academic unit will evaluate the unit head's performance*. A summation of the faculty's evaluations of the unit head will be included as a component of the final evaluation report. Following the faculty's evaluation, the dean will meet with the unit *faculty* to discuss the unit head's performance. *In the event the dean does not provide feedback in a timely fashion, the unit faculty may request a meeting regarding the matter.*
3. The evaluation of a unit head may be initiated at any time by a majority of ~~the~~ *all full-time* faculty or at the call of the unit head, dean, provost and *executive* vice president of academic affairs, or president. Comments which may have been received relative to the unit head's performance and the advisability of retention should be carefully weighed for both the annual and triennial reviews. Exceptions to the evaluation timeline require approval of the dean in consultation with the provost and executive vice president of academic affairs *and would reset the triennial cycle*.
4. The dean will review with the unit head the results of each evaluation. A report of the evaluation and any recommendations will be submitted to the provost and *executive* vice president for academic affairs.
5. The unit head will have ten (10) working days from the date of the review to submit to the provost and *executive* vice president for academic affairs a written response to the dean's report.

Merit for Academic Unit Heads

Merit pay for unit heads will be based on the annual ~~performance~~*administrative* evaluation conducted by the dean. The dean will submit a recommendation on each unit head in the college to the provost and *executive* vice president for academic affairs for merit consideration.

Teaching Load for Academic Unit Heads

The teaching load of academic unit heads is determined annually by the college dean in consultation with the academic unit head based on the changing needs and objectives of the unit. Factors such as number of faculty (full-time equivalent [FTE]), number of majors, and complexity of the unit are considered in determining the teaching load of the unit head for the full contract year (September 1 through August 31).

Cross Reference: Faculty Handbook, Faculty Merit Pay (7.6); Faculty Workload (7.13); Sick Leave (12.18)

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

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: Department Chair Administrative Effectiveness Appraisal

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
January 31, 2017
July 29, 2014
July 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Accessibility of Electronic Information Resources

Policy Number: 16.9

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/26/2022

Unit(s) Responsible for Policy Implementation: Chief Information Officer

Purpose of Policy (what does it do): Establishes standards for electronic and information resources (EIR) including: software applications and operating systems; telecommunication products; video and multimedia products; self-contained closed products; desktop and portable computers; and procurement of these products as required by DIR.

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 <u>each</u> substantive revision: Revised to allow for a designee to approve Electronic Accessibility Exception Request Forms on behalf of the President. Additional Information and Resources will be referenced on accessibility website and updated as needed.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Anthony Espinoza, Chief Information Officer
Damon Derrick, General Counsel

Accessibility of Electronic Information Resources

Original Implementation: October 18, 2010

Last Revision: ~~July 26,~~*October 31,* 2022

Stephen F. Austin State University is committed to making electronic information resources accessible to all users. Chapter 213 of the Texas Administrative Code (TAC) establishes standards for electronic and information resources (EIR) *developed, procured, or changed* including: software applications and operating systems; telecommunication products; video and multimedia products; self-contained closed products; desktop and portable computers.~~; and procurement of these products.~~

In order for EIR products or service to be considered accessible, the product should offer an alternate format or method for providing information, including product documentation, to people with disabilities. Additionally, it should work with assistive technology commonly used to increase, maintain, or improve functional capabilities for individuals with disabilities.

Electronic Accessibility Coordinator (EAC)

The university president or university information resource manager (IRM) shall designate an Electronic Accessibility Coordinator to develop, support, and maintain EIR accessibility rules, standards, and procedures, and assist university personnel with relevant training information for EIR accessibility. The coordinator will chair the Electronic Accessibility Team (EAT) and may be contacted at accessibility@sfasu.edu. The IRM may appoint a temporary Electronic Accessibility Coordinator in the event the Electronic Accessibility Coordinator vacates the role until a permanent Electronic Accessibility Coordinator is appointed. The temporary appointment may not exceed 30 days.

Compliance

For compliance review purposes, all EIR vendors/companies must provide accessibility information in accordance with state law.

Web Accessibility

All official and affiliated university Web pages intended for public viewing shall be accessible to, and usable by, all users and compliant with TAC Chapter 206.70, unless an exception is approved by the president, *or his/her designee,* or an exemption has been made.

Web developers shall follow guidelines established by Chapter 206 of the TAC, Section 508 of the Rehabilitation Act, as amended, to the extent required under law, and criteria established by university procedures to improve the accessibility of all university websites.

Web Accessibility Link

Each university website that provides entry to members of the public must contain a "Web Accessibility" link to the Electronic Accessibility Site. This site contains the university's Web accessibility policy and contact information for the university's EAC.

Suggestions and Concerns

Existing website compliance issues can be addressed to the EAC by sending name, contact information, the nature of the accessibility problem, and the website address or specific Web page of concern to accessibility@sfasu.edu.

Grievances

If a user has a complaint about the accessibility of Stephen F. Austin State University websites, or access to other electronic equipment, he/she should notify the EAC at accessibility@sfasu.edu. The EAC, or designee, will contact the complainant regarding the issue and attempt to resolve the complaint. The complainant is expected to cooperate with the EAC and appropriate university personnel in the process of determining a resolution. The EAC will make recommendations to the relevant university departments and officials responsible for making electronic and information resources accessible.

~~**Additional Information and Resources**~~

~~Additional information about accessibility programs in Texas is available from the Governor's Committee on People with Disabilities, Information Technology Industry Council (ITI).~~

~~EIR Category~~	~~Technical Accessibility Standards~~
~~Software Applications and Operating Systems~~	~~1 TAC §213.30~~
~~Websites~~	~~1 TAC §206.70 Web Content Accessibility Guidelines (WCAG) 2.0, Level AA~~
~~Telecommunications Products~~	~~1 TAC §213.31~~
~~Video and Multimedia Products~~	~~1 TAC §213.32~~
~~Hardware~~	~~1 TAC §213.33~~
~~Functional Performance Criteria~~	~~1 TAC §213.35~~
~~Support Documentation and Services~~	~~1 TAC §213.36~~
~~Compliance Exceptions and Exemptions~~	~~1 TAC §213.37~~
~~Procurements~~	~~1 TAC §213.38~~
~~Accessibility Training and Technical Assistance~~	~~1 TAC §213.39~~
~~Accessibility Survey and Reporting Requirements~~	~~1 TAC §213.40~~
~~EIR Accessibility Policy and Coordinator~~	~~1 TAC §213.41~~

Cross Reference: Procurement of Electronic and Information Resources (17.16); University Website (15.10); 1 Tex. Admin. Code ~~§§~~ 206~~.1 .2, .70 .75~~; 1 Tex. Admin. Code ~~§§~~ 213~~.1 .2, .30 .41~~; Tex. Gov't Code §§ 2054.451-.465; Section 508 of the Rehabilitation Act, as amended, 29 U.S.C. § 794d; 36 C.F.R. 1194

Responsible for Implementation: Chief Information Officer

Contact for Revision: Electronic Accessibility Coordinator

Forms: Electronic Accessibility Exception Request Form, Voluntary Product Accessibility Template (VPAT ®)

Board Committee Assignment: Academic and Student Affairs

Revision History: July 26, 2022
July 23, 2019
July 26, 2016
October 21, 2013

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Continuing Education

Policy Number: 5.3

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/29/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Supports the public service and outreach responsibilities of SFA.

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 <u>each</u> substantive revision: Minor edits

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committeent
Student Affairs Policy Committee
Brandon Frye, Vice President Student Affairs
Gina Oglesbee, Vice President for Finance and Administration
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Continuing Education

Original Implementation: March 9, 1978
Last Revision: ~~January 29, 2019~~*October 31, 2022*

Purpose

~~The purpose of c~~*C*ontinuing education and community/public service activities ~~is to~~ support the public service and outreach responsibilities of Stephen F. Austin State University.

Definitions

Continuing education activities are defined as organized public activities sponsored by the university, or a constituent unit of the university, that provide participants some type of non-academic credit, continuing education credit or certification. Continuing education activities may include short courses, seminars, workshops, training sessions, conferences~~,~~ or institutes. *University facilities policies may apply (16.33).*

Community/public service activities are organized public educational activities, sponsored by the university or a constituent unit of the university, that do not offer any type of credit or certification. Community/public service activities may include camps, speaker series, travel experiences, or leisure learning.

Class projects/assignments, internships/practicums, class guest lectures, individual faculty presentations for community organizations, student activity programs, or student organization service projects are not covered by this policy.

Responsibility

Units offering continuing education and community/public service activities will have administrative, assessment and programming responsibilities. All activities must be submitted by the administrator to the appropriate *continuing education* supervisor for approval and must include appropriate documentation from the *pertinent* oversight agency allowing/accepting the non-academic credits when relevant.

A reasonable fee may be charged for continuing education and community/public service activities.

To bear the name of the university or any of its units, fees must be received and accounted for in accordance with university accounting procedures as outlined in Receipts and Deposits (3.26).

Facilities for continuing education and community/public service activities must be reserved in

accordance with university policies covering Use of University Facilities (16.33) and Academic Facilities for Non-Academic Activities (16.1). Academic programs will always be given priority for ~~the~~ use of university facilities.

Oversight

Direct oversight of continuing education and community/public service activities is the responsibility of the units offering the activity. Deans/non-academic directors must approve continuing education and community/public service activities before these activities are conducted. The Continuing Education and Community/Public Service Activities Approval form is posted at the Academic Affairs website; this form should be submitted to the appropriate dean or non-academic director's office at least two weeks *prior to*~~before~~ the activity ~~occurs~~. Deans/non-academic directors are responsible for collecting copies of the records of continuing education and community/public service activities offered within their areas of responsibility and for submitting these records annually to the office of the vice president to whom they report. The appropriate vice president will ensure ~~that~~ all ongoing continuing education and community/public service activities are assessed on a regular basis and ~~that~~ assessment results are used to improve the programs.

Awarding Continuing Education Units

When activities result in the awarding of non-academic credit, such as Continuing Education Units, it is the responsibility of the unit offering the continuing education activity to meet the guidelines established by the Texas Higher Education Coordinating Board *(THECB)* and the Southern Association of Colleges and Schools *Commission on Colleges (SACSCOC)*. It is the responsibility of the unit awarding the non-~~-~~academic credit to establish a transcript and *maintain*~~keep the~~ records ~~on file~~.

Cross Reference: Use of University Facilities (16.33); Academic Facilities for Non-Academic Activities (16.1); Receipts and Deposits (3.26); Tex. Educ. Code § 54.545

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

Contact for Revision: Provost and *Executive* Vice President for Academic Affairs; Vice President of *Student Affairs* ~~for University Affairs~~; Vice President for Finance and Administration

Forms: Continuing Education and Community/Public Service Activities Approval

Board Committee Assignment: Academic and Student Affairs

Revision History: January 29, 2019
November 2, 2015
October 22, 2012
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Credit and Contact Hours

Policy Number: 5.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: President, Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides the expectations on the credit and contact hours for all courses at all levels.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor Revisions

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Credit and Contact Hours

Original Implementation: February 4, 1986
Last Revision: ~~October 28, 2019~~*October 31, 2022*

This policy applies to all courses at all levels (undergraduate and graduate) that award academic credit (i.e., any course that appears on an official transcript issued by the university) regardless of the mode of delivery, including but not limited to, self-paced, online, hybrid, lecture, seminar, and laboratory. Academic units are responsible for ensuring that credit hours are awarded only for work that meets the requirements outlined in this policy.

Contact hours of courses offered for degree credit will conform to the rules of the Texas Higher Education Coordinating Board. The university adheres to the Carnegie unit for contact time (750 minutes for each credit awarded).

The expectation of contact time is the same in all formats of a course whether delivered fully online, hybrid, or face-to-face. Courses that have less structured classroom schedules, such as seminars, independent studies, internships, practica, studio work, or any other academic work leading to the award of credit hours, at a minimum, should state comparable learning objectives, expected outcomes, and workload expectations.

Permission to offer a course in a shortened format is required by the academic unit head, academic dean, and the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs. The instruction and content of the material must be appropriate for a shortened duration, and the quality of learning must be at least equal to a course offered in a regular format. Students enrolled in a shortened course must meet the university's regular admission requirements.

Credit Hour

The federal definition of a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates:

1. Not less than one hour of classroom or direct faculty instruction and a minimum of two hours out-of-class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or 10 to 12 weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time, or;

2. At least an equivalent amount of work as outlined in item 1 above for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

Cross Reference: 19 Tex. Admin. Code § 4.6 (2003); 34 CFR § 600.2; Southern Association of Colleges and Schools, "Credit Hours Policy Statement"

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
April 15, 2014
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Designation of School Status

Policy Number: 4.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for a program to switch to school status.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Designation of School Status

Original Implementation: February 3, 2005
Last Revision: ~~October 28, 2019~~ *October 31, 2022*

I. Introduction

Stephen F. Austin State University is subdivided into colleges for the purpose of accommodating broad program areas with common academic interests. The colleges are further subdivided into academic units designated as departments or divisions to enable smaller scholarly communities to devote attention to specific degree programs.

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

- The unit should offer primarily professional programs and degrees;
- The programs of the unit should have professional accreditation;
- The unit should have a total enrollment of at least 150 students majoring in its programs;
- The unit may have been the recipient of a substantial endowment or gift.

II. Proposal Review and Approval

An academic unit seeking "school" status should develop a proposal that provides qualitative and quantitative justifications for acquiring the designation. The proposal, endorsed by a two-thirds vote of tenured and tenure-track faculty members within the unit, should include the elements listed below.

- A concise statement should outline the rationale for the request. This statement should address the distinctiveness of the discipline and the advantages of school status to future graduates of the program. A clear discussion should demonstrate how the request addresses the university's guidelines for awarding designation as a school.
- The impact of the change on staffing (faculty and administrative) and resources should be examined in detail. If available, peer programs at other universities should be presented for comparison purposes. Recommendations and/or letters of support from professionals or practitioners in the field should be attached and referenced in the discussion.
- A quality enhancement plan should describe how school status will be leveraged over the next five-year period to improve academic programs.
- A discipline-specific self-study completed within the last five years (with appropriate updates) should accompany the proposal. Copies of visitors' reports and annual assessment documents should be included, if available.

Upon endorsement by the faculty of the academic unit, the proposal will be forwarded to the college's dean. If recommended by the dean, the proposal will be reviewed by the Deans Council and the *P*~~p~~provost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs. If recommended, the proposal will be forwarded to the ~~p~~*P*resident, who may present it to the Board of Regents for consideration. ~~For final approval, a~~*A* request will be forwarded to the Texas Higher Education Coordinating Board *for approval*.

Cross Reference: None

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
January 28, 2014
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Discipline and Discharge

Policy Number: 11.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/31/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes the requirements for disciplining and discharging staff employees.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Discipline and Discharge

Original Implementation: December 6, 1983
Last Revision: October ~~28~~*31*, 20~~19~~*22*

Purpose

This policy establishes the requirements for disciplining and discharging staff employees.

Definitions

Minor Rule Violations may have little or no effect on the continuity, efficiency, and safety of university work, but will not be tolerated. The following are examples of minor rule violations, which may result in either oral or written warnings for entry into an employee's record. Continual violations may result in stronger disciplinary action up to and including discharge. Minor rule violations include but are not limited to:

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

Major Rule Violations are any act or omissions in violation of university policies or rules to such a degree that further employment of the offending individual may not be desirable for the university. The following are examples of some offenses which subject an employee to a written warning, suspension, or discharge. Major rule violations include but are not limited to:

1. Any act which might endanger the safety or lives of others.
2. Refusal to properly perform work assigned by a supervisor.
3. Violation of university safety rules.
4. Falsifying any university records.
5. Clocking in or out for another employee or allowing one's time to be entered by another employee.
6. Leaving university premises during working hours without permission from the supervisor.
7. Abusing, destroying, damaging, or defacing university property, tools, equipment, or the property of others on university premises.
8. Gambling on university premises.
9. Delaying or restricting work, or inciting others to delay or restrict work.
10. Fighting on university premises.
11. Carrying firearms or other dangerous weapons on university premises in violation of law or university policy.
12. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.
13. Disclosure of confidential university information to unauthorized persons.
14. Theft, misappropriation or unauthorized use of university funds or property, or other dishonest actions.
15. Continued unsatisfactory work performance.
16. Unauthorized, unexplained, or inexcusable leave for three or more days.
17. Excessive absences or tardiness.
18. ~~Physical, mental or emotional inabilityto perform the job satisfactorily.~~
19. ~~19.~~*18.* Major violation of an internal department work rule or university policy or procedure.
20. ~~20.~~*19.* Insubordination.
21. ~~21.~~*20.* Abusive or unruly conduct.
22. ~~22.~~*21.* Unprofessional conduct; that is, behavior that a reasonable person in a professional office setting would find inappropriate, rude, disorderly, or offensive, and that is persistent, destructive and/or intimidating.
23. ~~23.~~*22.* Indecent or obscene conduct.
24. ~~24.~~*23.* Conviction of a felony or of a misdemeanor involving moral turpitude by a trial court.
25. ~~25.~~*24.* Flagrant or repeated minor rule violations.
26. ~~26.~~*25.* Sexual misconduct or sexual harassment of any person by an employee.
27. ~~27.~~*26.* Unlawful discrimination.
28. ~~28.~~*27.* Bringing or consuming any liquor, marijuana, or narcotics on university premises,

in violation of applicable university policy (this rule applies to any habit-forming or disabling substance not prescribed by a physician).

~~29.~~*28.* Reporting for duty under the influence of liquor, marijuana, or narcotics (applies to any habit forming or disabling substance not prescribed by a physician).

~~30.~~*29.* Accepting any gifts or favors, which influence or tend to influence the performance of duties or the granting of service or favors to other university personnel, applicants, clients, or other persons.

~~31.~~*30.* Refusal to attend state and university mandated trainings within the appropriate timeframe including but not limited to EEO training and Performance Management Plan training.

~~32.~~*31.* Any act that would unduly interfere with the expressive activities of others on campus.

32. Failure to report information that the employee witnesses or receives regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence or stalking that is alleged to have been committed by a student or an employee.

General

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

Supervisory efforts should be concentrated on preventing serious personnel concerns rather than on disciplining employees for misconduct. However, supervisors have the right to discipline or summarily discharge an employee for cause. It is essential that each concern be investigated, *and documentation of performance required,* so that the facts of the situation are known before the discipline measures have been determined.

An employee being disciplined should be told what they have done wrong and should be clearly instructed on what is expected of them. Any discharge must first be reviewed by the director of human resources.

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

Corrective Disciplinary Actions

For repeated but relatively minor incidents of substandard performance, misconduct, or rule

violations, discipline should be progressive. The normal sequence of action is: (1) Oral Warning; (2) Written Reprimand; (3) Disciplinary probation (4) Suspension; (5) Demotion; (6) Discharge. Depending on the severity of the case, the action may begin at any of these steps. *Any action above the level of oral warning must first be reviewed by the director of human resources, or their designee, for EEO and policy compliance.* Any action involving suspension, demotion, or discharge must have prior review from the director of human resources.

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

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

Written Reprimand: Reprimand involves both a formal interview with the employee and an official memorandum emphasizing the negative effect of the employee's conduct or work performance on their record and opportunities for advancement. If the immediate supervisor does not have the authority to discharge the employee, then the interview should be conducted by the department official who does have discharge authority. A written reprimand should include: the names of everyone involved, dates, a description of the incident or unsatisfactory performance, witnesses (if any), and the action taken. Use the Employee Counseling/Discipline Record for this purpose.

Reference should also be made to the dates and results of prior oral warning(s), or other written reprimand(s). It should also bear the employee's comments, if any, and the employee's signature. The employee should be informed that their signature indicates they have received a copy of the reprimand, but not necessarily that they agree with its contents. If the employee refuses to sign the reprimand, a witness, preferably another supervisor, should verify that the employee has read the reprimand and refused to sign an acknowledgement. A copy of the reprimand should be sent to the director of human resources to be filed in the employee's permanent file.

Disciplinary Probation: This disciplinary action places an employee on a probation period, up to six months, in 30-day increments, to improve inadequate performance and/or conduct before additional disciplinary action is taken. Disciplinary probation may also be used in conjunction with other disciplinary actions. During the probationary period, the employee will receive a specific performance improvement plan and/or instructions to improve his or her behavior and/or performance. To place an employee on disciplinary probation, the supervisor should:

- present the employee with a completed Employee Counseling/Discipline Record indicating disciplinary probation, the period of disciplinary probation, the reasons for the disciplinary probation and attach a performance improvement plan and/or instructions to improve their behavior and/or performance, and;

- forward a copy of the Employee Counseling/Discipline Record to Human Resources for inclusion in the employee's permanent file.

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

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

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

Demotion: The supervisory official with the authority to discharge an employee also has the authority to demote an employee. An employee who cannot or will not carry out efficiently and effectively the duties of the job for which they are hired or promoted, may be demoted to a job more commensurate with their abilities, skills, and experience or job performance. The immediate supervisor recommending demotion will first review the demotion with the director of human resources. The director of human resources will ensure that the employee has received proper

counseling and an adequate trial period for improvement of performance prior to the approval of any recommendation for demotion. Demotion should be considered a last alternative in lieu of termination and may only be considered when a lower job assignment is available in the department in which the employee works.

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

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

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

Involuntary Terminations Other Than Discharge: It is not the intent of this policy to prohibit, or in any way restrict, the university and its administrative officials from the right to terminate any employee for any non-disciplinary reason if it is in the best interest of the university to do so. An employee so terminated shall not have recourse through this policy or the Grievance and Appeals procedure. Examples of termination for non-disciplinary reasons include, but are not limited to, terminations due to lack of work or funds (reduction in force), the redesigning of jobs, the

termination of grant funding which eliminates positions, termination of a temporary position, and changes in the organizational structure in compliance with university policies and rules, i.e., retirement, nepotism, etc.

Employees who are terminated for non-disciplinary reasons may appeal through the supervisory chain up to the vice president *or cabinet level administrator* for the area involved only on grounds of alleged constitutional violations or other legal rights which may have been abridged.

Cross Reference: Performance Management Plan; U.S. Const. amend. V, XIV; Tex. Const. art. I, § 19.

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Employee counseling/discipline form (available in Human Resources); Notice of Suspension (available in Human Resources); Notice of Discharge (available in Human Resources); Leave Without Pay form (available on-line)

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
July 24, 2018
July 25, 2017
January 27, 2015
January 31, 2012

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Emeritus

Policy Number: 7.10

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for emeritus appointments for faculty and librarians

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor Revisions

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Emeritus

Original Implementation: Unpublished
Last Revision: ~~July 23, 2019~~*October 31, 2022*

The title of *E*~~e~~meritus is a position of great honor conferred only on retirees who have a record of distinguished service to Stephen F. Austin State University (SFA). The title is not automatic upon retirement.

Emeritus Appointments for Faculty and Librarians

A. Eligibility

To be eligible for an appointment as emeritus, an individual will meet the following requirements:

1. Provide extended service, generally at least 10 years of employment at SFA;
2. Earn a rank of associate professor, professor, librarian III, or librarian IV;
3. Demonstrate distinction in teaching, research/scholarly/creative accomplishments, and service to the university and the profession. Distinguished service could include honors such as Regents *Scholar* ~~Professor~~, SFA Alumni Distinguished Professor Award, SFASU Foundation Faculty Achievement Awards, SFA Teaching Excellence Award, *an award for grantsmanship,* or comparable state and/or national professional recognition and/*or* distinction related to external funding.

B. Procedure

A tenured member of the academic unit may submit a letter of nomination to the academic unit head supporting the candidate's eligibility. The nominated faculty member or librarian will submit evidence supporting eligibility per academic unit procedures, such as providing a current curriculum vitae. Although the emeritus title is an honor, not a promotion, the process will follow unit promotion procedures, but may occur at any time. The appropriate dean will then forward a recommendation to the provost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs who will, in turn, submit a recommendation to the university's president. The Board of Regents confers emeritus status.

C. Privileges and Responsibilities

An emeritus professor will have the following privileges and responsibilities:

1. Name listed as an emeritus in the university's General Bulletin.
2. Recognition at the commencement ceremony following the granting of the emeritus title.
3. A place of honor in any academic procession.

4. Right to use the title of emeritus in professional endeavors.
5. Opportunity to audit courses with fees waived, subject to the availability of space and with the consent of the instructor.
6. Office space, laboratory space, a telephone, and a computer, subject to available space and approval of the academic unit head, the dean, and *Executive P*~~p~~rovost and *V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs.
7. Email privileges, a faculty I.D. card, and university business cards.
8. Use of the Ralph W. Steen Library.
9. Access to university parking, and health and wellness privileges.
10. Opportunity to represent the university at community or professional meetings and serve on committees, upon university request.

Administrative Official Eligibility

The title *E*~~e~~meritus may be given by the *P*~~p~~resident to a retired administrative official to recognize meritorious service. Privileges and qualifications that accompany the title shall be determined by the *P*~~p~~resident. The conferring of this title is not automatic upon retirement.

Cross Reference: None

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 26, 2016
April 23, 2013
July 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Faculty Search

Policy Number: 7.12

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides the procedures and responsibilities for the selection of full-time faculty with continuing appointments

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: N/A

Specific rationale for each substantive revision: Minor Revisions

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Faculty Search

Original Implementation: Unpublished
Last Revision: ~~October 28, 2019~~*October 31, 2022*

This policy outlines search procedures and responsibilities for the selection of full-time faculty with continuing appointments.

All hiring decisions are made based on lawful, job-related, and non-discriminatory criteria and in keeping with Policy 2.11, Nondiscrimination, which prohibits unlawful discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, citizenship, and veteran status.

Position Request: The academic unit head will submit a position request with justification to the appropriate dean. Upon the dean's approval of the request, it will be forwarded to the ~~p~~*P*rovost and *Executive V*~~v~~ice *P*~~p~~resident of *A*~~a~~cademic *A*~~a~~ffairs for consideration. Once fully approved, the academic unit head posts the position on the human resources website, and a formal search may begin.

Selection of the Search Committee: The academic unit head guides the search process by establishing a search committee and ensuring that committee activities adhere to university policy and procedures. The appointment of search committees may vary among academic units. The committee will contact human resources for mandatory training and for assistance as needed.

Search Committee Responsibilities: The search committee coordinates the recruitment process while working with the academic unit head. The committee is responsible for developing a position description, advertising the position, screening candidates, ~~and~~ arranging candidate interviews*, and submitting the search file to human resources for an EEO compliance review prior to making* ~~*offering*~~ *a conditional employment offer to the selected candidate.* ~~*.*~~*Additionally, there are resources for developing selection matrices, interview questions, and hiring files in the hiring manager's toolkit on the human resources website.*

Funds for Recruitment: Expenses incurred during the search are generally borne by the academic unit conducting the search with possible additional funds from other sources.

Cross Reference: Human Resources Selection Procedures for Faculty and Staff; Employee Affirmative Action/Recruitment Plan (11.9); Affirmative Action (11.1)*; Hiring Manager's Toolkit*

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

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

Forms: See Human Resources for Selection Procedures for Faculty and Staff

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
July 29, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Faculty Workload

Policy Number: 7.13

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 11/2/2015

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Policy is meant to help balance interests across campus in an equitable manner.

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 <u>each</u> substantive revision: clarified language; explicitly stated the basic workload policy and the option for college-specific guidelines with approval from the provost; removed the workload example table from policy and recommend placing it on the provost website and/or Institutional Research website; faculty senate and chairs forum reviewed

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Faculty Workload

Original Implementation: November 4, 1977
Last Revision: ~~November 2, 2015~~*October 31, 2022*

I. General Policy

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

The normal faculty workload assumes the performance of teaching, research/scholarly/creative, and service activities. The distribution of effort among these three categories is reviewed on an annual basis by the ~~department~~*academic unit* ~~/school/division (hereafter referred to as "departmentacademic unit") chair/director (hereafter referred to as "chair")~~*head*. In all cases, student instructional needs shall be the determining factor in arranging workload~~schedules~~. Faculty must fulfill ~~department~~*academic unit*~~al~~ expectations in all categories.

Each college faculty, in consultation with the dean, ~~will~~*may develop and adopt a college workload* ~~*policy*~~*procedure, as a supplement to this policy, in order to provide guidance on matters best defined at the college level. A college's workload policy must be approved by the provost and executive vice president for academic affairs. In the event of conflict, this policy* ~~*controls*~~*supersedes*. The provost and *executive* vice president for academic affairs may allow departures from workload standards when in the interest of the university. *Approved college workload procedures must be posted and should be reviewed periodically.*

II. Workload Allocations

A. The standard full-time teaching load is 24 Teaching Load Credits (TLC) for the combined fall and spring semesters. ~~*The 24 TLC workload will be the equivalent of four three- SCH course per fall/spring semester teaching load.*~~ Additionally, faculty members are expected to engage in research/scholarly/creative and service activities at levels ~~that are~~ appropriate to their rank and ~~department~~*academic unit*~~al~~ tenure/merit criteria. ~~By agreement with *the* chair*academic unit head* and dean, non-tenure-track faculty members may add 3 TLCs per semester in lieu of research/scholarly/creative activities.~~ *The standard full-time teaching load for non-tenure track faculty members is 30 TLCs. By agreement with the academic unit head and dean, research/scholarly/creative activities or significant service commitments may reduce the teaching load of non-tenure track faculty by 3 TLCs per semester.*

When summer teaching load assignments are made (see university policy 7.28, Summer Teaching Appointments), the standard summer full-time teaching load is typically 6 TLC for

one term or 12 TLC for both summer terms combined. Variation from this standard will be made under the same guidelines that apply to fall and spring terms.

B. Within reasonable limits, certain ~~supplemental~~ instructional activities ~~— such as independent studies, supervision of internships advising, and thesis/dissertation supervision —~~are also considered part of ~~a regular~~ *the* workload *and generate TLCs* or equivalents. *When applicable, teaching load credits will be defined in each college's workload ~~policy~~procedure regarding: ~~–~~1) Lecture, S~~s~~eminar, and L~~l~~aboratory courses, 2) Practicum and Internship courses, 3) Private Lessons, 4) Thesis and D~~d~~issertations, 5) Variable credit courses, 6) Cross-listed or composite courses, and 7) Independent study courses.~~, 8) Other college-specific instructional activities.~~*

C. Faculty members are ~~also~~required to maintain at least five office hours per week, during which they will be available for meetings with students. ~~and faculty and staff colleagues. For faculty members whose teaching assignment includes online delivery, o~~*O*ffice hours may be adjusted appropriately by agreement with *the* ~~chair~~*academic unit head* and dean.

~~A. *D.*~~

~~B.~~

~~—~~Any work that substantially exceeds normal expectations in the categories of

~~C.~~ research/scholarly/creative accomplishment and service constitutes an opportunity to request a course load reassignment *from*~~with~~ the ~~department chair~~*academic unit head*. Reassignment is not automatic, but depends upon student,~~ and~~ ~~departmental~~*academic unit, and college* needs. Each reassignment, whether for a single semester or an academic year, must be approved by the appropriate dean and the provost and *executive* vice president for academic affairs. The written request for reassignment must identify the work that shall be produced and demonstrate ~~that~~ an amount of work equivalent to the instruction of ~~a three~~*the number of* credit hours *requested* ~~courses~~hall be performed. A faculty member is not limited to a single reassignment request per semester if adequate justification exists.

~~D.~~

D. A dean may also propose a ~~reduction in teaching load~~*course load reassignment* for a faculty member in other circumstances~~, including: *when approved by the provost and executive vice president for academic affairs.*~~.

~~▪ for chairing an academic department or division;~~

~~▪ for performing administrative duties in support of a department/college/university;~~

~~▪ for preparing course material during the first semester and/or year when included as part of the initial tenure-track contract.~~

~~All teaching load reductions must be approved by the provost and vice president for academic affairs.~~

E. The instruction of a course overload for the academic year, when at the ~~invitation~~ *request* of a*n* ~~department~~*academic unit*~~/division~~ ~~chair~~*head*, may qualify a faculty member for additional compensation~~ if the overload is equivalent to at least 0.25 FTE~~ ~~–~~during a semester. An

individual who accepts an overload assignment will fulfill the responsibility beyond normal contractual workload.

~~III.~~ **~~Teaching Load Credit Equivalencies~~**

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

~~When the semester credit hour (SCH) value of the course is equal to or more than the contact hour value, undergraduate courses generate 1 TLC per SCH; 500- level courses generate 1.5 TLC per SCH; and 600- level courses generate 2 TLC per SCH.~~

~~When the contact hour value of the course exceeds the SCH value, contact hours are used for the calculation of TLC. Undergraduate lecture or seminar courses in this category generate .667 TLC per contact hour; graduate lecture or seminar courses generate 1 TLC per contact hour. Laboratory courses generate 1 TLC per contact hour.~~

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

~~B. Practicum course types~~

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

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

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

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

~~C. Private lesson course types~~

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

~~D. Thesis and dissertation course types~~

~~Masters' level thesis courses generate TLC at a rate of 0.667 TLC per student enrolled. The maximum TLC for these course types is 3 TLC per semester. For a specific masters~~

~~requirement, a single student may count no more than twice (one time in two separate enrollment periods) toward a faculty member's teaching load. Undergraduate thesis courses generate TLC at the rate of .333 TLC per student enrolled.~~

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

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

~~E. Variable credit courses~~

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

~~F. Cross-listed or composite courses~~

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

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

~~G. Independent study~~

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

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

~~H. Summer teaching~~

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

~~IV.~~*III.* Compliance

A. ~~Department~~*Academic unit heads* ~~chairs~~ are responsible for assigning faculty workloads according to student instructional needs and for verifying the accuracy of workload reports for each faculty member in the ~~department~~*academic unit*.~~SEP~~

B. Deans monitor and approve faculty workloads under their authority and review workload reports submitted by ~~chair~~*academic unit head*s, and may require ~~department~~*academic unit* offices to input and update faculty workload data in the university's administrative software system.

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

D. A workload report summary is submitted as required by ~~*See*~~ *Tex. Educ. Code § 51.402(c).*

Cross Reference: Tex. Educ. Code § 51.402; Summer Teaching Appointments (7.28); Academic Unit Head ~~Appointments~~ *Responsibilities, Selection, and Evaluation* (4.~~2~~4); ~~and Salary Supplements; Stipends and~~ Additional Compensation (12.16)*; Teaching Load Credit Calculation Reference*

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: November 2, 2015
January 27, 2015
April 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Guest Lecturers

Policy Number: 7.15

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for faculty who bring guest lecturers on campus.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Guest Lecturers

Original Implementation: October 1, 1980
Last Revision: ~~October 28, 2019~~ *October 31, 2022*

When guest lecturers are utilized in a course, the instructor-of-record will ensure that the principles of academic responsibility are upheld. Except when officially absent from class, the instructor-of-record will be present during the delivery of a guest lecture.

Cross Reference: ~~Faculty Handbook;~~ Academic Freedom and Responsibility (7.3)

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
January 28, 2014
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Library Faculty

Policy Number: 7.17

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/28/2020

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Guidelines for library faculty rank, criteria for appointment, promotion eligiblity, annual evaluation and compensation, work load, rights and responsibilities; and Library Academic Advisory Council

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 <u>each</u> substantive revision: Signification revisions with the reorganization of the library, this policy required substantial revisions to reflect the new vision of the library.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Jonathan Helmke, Library Director
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Library Faculty

Original Implementation: 1970
Last Revision: ~~January 31, 2017~~*October 31, 2022*

Purpose

This policy provides guidelines for library faculty rank, criteria for appointment, promotion eligibility, annual evaluation and compensation, workload, rights and responsibilities, and Library Academic Advisory Council.

~~Stephen F. Austin State University (SFA) provides for advancement based on a librarian's or an archivist's academic credentials and experience, job performance, professional engagement, and service to the university, profession, and the general community, as appropriate.~~

General

Members of the SFA faculty holding the rank of librarian I, II, III, or IV are considered part of the library faculty. Library faculty have the same rights and responsibilities as all other SFA faculty, and all SFA policies that reference faculty apply equally to the library faculty, excluding the exceptions specified in this policy.

~~**Rank**~~

~~The ranks consist of Librarian I, II, III, and IV, and Archivist I, II, III, and IV, with IV being the highest. These ranks do not apply to administrative positions.~~

~~**Criteria for Appointment**~~

~~A master's degree in library science from a school accredited by the American Library Association is required for appointment as a librarian. The Master of Library Science and Master of Library Information Science are the terminal degrees for librarians.~~

~~A master's degree in library science from a school accredited by the American Library Association with specialization in archival studies or a master's degree in public history with specialization in archival studies is required for appointment as an archivist.~~

Promotion Eligibility

~~ns and archivists are both eligible for promotion; however, only librarians are eligible for tenure (see policy 7.29).~~

~~To be promoted to the rank of Librarian II or Archivist II, an individual must have a proven record of effective and productive performance. Individuals can apply for the rank of Librarian II or Archivist II without being at the rank of Librarian I or Archivist I for a specified period of time.~~

~~To be promoted to the rank of Librarian III or Archivist III, an individual must have a proven record~~

~~of effective and productive performance. The individual must also have significant professional contributions to the academic and general communities through presentations at professional meetings, professional publications, or service to organizations. A Librarian II or Archivist II must hold that rank for at least three years before applying for promotion. Exceptions must be approved by the library director and the provost and vice president for academic affairs. The circumstances warranting early application must be exceptional.~~

~~To be promoted to the rank of Librarian IV or Archivist IV, an individual must have a proven record of substantial contributions to the profession recognized at the state and national levels. A Librarian III or Archivist III must hold that rank for at least five years before applying for promotion. Additionally, to be promoted to Archivist IV the individual must have successfully passed the Academy of Certified Archivist Examination. Exceptions must be approved by the library director and the provost and vice president for academic affairs. The circumstances warranting early application must be exceptional.~~

Academic promotion is awarded to library faculty in accordance with the general provisions, promotion policy principles, and procedures established in policy 7.4, Academic Promotion of Full-Time Faculty.

Promotion eligibility requirements for the librarian I, II, III, and IV ranks (policy 7.2, Academic Appointments and Titles) are established as follows.

I. *Candidates for Librarian II will meet or exceed the standards for teaching, research/scholarly/creative accomplishments, and service established by the library. Application for Librarian II may occur without holding the rank of Librarian I for a specified period of time. The promotion review portfolio will document all years in service at SFA at the rank of Librarian I.*

II. *Candidates for Librarian III will meet or exceed the standards for teaching, research/scholarly/creative accomplishments, and service established by the library. Generally, application for Librarian III may occur after holding the rank of Librarian II for at least three years. Exceptions must be approved by the library director* and *the provost and executive vice president~~, and vice president for academic affairs~~. The circumstances warranting early application must be exceptional. The promotion review portfolio will document all years in service at SFA at the rank of Librarian II.*

III. *Candidates for Librarian IV will exceed the standards for teaching, research/scholarly/creative accomplishments, and service established by the library. Application for Librarian IV may occur after holding the rank of Librarian III for at least five years. Exceptions must be approved by the library director* and *the provost and executive vice president~~, and vice president for academic affairs~~. The circumstances warranting early application must be exceptional. The promotion review portfolio will document all years in service at SFA at the rank of Librarian III.*

~~Annual Evaluation and Compensation~~

~~Librarians and archivists will be evaluated annually according to university policies and procedures. These evaluations will constitute the basis for merit pay consideration, when available. Librarians and archivists accrue vacation and compensatory time.~~

Work Load

Librarians ~~and archivists~~ receive twelve-month contracts. *Exceptions may be negotiated with individual faculty members at the discretion of the provost and executive vice president.*

Library faculty workload expectations will be established by the library and, when applicable their external supervisor, and assignments will be reviewed annually by the library director, in consultation with their external designated supervisor.

Salary and Compensation

Though members of the SFA faculty, library faculty on twelve-month contracts accrue vacation leave and may accumulate compensatory time (policy 12.14, Overtime and Compensatory Time).

The Institutional Base Salary will be established according to policy 12.6, Faculty Compensation.

The base salary period for library faculty appointments is the fiscal year. Summer months and periods of time during the academic year when the university is not in session, e.g., weekends, holidays, semester breaks, are included in the base salary period ~~(policy 12.16)~~.

Compensation from grants paid to library faculty as a portion of their institutional base salary (IBS) will be proportional to the effort expended during their twelve-month contract (policy 12.1, *Compensation from Grants, Contracts and Other Sponsored Agreements*). Any special allowances for summer assignments do not apply to library faculty.

~~**Library Academic Advisory Council**~~

~~The Library Academic Advisory Council (LAAC) advises the director of libraries on matters regarding librarians and archivists. The LAAC is composed of five librarians/archivists, each with at least two years of service at SFA. Members are elected in September by all librarians and archivists and serve two-year staggered terms. The individual serving as the Faculty Senate representative is an ex officio member of the LAAC if not an elected member. The LAAC elects a chair who is responsible for calling at least one meeting each regular semester.~~

~~**Rights and Responsibilities**~~

~~Librarians and archivists have the same rights and responsibilities as academic faculty. They are eligible for service on the Faculty Senate and university committees and are eligible for faculty development leave. Librarians and archivists may also apply for grants, fellowships, and research funds.~~

Cross Reference: ~~Faculty Handbook;~~ Academic Promotion *of Full-Time Faculty* (7.4); Tenure and Continued Employment (7.29); ~~Performance Review of Officers Reporting to the Provost and Vice President for Academic Affairs (4.8);~~ Academic Appointments and Titles (7.2) *; Faculty Workload (7.13); Compensation from Grants, Contracts and Other Sponsored Agreements (12.1); Faculty Compensation (12.6); Overtime and Compensatory Time (12.14); Additional Compensation (12.16)*

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: January 28, 2020
January 31, 2017
July 29, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Misconduct in Federally Funded Research

Policy Number: 8.7

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Acacdemic Affairs

Purpose of Policy (what does it do): Explanation of ethical standards at SFA for scientific research.

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 <u>each</u> substantive revision: Text clarification; revised section on Research Integrity Officer to reflect current practice.

Specific rationale for deletion of policy:

Additional Comments:

Reviewed with 7.19

Reviewers:

Academic Affairs Policy Committee
Office of Research and Graduate Studies
Lorenzo Smith, Provost and Executive Vice President for Acacdemic Affairs
Damon Derrick, General Counsel

Misconduct in Federally Funded Research

Original Implementation: April 27, 1994
Last Revision: ~~April 30, 2019~~*October 31, 2022*

I. Introduction

1. Policy Statement

Stephen F. Austin ~~F. Austin~~ State University (SFA) strives to create a climate that promotes faithful adherence to high ethical standards in the conduct of scientific research without inhibiting the productivity and creativity of the academic community.

Misconduct in research is a major breach of the relationship between a faculty or staff member and the university and is defined as the fabrication, falsification or plagiarism in proposing, performing or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research records. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

A finding of research misconduct requires three criteria to be met:
1. a significant departure from accepted practices of the relevant research community;
2. intentional, knowing or reckless misconduct; and
3. proof by a preponderance of the evidence.

Research misconduct does not include honest error or differences of opinion.

This policy applies to any person paid by and/or subject to the rules and policies of SFA, including faculty, research scientists, trainees, technicians and other staff members, students and visiting professors.

In order to maintain the integrity of research projects, every investigator should keep an auditable record of experimental protocols, data, and findings. Co-principal investigators and/or co-authors on research reports of any type must have a bona fide role in the research and must accept responsibility for the quality of the work reported.

Any inquiry or investigation of allegations of misconduct in research must proceed promptly and with due regard for the reputation and rights of all involved. The university will take all reasonable steps to assure ~~that~~ the persons involved in the evaluation of the allegations and evidence have appropriate expertise and that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest.

Allegations of misconduct based on events that occurred six or more years ~~ago~~*previous* are not subject to review under this policy, unless otherwise determined by the deciding official (DO) as defined in Section III.D.

2. Scope

This policy applies to all federally funded research conducted at the university. Procedures set forth in this policy address the Requirements for Institutional Policies and Procedures as detailed in 42 C.F.R. § 93.304 for Public Health Service (PHS) supported research, which includes agencies such as the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration and the Health Resources and Services Administration.

The university hereby exercises the option to adopt internal standards of conduct that differ from the PHS standards; therefore, the policy identifies PHS provisions that may apply, in whole or in part, only to PHS supported research. When an allegation falls within PHS definitions and jurisdiction, the university will conduct an institutional inquiry pursuant to the PHS regulations. Additionally, the university will comply with applicable regulations of other federal agencies for the investigation of allegations of misconduct in research that they support.

This policy and its procedures will apply when a university official receives an allegation of possible misconduct in federally funded research. Circumstances in individual cases may require variation from normal procedure to meet the best interest of the university or the sponsor.

Deviation from the normal procedures must ensure fair treatment of the subject of the allegation. Any significant variation should be approved in advance by the university's research integrity officer (RIO), *who is the dean of research and graduate studies unless otherwise assigned by the president*, and for PHS supported research, the Office of Research Integrity (ORI) of the U.S. Department of Health and Human Services~~.~~ *(see III.A below).*

Possible scholarly misconduct not specifically covered by this policy may be covered by other university policies and procedures, including Misconduct in Scholarly or Creative Activities (7.19).

II. Definitions

A. Allegation: disclosure through any means of communication of possible research misconduct.

~~B.~~ Complainant: a person who in good faith makes an allegation of research misconduct.

~~C.~~

~~D.~~ Good faith: having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research or scholarly misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. For PHS supported research, good faith as applied to a committee member means cooperating with the purpose of helping an institution meet its responsibilities under 42 C.F.R. Part 93. A committee member does not act in good faith if his/her acts or omissions on the committee

~~E.~~*B.* are dishonest or influenced by personal, professional or financial conflicts of interest with those involved in the misconduct proceeding.

~~F.~~*C.* Inquiry: preliminary information gathering and preliminary fact-finding.

~~G.~~*D.* Investigation: formal development of a factual record and the examination of that record leading to a decision. The decision may be to not make a finding of research misconduct or to recommend a finding of research misconduct.

~~H.~~*E.* Preponderance of the evidence: proof by information that leads to the conclusion that the fact at issue is more probably true than not.

~~I.~~*F.* PHS support: PHS funding, or applications or proposals for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through: PHS grants, cooperative agreements, or contracts or subgrants or subcontracts under those PHS funding instrument, or salary or other payments under PHS grants, cooperative agreements or contracts.

~~J.~~*G.* Records of research misconduct proceedings (records): research records and other evidence secured for the misconduct proceeding pursuant to this policy and applicable federal regulations, except to the extent the RIO determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that have been retained; the inquiry report and final documents produced in the course of preparing that report, including the documentation of any decision not to investigate, as required by 42 C.F.R. § 93.309(c) for PHS supported research misconduct; the investigation report and all records in support of the report, including the recordings or transcripts of each interview conducted; and the complete record of any appeal to university officials from the finding of misconduct.

~~K.~~*H.* Research record: the record of data or results that embody the facts resulting from scholarly activity and scientific inquiry, including but not limited to: research proposals, laboratory records~~,~~ *(*physical and electronic*)*, progress reports, abstracts, theses, oral presentations, internal reports, journal articles or other forms of scholarly works, reports or publications and any documents and materials provided to a federal agency or a university official by a respondent in the course of the research misconduct proceeding.

~~L.~~*I.* Respondent: the person against whom an allegation of research misconduct is directed or who is the subject of a misconduct proceeding.

~~M.~~*J.* Retaliation: an adverse action taken against a complainant, witness, committee member, the RIO or DO by the university or one of its employees in response to: (1) a good faith allegation or research or scholarly misconduct; or (2) good faith cooperation with a misconduct proceeding.

III. Rights and Responsibilities

A. Research Integrity Officer (RIO)

The research integrity officer (RIO) is the institutional official responsible for assessing allegations of federally funded research misconduct and overseeing inquiries and investigations. ~~The RIO for the university is the *Dean* director of research and *graduate studies*sponsored programs unless otherwise assigned by the president.~~ Responsibilities of the RIO include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct and provide confidentiality to those involved in the research misconduct proceeding as required by 42 C.F.R. § 93.108, other applicable law and institutional policy.
- Receive allegations of research misconduct.
- Inform the university's general counsel of allegations of research misconduct and seek advice at appropriate junctures in the process.
- Assess each allegation of research misconduct in accordance with Section V.A of this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry.
- Determine if the research in question was supported by a PHS sponsor and, as necessary, take interim action and notify the ORI of special circumstances with regard to PHS supported research, in accordance with Section IV.F of this policy.
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with Section V.C of this policy and maintain it securely in accordance with this policy and applicable law and regulation.
- Notify the respondent and provide opportunities for him/her to *r*~~r~~eview/comment/respond to allegations, evidence, and committee reports in accordance with Section III.C of this policy.
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding.
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence.
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding.
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses and committee members and counter potential or actual retaliation against them by respondents or other institutional members.
- Keep the DO and others who need to know apprised of the progress of the review of the allegation of research misconduct.
- For PHS supported research, notify and make reports to the ORI as required by 42 C.F.R. Part 93.
- Ensure that administrative actions taken by the institution and the ORI, as applicable to PHS supported research, are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies and licensing boards of those actions.

- Maintain records of the research misconduct proceeding and for PHS supported research, make them available to the ORI in accordance with Section VIII.F of this policy.

B. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. The complainant must be interviewed during an investigation and be given the transcript or recording of the interview for correction.

C. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- a good faith effort from the RIO to notify the respondent in writing at the time or before beginning an inquiry;
- an opportunity to comment on the inquiry report and have comments attached to the report;
- notification of the outcome of the inquiry and receipt of a copy of the inquiry report that includes a copy of, or refers to, 42 C.F.R. Part 93 (if applicable to PHS supported research) and the institution's policies and procedures on research misconduct;
- notification in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 calendar days after the university decides to begin an investigation), and notification in writing of any new allegations not addressed in the inquiry or in the initial notice of investigation within a reasonable time after the determination to pursue those allegations;
- an interview during the investigation, an opportunity to correct the recording or transcript and inclusion of the corrected recording or transcript in the record of the investigation;
- an opportunity during the investigation to interview any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, to have the recording or transcript provided to the witness for correction and to have the corrected recording or transcript included in the record of investigation; and
- receipt of a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based, and notification that any comments must be submitted within thirty (30) calendar days of the date on which the copy was received and that the comments will be considered by the university and addressed in the final report.

- The respondent will be given the opportunity to admit that the research misconduct occurred. With the advice of the RIO and the university's general counsel, the DO may terminate the institution's review of an allegation that has been admitted if the institution's acceptance of the admission and any proposed settlement is approved by the ORI as applicable for PHS supported research misconduct.

Additionally, the respondent will have the opportunity to request an institutional appeal in accordance with Section VIII.D of this policy.

D. Deciding Official

The deciding official (DO) is an institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The DO for the university is the provost and vice president for academic affairs. For any matter involving a vice president, the president will be the DO. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents will be the DO.

The DO will receive the inquiry report and after consulting with the RIO, decide whether an investigation is warranted for research misconduct, and for PHS supported research, whether an investigation is warranted under the criteria in 42 C.F.R. § 93.307(d). Any finding that an investigation is warranted must be made in writing by the DO and for PHS supported research must also be provided to the ORI, together with a copy of the inquiry report meeting the requirements of 42 C.F.R. § 93.309, within thirty (30) calendar days of the finding.

The DO will receive the investigation report and, after consulting with the RIO and other appropriate officials, decide the extent to which the university accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate. The DO will ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative action are provided to the ORI for PHS supported research, as required by 42 C.F.R. § 93.315.

~~III.~~*IV.* General Policies and Principles

A. Responsibilities to Report Misconduct

All university employees will report observed, suspected or apparent research misconduct with federal funds to the RIO, and any official who receives an allegation of research misconduct must report it immediately to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the

individual or allegation to other university offices or officials with responsibility for resolving the problem.

At any time, a university employee may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

B. Cooperation with Misconduct Proceedings

University employees will cooperate with the RIO and other university officials in the review of allegations and the conduct of inquiries and investigations. Employees, including respondents, have an obligation to provide evidence relevant to misconduct allegations to the RIO or other university officials.

C. Confidentiality

The RIO will, as required by university policy and 42 C.F.R. § 93.108: (1) limit disclosure of the identity of respondents, complainants and witnesses to those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO will use written confidentiality agreements or other mechanisms to ensure confidentiality.

D. Protecting Complainants, Witnesses and Committee Members

University employees may not retaliate in any way against complainants, witnesses or inquiry committee members. Employees should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO who will review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protecting the Respondent

As ~~requested~~*requested*, and as appropriate, the RIO and other university officials will make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research or scholarly misconduct when no finding of misconduct is made.

During the misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 C.F.R. Part 93, as applicable to PHS supported research and the policies and procedures of the university. Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case for personal advisement. University counsel must be present in any meeting where other counsel is present.

F. Interim Administrative Actions and Notifying the ORI of Special Circumstances

Throughout research misconduct proceedings, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the research process, and, for PHS supported research, will notify the ORI immediately of such threats.

In the event of such threats, the RIO, ~~will,~~ in consultation with other university officials and the ORI as appropriate, *will* take appropriate interim action including additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication.

Such potential threats where interim action should be taken include:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
- Public resources or interests are threatened.
- Research activities should be suspended.
- There is a reasonable indication of possible violations of civil or criminal law.
- Federal action is required to protect the interests of those involved in the research misconduct proceeding.
- The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved.
- The research community or public should be informed.

~~IV.~~*V.* Stage 1 – Conducting the Assessment and Inquiry

A. Assessment of Allegations

Upon receiving an allegation of misconduct in research with federal funds, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of misconduct may be identified and whether it is within the jurisdictional criteria of 42 C.F.R. § 93.102(b) and 93.103. An inquiry must be conducted if the required criteria for research misconduct are met.

The assessment period should be concluded within five (5) working days of receipt of an allegation. In conducting the assessment, the RIO need not interview the complainant, respondent or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified. The RIO will, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all records and evidence needed to conduct the misconduct proceeding, as provided in paragraph C of this section.

~~B.~~

~~C.~~*B.* Initiation and Purpose of the Inquiry

If the RIO determines ~~that~~ the criteria for an inquiry are met, the inquiry process will be immediately initiated. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to ~~conduct an investigation~~*investigate*. An inquiry does not require a full review of all the evidence related to the allegation.

~~D.~~*C.* Notice to Respondent; Sequestration of Research Records

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, a good faith effort must be made to notify them in writing. On or before the date on which the respondent is notified or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the records and evidence needed to conduct the misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner, except ~~that~~ where the research records or evidence encompass*es* scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. For PHS supported research, the RIO may consult with the ORI for advice and assistance in this regard.

~~E.~~*D.* Appointment of the Inquiry Committee

The RIO, in consultation with other university officials as appropriate, will appoint an inquiry committee and committee chair within ten (10) working days of the initiation of the inquiry or as soon thereafter as practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

The RIO will prepare a written charge for the inquiry committee that:

- sets forth the time for completion of the inquiry, unless extenuating circumstances require an extension of time;
- describes the allegations and any related issues identified during the allegation assessment;
- states that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
- states that an investigation is warranted if the committee determines if the allegation may have substance based on the committee's review and, in the case of PHS supported research, there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 C.F.R. § 102(b); and
- informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that, in the case of PHS supported research

misconduct, meets the requirements of this policy and 42 C.F.R. § 93.309(a).

At the committee's first meeting, the RIO will review the charge, discuss the allegation and any related issues, the appropriate procedures for conducting the inquiry, assist with organizing plans for the inquiry, and answer any questions. The RIO will be available throughout the inquiry to advise the committee as needed.

~~F.~~*E.* Inquiry Process

The inquiry committee will normally interview the complainant, the respondent and key witnesses, as well as examin~~ing~~ relevant research records and materials. Then, ~~the~~ the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and 42 C.F.R. § 93.307(d), as applicable to the allegation. The scope of the inquiry is not required to include, and does not normally include, deciding whether misconduct definitely occurred, determining definitely who committed the misconduct or conducting exhaustive interviews and analyses.
However, if a legally sufficient admission of misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, for instances of PHS supported research misconduct, the university will promptly consult with the ORI to determine the next steps that should be taken.

~~G.~~*F*. Time for Completion

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within sixty (60) calendar days of initiation of the inquiry, unless *the RIO*, at his/her discretion, ~~the RIO~~ determines ~~that~~ circumstances clearly warrant a longer period. In the case of an extension, the inquiry record must include documentation of the reasons for exceeding the ~~60 day~~*60-day* period.

~~V.~~*VI.* The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following information, as applicable to the allegation: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the federal support including, for example, grant numbers, grant applications, contracts and publications listing federal support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; and
(5) any comments on the draft report by the respondent or complainant.

The university's general counsel will review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee. The inquiry report will include: (1) the names and titles of the committee members and experts

who conducted the inquiry; (2) a summary of the inquiry process used; (3) a list of the research records reviewed; (4) summaries of any interviews; and (5) any other actions that should be taken if an investigation is not recommended.

B. Notification and Opportunity to Comment

The RIO will notify both the respondent and the complainant within ten (10) working days of completion of the draft inquiry report whether the inquiry found an investigation to be warranted, provide a copy of the draft report for comment and the university's policies and procedures on misconduct, and for PHS supported research, a copy of or reference to 42 C.F.R. Part 93. A confidentiality agreement will be a condition for access to the report by the respondent and complainant.

Any comments that are submitted will be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

C. Institutional Decision and Notification

1. Decision by Deciding Official

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

2. Notification to the ORI

For allegations of research misconduct with PHS funded research, within thirty (30) calendar days of the DO's decision that an investigation is warranted, the RIO will provide the ORI with the DO's written decision and a copy of the inquiry report. The RIO will also notify those university officials who need to know of the DO's decision. The RIO must provide the following information to the ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews and copies of all relevant documents; and (3) the charges to be considered in the investigation.

3. Documentation of Decision Not to Investigate

If it is found ~~that~~ an investigation is not warranted, the DO and the RIO will ensure for PHS supported research that detailed documentation of the inquiry is retained as detailed in Section VIII.F.

~~VI.~~*VII.* Stage 2 – Conducting the Investigation

A. Initiation and Purpose

The investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to ~~recommended~~ *a determination of* finding*s* on whether misconduct has been committed, by whom and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged research misconduct involves potential harm to human subjects or the general public, or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

B. Notifying the ORI and Respondent; Sequestration of Research Records

The RIO must notify the respondent in writing of the allegations to be investigated and give the respondent written notice of any new allegations of misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

For allegations of research misconduct with PHS funded research, on or before the date on which the investigation into research misconduct begins, the RIO must notify the ORI director of the decision to begin the investigation and provide the ORI a copy of the inquiry report.

In all instances, the RIO, ~~will,~~ prior to notifying the respondent of the allegations, *will* take all reasonable and practical steps to obtain custody of and sequester in a secure manner all scholarly records, research records and evidence needed to conduct the misconduct proceeding that were not previously sequestered during the assessment inquiry. Where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the assessment inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

C. Appointment of the Investigation Committee

The RIO, in consultation with other university officials, as appropriate, will appoint an investigation committee and committee chair within ten (10) working days of the beginning of the investigation or as soon thereafter as practical. The investigation committee must consist of individuals who do not have unresolved personal, professional or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation.

Individuals appointed to the investigation committee may also have served on the inquiry committee.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee

The RIO will define the subject matter of the investigation in a written charge to the committee that:

- describes the allegations and related issues identified during the inquiry;
- identifies the respondent;
- informs the committee that it must conduct the investigation as prescribed in paragraph E of this section;
- defines research misconduct;
- informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, the type and extent of it and who was responsible;
- informs the committee that in order to determine that the respondent committed misconduct it must find a preponderance of the evidence establishes that: (1) misconduct, as defined in this policy, occurred (the respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) there is a significant departure from accepted practices of the relevant research/scholarly community; and (3) the respondent committed the misconduct intentionally and/or knowingly or recklessly; and,
- informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and
- 42 C.F.R. § 93.313, as applicable to the allegation.

2. First Meeting

The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and, for allegation of misconduct with PHS supported research, with a copy of 42 C.F.R. Part 93. The RIO will be present or available throughout the investigation to advise the committee as needed.

E. Investigation Process

The investigation committee and the RIO must:

- *use* to ensure that the investigation is thorough and sufficiently documented and includes examination of all records and evidence relevant to reaching a decision on the merits of each allegation;

- take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- interview each respondent, complainant and any other available person who has been reasonably identified as having infor*m*~~m~~ation regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of investigation; and
- pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible misconduct, and continue the investigation to completion.

F. Time for Completion

This investigative stage is to be completed within 120 calendar days, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to the ORI as required for PHS supported research. However, if the RIO determines that the research misconduct investigation will not be completed within this 120-day period, a written request for an extension will be submitted to the ORI or other federal agencies as applicable, setting forth the reasons for the delay. If the ORI grants an extension, it may direct the filing of periodic progress reports (42 C.F.R. § 93.314).

~~VII.~~*VIII.* The Investigation Report

A. Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

- describes the nature of the allegation of misconduct, including identification of the respondent;
- describes and documents the federal support, including, for example, the numbers of any grants that are involved, grant applications, contracts and publications listing federal support;
- describes the specific allegations of misconduct considered in the investigation;
- includes the institutional policies and procedures under which the investigation was conducted, unless, in the case of research misconduct proceedings for allegations of research in PHS supported research, those policies and procedures were provided to the ORI previously;
- identifies and summarizes the records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and,
- includes a statement of findings for each allegation of misconduct identified during the investigation. Each statement of findings of misconduct must: (1) identify whether the misconduct was falsification, fabrication or plagiarism and whether it was committed

- intentionally, knowingly or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by the respondent to establish a preponderance of the evidence that he or she did not engage in misconduct because of honest error or a difference of opinion; (3) identify the specific federal support; (4) identify whether any publications need correction or retraction; (5) identify and the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with federal agencies.

B. Comments on the Draft Report and Access to Evidence

1. Respondent

The RIO must give the respondent a copy of the draft investigation report for comment and concurrently a copy of, or supervised access to, the evidence on which the report is based. The respondent will be allowed thirty (30) calendar days from the date the draft report is received to submit comments to the RIO. The respondent's comments must be included and considered in the final report.

2. Complainant

On a case-by-case basis within the university's discretion, the university may provide the complainant a copy of the draft investigation report, or relevant portions of it, for comment. The complaint's comments must be submitted within thirty (30) calendar days of the date on which the draft report is received, and the comments must be included and considered in the final report. For allegations of misconduct for PHS supported research, see §§ 93.312(b) and 93.313(g).

C. Decision by Deciding Official

The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's and complainant's comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing whether the university accepts the investigation report, its findings and any recommended institutional actions in response to accepted findings of research misconduct. If the determination by the DO varies from the findings of the investigation committee, the DO will, as part of the written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. The DO may return the report to the investigation committee with a request for further fact- finding or analysis.

When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. In the case of PHS supported research, the DO will inform the ORI. The DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work,

or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of other sponsoring federal agencies.

D. Appeals

Respondents and complainants may submit a written appeal on the judgment of the investigating committee, the DO and/or the sanction to the DO within thirty (30) calendar days of written notification of the sanctions. The DO will forward the appeal to the president for consideration. For matters concerning the vice president for academic affairs, the appeal will be forwarded to the chair of the Board of Regents. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents will also serve as the appeal officer. Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of the appeal, the appeal officer will evaluate the evidence and make a determination. The appeal officer may consult with the DO, RIO or other individuals as appropriate. The appeal officer will reopen the investigation if the previously unconsidered material evidence so warrants and may reopen the investigation if circumstances so dictate. The appeal officer's decision will be conveyed to all involved in a timely ~~fashion, but~~*fashion but* must be conveyed within thirty (30) calendar days. In the case of termination, the appropriate university policies on termination for cause will be followed.

Unless an extension has been granted, the appeal process must be completed within 120 calendar days of its filing. Similarly, but without external review, an extension of time may be granted for good cause by the university or as directed by the sponsoring agency for completion of the appeal process in non-PHS supported research misconduct cases.

E. Notice to the ORI of Institutional Findings and Actions

For cases involving PHS supported research, unless an extension has been granted by ORI, the RIO must, within the 120-day period for completing the investigation or the 120-day period for completion of any appeal, submit the following to ORI: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the institution accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

F. Maintaining Records for Review by the ORI

For cases involving PHS supported research, the RIO must maintain and provide to the ORI upon request "records of research misconduct proceedings" as defined by 42 C.F.R. § 93.317. The RIO is also responsible for providing any information,

documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

Unless custody has been transferred to HHS or the ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings will be retained in a secure manner for seven (7) years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation.

~~VIII.~~*IX.* Completion of Cases: Reporting Premature Closures to the ORI

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. For cases involving PHS supported research, the RIO must notify the ORI in advance if there are plans to close a case at the inquiry, investigation or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except

(1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or

~~(1)~~*(2)* ~~(2)~~ a finding of no misconduct at the investigation stage, which must be reported to the ORI as prescribed in this policy and 42 C.F.R. § 93.315.

~~IX.~~*X.* Institutional Administrative Actions

If the DO determines that research misconduct is substantiated by the evidence, he/she will decide on the appropriate actions to be taken, after consultation with the RIO. The administrative actions may include:

- withdrawal or correction of all pending or published abstracts and papers emanating from the research where misconduct was found;
- removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction or initiation of steps leading to possible rank reduction or termination of employment;
- restitution of funds to the grantor agency as appropriate; and
- other action appropriate to the misconduct.

~~X.~~*XI.* Other Considerations

A. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities, including those under 42 C.F.R. Part 93 for cases involving PHS supported research.

If the respondent, without admitting to research misconduct, elects to resign after the institution receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation as appropriate, based on the outcome of

the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and the effect on the evidence.

B. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including the ORI concurrence if required by 42 C.F.R. Part 93, the RIO will, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider (1) notifying those individuals aware of or involved in the investigation of the final outcome, (2) publicizing the final outcome in any forum in which the allegation of misconduct was previously publicized, and (3) expunging all reference to the misconduct allegation from the respondent's personnel file (to the extent permitted by law). Any institutional actions to restore the respondent's reputation should first be approved by the DO.

C. Protection of the Complainant, Witnesses and Committee Members

During the misconduct proceeding and upon its completion, regardless of whether the institution or the ORI determines that research misconduct occurred, the RIO will undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps that the DO approves.

D. Allegations Not Made in Good Faith

If relevant, the DO will determine whether the complainant's allegations of misconduct were made in good faith, or whether a witness or committee members acted in good faith. If the DO determines ~~that~~ there was an absence of good faith, he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

Cross Reference: 42 C.F.R. Part 93; Misconduct in Scholarly or Creative Activities (7.19)

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

Contact for Revision: Director, Office of Research and Sponsored Programs

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: April 30, 2019
July 28, 2015
July 17, 2012
July 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Moving Expenses

Policy Number: 3.23

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 11/1/2021

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes the guidelines whereby Stephen F. Austin State University may pay moving expenses for a newly hired faculty or staff member.

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: N/A

Specific rationale for <u>each</u> substantive revision: Text clarification.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Moving Expenses

Original Implementation: December 1988
Last Revision: ~~November 1, 2021~~*October 31, 2022*

Purpose

This policy establishes the guidelines whereby Stephen F. Austin State University may pay moving expenses for a newly hired faculty or staff member.

General

The university may pay reasonable moving expenses for a newly hired faculty or staff member. However, payment of moving expenses is not an entitlement. It is an option, with terms to be agreed upon between the university and the prospective employee in advance. Prior approval of the vice president *for finance and administration and the* ~~or~~ head of the division (cabinet level) as appropriate is required.

Moving related expenses are those incurred between the employee's prior home location and his or her new home location. These expenses will be treated as taxable income to the employee. Common moving expenses include:

- *transportation of household goods*
- airfare *or mileage*
- *lodging*
- *meals*
- *pre-move house hunting*
- *temporary housing*
- *short-term storage*

Other moving expenses are less common, but can still be paid as taxable if approved in advance.

Departments may negotiate with the new employee to pay full or partial moving expenses. Payments must be made from non-appropriated funds, provided the funds are available in the department's budget. *Moving expense payments will be treated as taxable income to the employee for the actual moving expense less applicable tax withholdings.* Moving expenses can be paid by either of two methods:

- Direct payment to vendor (preferred method; requires an approved purchase order and invoice)
- Reimbursement to new employee (Receipts documenting moving expenses must be attached

to the Moving Expenses Payment/Reimbursement Form and submitted to the payroll office. Only actual documented expenses will be reimbursed.)

~~The~~ *Payroll Services and/or Procurement and Business Services* ~~controller's office~~ will coordinate all payments for moving expenses, and the required information must be submitted before any moving expense can be processed for payment. The taxability of moving expenses will be determined by Internal Revenue Service (IRS) guidelines. Any taxable amount, whether paid directly to the vendor or reimbursed to the employee, will be included in taxable wages on the employee's Form W-2 and subject to federal income tax and FICA (social security) withholdings. Any mileage reimbursements will be paid at the IRS rate in effect for moving expenses on the date of the move unless a lower rate is negotiated by the department.

Cross Reference: Electronic Personnel Action Form (11.8); Internal Revenue Service website

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: ~~Controller~~ *Director of Financial Reporting; Executive Director of Finance and Administrative Services*

Forms: Electronic Personnel Action Form (EPAF) (available through Self Service Banner); Moving Expenses Payment/Reimbursement Form (available online)

Board Committee Assignment: Academic and Student Affairs

Revision History: November 1, 2021
April 30, 2019
January 29, 2019
January 26, 2016
April 15, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Performance Evaluation of Faculty

Policy Number: 7.22

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Acacdemic Affairs

Purpose of Policy (what does it do):

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 <u>each</u> substantive revision: Text clarification.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Acacdemic Affairs
Damon Derrick, General Counsel

Performance Evaluation of Faculty

Original Implementation: August 26, 1997
Last Revision: October ~~28, 2019~~*31, 2022*

To ensure continued excellence in faculty performance and pursuant to Section 51.942 of the Texas Education Code, Stephen F. Austin State University (SFA) regularly evaluates the performance of faculty. The evaluation process focuses on improving faculty performance and incorporates commonly recognized academic due process rights, including notice of the manner of scope of the evaluation and the opportunity to provide documentation during the evaluation process.

The process of evaluating faculty at SFA includes several basic components:

a. an annual administration evaluation of faculty performance;
b. a comprehensive performance evaluation of all tenured faculty at least once every six years; and,
c. a plan for assisted faculty development prompted by deficiencies identified in the annual administrative evaluation or comprehensive performance evaluation.

STANDARDS FOR PERFORMANCE EVALUATION OF FACULTY

Rigorous standards to determine what constitutes appropriate minimum performance must be developed by members of the academic unit holding faculty rank. These standards will ~~be in keeping with~~*align with* the mission of the university, the mission and goals of the college, and the mission and goals of the academic unit. They are to be based on, but need not be limited to, the professional responsibilities of the faculty member in teaching, scholarship, research and creative activity, and service. “Rigorous standards” are ~~a set of~~ verifiable standards ~~that are~~ developed by tenured faculty in the academic unit. The standards should recognize the need to allow for legitimate variation in the development of faculty careers. A copy of these standards will be forwarded to the college dean and the provost and executive vice president for academic affairs for review and approval.

The standards will be subject to periodic review by the academic unit at least every five years, unless requested earlier by the academic unit head or dean. Any modifications are subject to review and approval by the appropriate academic dean and by the provost and *executive* vice president for academic affairs.

THE ANNUAL ADMINISTRATIVE EVALUATION

Each faculty member will prepare and submit to the academic unit head an annual report of the professional activities and performance during the previous calendar year. As part of this report, academic units may require a self-evaluation that includes statements identifying an individual’s strengths and weaknesses and specifying plans for the upcoming academic year aimed at strengthening the faculty member’s performance. The college dean may meet with the academic

unit head to review faculty evaluations prior to or following a face-to-face evaluation meeting. During a face-to-face evaluation meeting with the faculty member, the academic unit head will provide the written administrative evaluation of faculty performance. Upon receipt from the academic unit head, the dean will forward the administrative evaluation and any supporting documentation to the provost and *executive* vice president for academic affairs. Faculty who receive two unsatisfactory annual evaluations in any three-year period will be subject to~~the~~ procedures outlined in the plan for assisted development (PAD).

THE PERIODIC COMPREHENSIVE PERFORMANCE EVALUATION OF TENURED FACULTY

Every tenured faculty member with less than a 0.5 FTE administrative appointment will undergo a comprehensive performance evaluation every sixth year after receiving tenure, returning to a faculty position following an administrative assignment, or after a previous comprehensive performance evaluation (including promotion or successful completion of a plan for assisted faculty development). Failure to submit a post-tenure review portfolio automatically leads to a plan for assisted development.

~~With approval from the dean and the provost and *executive* vice president for academic affairs,~~ *T*~~t~~he post-tenure review clock is suspended for faculty holding administrative positions within the academic unit (e.g., academic unit heads) or holding at least a 0.5 FTE administrative position. *Post-tenure review is due in the sixth year upon return to a faculty position of greater than 0.5 FTE.*

Each college and its academic units will establish a post-tenure review process that is approved by the dean and the provost and *executive* vice president for academic affairs. The approved process will include the following:

a. Each tenured faculty member will be reviewed by the tenured faculty in his/her academic unit, the academic unit head, and the dean.
b. Academic unit review committees must be comprised of a minimum of three tenured faculty members. In academic units with three or fewer tenured faculty, the dean of the college, in consultation with the academic unit head, will appoint tenured faculty members from other academic units.
c. Academic unit heads and deans with supervisory authority for faculty under review cannot be included in the academic unit review committee.
d. Recommendations and decisions on the comprehensive performance evaluation will not discriminate on any basis prohibited by law or policy.
e. The review committee must consistently follow the comprehensive performance evaluation procedures when evaluating all tenured faculty within an academic unit.
f. This review will make use of annual administrative evaluations of the faculty activities and performance for the five most recent years.
g. Each critical area—teaching, research/scholarly/creative accomplishment, and service—must be evaluated and rated separately and will include criteria addressing collegiality. An overall comprehensive performance evaluation rating must also be provided.

h. At a minimum, the rating system must include two levels—satisfactory/meets expectations and unsatisfactory/does not meet expectations.
i. Within the academic unit review, a simple majority of the voting faculty will determine the tenured faculty committee recommendation that the faculty member meets or does not meet the adopted standards of the unit.
j. Academic unit heads and deans may consider other pertinent information during the review process.
k. Each faculty member will be notified in writing within five (5) class days after the academic unit head completes all recommendations regarding the comprehensive performance evaluation. Within five (5) class days of reviewing the written recommendations and supporting comments, the tenured faculty members may attach a letter of response addressing errors of fact in the decision. Such a notification and any subsequent response by the tenured faculty will become part of the faculty's periodic comprehensive evaluation materials.
l. Each faculty member will be notified in writing within five (5) class days after the dean completes all recommendations regarding the comprehensive performance evaluation.
m. Each faculty member determined as meeting standards at the academic unit and at the dean's level will require no further action.
n. Each faculty member determined as not meeting standards at the academic unit or dean's level will be subject to the procedures outlined in the plan for assisted development.

PLAN FOR ASSISTED DEVELOPMENT

The plan for assisted development (PAD) will incorporate a significant peer component and will have as its main intention professional growth, personal reflection, and performance improvement.

a. A committee will be appointed by the academic unit head in consultation with the faculty member and subject to approval by the dean. ~~It is T~~*T*~~t~~he task of this committee, in consultation with the academic unit head and the faculty member, *is* to formulate a PAD to remediate any performance deficiencies identified in the comprehensive performance evaluation. A timeline for remediation not to exceed 24 calendar months with tangible benchmarks of progress will be established at this time.
b. The annual evaluation process is suspended while a faculty member is under a PAD.
c. The PAD will be signed by the faculty member, the academic unit head, and the dean to indicate their agreement with the terms of the plan. If the academic unit head, faculty member, and peer evaluation committee members are unable to come to agreement on a suitable PAD, then the faculty member will be required to adhere to the PAD as formulated by the dean, academic head, and committee. A copy of the plan will be sent to the provost and *executive* vice president for academic affairs.
d. After the PAD has been created, the peer committee will remain in place and will meet at appropriate intervals with the academic unit head to review progress in meeting benchmark goals. The academic unit head will then hold meetings with the faculty member to assess progress. Failure to meet benchmark goals may result in an immediate determination that the faculty member has failed to satisfy the PAD, regardless of how

much time remains in the PAD timeline.

e. Upon completion of the PAD term, there are three possible outcomes:
   (1) When, with the recommendation of the peer committee and in the determination of the academic unit head, the faculty member has succeeded in restoring his/her performance to an acceptable level by meeting the goals of the PAD in a timely manner, the academic unit head will notify in writing the faculty member, peer committee, and the dean.
   (2) The academic unit head may recommend extending the time for completion of the PAD for a maximum of one academic year. The dean of the college will choose to allow or deny the extension and will communicate this decision in writing to the academic unit head and faculty member within seven (7) calendar days of receiving the recommendation.
   (3) If, after seeking the opinions of the faculty peer committee, it is the judgment of the academic unit head that the faculty member has failed to satisfy the PAD, then the academic unit head will so inform the dean, the peer committee, and the affected faculty member in writing.

Upon receipt of the determination from the academic unit head, the dean will review the report of the academic unit head. The dean will personally confer with the faculty member regarding his/her performance under the PAD, with the appropriate academic unit head, and, if necessary, with the peer evaluation committee members. Following the review, the dean will forward a recommendation to the provost and *executive* vice president for academic affairs. The dean may recommend to the provost and *executive* vice president of academic affairs any of several actions, including, but not limited to:

a. restoring the faculty member to ~~a~~ regular status (the faculty member then becomes subject to the standard periodic comprehensive performance evaluation process);
b. requiring another PAD be formulated, with a different peer committee; or
c. instituting dismissal proceedings or other appropriate action in accordance with SFA policy. A faculty member subject to dismissal on the basis of evaluations conducted under this policy will receive specific written reasons for the dismissal and have the opportunity for referral of the matter to a non-binding alternative dispute resolution process as described in Chapter 154, Civil Practices and Remedies Code. The opportunity for non-binding alternative dispute resolution will be available only after all internal procedures are exhausted.

Cross Reference: Tex. Educ. Code § 51.942; Tex. Civ. Prac. & Rem. Code Ch. 154; Faculty Handbook; Academic Freedom and Responsibility (7.3); Academic Appointments and Titles (7.2); and Tenure and Continued Employment (7.29).

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
July 23, 2019
July 26, 2016
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Performance Management Plan

Policy Number: 11.20

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/20/2020

Unit(s) Responsible for Policy Implementation: Director of Human Resources

Purpose of Policy (what does it do): This policy establishes that the university will utilize a performance management plan to evaluate employee work efforts annually for non-faculty employees.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Performance Management Plan

Original Implementation: July 14, 1998
Last Revision: *October* ~~April~~ *31*~~20~~, 20*22*~~21~~

Purpose

This policy establishes that the university will utilize a performance management plan to evaluate employee work efforts annually.

This policy applies to all non-faculty employees at Stephen F. Austin State University that have completed their initial employment probation prior to the beginning of the annual evaluation period. Positions that are excluded include academic department chairs, deans, library director, charter school teachers, ~~and~~ all coaches, *and positions reporting directly to the Board of Regents*. However, all categories listed as an exemption shall have some form of evaluation system, but are not governed by this policy. This policy also does not apply to positions which require student status, casual employees, or employees working less than 50% FTE.

General

The goal of the performance management plan is to maximize employee work efforts to achieve university, organizational and individual objectives through active participation in the goal-setting process; to ensure that all employees receive a timely and objective review of their job performance each year; to identify employees whose job-related performance and conduct does not meet established objectives or contribute effectively to the university; and to ensure that job performance is measured effectively for compensation purposes.

Human Resources (HR) oversees the performance management plan ~~to~~ includ*ing*~~e~~ development of applicable forms, retention of completed evaluation plans and establishing guidelines for evaluating employees' performance.

Documentation

The review plan for each employee should be free from discrimination including race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, citizenship, or veteran status. Supervisors may not consider the employee's use of federally protected leaves, such as Family Medical Leave, against the employee during the evaluation. For further clarification, please contact human resources. Each supervisor will be held responsible for ensuring the review is fair, objective, accurate, and honest and discussed with the employee. Supervisors are also responsible for ensuring consistency of application within their

departments. Reviewing supervisors are responsible for ensuring compliance with EEO law. *The reviewing supervisor should complete their review prior to the supervisor meeting with the employee being reviewed.*

Compensation Actions

Employees must be evaluated to be eligible for merit increases. Merit pay increases, general pay increases, and all other compensation actions are to be consistent with the level of an employee's actual job performance. Merit increases are to be withheld for employees who had an overall rating of less than acceptable and therefore are not fully effective in their job performance. Administrative leave is to be withheld for employees who receive a rating of less than acceptable in any evaluation factor.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Performance Management Plan and Review (Available on the Internet)

Board Committee Assignment: Academic and Student Affairs

Revision History: April 20, 2021
January 30, 2018
January 27, 2015
July 17, 2012
April 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Prohibition of Enrollment Inducement of Students Utilizing Military Benefits

Policy Number: 6.23

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Executive Director of Enrollment Management

Purpose of Policy (what does it do): Policy to explain military benefits at SFA.

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: Minor edits.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Rachele' Garrett, Interim Executive Director of Enrollment Management
Damon Derrick, General Counsel

Prohibition of Enrollment Inducement of ~~Military Service Members~~*Students Utilizing Military Benefits*

Original Implementation: July 16, 2013
Last Revision: ~~July 23, 2019~~*October 31, 2022*

Stephen F. Austin State University prohibits inducements (including any gratuity, favor, discount, entertainment, hospitality, loan, transportation, lodging, meals, or other items having a monetary value of more than a de minimus amount) *with the exception of scholarships, grants and tuition reductions provided by the educational institution* to any individual or entity (other than salaries paid to employees or fees paid to contractors in conformity with all applicable laws) for the purpose of securing enrollments of ~~military service members or obtaining access to tuition assistance (TA) funds~~ *students using any form of Veterans Administration (VA) education benefits or tuition assistance (TA) funds*. This includes:

- Refraining from ~~high pressure~~ *deceptive or persistent* recruitment ~~tactics~~ *techniques, ~~including on~~including on military installations that may include* ~~such as~~ *misrepresentation or payment of incentive compensation, ~~making three~~making three or more unsolicited contacts to ~~a covered~~such an individual during a 1-month period (including contacts by phone, email or in-person) or engaging in same day recruitment and registration.*~~making multiple unsolicited phone calls to military service members for the purpose of securing their enrollment.~~

- Refraining from providing any commission, bonus, or other incentive payment based directly or indirectly on securing enrollments or federal financial aid (including TA funds) to any persons or entities engaged in any student recruiting, admission activities, or making decisions regarding the award of student financial assistance.

Fraud or ethics concerns should be reported to Audit Services at www.sfasu.edu/audit/fraudreport.asp.

Cross Reference: None

Responsible for Implementation: ~~Provost and *Executive* Vice President for Academic Affairs~~*Executive Director of Enrollment Management*

Contact for Revision: ~~Provost and *Executive* Vice President for Academic Affairs~~*Executive Director of Enrollment Management*

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: July 23, 2019
January 26, 2016

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Public Health

Policy Number: 13.16

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/21/2020

Unit(s) Responsible for Policy Implementation: Vice President for Student Affairs

Purpose of Policy (what does it do): Outlines the university's response to public health emergencies.

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 <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Student Affairs Policy Committee
Brandon Frye, Vice President of Student Affairs
Damon Derrick, General Counsel

Public Health

Original Implementation: February 29, 1988
Last Revision: ~~July 21, 2020~~*October 31, 2022*

Stephen F. Austin State University recognizes an obligation to promote public health on campus by ~~taking action~~*acting* to protect students, faculty, and staff from the spread of contagious and infectious diseases. An effective and responsible approach to safeguarding public health on campus requires that legitimate concerns about the potential for transmission of diseases in university settings neither be sensationalized nor minimized, but that university officials work closely with other interested parties to establish policies and procedures that inhibit the likelihood of contagion while promoting an educational environment characterized by safety, continuity, and calm.

When circumstances arise that require review, the vice president *of*~~for~~ ~~university~~ *student* affairs *or their designee* will convene a Public~~/Student~~ Health Committee, consisting of appropriate faculty and staff members. This committee will assist the vice president in coordinating the university's efforts to fulfill its responsibility concerning public health. In carrying out its tasks, the committee will review the guidelines of recognized authorities including the *World Health Organization, the* National Centers for Disease Control, and the Texas Department of *State* Health Services.

Based on the severity of the public health issue being addressed, the Public Health Committee may make recommendations to the president that certain policies, *plans, and/or protocols* be initiated, suspended or modified on an emergency basis, as needed.

In the event of public inquiry concerning university policy on public health or health-related matters at SFA, the ~~executive director~~*chief marketing and communications officer* ~~of university marketing communications~~, or their designee, will serve as the official spokesperson for the university. Medical records of individuals shall remain confidential, but public information will be disclosed upon request in accordance with the Texas Public Information Act and the Family Educational Rights and Privacy Act. Requests for such information should be referred to the university's general counsel.

If a public health issue arises that could involve the continuity of business and academic functions of the university, other ad hoc committees may be impaneled as needed to address those particular issues.

Cross Reference: Tex. Health & Safety Code Ch. 81, 181; Tex. Gov't Code Ch. 552; Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g

Responsible for Implementation: Vice President *of*~~for~~ ~~University~~ *Student* Affairs

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: July 21, 2020
April 25, 2017
July 29, 2014
July 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Reasonable Workplace Accommodation for Disabilities

Policy Number: 11.22

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/26/2022

Unit(s) Responsible for Policy Implementation: Director of Human Resources

Purpose of Policy (what does it do): Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations, which does not constitute an undue hardship to the university.

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: N/A

Specific rationale for <u>each</u> substantive revision: Name change & addition of information related to Pregnancy Discrimination Act of 1978 and the Fair Labor Standards Action, Section 7(r).

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Reasonable Workplace Accommodation~~s for Disabilities~~

Original Implementation: April 20, 2004
Last Revision: ~~July 26, 2022~~*October 31, 2022*

Purpose

Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations, which does not constitute an undue hardship to the university.

Stephen F. Austin State University shall make reasonable workplace accommodations for employees with sincerely held religious beliefs in accordance with the Texas Labor Code, and/or for employees who qualify under the Pregnancy Discrimination Act of 1978 and Section 7(r) of the Fair Labor Standards Act, if the requested accommodation does not constitute an undue hardship.

Definitions

Disability - a physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having such impairment.

Qualified individual with a disability - an individual who meets all the skills, experience, knowledge, educational and other job requirements of the position. In addition, the individual can perform the essential functions of the position with or without reasonable accommodation.

Reasonable accommodations - modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable SFA's employees with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Undue hardship - incurred when an accommodation request impacts the operations or business through the cost factors involved, or the effect on the safety of the requestor or other individuals, or due to the impact on the university's ability to conduct business.

General

Job postings will include a statement that all responsible workplace accommodations are requested by calling the human resources department. The director of human resources or his/her designee will be responsible for overseeing the reasonable workplace accommodation policy and the procedures to ensure compliance.

Any employee requiring an accommodation shall notify his/her immediate supervisor as soon as practical, informing the supervisor of the nature of the disability *or other reason for accommodation*. Any supervisor notified of a disability *or receiving a workplace accommodation request* shall immediately report it to the director of human resources or his/her designee.

The employee shall provide to the director of human resources or his/her designee the following within a reasonable time from the date of notification~~, not to exceed fourteen (14) calendar days~~:

- A copy of all documentation relevant to making a decision about reasonable accommodation. Relevant documents may include, but are not limited to, medical records.
- *For disability requests,* ~~A~~*a* letter from an appropriate healthcare or rehabilitation professional. The letter shall contain a diagnosis, prognosis, and an evaluation as to the effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position.
- ~~A copy of all documentation relevant to making a decision about reasonable accommodation. Relevant documents may include, but are not limited to, medical records.~~

The director of human resources or his/her designee may request a letter from the employee *requesting disability accommodation* that includes:

- The nature and extent of the physical or mental impairment;
- A complete medical diagnosis by a qualified professional, including the results of any tests conducted to verify the extent of the condition;
- Which, if any, of the major life functions are substantially limited as a result of the employee's condition;
- A prognosis, including the permanent or temporary nature of the condition and a list of all job functions or tasks the employee cannot perform but can perform if reasonable accommodation is provided; and
- Recommendations for appropriate accommodations based on the job description and current duties, if applicable, including the source and type of any special equipment that may be needed.

The director of human resources of his/her designee may request a letter from the employee requesting religious accommodation that includes:

- *The religious belief, practice, or observation obligation that is the basis of the accommodation request.*
- *The work requirement that conflicts with the religious belief, practice, or observation obligation and an explanation of the nature of the conflict.*
- *Recommendations for appropriate accommodations based on the job description and current duties, if applicable.*

The director of human resources or his/her designee shall confer with the employee to ascertain the employee's requirements and input on a reasonable accommodation.

Before making a decision regarding the accommodation, the director of human resources or his/her designee may submit the employee's request for accommodation, accompanying documentation and medical records to an appropriate health care professional or a disability committee of appropriate university employees familiar with determining disability status for evaluation and recommendations at the university's expense. All information will be kept confidential by the expert or committee and all documentation provided to the expert/committee will be returned to the university by the expert/committee.

Based on the relevant information provided, the director of human resources or his/her designee shall determine what, if any, reasonable accommodation will be made and shall convey it to the employee and management. If accommodation would constitute undue hardship on the university, supporting documentation will state the reasons. An undue hardship determination will conform to definitions provided by the courts, ADA Amendments Act of 2008, and state regulations. Factors that may affect an accommodation decision should include, but are not limited to, the availability of funding, the amount of disruption of work of other employees, and the impact on the university's ability to conduct business.

Reasonable workplace accommodations taken may include making existing facilities readily available; modifications or adjustments to the work environment or manner or circumstances under which the position's essential functions are customarily performed; modifications or adjustments that enable the individual with the disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities; and other appropriate adjustment to the work environment of a qualified individual with a disability *or sincerely held religious belief.*

Unless extenuating circumstances exist, the review process should ~~not exceed a period of thirty (30) calendar days~~*occur promptly without unreasonable delay*.

The director of human resources or his/her designee shall periodically confer with the employee with the disability to determine continuance of the workplace accommodation and shall notify the appropriate university personnel regarding the continuation or discontinuation of the workplace

accommodation.

In addition to ADA information, all medical information concerning the employee requesting an accommodation shall remain confidential and separate from personnel files. This includes any doctor's statements, leave forms, or any other information that pertains to the medical condition or medical history of the employee. This pertains not only to all records kept by the human resources department, but extends to any records kept in the departmental offices.

The president or his/her appointed representative shall periodically review and update this policy and procedures to ensure compliance with EEO laws.

Cross Reference: Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. § 793, 34 C.F.R. § 104, 41 C.F.R. § 60-741; the Americans with Disabilities Act of 1990, Pub. L. No. 110-325, 42 U.S.C. §§ 12101-12213 as amended by the American with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553; ~~and the~~ Tex. Lab. Code §§ 21.051-129*; -Pregnancy Discrimination Act of 1978; Fair Labor Standards Act, Section 7(r)*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: July 26, 2022
July 23, 2019
July 26, 2016
July 16, 2013
July 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Regents Scholar

Policy Number: 7.24

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Explains what the Regents Scholar is and how one obtains this high honor.

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 <u>each</u> substantive revision: Text clarification; revised eligiblity to nominate; revised the review panel membership

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affair Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Regents Scholar

Original Implementation: October, 1979
Last Revision: ~~July 23, 2019~~*October 31, 2022*

The title of Regents Scholar is the highest honor that the university may bestow upon a member of the faculty. The honor is reserved for faculty members who are exemplary role models to the university community. The title of Regents Scholar is not an academic rank, but an honorary title held for the duration of the recipient's service to the university.

1. Only tenured full professors *and librarian IV* are eligible for nomination. They must have served a minimum of five years at Stephen F. Austin State University and remain on active service during the academic year of the award. Previous recipients of the award are ineligible.

2. Faculty members are nominated on the basis of extraordinary merit in teaching, research/scholarly/creative accomplishment, and service. Evidence of exceptional performance must exist in each category.

3. A nomination may be submitted by any ~~tenured~~ *full-time faculty member*~~. member of the university faculty~~. The nomination must be seconded by another *full-time faculty member*~~tenured member of the faculty~~. The nomination and second are submitted by letters through the relevant academic unit leader and dean, then to the provost and *executive* vice president for academic affairs.

4. Upon acceptance of a nomination, the nominator and second will assist the nominee in preparing a dossier. The instructions for preparing and submitting the dossier can be found on the "Regents Scholar Award" page of the Academic Affairs website.

5. ~~*A committee* The provost and executive vice president for academic affairs appoints a review panel of six from the ranks of former Regents Scholars (formerly titled Regents Professors) and deans, with attention to disciplinary balance. The review panel *consisting of seven elected, full-time tenured faculty members who hold the rank of associate professor or above (one from each academic college and one from the library) will* will *be convened. Elections for these positions will be held within each college.* examine the dossiers independently *In addition, the provost will appoint one former Regents Professor / Scholar to serve as an ex officio member of the committee.*~~*The provost and executive vice president for academic affairs appoints a review panel of six, with four from the ranks of former Regents Scholars (formerly titled Regents Professors) and deans, and with one full professor serving as an academic unit head, and one full professor serving as a faculty senator. The panel will reflect disciplinary balance. –If qualified full professors are unavailable or unwilling, exceptions to the panel composition may be made by the provost and executive vice*

president.

~~5.~~*6. The* ~~*committee*~~*panel will review the dossiers and* ~~and~~ vote by anonymous ballot.

~~6.~~*7.* The provost and *executive* vice president for academic affairs will receive the ballots from the panel and, on the basis of the input, decide whether to recommend a nominee to the Board of Regents, through the president. The applications of nominees not selected will remain in the pool for two additional years.

~~7.~~*8.* The designation as Regents Scholar may be made only by the Board of Regents.
~~8.~~
9. The recipient is awarded a Regents Scholar medallion, a framed certificate, and a one-time stipend.

~~9.~~*10.* The recipient will be recognized by the Board of Regents at the fall board meeting. The recipient will have the opportunity to participate as a member of the platform party during commencement ceremonies throughout the academic year *of the award recognition*.

Cross Reference: None

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: July 23, 2019
November 2, 2015
January 29, 2013
October 12, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities

Policy Number: 13.18

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): To comply with state law that requires the reporting of abuse, exploitation, or neglect of elderly or disabled persons.

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 <u>each</u> substantive revision: No changes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Tiffany Rivers, Director of Disability Services
Michara DeLaney-Fields, Chief Diversity Officer
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities

Original Implementation: August 1, 2000
Last Revision: October ~~28, 2019~~*31, 2022*

Purpose

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 Section 48.002 of the Human Resources Code.

Reporting

Unless otherwise required by law, 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 person or person with a disability has been abused, exploited or neglected within the university and its programs. Failure to report may subject the employee or student to university and/or criminal penalties. 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 person with a disability, 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 Texas Workforce Commission shall be reported to the commission-assigned liaison or client's sponsoring vocational rehabilitation 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 person or person with a disability 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 person or person with a disability, 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. “Exploitation” means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person’s social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person.

3. "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.

Cross Reference: Tex. Hum. Res. Code Ch. 48

Responsible for Implementation: President

Contact for Revision: Director of Disability Services, General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Selection of Academic Deans

Policy Number: 4.9

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines on the process of selecting an academic dean with regards to the selection and responsibilty of the search committee.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor Revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Selection of Academic Deans

Original Implementation: Unpublished
Last Revision: ~~October 28, 2019~~*October 31, 2022*

The academic dean is the chief executive of the college and is responsible for fostering excellence in teaching, research/scholarship/creative activity, and service. Reporting directly to the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs, the academic dean has a major role in developing and interpreting university policy.

This policy outlines search procedures and responsibilities for the selection of an academic dean.

Selection of the Search Committee: The search process begins with the establishment of a search committee. After consulting with college faculty and academic unit heads, the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs determines the search committee size and composition, and appoints an academic dean (outside the college) to serve as chair. Ideally, the committee will be composed of an odd number of members (elected or appointed) consisting of at least one representative from each of the academic units of the college and having a balanced mix of tenured or tenure-track faculty and academic unit heads. Additionally, students and outside representatives may be elected or appointed to serve as non-voting ex-officio members of the committee.

If a fully open search is not viable, a decision limiting the scope of the search should be made prior to the selection of the search committee. Such a decision will be made by the ~~p~~*P*rovost and *Executive V*~~v~~ice *P*~~p~~resident for ~~a~~*A*cademic *A*~~a~~ffairs in consultation with the academic unit heads and college faculty.

The *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for ~~a~~*A*cademic ~~a~~*A*ffairs will convene the committee for its organizational meeting. The committee may choose to elect other committee officers. The chair may designate a committee member from the respective college as a contact for external inquiries.

Search Committee Responsibilities: The search committee coordinates the recruitment process, working closely with the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs. The committee is responsible for developing a position description, advertising the position, screening candidates, and arranging candidate interviews. Each search will be conducted without prejudice for internal or external candidates. The committee will contact human resources for mandatory training and for assistance as needed.

Ordinarily, at least two candidates recommended by the committee will be interviewed on campus. The itinerary for the interviews will provide ample opportunity for candidates to meet college faculty, students, academic unit heads, other deans, vice-presidents, and the president. After

interviewing candidates, the committee will make its recommendation to the ~~p~~*P*rovost and *Executive V*~~v~~ice *P*~~p~~resident for ~~a~~*A*cademic ~~a~~*A*ffairs. Appointment is by the president and requires approval of the Board of Regents.

Funds for Recruitment: Expenses incurred during the search are generally borne by the college with the vacancy with possible additional funds from other sources.

Cross Reference: Faculty Handbook, Human Resources Selection Procedures for Faculty and Staff; Employee Affirmative Action/Recruitment Plan (11.9); Affirmative Action (11.1)

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

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

Forms: Human Resources hiring forms

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
July 29, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Staff Employment

Policy Number: 11.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/26/2020

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes SFA's employment process for staff, including those paid with grant and contract funds. It also establishes that the Department of Human Resources is responsible for developing staff employment policies and procedures. This policy does not include student or temporary staff employment.

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: N/A

Specific rationale for <u>each</u> substantive revision: Multiple edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Staff Employment

Original Implementation: October 26, 2020
Last Revision: *October 31, 2022*~~None~~

Purpose

This policy establishes SFA's employment process for staff, including those paid with grant and contract funds. It also establishes that the Department of Human Resources is responsible for developing staff employment policies and procedures. This policy does not include student *(including graduate assistant)* or temporary staff employment.

Background

This policy describes employment practices and ensures that each employment action conforms to state statutes, university policies, fund availability, and university goals. All hiring decisions for vacant positions are made based on lawful, job-related, and non-discriminatory criteria and in keeping with Policy 2.11, Nondiscrimination, which prohibits unlawful discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, citizenship, and veteran status.

Departments may choose initially any of the following three options to fill a position vacancy~~Staff positions may be filled~~*: internal promotion within a department, campus-wide recruitment using an internal posting, or external recruitment through a public posting.*~~ either by promoting or transferring a current employee or by hiring from outside the university.~~

Internal promotions within a department require a review of all current employees to determine those who are qualified for promotion. All selected candidates must meet the minimum education and experience requirements stated on the official university job description for the position. Before extending an offer of promotion, a department should contact Human Resources to verify that the candidate meets the stated qualifications.

Campus-wide recruitment may be used when only current university employees are to be considered to fill the vacancy. External recruitment provides for a public posting of the vacancy, open to all qualified applicants. Both campus-wide recruitment and external recruitment postings must remain active for applications for a minimum of five business days.

The hiring process *for recruited vacancies* consists of identifying the vacancy and evaluating the need for the position; revising the job description as necessary; selecting a search committee; posting the vacant position; reviewing and screening applicants; conducting interviews; selecting a candidate; and finalizing the employment offer. For a general overview of the hiring process, see the human resources website.

Posting Vacant Positions

Vacant staff positions, *except for positions to be filled by promotion,* must be posted on the SFA careers website. ~~assistant and casual (sporadic or short-term) positions do not have to be posted unless so desired.~~ Positions are posted for at least the minimum number of days based on position and/or posting type as established by the Department of Human Resources. All staff postings that are posted externally are advertised on the jobs website hosted by the Texas Workforce Commission. Staff postings may be advertised on HigherEdJobs.com at the discretion of the hiring department. Advertisements in other locations are determined by the hiring department with the approval of human resources and university marketing communications.

Human resources maintains a bank of job posting templates that include each position's description. Departments may request updates to job descriptions and posting templates prior to creating a posting, using a process determined by human resources. Hiring departments must provide position--specific information that is required by human resources before a position is approved to be posted. To help develop a viable candidate pool, the university may enter a contract with a hiring firm to fill positions, in which case applicants may be directed to apply for the position through other methods.

Training

Part of the posting creation process is the designation of a search committee to contribute to the hiring decision. Search committee training is required every two years for search committee members. Training information is contained in the learning management system. *Additionally, there are resources for developing selection matrices, interview questions, and hiring files in the hiring manager's toolkit on the human resources website.*

Screening Candidates

A screening matrix is required for all *posted* staff ~~positions~~*vacancies*. The hiring department is required to submit the screening matrix to human resources for approval prior to screening applicants. The matrix is designed to document justification for selecting applicants for an interview and all qualified applicants are to be included on the approved matrix. A sample screening matrix is available on the human resources website. If search committee members discover that a relationship with an applicant exists as defined by Policy 11.16, Nepotism, they must notify the search committee chair immediately.

Veteran's Preference

In accordance with state law, an individual who qualifies for a veteran's employment preference is entitled to a preference in employment with or appointment to a state agency over other applicants for the same position who do not have a greater qualification.

Former Foster Child Preference

In accordance with state law, an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday

is entitled to a preference in employment with a state agency over other applicants for the same position who do not have a greater qualification.

Interviewing

The hiring department is required to submit interview questions to human resources for approval prior to conducting interviews. Sample interview questions are available on the human resources website. All interview questions asked throughout the hiring process, to include phone and/or video interviews, must be job-related and approved by human resources.

Hiring of New Staff

The hiring department will submit the search file to human resources for an EEO compliance review prior to offering a conditional employment offer to the selected candidate. The hiring department will *then* submit a hiring proposal to hire the selected candidate through the SFA careers website. *The hiring proposal should contain all documents and records related to the search including, but not limited to, the job posting, initial screening matrix, interview notes, and a selection justification for the selected candidate. The hiring proposal and any search documents should be kept for two years following the date of hire of the selected candidate*. Information on completing the required steps to submit a hiring proposal is available on the human resources website. The hiring department has full discretion for placing a new employee's pay up to the midpoint of the salary grade. Hiring rates above the midpoint require approval by human resources before the verbal offer is extended to the candidate in accordance with Policy 12.2, Staff Compensation and Classification.

Accepted Employment Offer

~~U~~*U*pon the candidate's acceptance of an employment offer, human resources conducts a background check for all new staff employees and former employees with a break in service. After the background check is completed successfully, the hiring department should submit the appropriate electronic personnel action form (EPAF) to start the employee's job assignment. An EPAF submission is required before a new employee is permitted to start work.

Appointment of full-time exempt administrative/professional staff~~,~~ *and* changes in position status of full- time exempt administrative/professional staff~~, and temporary staff services~~ are subject to the approval of the SFA Board of Regents as stated in Policy 1.4, Items Requiring Board of Regents Approval. Human resources provides new appointments and appointment changes to the coordinator of board affairs/compliance before each board meeting.

Cross Reference: Items Requiring Board of Regents Approval (1.4); Compliance with the Americans with Disabilities Act and the ADA Amendments Act (2.5); Nondiscrimination (2.11); Affirmative Action (11.1); Electronic Personnel Action Form (11.8); Employment of Persons with Criminal History (11.12); Fair Labor Standards (11.14); Nepotism (11.16); Reasonable Workplace Accommodation for Disabilities (11.22); Security-Sensitive Positions (11.25); Staff Compensation and Classification (12.2); Tex. Gov. Code Ch. 657

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Human Resources

Forms: Departmental Checklist for Recruiting, Interviewing, and Hiring; *Hiring Manager's Toolkit;* Job Analysis Questionnaire (JAQ) form; Human Resources website

Board Committee Assignment: Academic and Student Affairs

Revision History: None

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Timely Warning

Policy Number: 13.22

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): A Campus Crime Alert/Timely Warning (A/TW) is designed to provide students, faculty and staff with timely notification of significant events that represent a serious and/or continuing threat to the campus community. The alert issued relative to a crime and/or suspect may seek information that will help lead to the arrest and conviction of an offender.

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: N/A

Specific rationale for <u>each</u> substantive revision: The Emergeny Management Coordinator has been added as the secondary approver for Timely Warning notification approver.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Fields, Chief of Police
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Timely Warning

Original Implementation: October 30, 2007
Last Revision: ~~*November 7*~~ *October 31, 2022*~~October 28, 2019~~

Purpose

A Campus Crime Alert/Timely Warning (A/TW) is designed to provide students, faculty and staff with timely notification of significant events that represent a serious and/or continuing threat to the campus community. The alert issued relative to a crime and/or suspect may seek information that will help lead to the arrest and conviction of an offender.

~~**Timely Warning Procedure**~~***General***

The Stephen F. Austin State University Police Department (UPD) is responsible for determining if an emergency exists, then preparing and issuing Alerts/Timely Warnings. As no two incidents are alike, the decision to issue an A/TW will be made on a case-by-case basis, considering the facts surrounding an event and the perceived continuing danger to the campus community. Upon learning of an incident that could potentially require issuing an alert, the UPD supervisor on duty will brief the chief ~~or assistant chief of police~~*and* ~~or~~ the emergency management *coordinator*~~director~~, who will make a determination regarding issuance of an A/TW. Should the chief and *emergency management coordinator*~~assistant chief~~ be unavailable, the supervisor on duty should brief an available *highest ranking UPD supervisor*~~lieutenant~~ who will make the issuance decision. Should contact not be possible with any of the police officials described above, the vice president for *finance and administration* ~~university affairs~~ may be contacted to make the issuance decision. An A/TW may be reasonably delayed if law enforcement officials determine that such an alert would risk or compromise law enforcement efforts to deal with the emergency or rescue a victim.

Information may originate with law enforcement agencies or law enforcement officers other than UPD that may require an A/TW. Such information may indicate an incident has occurred, or is likely to occur, that represents a serious or continuing threat to campus safety. When notified by an external agency, the decision to issue an A/TW will be made in the same process described above.

Information included in Campus Crime Alerts will include the following, at minimum, unless it is determined by law enforcement that such information would compromise law enforcement efforts to deal with the emergency or rescue a victim:

1. A concise description of the incident and type of crime, including location, date and time of

occurrence
2. A physical description of the suspect, including gender and race
3. Composite drawing of the suspect, or photograph, if available
4. Apparent connection to previous incidents, if applicable
5. Race of the victim, but only if there were an apparent bias motive
6. Sex of the victim, if relevant
7. Injury sustained by the victim
8. Date and time the campus alert was released
9. A notice to the campus community to exercise caution

The name of the victim is confidential and will not be released in Campus Crime Alerts. Alerts/Timely Warnings may be delivered using one or more of the following systems:

1. Outdoor alert system
2. Mobile alert system (Jack Alert Emergency Notification System)
3. E-mail to students' and employees' campus accounts
4. Web page banners on all pages hosted on the primary SFA Web server, linked to the campus alert Web site
5. Social media (Facebook, Twitter)
6. Television alert broadcast (television connected to the campus cable TV provider)
7. Public address speaker from a marked university police vehicle

Information included for a severe weather or significant emergency A/TW will include the following:

1. Type of weather event or emergency
2. Safety precautions persons should take

Alternative methods for distributing Campus Crime Alerts/Timely Warnings may include, but are not limited to, media releases, campus newspaper, flyers posted in university buildings and phone message boards.

Any or all methods may be activated depending on the emergency and its circumstances.

Cancellation Procedure

When the incident causing the A/TW to be issued no longer poses an imminent threat to the campus community, the alert may be terminated by the chief of police. ~~or the assistant chief~~ *In the absence of the chief of police, the emergency management coordinator or the deputy chief of*

police can terminate the notification alert. Should these positions be unavailable, the alert may be terminated by an available ~~lieutenant~~ *supervisor* or the vice president ~~of~~*for* ~~–~~ *finance and administration*~~university affairs~~. Upon termination of an alert, an "All Clear" message will be transmitted to the campus community.

Cross Reference: 20 U.S.C. § 1092(f); Annual Disclosure of Crime Statistics (13.3)

Responsible for Implementation: Vice President for *Finance and Administration* ~~University Affairs~~

Contact for Revision: Executive Director of Public Safety/Chief of University Police

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: University Closure for Inclement Weather and Other Emergencies

Policy Number: 13.12

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration/Vice President of Student Affairs

Purpose of Policy (what does it do): This policy establishes procedures for the university in the event of inclement weather or other emergencies.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Student Affairs Policy Review Committee
Brandon Frye, Vice President of Student Affairs
Damon Derrick, General Counsel

University Closure for Inclement Weather and Other Emergencies

Original Implementation: June 1, 1990
Last Revision: October *31*~~28~~, 20~~19~~*22*

Purpose

This policy establishes procedures for the university in the event of inclement weather or other emergencies.

General

In the event inclement weather or other conditions impede the normal operations of the university, the president may declare an emergency, cancel/delay classes, and close university offices for an appropriate period. The president's decision may be provided to the news media by the University Marketing Communications office and broadcast by the University Police Department via the JackAlert Campus Notification System. In the absence of a specific announcement otherwise, faculty, staff and students should assume normal operation of the university.

If the president declares an emergency, cancels/delays classes, and/or closes university offices, certain critical areas shall be required to continue operations. These are:

1. University Police Department - Employees designated by the executive director/chief of police.
2. Physical Plant - Employees designated by the director of the physical plant department.
3. ~~Residence Life and~~ *Student Center* - Employees designated by the ~~director of residence life~~*Executive Director of Campus Living, Dining, and Auxiliary Enterprises*.
4.~~*3.* Student Center - Employees designated by the director of student services~~*the Baker Pattillo Student Center*~~.~~
5.~~*4.*~~ Any other area deemed critical by an appropriate vice president *or president's cabinet member*.

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.

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: Vice President *of* ~~for~~ ~~University~~ *Student* Affairs, *Vice President for* ~~of~~ *Finance and Administration*

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

Building and Grounds Committee

CONSTRUCTION UPDATE

Stephen F. Austin State University

Board of Regents
Building and Grounds Committee

October 31, 2022

Construction Update

Table of Contents

Description	Page
Projects Summary	1
Campus Space Realignment and Renovations	2
Fine Arts Expansion	3
Basketball Practice Facility	4
Shelton Gym Air Handler Replacement	5
Residence Hall Bond Fund Proceeds	6
Dining Hall	7

October 31, 2022

Construction Summary

Project status current as of September 30, 2022.

Project	Const Start Date	Fund Source	Board Approved Budget	Expenditures	Encumbered	Total Cost to Date	Available Balance	Const % Complete	Const Complete Date
Campus Space Realignment and Renovation [1]	N/A	HEF	$ 2,968,000	$ 20,193	$ 82,207	$ 102,400	$ 2,865,600	N/A	UNK
College of Fine Arts Expansion	Dec '20	Revenue Financing Bonds	$ 50,000,000	$ 32,422,114	$ 15,436,632	$ 47,858,745	$ 2,141,255	81%	Mar '23
Basketball Practice Facility	Jul '19	Revenue Financing Bonds	$ 29,232,845	$ 28,417,829	$ 64,957	$ 28,482,786	$ 750,059	100%	Oct '21
Shelton Gym Air Handler Replacement	May '22	HEF	$ 675,000	$ 356,135	$ -	$ 356,135	$ 318,865	100%	July '22
Residence Hall Bond Fund Proceeds	TBD	Revenue Financing Bonds	$ 23,700,000	$ 1,285,690	$ 2,561,035	$ 3,846,725	$ 19,853,275	0%	TBD
Dining Hall	TBD	Revenue Financing Bonds	$ 15,800,000	$ 194,444	$ 239,600	$ 434,044	$ 15,365,956	0%	TBD
Totals			**$ 122,375,845**	**$ 62,696,405**	**$ 18,384,431**	**$ 81,080,836**	**$ 41,295,009**		

[1]Current budget following budget reallocations of $222,000 and $1,310,000.

Campus Space Realignment and Renovation *Board Order 18-32*

Project Team

Owner's Rep:	N/A
Design & Engineering:	N/A
Contractor:	N/A
Project Support:	N/A

Scope of Work

In the April 2016 meeting, the Board approved Facility Programming and Consulting (FP&C) to assess campus building space and utilization, and develop a comprehensive space utilization plan. FP&C has concluded the space assessment recommendations on education and general (E&G) buildings. Using the FP&C space assessment as a guide, the university wishes to implement a space realignment, utilization, and renovation process. The process will involve departmental and functional moves and any necessary E&G space reconfiguration and/or renovation. The space implementation plan will begin in fiscal year 2018 and will be prioritized based on institutional need and available resources. Specific initiatives that require Board of Regents' approval will be submitted as needs are prioritized and costs are fully developed.

Project Details

Funding Source:	HEF
Project Approval:	Jul-2018
Project Budget:	$2,968,000.00

Construction Details

Notice to Proceed:	N/A
Percent Complete:	N/A
Substantial Completion:	Unknown
Guaranteed Max Price:	N/A

Project Update

- Board Order 22-33, $1,310,000 for IT Infrastructure Refresh
- Transfer out for Austin 2nd & 3rd Floor Renovation
- Library, Boynton, Music, and McKibben updates ongoing

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
2,968,000.00	20,193.32	82,207.00	102,400.32	2,865,599.68

College of Fine Arts Expansion *Board Order 20-09*

Project Team

Owner's Rep:	Physical Plant
Design & Engineering:	Kirksey Architecture, Schuler Shook, + Team
Contractor:	KDW, Ltd.
Project Support:	Armko Industries, Project Control a Raba Kistner Company, Campos Engineering

Scope of Work

Renovate and construct an addition to the Griffith Fine Arts building consistent with the SFA master plan, FP&C space assessment study, and Kirksey Architecture programming assessment.

Project Details

Funding Source:	Revenue Financing Bonds	
	Bond Resolution of $37,000,000	*Board Order 19-38*
Project Approval:	Dec-2020	
Project Budget:	$50,000,000.00	
	Increased from $37,000,000 to $50,000,000	*Board Order 20-09*

Construction Details

Notice to Proceed:	Dec-2020	
Percent Complete:	81%	
Substantial Completion:	Mar-2023	
Guaranteed Max Price:	$41,956,925.00	
	$779,838.65	Phase I: Demolition & Abatement
	$41,177,086.35	Phase II: Building Construction
Transition to Operations:	Mar-2023	
Building Occupancy:	Aug-2023	

Project Update

- Beginning to procure furniture, fixtures, & equipment
- Theatrical rigging and lighting installation ongoing
- Sidewalks and drives are being poured and formed

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
50,000,000.00	32,422,113.75	15,436,631.58	47,858,745.33	2,141,254.67

Basketball Performance Center *Board Order 19-38*

Project Team

Owner's Rep:	Physical Plant
Design & Engineering:	Populous + Team
Contractor:	KDW, Ltd.
Project Support:	N/A

Scope of Work

Construct an addition to the William R Johnson Coliseum that will include a basketball practice facility and house men's and women's basketball operations and associated support facilities.

Project Details

Funding Source:	Revenue Financing Bonds	
	Bond Resolution of $26,000,000	*Board Order 19-38*
Project Approval:	Jul-2019	
Project Budget:	$29,232,845	
	Increased from $26,000,000 to $28,500,000	*Board Order 20-22*
	Increased from $28,500,000 to $29,232,845	*Board Order 21-27*

Construction Details

Notice to Proceed:	Jul-2019	
Percent Complete:	100%	
Substantial Completion:	Oct-2021	
Guaranteed Max Price:	$25,462,604.00	
	$1,237,057.20	Phase I: Tunnel
	$24,225,546.80	Phase II: Building Construction
Transition to Operations:	Oct-2021	
Building Occupancy:	Sep-2021	

Project Update

- Construction close-out in process
- External audit underway, scheduled completion late October 2022

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
29,232,845.00	28,417,829.15	64,957.10	28,482,786.25	750,058.75

Shelton Gym Air Handler Replacement *Board Order 21-73*

Project Team

Owner's Rep:	Physical Plant
Design & Engineering:	N/A
Contractor:	ArklaTex Mechanical
Project Support:	N/A

Scope of Work

Replace air handler for Shelton Gym.

Project Details

Funding Source:	HEF	*2020-21 Capital Budget*
Project Approval:	Jul-2021	
Project Budget:	$675,000.00	

Construction Details

Notice to Proceed:	N/A
Percent Complete:	100%
Substantial Completion:	Aug-2022
Guaranteed Max Price:	N/A
Transition to Operations:	Aug-2022
Building Occupancy:	N/A

Project Update

- Project is completed

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
675,000.00	356,134.76	0.00	356,134.76	318,865.24

Residence Hall Bond Fund Proceeds *Board Order 22-05*

Project Team

Owner's Rep:	Physical Plant
Design & Engineering:	N/A
Contractor:	N/A
Project Support:	N/A

Scope of Work

In July 2022, the Board of Regents approved a project budget of $23,329,368 for projects related to Residence Halls, Auxiliary and Academic Deferred Maintenance and Improvements. At the time, the Board approved projects including a campus electric grid study, Wright Music Building Roof Replacement, Upper and Lower Art Building HVAC System upgrades and Health and Wellness Center HVAC System upgrades. The Administration will further study initiatives for the use of the remaining bond proceeds.

Project Details

Funding Source:	Revenue Financing Bonds	
	Bond Resolution of $39,500,000	*Board Order 19-38*
Project Approval:	Oct-2018	
Project Budget:	$23,700,000.00	

Construction Details

Notice to Proceed:	N/A
Percent Complete:	N/A
Substantial Completion:	N/A
Guaranteed Max Price:	N/A

Project Update

The Administration has identified needs for the remaining use of the bond proceeds that include:

- Kerr Hall and Griffith Hall Mechanical-Electrical Upgrades ($8,500,000)
- Replacement of the fire pump at Steen Hall ($125,000)
- Demolition of Hall 16 to make way for a new East Campus Dining Hall ($1,123,291)
- Demolition of East College Cafeteria once the new Dining Hall is completed ($1,500,000)
- Elevator upgrades and improvements at Steen Hall, The Landing, Kerr Hall, Griffith Hall, Lumberjack Lodge, Lumberjack Village, Hall 20 ($243,000)
- Demolition of Mays Hall ($300,000)
- Demolition of Hall 10 ($600,000)
- New East Dining Hall Pavilion to accompany new East Campus Dining Hall and site work at former location of East College Cafeteria ($5,000,000)
- Improvements to Patio Square Apartments
- Improvements to Steen Hall front entrance and lobby

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
23,700,000.00	1,285,690.18	2,561,034.95	3,846,725.13	19,853,274.87

Dining Hall *Board Order 22-05*

Project Team

Owner's Rep:	Physical Plant
Design & Engineering:	N/A
Contractor:	N/A
Project Support:	Project Control a Raba Kistner Company

Scope of Work

Construct an approximately 20,000 square foot, mass timber designed, flexible and contemporary dining facility which can meet the demands for modern food service. This facility will eventually replace East College Cafeteria.

Project Details

Funding Source:	Revenue Financing Bonds	
	Bond Resolution of $39,500,000	*Board Order 19-38*
Project Approval:	Oct-2018	
Project Budget:	$15,800,000.00	

Construction Details

Notice to Proceed:	N/A
Percent Complete:	0%
Substantial Completion:	N/A
Guaranteed Max Price:	N/A

Project Update

- Hall 16 abatement and demolition is expected to begin November 2022

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
15,800,000.00	194,444.05	239,599.94	434,043.99	15,365,956.01

Building & Grounds Committee Report

October 31, 2022

Construction Update

October 31, 2022

Construction Summary

Page 1

Project status current as of September 30, 2022.

Project	Const Start Date	Fund Source	Board Approved Budget	Expenditures	Encumbered	Total Cost to Date	Available Balance	Const % Complete	Const Complete Date
Campus Space Realignment and Renovation [1]	N/A	HEF	$ 2,968,000	$ 20,193	$ 82,207	$ 102,400	$ 2,865,600	N/A	UNK
College of Fine Arts Expansion	Dec '20	Revenue Financing Bonds	$ 50,000,000	$ 32,422,114	$ 15,436,632	$ 47,858,745	$ 2,141,255	81%	Mar '23
Basketball Practice Facility	Jul '19	Revenue Financing Bonds	$ 29,232,845	$ 28,417,829	$ 64,957	$ 28,482,786	$ 750,059	100%	Oct '21
Shelton Gym Air Handler Replacement	May '22	HEF	$ 675,000	$ 356,135	$ -	$ 356,135	$ 318,865	100%	July '22
Residence Hall Bond Fund Proceeds	TBD	Revenue Financing Bonds	$ 23,700,000	$ 1,285,690	$ 2,561,035	$ 3,846,725	$ 19,853,275	0%	TBD
Dining Hall	TBD	Revenue Financing Bonds	$ 15,800,000	$ 194,444	$ 239,600	$ 434,044	$ 15,365,956	0%	TBD
Totals			**$ 122,375,845**	**$ 62,696,405**	**$ 18,384,431**	**$ 81,080,836**	**$ 41,295,009**		

[1]Current budget following budget reallocations of $222,000 and $1,310,000.

Construction Update

Project:

Campus Space Realignment and Renovation
Board Order # 18-32

Construction Details

Notice to Proceed:	N/A
Percent Complete:	N/A
Substantial Completion:	Unknown
Guaranteed Max Price:	N/A

Project Update

- Board Order 22-33, $1,310,000 for IT Infrastructure Refresh
- Transfer out for Austin 2nd & 3rd Floor Renovation
- Library, Boynton, Music, and McKibben updates ongoing

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
2,968,000.00	20,193.32	82,207.00	102,400.32	2,865,599.68

Construction Update

Next Steps/Updates

Library – Lumberjack Learning Commons – Academic Initiative

Budget Reallocation to establish a Project Budget of $1.5 million for the renovation of areas of the 1st floor of Steen Library.

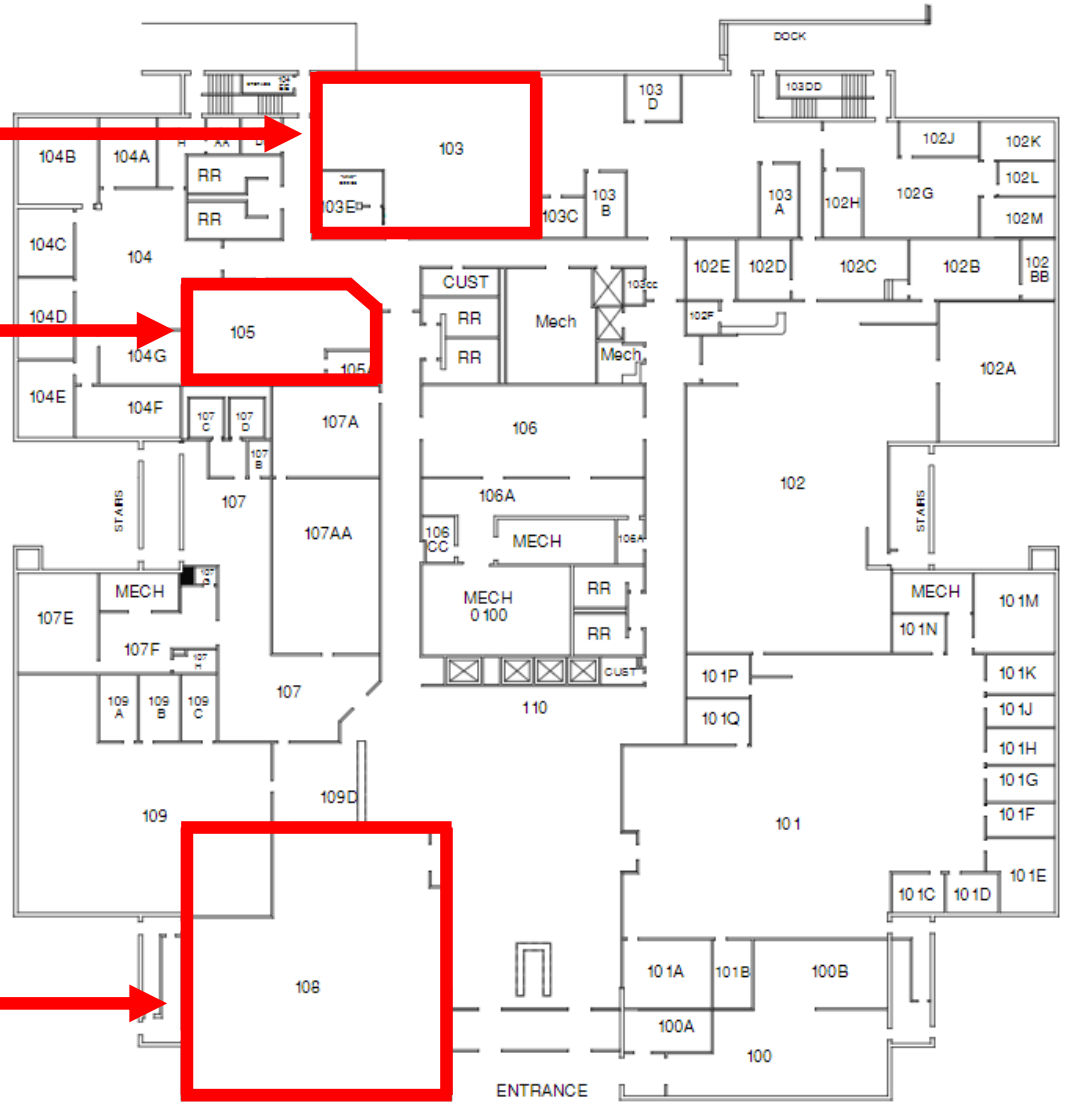
- Create Makerspace for maker technologies
- Relocation of Office of International Programs from Liberal Arts North
- Relocation of the Student Success Center
- New digital signage

Budget Reallocation of $862,678 to Fine Arts Project

New Office of International Programs

Student Success Center Expansion

Maker Space



Steen Library
1st Floor

Construction Update

Project:

College of Fine Arts Expansion
Board Order # 20-10

Construction Details

Notice to Proceed:	Dec-2020
Percent Complete:	81%
Substantial Completion:	Mar-2023
Guaranteed Max Price:	$41,956,925.00
	$779,838.65 Phase I: Demolition & Abatement
	$41,177,086.35 Phase II: Building Construction
Transition to Operations:	Mar-2023
Building Occupancy:	Aug-2023

Project Update

- Beginning to procure furniture, fixtures, & equipment
- Theatrical rigging and lighting installation ongoing
- Sidewalks and drives are being poured and formed

Construction Update

Next Steps/Updates

Project remains generally on schedule – March 10.

Development of loading dock on North Street side taking shape.

Structural foundation for ADA ramp on Alumni Drive in place .

Construction Update

Next Steps/Updates

Underground drainage on Alumni Drive complete.

Floor work ongoing including repairs; new terrazzo; ceiling grid work underway.

Grid in Black Box Complete.

Construction Update

Next Steps/Updates

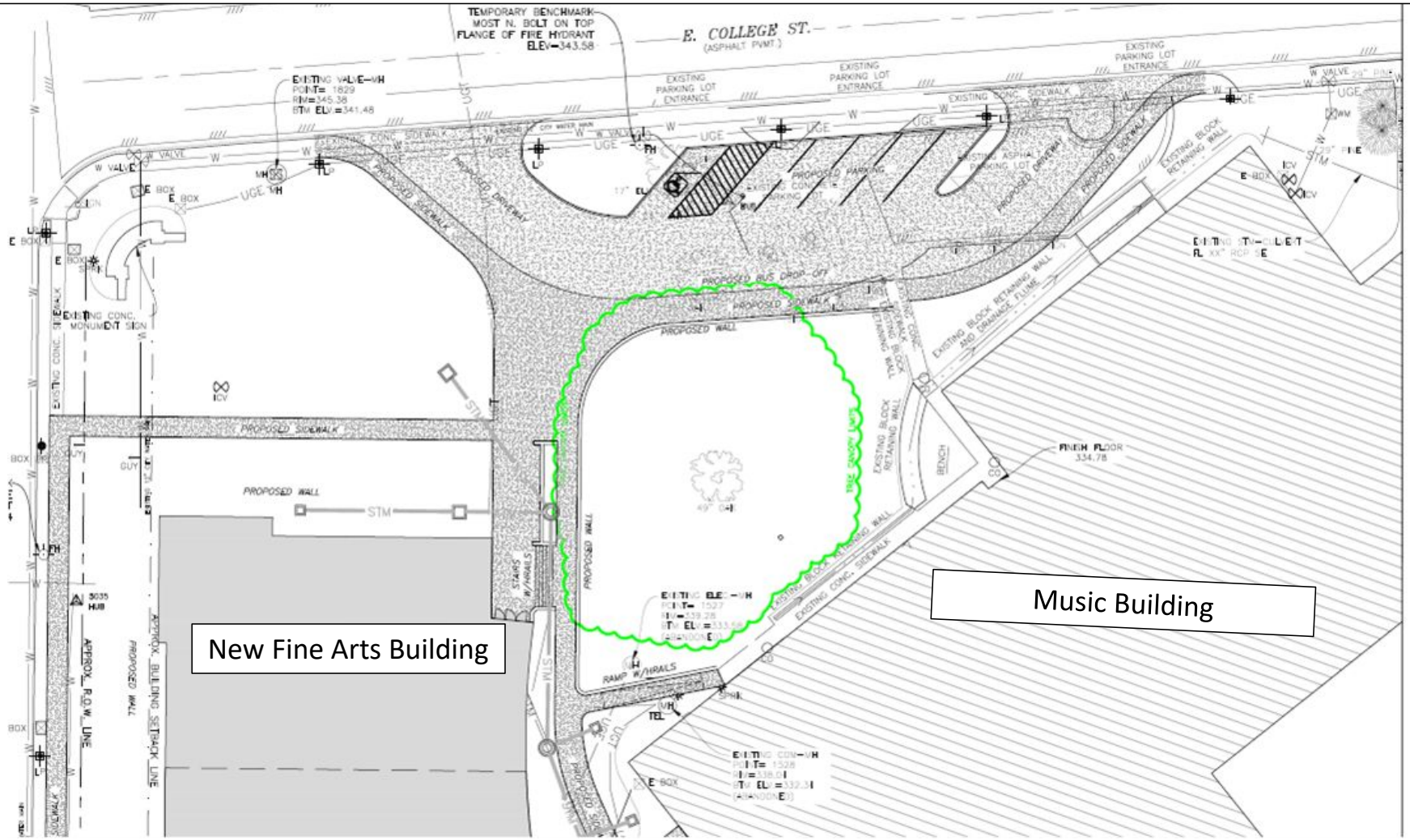
Guaranteed Maximum Price - $41,956,925 (Board Order 21-77)

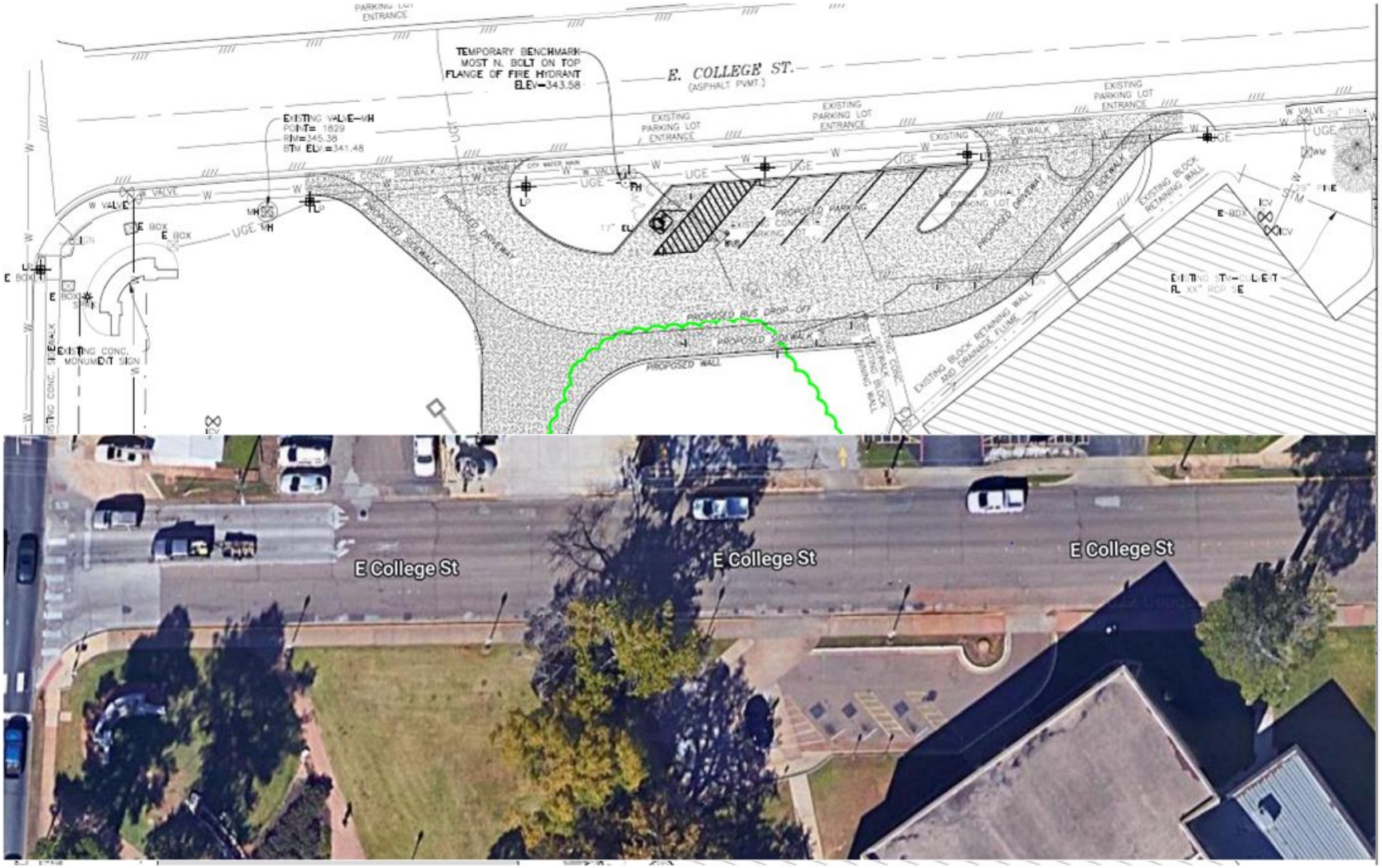
On-site field conditions have resulted in the need to raise the GMP by 2%.

These changes include a roof replacement of the existing building; additional floor repair in renovated spaces; MEP adjustments; alterations to the rigging in Turner; miscellaneous field and user changes.

Patron Drop-Off at north end of building on E. College Street

North Street




TEMPORARY BENCHMARK
MOST N. BOLT ON TOP
FLANGE OF FIRE HYDRANT
ELEV=343.58
E. COLLEGE ST.
(ASPHALT PVMT.)
EXISTING VALVE-VH
POINT= 1829
RIM=345.38
BTM ELV.=341.48
EXISTING PARKING LOT ENTRANCE
PROPOSED DRIVEWAY
PROPOSED SIDEWALK
PROPOSED BUS DROP-OFF
PROPOSED WALL
EXISTING BLOCK RETAINING WALL
EXISTING CONC. MONUMENT SIGN
E College St
E College St
E College St

Construction Update

Next Steps/Updates

An additional $842,729 is needed to accommodate the CMR's scope of work, thereby increasing the GMP to $42,799,654.

Construction Update

Next Steps/Updates

Since the project was originally budgeted in 2019, inflation has hit the FF&E budget hard - as much as 40% in some areas.

The budget established in 2018-19 for Fixtures, Furniture & Equipment is $1,714,000.

An additional $1,300,000 is needed to cover the escalation.

Construction Update

Next Steps/Updates

The current project budget is $50,000,000, set by Board Order 20-09. The Administration recommends raising the project budget to $53,000,000.

This will accommodate the GMP increase, the additional funds needed for FF&E and will add a contingency to cover any unforeseen costs during the remainder of the project.

Construction Update

Next Steps/Updates

Projected interest earnings are expected to be around $2,022,304. The Administration recommends using these earnings along with an additional $862,678 in Campus Realignment and Renovation (HEF) Funds to cover the costs.

In addition, an additional amount of $115,018 in interest earnings accrued from the Welcome Center project will be applied bringing the total to $3,000,000.

Construction Update

Next Steps/Updates

Coordination of transition from “Substantial Completion” to “Building Occupancy” has begun.

Will provide an update in the next quarter.

Construction Update

Project:

Basketball Performance Center
Board Order # 19-38

Construction Details

Notice to Proceed:	Jul-2019	
Percent Complete:	100%	
Substantial Completion:	Oct-2021	
Guaranteed Max Price:	$25,462,604.00	
	$1,237,057.20	Phase I: Tunnel
	$24,225,546.80	Phase II: Building Construction
Transition to Operations:	Oct-2021	
Building Occupancy:	Sep-2021	

Project Update

- Construction close-out in process
- External audit underway, scheduled completion late October 2022

Construction Update

External audit underway with Audit Services

Report to Board in January 2023

Construction Update

Project:

Shelton Gym Air Handler Replacement
Board Order #21-73

Project Details

Funding Source:	HEF	*2020-21 Capital Budget*
Project Approval:	Jul-2021	
Project Budget:	$675,000.00	

Construction Details

Notice to Proceed:	N/A
Percent Complete:	100%
Substantial Completion:	Aug-2022
Guaranteed Max Price:	N/A
Transition to Operations:	Aug-2022
Building Occupancy:	N/A

Construction Update

Project:

Residence Hall Bond Proceeds
Board Order #22-05

In July 2022, the Board approved projects related to Academic, Residence Halls and Auxiliary Deferred Maintenance and Improvements totaling $3,157,850 of which $2,927,850 is funded through Residence Hall Bond Proceeds.

Construction Update

Project	Amount	Funding Source and Notes
Residence Halls and Auxiliary Deferred Maintenance and Improvements	$ 20,401,518.35	2019A Bond Proceeds and Interest
Campus Assessment	$ 199,850.00	2019A Bond Proceeds and Interest
Electric Grid Study	$ 158,000.00	2019A Bond Proceeds and Interest
Health and Wellness Services Facility Deferred Maintenance and HVAC Improvements	$ 900,000.00	2019A Bond Proceeds and Interest of $670,000 and FY 23 HEF of $230,000
Wright Music Building Roof Deferred Maintenance and Improvements	$ 500,000.00	2019A Bond Proceeds and Interest
Art Building HVAC Deferred Maintenance and Improvements	$ 1,400,000.00	2019A Bond Proceeds and Interest
Total Project Budgets	$ 23,559,368.35	Includes $230,000 HEF and is in addition to the project budget of $1,090,308.67 approved in October 2021

Construction Update

Project:

Residence Hall Bond Proceeds
Board Order #22-05

<u>Residence Halls and Auxiliary Deferred Maintenance and Improvements</u>

Removal of Hall 16

$1,123,291 – Board Action

Construction Update

Project:

Residence Hall Bond Proceeds
Board Order #22-05

<u>Residence Halls and Auxiliary Deferred Maintenance and Improvements</u>

President has approved:

Removal of Mays Hall	$ 300,000
Elevator Updates in Steen, Landing, Kerr	$ 243,000
Fire Pump Replacement in Steen Hall	$ 125,000
MEP Recommendations/Engineering at Kerr & Griffith	$ 480,000

Construction Update

Project:

Residence Hall Bond Proceeds
Board Order #22-05

<u>Residence Halls and Auxiliary Deferred Maintenance and Improvements</u>

Items for Consideration:

Griffith Hall MEP Upgrades*	$ 4,162,615*
Kerr Hall MEP Upgrades*	$ 4,300,267*
Modernization of Steen Hall	$ Pending
Patio Square Apartments refresh	$ Pending

*Pending outcome of engineering recommendations; Board action will be required

*Estimations only for Budget

Construction Update

Project:

Residence Hall Bond Proceeds
Board Order #22-05

<u>Residence Halls and Auxiliary Deferred Maintenance and Improvements</u>

Items for Consideration:

Retention for removal of East College Cafeteria	$ 1,500,000*
Retention for Removal of Hall 10	$ 600,000*
Pavilion/ECC site development	$ 5,000,000
Cost Escalator + Contingency	$ 20%

*Estimations only for Budget


Hall 16 Demolition Site Plan
E. College Cafeteria
East College Street
Access to ECC
Hall 16
Wilson Drive

Construction Update

Project:

Dining Hall
Board Order #22-05

Dining Hall Preliminary Timeline

November 2022 – KDW mobilization to begin demolition of Hall 16

Late Fall - Early Winter 2022 – Design Work Ongoing

March 2023 – Site/Utility work could begin

Construction Update

Project:

Dining Hall
Board Order #22-05

<u>Dining Hall Preliminary Timeline</u>

April/May 2023 – GMP/Notice to Proceed

Late Summer 2024 Substantial Completion – To be ready for Fall ‘24

Demolition of East College Cafeteria/New Site Development early 2025

Construction Update

ONCOR TRANSFER OF EQUIPMENT AND FACILITIES BILL OF SALE AND ASSIGNMENT AND ASSUMPTION AGREEMENT

Explanation:

Oncor Electric Delivery Company, LLC currently owns and maintains a portion of an electrical substation on the SFA campus ("SFA Substation"), located on East College Street adjacent to the Physical Plant Department and the SFA Arboretum. Within the confines of the substation, SFA currently owns three (3) breakers which feed electricity to the majority of the SFA main campus. The SFA Physical Plant Department is responsible for the maintenance, repair and replacement of the three breakers.

SFA seeks to transfer sole ownership of the equipment, fixtures, facilities, and all associated appurtenances to Oncor Electric Delivery, which would result in future maintenance and cost savings.

Recommendation:

The administration recommends the approval of the presented resolution that provides authorization to transfer equipment and facilities located at SFA Substation and designates the vice president for finance and administration as the authorized signatory on all associated contracts and documents.

Supplement to Oncor Transfer of Equipment and Facilities Bill of Sale and Assignment and Assumption Agreement

Building and Grounds Committee

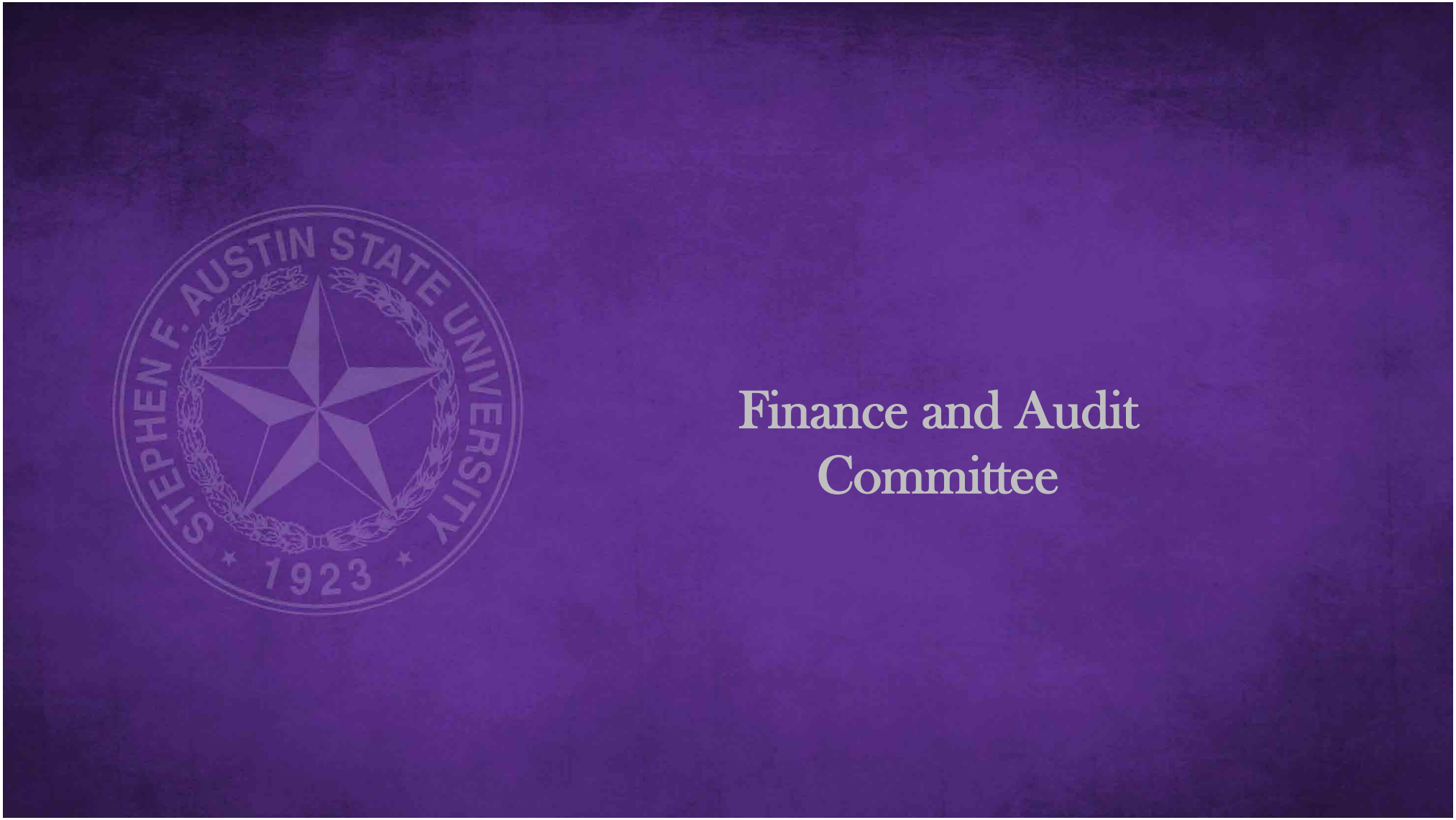
October 31, 2022


E College St
E College St
E College St
E College St
E College St
E College St
E College St
Wilson Dr
Wilson Dr
Wilson Dr
Jim & Beth Kingham Children's Garden
Nana, Bayou La
Nana, Bayou La
2124
2104
Current Oncor Sub-Station on SFA Campus

Supplement to Oncor Transfer of Equipment and Facilities Bill of Sale and Assignment and Assumption Agreement

Building and Grounds Committee

October 31, 2022


STEPHEN F. AUSTIN STATE UNIVERSITY
1923
Finance and Audit
Committee

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

Explanation:

The *Board Rules and Regulations* state that the chief audit executive shall assist the board in carrying out its oversight responsibilities as they relate to the university's a) financial and other reporting practices, b) internal control, and c) compliance with laws, regulations and ethics. The chief audit executive reports to the Board of Regents on the status of the annual audit plan, internal and external reports, risk assessment and audit/compliance issues.

The audit services report as presented includes the following:

Endowment Audit
Higher Education Emergency Relief Funds Audit
Annual Inventory
Internal Projects / Investigations
Update on Audit Plan

Recommendation:

Acknowledge receipt of the audit services report pending consideration by the Finance and Audit Committee.

ANNUAL AUDIT REPORT AND AUDIT CHARTER

Explanation:

According to the Rules and Regulations of the Board of Regents, the chief audit executive shall submit an annual report as required by Art. 6252-5d, V.T.C.S., recodified at Government Code, Chapter 2101. The annual report shall be submitted to the president and the board for review prior to public dissemination. In addition, the Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing (the standards) require the internal audit charter to be approved periodically. The internal audit charter provides the purpose, authority, responsibility, and position of the internal audit department. The charter is included in the annual audit report.

Recommendation:

Approval of the annual audit report and audit charter pending approval of the Finance and Audit Committee.

RATIFICATION OF THE 2024-25 LEGISLATIVE APPROPRIATIONS REQUEST

Explanation:

The 88th Legislative session will begin in January 2023 to determine appropriations for the 2024-2025 biennium. Agencies and institutions of higher education submitted a Legislative Appropriations Request (LAR) to the Legislative Budget Board (LBB) in August and a revision in October 2022 to request appropriated funds for fiscal years 2024 and 2025.

The revised LAR contained the following exceptional item requests: $130 million for Campus Capital Renewal & Modernization; $23.4 million for additional Institutional Enhancement funds for Salary Equity; $2 million for First-Generation Student Support; $1.7 million for STEM Teacher Preparation Program; and $1.07 million for the SFA Center for Entrepreneurship.

In addition to the exceptional item requests, the university requested continued funding of non-formula support items, including debt service.

The LAR is posted on the SFA Budget Office website.

Recommendation:

The administration recommends ratification of the 2024-25 Legislative Appropriations Request as submitted.

CONTRACT OVER $1 MILLION – AMENDMENT TO KDW CONTRACT FOR DEMOLITION OF HALL 16

Explanation:

In October 2018 Board Order 19-07, the Board of Regents selected Kingham Dalton Wilson (KDW) as the construction manager-at-risk (CMR) for the construction of a new dining hall, residence hall, and other projects. The university entered into a master agreement to provide these services. In July 2022, the Board of Regents authorized approval of the Residence Halls and Auxiliary Deferred Maintenance and Improvements project budget in the amount of $20,401,518.35. Utilizing funds from the project budget, the administration seeks approval to amend KDW's master agreement to a not-to-exceed total of $1,123,291 for asbestos abatement and demolition of Residence Hall 16, including debris removal and site preparations to make way for a new campus dining hall.

Recommendation:

The administration recommends approval of an amendment to the master agreement with KDW for an amendment amount not to exceed $1,123,291 that includes asbestos abatement, demolition of Residence Hall 16, debris removal and site preparations to make way for a new campus dining hall. The administration further recommends authorization for the president to sign associated purchase orders, contracts and amendments as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

ACKNOWLEDGE RECEIPT OF CONTRACT MONITORING REPORT

Explanation:

In accordance with Texas Government Code 2261.253-255, the following contract monitoring report includes information on identified contracts that require enhanced contract or performance monitoring for reporting to the Board of Regents.

The contract monitoring report as presented includes the following contracts:

Netsync Network Solutions, Inc.-Switch support
Netsync Network Solutions, Inc.-Wireless access points
Direct Energy Business, LLC

Recommendation:

Approve and acknowledge receipt of the contract monitoring report

Stephen F. Austin State University
Board of Regents – Finance Committee
Texas Government Code Contract Reporting
October 31, 2022

TABLE OF CONTENTS

Texas Government Code Contract Reporting	**1**
Netsync Network Solutions, Inc.	**2**
Netsync Network Solutions, Inc.	**3**
Direct Energy Business, LLC	**4**
Summary of Contracts	**5-6**

Texas Government Code Contract Reporting

In accordance with Texas Government Code 2261.253-255, the following contract monitoring report includes information on identified contracts that require enhanced or performance monitoring for reporting to the Board of Regents.

Vendor contract: *Netsync Network Solutions, Inc.*

Description of Contract: Network hardware including switch support and licensing for five years to support the residential wireless network. Actual support starts when all deliveries are shipped.

Vendor Awarded Contract: Netsync Network Solutions, Inc.

Procurement Method: DIR-TSO-4167

Department Responsible for Contract: Information Technology Services

Serious issue or risk with contract: None

Total Current Fiscal Year Amount: $0.00

Total Estimated Aggregate Amount: $1,913,290.10

Contract Period: 01/16/2023-01/15/2027 (estimated start date)

Board Approved: July 2022

Director Certification: Not Applicable

President Attestation: Not Applicable

Statutory Reporting Requirement: Government Code 2261.253, 2261.254

Vendor contract: *Netsync Network Solutions, Inc.*

Description of Contract: Licensing agreement for wireless access points for a five-year period in accordance with signed Software as a Service (SaaS) agreement on 8/1/2022. Actual support starts when all deliveries are shipped.

Vendor Awarded Contract: Netsync Network Solutions, Inc.

Procurement Method: DIR-TSO-4167

Department Responsible for Contract: Information Technology Services

Serious issue or risk with contract: None

Total Current Fiscal Year Amount: $0.00

Total Estimated Aggregate Amount: $1,243,026.72

Contract Period: 08/01/2023-07/31/2028 (estimated start date)

Board Approved: July 2022

Director Certification: Not Applicable

President Attestation: Not Applicable

Statutory Reporting Requirement: Government Code 2261.253, 2261.254

Vendor contract: *Direct Energy Business, LLC. (through the Texas A & M System Consortium)*

Description of Contract: Electricity in accordance with participation in an electricity contract with members of the Texas A&M system consortium representing the best value to the University by achieving a competitive electricity rate.

Vendor Awarded Contract: Direct Energy Business, LLC. through the Texas A & M university system consortium.

Procurement Method: Other State Agency Contract (Aggregated solicitation and contract process by Texas A&M system)

Department Responsible for Contract: Physical Plant

Serious issue or risk with contract: None

Total Current Fiscal Year Amount: $0.00

Total Estimated Aggregate Amount: $5,997,129.35

Contract Period: 1/1/2024 - 5/31/2025

Board Approved: July 2022

Director Certification: Completed

President Attestation: Not Applicable

Statutory Reporting Requirement: Government Code 2261.253, 2261.254, 2261.255

Summary of Contracts

Stephen F. Austin State University

Summary of Contracts

Summary of Goods and Services Contracts Greater than $1Million(including Construction)

Finance Committee -October 31, 2022

Description of contract	Vendor Awarded Contract	Procurement method	Department responsible for Contract	Serious issue or risk with contract	Total Current Fiscal Year Amount	Total Estimated Aggregate Amount	Contract period	Board Approved
PeopleAdmin update								
Network hardware including switch support and licensing for five years to support the residential wireless network. Purchase order issued 8/04/2022. Actual support starts when all deliveries are shipped.	Netsync Network Solutions, Inc.	Department of Information Resources (DIR) state contract	Information Technology Services	None	$ -	$ 1,913,290.10	01/16/2023 - 01/15/2027 estimated start date	July 2022
Licensing agreement for wireless access points for a five year period in accordance with signed Software as a Service (SaaS) agreement on 8/1/2022. Actual support starts when all deliveries are shipped.	Netsync Network Solutions, Inc.	Department of Information Resources (DIR) state contract	Information Technology Services	None	$ -	$ 1,243,026.72	08/01/2023 - 07/31/2028 estimated start date	July 2022
Electricity in accordance with participation in an electricity contract with members of the Texas A&M system consortium representing the best value to the University by achieving a competitive electricity rate.	Direct Energy Business, LLC through the Texas A&M system consortium	Other State Agency Contract	Physical Plant	None	$ -	$ 5,997,129.35	01/01/2024 - 05/31/2025	July 2022

COLLEGE OF FINE ARTS EXPANSION PROJECT BUDGET INCREASE AND GMP AMENDMENT

Explanation:

In October 2019 Board Order 20-09, the Board of Regents approved combining the gross bond proceeds of $13 million for the Welcome Center with the gross bond proceeds of $27 million for the Fine Arts Expansion resulting in a revised Fine Arts Expansion project budget of $50,000,000.

Since the project was originally budgeted in 2019, cost escalation due to inflation has affected the Fixtures, Furniture and Equipment (FF&E) budget by an increase of approximately 40%. An additional $1,300,000 is needed for FF&E, along with a contingency of $857,271 to complete the project. Furthermore, changes in on-site field conditions have resulted in the need for a roof replacement of the existing building; additional floor repair throughout the renovated spaces; mechanical, electrical, and plumbing (MEP) adjustments; a patron drop-off on East College Street; alterations to the rigging system in Turner Auditorium; and other on-site modifications and user changes. An increase in the Guaranteed Maximum Price (GMP) by $842,729 is needed for these changes. The FF&E increase, contingency, and GMP increase result in an additional project budget need of $3,000,000.

In July 2021 Board Order 21-77, the Board of Regents ratified a total GMP of $41,956,925 for the College of Fine Arts Expansion project. The increase in GMP of $842,729 results in a revised College of Fine Arts Expansion project GMP of $42,799,654. The increase in the GMP will result in an amendment to the construction manager at risk (CMR) contract with Kingham Dalton Wilson.

The administration seeks to fund the project budget increase of $3,000,000 through interest earnings and Higher Education Funds (HEF).

During the term of the project, bond proceeds were invested. Using current interest rates, total interest earnings are expected to be approximately $2,022,303.45 through August 31, 2023. In addition, $115,018.55 of interest earnings net of expenditures from the closed Welcome Center project is available. Thus, the administration seeks to utilize the projected interest earnings $2,022,303.45 plus the transfer of $115,018.55 from the closed Welcome Center project for a total of $2,137,322 of interest earnings.

In July 2018 Board Order 18-32, the Board of Regents approved the fiscal year 2018-19 Capital Plan that allocated Higher Education Funds (HEF) for Campus Space Realignment and Renovations to be prioritized based on institutional need and available resources. The administration seeks to utilize,

if needed, up to $862,678 in Campus Realignment and Renovation HEF to fund the project budget.

These changes result in a revised overall College of Fine Arts Expansion Project Budget of $53,000,000.

Recommendation:

The administration recommends increasing the overall College of Fine Arts Expansion project budget to $53,000,000 by utilizing interest earnings of $2,137,322 and Campus Realignment and Renovation HEF of $862,678.

The administration also recommends approval of an amendment to the GMP for CMR services for Kingham Dalton Wilson by a total of $842,729 resulting in a new GMP to $42,799,654.

The administration further recommends authorization for the president to sign associated purchase orders, contracts and amendments as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

CAMPUS SPACE REALIGNMENT AND RENOVATION PROJECT BUDGET – STEEN LIBRARY RENOVATIONS

Explanation:

In July 2018 Board Order 18-32, the Board of Regents approved the fiscal year 2018-19 Capital Plan that allocated Higher Education Funds (HEF) for Campus Space Realignment and Renovations to be prioritized based on institutional need and available resources.

To advance experiential learning and academic support initiatives, the administration wishes to renovate specific portions of the first floor of Steen Library to 1) create a dedicated makerspace that provides for the open, safe use of maker technologies (e.g. 3d printers, laser cutters, etc.); 2) relocate the Office of International Programs from the fourth floor of Liberal Arts North to the first floor of the Library; 3) complete the relocation of the Student Success Center from the second floor of the Library to the first floor; and 4) purchase new physical and digital signage to direct students to resources within the Library.

The administration seeks to use Campus Space Realignment and Renovation HEF to renovate and equip the spaces. The project budget is $1,500,000 which requires Board of Regents approval.

Recommendation:

The administration seeks approval to renovate and equip portions of the first floor of Steen Library for academic support initiatives and establish a project budget of $1,500,000 using funds from the Campus Space Realignment and Renovation HEF. The administration further recommends authorization for the president to sign associated purchase orders, contracts and amendments as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

Stephen F. Austin State University
Higher Education Fund (HEF) Budget Adjustment Schedule
Fiscal Year 2022-23

	Prior Year Balance	Prior Approved Allocations	Approved Adjusted Budget	Proposed Budget Adjustments	Approved Adjusted Budget
	As of July 26, 2022	of Prior Yr Balance	As of September 1, 2022	As of October 31, 2022	As of October 31, 2022
FY22 HEF Balance:					
HEF Campus Space Realignment & Renovations [2,3]	2,963,740.00	4,260.00	2,968,000.00	(2,362,678.00)	605,322.00
Administration Approved Projects	222,000.00	(222,000.00)	-		
HEF Infrastructure Refresh [1]	1,310,000.00	(1,310,000.00)	-		
Prior Year Unexpended Fund Balance	36,260.00	(4,260.00)	32,000.00	-	32,000.00
Total FY22 HEF Balance	**4,532,000.00**	**(1,532,000.00)**	**3,000,000.00**	**(2,362,678.00)**	**637,322.00**
FY23 HEF Allocation:					
Debt Service					
Debt Service Fine Arts			2,654,451.00		2,654,451.00
Debt Service Energy Conservation Plan Phase 3			799,788.00		799,788.00
Total Debt Service			**3,454,239.00**	**-**	**3,454,239.00**
			-		-
Capital Outlay			-		-
Library Materials			1,100,000.00		1,100,000.00
HEF Other			6,723,554.00		6,723,554.00
Total Capital Outlay			**7,823,554.00**	**-**	**7,823,554.00**
			-		-
Total FY23 HEF Budget	**4,532,000.00**	**(1,532,000.00)**	**14,277,793.00**	**(2,362,678.00)**	**11,915,115.00**

Prior BOR Approved Adjustments:

[1] $1,310,000 Board Action Item 22-33 approved February 1, 2022

Proposed Adjustments:

[2] $1,500,000 Proposed 10/22 Board Action Item to Academic Affairs for Steen Library Renovations

[3] $862,678 Proposed 10/22 Board Action Item to Academic Affairs for College of Fine Arts Expansion Project

GRANT AWARDS

Explanation:

In fiscal year 2022, the University received multi-year grant awards totaling $83,308,293. Of that total, grants awarded allocable to fiscal year 2022 were $28,801,699, an increase of $172,312 since the last report.

For fiscal year 2023, the multi-year grant award total is currently $41,284,982. Of this total, grant awards allocable to fiscal year 2023 are currently $6,533,749.

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

Recommendation:

The administration recommends approval and ratification of the additional fiscal year 2022 grant awards that total $172,312 and grant awards for fiscal year 2023 that total $6,533,749. The grant awards are detailed as presented.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Summary Report – Fiscal Year 2022

Amounts allocable to FY22 (detailed in this report)	
Federal funds (direct and pass-through)	$23,357,732
State Funds (direct and pass-through)	$3,272,932
Private and Local Government	$306,401
TOTAL	**$**
New awards, FY22 (detailed in this report, all project years)	**$24,030,866**
Cumulative amount allocable to FY22	**$26,937,065**
Cumulative award total FY22, all project years	**$76,821,287**
Federal Financial Aid Funds *(not included in ORGS totals)*	*$*

New, Additional, or Previously Unreported Awards for FY 2022

Federal Funds (direct and pass-throughs)

Previously Described Awards:

Collaborative Research: Investigating STEM Teacher Preparation and Rural Teacher Persistence and Retention (TPR2)
Dr. Keith Hubbard, Mathematics & Statistics
Award Total: $30,622 **Amount allocable to FY 2022:** *$30,622

SFA Prescribed Fire Monitoring Assistance, FY18-23
Dr. Brian Oswald, Forestry
Award Total: $10,000 **Amount allocable to FY 2022:** *$10,000

****SFA Prescribed Fire Assistance FY18-23***
Dr. Brian Oswald, Forestry
Award Total: $5,000 **Amount allocable to FY 2022:** *$5,000

***Subtotal Federal Amounts Allocable to FY 2022 (this report)* = $45,622**
***Subtotal New Federal Awards* (*total award*) = $45622**

Federal Financial Aid Funds (not included in ORGS totals)
~~**Agency**: Department of Education~~
~~**Manager:** Rachele Garrett, Financial Aid~~
~~PELL FY22 $8,987,986~~

State Funds (direct and pass-through)

Previously Described Awards:

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

The Survivability and Habitat use of Alligator Snapping Turtles via Radiotelemetry
Dr. Jessica Glasscock, Forestry
Award Total: $72,992 **Amount allocable to FY 2022:** $72,992

A Survey of the Bees of East Texas, with a Focus on Floral Interactions and Conservation Status of Bumble Bees
Dr. Daniel Bennett, Biology
Award Total: $47,558 **Amount allocable to FY 2022:** $47,558

***Subtotal State Amounts Allocable to FY 2022 (this report)* = $120,550**
***Subtotal New State Awards* (*total award*) = $120,550**

Private Entity and Local Government Awards

Previously Described Awards:
Economics Reading Group
Dr. Ryan Phelps, Economics &Finance
Award Total: $6,140 **Amount allocable to FY 2022:** $6,140

***Subtotal Private and Local Amounts Allocable to FY2022 (this report)* = $6,140**
***Subtotal New Private and Local Awards (total award)* = $6,140**

**New awards or additional funds added to a current award*
[1]*For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.*

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Fiscal Year 2023 – *as of September 30, 2022*

Amounts allocable to FY23 (detailed in this report)	
Federal funds (direct and pass-through)	$6,754,996
State Funds (direct and pass-through)	$294,148
Private and Local Government	$27,858
TOTAL	**$**
New awards, FY23 (detailed in this report, all project years)	**$2,295,454**
Cumulative amount allocable to FY23	**$2,620,051**
Cumulative award total FY23, all project years	**$3,921,355**

New, Additional, or Previously Unreported Awards for FY 2023

Federal Funds (direct and pass-throughs)

Title **** ARP- At-Risk Students at Comprehensive Regional Universities***
Sponsor: Texas Higher Education Coordinating Board
Award # 27150
Award Term: July 20, 2022 to November 7, 2023
PI/PD: Gina Oglesbee, Finance and Administration
Total Award: $948,659 **Amount Allocable to FY 2023**: $948,659

Title **** ARP – 2022 Child Care Relief Fund (CCRF)***
Sponsor: US Department of Health & Human Services
Award #
Award Term: September 1, 2022 to May 31, 2023
PI/PD: Crystal Adams, Education Studies
Total Award: $650,827 **Amount Allocable to FY 2023**: $650,827
.

Title **** Collaborative Research: IRES Sites: Student Research in Freshwater Ecosystems at the Epicenter of Neotropical Biology***
Sponsor: National Science Foundation
Award #2153452
Award Term: September 1, 2022 to July August 31, 2025
PI/PD: Dr. Carmen Montana-Schalk, Biology
Total Award: $144,526 **Amount Allocable to FY 2023**: $67,860
.

Title **** GEER – SFA Educator Preparation Planning for Innovative Partnerships with Local Education Agencies (K-12 School Districts)***

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Sponsor: US Department of Education
Award #27424
Award Term: August 25, 2022 to September 30, 2022
PI/PD: Dr. Judy Abbott, Education
Total Award: $50,000 **Amount Allocable to FY 2023**: $50,000
.

Previously Described Awards:
McIntire-Stennis Cooperative Forestry Research Program FY22
Dr. Hans Williams, Forestry
Award Total: $496,454 **Amount allocable to FY 2023:** *$496,454

Expanding Opportunities in Agriculture for Under Represented Populations
Dr. Candis Carraway, Agriculture
Award Total: $32,483 **Amount allocable to FY 2023:** *$32,483

***Subtotal Federal Amounts Allocable to FY 2023 (this report)* = $528,937**
***Subtotal New Federal Awards* (*total award*) = $528,937**

State Funds (direct and pass-through)

Previously Described Awards
****Disability Services-Interpreter Services FY23-24***
Tiffany Rivers, Disability Services
Award Total: $100,000 **Amount allocable to FY 2023:** $100,000

A Survey of the Bees of East Texas, with a Focus on floral Interactions and conservation Status of Bumble Bees
Dr. Daniel Bennett, Biology
Award Total: $209,230,265 **Amount allocable to FY 2023:** $63,598

Texas State Parks Visitor Market Analysis
Dr. Pat Stephens-Williams, Forestry
Award Total: $127,000 **Amount allocable to FY 2023:** $10,000

***Subtotal State Amounts Allocable to FY 2023 (this report)* = $173,598**
***Subtotal New State Awards (total award)* = $436265**

Private Entity and Local Government Awards

Previously Described Awards:

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Identifying Salt Suture Zones and Lithological Changes of the Louann Salt across the Gulf of Mexico Basin, TX
Dr. Julie Bloxson, Geology
Award Total: $55,000 **Amount allocable to FY 2023:** $ 27,858

***Subtotal Private Amounts Allocable to FY 2023 (this report)* = $27,858**
***Subtotal New Private Awards* (*total award*) = $55,000**

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

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

FINANCIAL AFFAIRS POLICY REVISIONS

Explanation:

The *Board Rules and Regulations* state that the Finance and Audit Committee will consider: budgeting and appropriations request processes; all requests for appropriations and budgets covering expenditures of educational and general funds and auxiliary programs including, but not limited to, student housing and the athletic department; handling of university funds, depositories, etc., whether from appropriated or contributed funds; and the auditing function of the university including, but not limited to, annual audit plan, internal and external audit reports, risk assessment, and audit/compliance issues.

The following policies are necessary to incorporate organizational, job title, and regulatory changes and to improve the flow of information in the above areas of responsibility. The general counsel has reviewed the proposed revisions.

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented:

Contracting Authority 1.3
Food Purchases 17.6
Institutional Reserves 3.19
Procurement of Electronic and Information Resources 17.16
Working Hours and Holidays 12.24

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Contracting Authority

Policy Number: 1.3

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 2/22/2021

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): This policy governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State University.

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: N/A

Specific rationale for each substantive revision: Amount increased to one million.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Gina Oglesbee, Vice President for Finance and Administration
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Contracting Authority

Original Implementation: July 18, 1988
Last Revision: ~~February 2, 2021~~ *October 31, 2022*

This policy governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State University.

I. No member of the Board of Regents shall enter into the discussion, make motions, or vote on a contract, purchase, or agreement of any character in which the member or member's family directly or indirectly has pecuniary or substantial interest unless the general counsel has advised that there is a legally permitted exception to this rule with the regent making the appropriate public disclosures.

II. The following items shall be submitted to the Board of Regents for approval at either a regular board meeting or a special called board meeting. Each item shall be presented to the board for consideration.
   a. Contracts, purchases, or agreements in the amount of $*1,0*~~5~~00,000 or more, whether the amount is income or expenditure, for items identified in Section A of Policy 1.4, Items Requiring Board of Regents Approval.

III. The president shall be delegated the responsibility and authority to enter into contracts, purchases, and agreements for sums less than $*1,0*~~5~~00,000, or amounts over $*1,0*~~5~~00,000 to the extent authorized in Section B of Policy 1.4, Items Requiring Board of Regents Approval, whether the amount is income or expenditure, and to enter into all grants and agreements funded by private individuals, governmental agencies, and foundations without regard to the amount, unless otherwise limited by the Board. At the option of the president, contracts, purchases, and agreements for sums less than $*1,0*~~5~~00,000 may be submitted to the Board of Regents for approval.

IV. The general counsel's office shall review all contracts and agreements prior to signature, except those that the general counsel has exempted from legal review.

V. The president may delegate to other employees of the university power to contract, purchase, or enter into agreements delegated to the president in Section III of this policy. The president will remain responsible for all contracts, purchases, and agreements so delegated, and for the proper administration of all grants and agreements funded by private individuals, governmental agencies, and foundations, regardless of delegation of power to contract, purchase, or enter into agreements.
   a. In the absence of the president, or at such time as the president is unavailable to sign a document by a required deadline, the following individuals are authorized to sign on his behalf: (listed in order of priority) provost and *executive* vice president for academic affairs, vice president for finance and administration, vice president for ~~university~~ *student* affairs, *associate vice president for finance and administration*, associate vice president for academic affairs. All other delegations must be specific

and in writing to be effective.

b. All delegations of contracting authority to persons other than those listed above which were made by a previous president shall be void once a new president assumes office.

VI. The department responsible for originating the contract is responsible for maintaining it for the applicable records retention period, either in their own files or by ensuring it has been loaded in the university's contract management system.

Cross Reference: Items Requiring Board of Regents Approval (1.4)

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Finance and Audit Committee

Revision History: February 2, 2021
July 23, 2019
October 29, 2018
July 28, 2015
July 16, 2013
July 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Food Purchases

Policy Number: 17.6

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy pertains to all food and beverage purchases other than business meals and travel. Business meal limits and restrictions are outlined in the Guidelines for Expenditures from University Funds, and food purchases related to travel are addressed in the Travel Guidelines. Both of these documents are on the office of financial reporting's website.

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: N/A

Specific rationale for <u>each</u> substantive revision: Addition of exceptions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Food Purchases

Original Implementation: April 13, 1988
Last Revision: ~~*November 7*~~ *October 31, 2022*~~October 28, 2019~~

Purpose

This policy pertains to ~~all~~*all* ~~-~~food and beverage purchases *by officers and employees, except for the president and board of regents who are excluded.*~~ other than business meals and travel.~~ Business meal limits and restrictions are outlined in the Guidelines for Expenditures from University Funds, and food purchases related to travel are addressed in the Travel Guidelines. ~~Both of these documents are on the controller~~'s *financial reporting* ~~office~~*'s* ~~website.~~

General

Only Auxiliary, Designated, or Restricted Funds may be used for food and/or beverage purchases. Funds generated from gifts or grants may be used if specifically allowed by the donor or granting agency. Food and/or beverage purchases from all these funds must serve a legitimate public purpose or must further the mission of the university.

Payments for food and/or beverages can be made on a university Procurement Card (P-Card),~~ or with~~ a Purchase Requisition, *or through the employee reimbursement process.*~~.~~ Refer to the P-Card Program Guide or Procurement Manual for the proper procedures to be followed when purchasing food and/or beverages, including alcohol.

All purchases of alcoholic beverages must be made from discretionary funds. State statute and the general appropriations act will guide the eligibility of alcoholic beverage purchases with funds under the control of the intercollegiate athletics department. Any purchase of alcoholic beverages must *have* ~~*written*~~ *documented approval* ~~be approved~~ in advance *of the purchase or event* by the appropriate vice president or president.

Food and beverages catered on campus must be prepared by the university's food service contractor. The requirement to use the university's food service contractor does not apply to food and beverages provided by persons or groups for their own consumption on the university campus. This also does not apply to food and beverages dispensed from vending machines, food served at locations away from the main university campus, concessions served at athletic events or the student center theater or food served at retail locations on campus. In instances when the university's food service contractor is used, the charge is normally paid by the department through an interdepartmental transfer (IDT).

Regardless of the method of purchase, documentation is required to support the business nature of all food and/or beverage expenses. Documentation requirements are listed in the Guidelines for Expenditures from University Funds. The department must keep this supporting documentation in accordance with university record retention requirements.

Exceptions and Limitations

Any expenditure~~s that do not comply with~~ exceptions to this policy or supporting guidelines and procedures, regardless of funding source, must have ~~written~~documented approval from the Vice President for Finance and Administration or designee. Approval documentation must be submitted along with the requisition for vendor payment, reimbursement, P-card reconciliation, and/or travel expense report.

Cross Reference: ~~Purchase Requisition (17.19);~~ Procurement Card (17.11); Records Management (2.9); *Direct Pay Disbursements (17.20);* Guidelines for Expenditures from University Funds; Travel Guidelines

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Director of Financial Reporting*~~Controller~~, *Executive* Director of *Finance and Administrative Services*~~Procurement and Property Services/HUB Coordinator~~

Forms: None

Board Committee Assignment: Finance and Audit

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Institutional Reserves

Policy Number: 3.19

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/31/2022

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes guidelines for the university's institutional reserves. Appropriate institutional reserves help maintain financial strength, provide the foundation for debt management and issuance, protect against volatility in revenue and expenditures, and allow flexibility in planning for the needs of the university.

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: n/a

Specific rationale for <u>each</u> substantive revision: Revision to correct and appropriately reflect the calculation of the primary reserve ratio using the actual operating expenditures in the annual financial report, not the operating expenses in the budget.

Specific rationale for deletion of policy: n/a

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Institutional Reserves

Original Implementation: July 13, 2006
Last Revision: *October* ~~April 31~~1, 2022

Purpose

This policy establishes guidelines for the university's institutional reserves. Appropriate institutional reserves help maintain financial strength, provide the foundation for debt management and issuance, protect against volatility in revenue and expenditures, and allow flexibility in planning for the needs of the university.

Definitions

Institutional reserves ~~refers to~~*are* resources that *are* ~~are not allocated to any specific unit of the university, but are~~ held centrally within the university's financial system. Additions to institutional reserves include revenues that exceed expenditures. Deductions include the use of reserves to fund items not included in the operating budget; planned uses of reserves for the operating budget; and unanticipated institutional requirements. Institutional reserves are represented in the Statement of Net Position as Unrestricted Net Position (UNP).

General

The purpose of institutional reserves is to provide contingent support for potential significant financial occurrences, including:

- strategic capital projects,
- unanticipated or uninsured catastrophic events,
- temporary institutional revenue shortfalls or expenditure gaps,
- unforeseen legal obligations and costs,
- failures in central infrastructure,
- failures of major business systems.

Institutional Reserves Budgeting

The university may augment institutional reserves as a budget practice during periods of revenue growth and stability. During periods when revenue support is needed, the university may utilize institutional reserves.

Institutional Reserves Target

The university utilizes the primary reserve ratio to target the amount of reserves that should be

maintained. The ratio is calculated according to higher education industry standards and the target benchmark is 40% of its annual operating ~~budget~~*expenditures as reflected in the university's annual financial report*, thus providing approximately five months of operational capacity.

At the end of each fiscal year, the primary reserve ratio calculation will be used to evaluate the institutional reserves, and information will be reported to the Board of Regents with the Annual Financial Report.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit

Revision History: April 11, 2022
April 30, 2019
July 24, 2018
July 28, 2015
July 17, 2012
July 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Procurement of Electronic and Information Resources

Policy Number: 17.16

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 2/2/2021

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy affirms that electronic and information resources (EIR) developed, procured, or changed by the university shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of Title 1 of the Texas Administrative Code (TAC), Part 10 unless an exception is approved by the university president in accordance with Section 213.37.

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: N/A

Specific rationale for each substantive revision: Revised to allow for a designee to approve Electronic Accessibility Exception Request Forms on behalf of the President.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Kay Johnson, Director of Procurement and Property Services/HUB Coordinator
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Procurement of Electronic and Information Resources

Original Implementation: July 21, 2009
Last Revision: ~~February 2, 2021~~*October 31, 2022*

Purpose

This policy establishes guidelines for university purchases and contracts in its compliance with accessibility rules in accordance with Texas Administrative Code (TAC), Title 1, Chapters 206 and Chapter 213. This policy sets forth guidance with regard to the accessibility of all electronic and information resources (EIR) developed, procured, or changed by users including but not limited to:

- Software applications and operating systems
- Telecommunications products
- Video and multimedia products
- Self-contained closed products
- Desktop and portable computers

~~The specific technical standards for each of the above categories of EIR are referenced in Accessibility of Electronic Information Resources (16.9).~~

Definitions

Electronic and information resources (EIR) as used in this policy refers to the definition in 1 TAC 213.1(9) and includes software applications and operating systems, telecommunications products, video and multimedia products, self-contained closed products, and desktop and portable computers described in 1 TAC 213.30 through 213.33. The term does not include equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation.

Legacy EIR - Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213, and the user interface has not been altered on or after April 18, 2020.

General

All EIR products developed, procured, or materially changed through a procured services contract, and all EIR services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206, State Websites, and Chapter 213, Electronic and Information Resources, of the TAC, as applicable unless such requirement imposes significant difficulty or expense, as determined and exempted by the university in accordance with Texas Government Code 2054.460

and 1 TAC 213.37.

The procurement of any EIR shall include the requirement to secure documentation as required by 1 TAC 213.38(b) from the vendor providing accessibility information and/or credible evidence of the vendor's capability or ability to produce accessible EIR products or services, where applicable, under consideration using one of the following methods:

- Voluntary Product Accessibility Template (VPAT);
- Other electronic documents/forms that addresses the same accessibility criteria in substantively the same format as the VPAT. Such evidence may include, but not limited to, a vendor's internal accessibility policy documents, accessibility testing documents.
- URL to a web page which explains how to request a completed VPAT for any products under contract; or
- If credible accessibility documentation cannot be provided, then EIR shall be considered noncompliant.

Additionally, for purchases with development costs exceeding $500,000, accessibility testing may be required.

The degree of the accessibility of a given product should be determined by the procuring department. The Electronic Accessibility Coordinator (EAC) is available to assist departments and areas in making this determination.

Departments shall coordinate purchases of EIR with Procurement and the EAC to ensure compliance with the TAC and this policy.

If a vendor cannot provide the required documentation and no other vendor is available to provide the EIR, and the department has a need that cannot be met with a different EIR, or alternative EIR can only be acquired with significant difficulty or expense, upon the review and approval by the EAC an Electronic Accessibility Exception Request Form can be requested and approved by the President, *or his/her designee*. Reference Accessibility of Electronic Information Resources (16.9). Any approved exception will contain the information required in 1 TAC § 213.37(3) and processed by the EAC.

Cross Reference: Tex. Gov't Code §§ 2054.451-465; 1 Tex. Admin. Code Ch. 206; 1 Tex. Admin. Code Ch. 213; Accessibility of Electronic Information Resources (16.9)

Responsible for Implementation: Chief Information Officer

Contact for Revision: Electronic Accessibility Coordinator, *Executive* Director ~~of Procurement and Property Services/HUB Coordinator~~*of Finance and Administrative Services*

Forms: Electronic Accessibility Exception Request Form Voluntary Product Accessibility Template (VPAT)

Board Committee Assignment: Finance and Audit

Revision History: February 2, 2021
January 30, 2018
January 27, 2015
January 28, 2014
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Working Hours and Holidays

Policy Number: 12.24

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes official university hours of operation and normal university work schedules. It also describes the establishment of holidays and those eligible for holiday pay.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Director of Human Resources
Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Working Hours and Holidays

Original Implementation: Unpublished
Last Revision: *October 31, 2022*~~October 28, 2019~~

Purpose

This policy establishes official university hours of operation and normal university work schedules. It also describes the establishment of holidays and those eligible for holiday pay.

Definition

A **regular employee** is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition of employment.

General

Non-academic offices and departments shall be open during the hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except university holidays. University offices and departments may open for extended hours to address specific operational needs. Full-time university employees shall work *not less than*~~a minimum of~~ forty (40) hours per week. University holidays, paid time off and sick leave taken may substitute for hours worked. Changes to the normal university work schedule may be made by the president of the university when such changes are in the best interest of the university.

To support operational efficacy, department heads may approve the use of alternative work schedules such as compressed work weeks, flexible schedules, and staggered work hours.

Instructional personnel shall be exempt from standard hours and shall, in turn, function as necessary to meet classes and maintain related academic duties.

Employees must, during normal working hours, conduct university business only at their regular or assigned temporary duty point unless they are on travel status or have received prior authorization. An employee's home may not be considered his/her regular or assigned place of business without appropriate administrative approval.

Holidays shall be those established by the Board of Regents of the university, in accordance with state law. For purposes of this policy, a holiday cannot exceed 8 hours per day. Only regular employees shall be eligible for paid holidays.

Cross Reference: Tex. Gov't Code Ch. 658, §§ 662.001-.022; Tex. Atty. Gen. Op. M-1058 (1972)~~;~~ Overtime and Compensatory Time (12.14); Telecommuting *Arrangements for Staff Employees* (11.27).

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: *Flexible Time or Staggered Work Hours Request*; *Compressed*~~Alternative~~ Work Schedule *Request (available on Human Resources website);*~~Form,~~ *Time Record (available on Payroll website); Vacation/Sick Leave Request*; *Staff* Telecommuting Request and Agreement Form (*a*~~A~~vailable *i*~~o~~n *mySFA*~~Human Resources website~~)

Board Committee Assignment: Finance and Audit

Revision History: October 28, 2019
November 7, 2016
January 28, 2014
January 25, 2011

Building and Grounds Committee

Stephen F. Austin State University

Board of Regents

Building and Grounds Committee Tour

Monday, October 31, 2022

Schedule

11:00 a.m.	Travel from Austin Building to Art Buildings via SFA Shuttle
11:10 a.m.	Tour Art Buildings
	Led by: Dr. Gary Wurtz, Dean, Micky Elliott College of Fine Arts
	Mr. Chris Talbot, Director, School of Art
11:50 a.m.	Depart for Baker Pattillo Student Center via SFA Shuttle
	Drive past School of Art Film House on Starr Avenue
12:00 p.m.	Arrive at Baker Pattillo Student Center
	Adjourn Building and Grounds Committee Meeting
	Break for Lunch

CADET HANNAH PERRY BIO

Cadet Hannah Perry is a member of the Lumberjack Army ROTC Battalion and a third-semester nursing student from Hallsville, Texas. She is the daughter of David and Zoie Perry. This past summer, Hannah was recognized for outstanding performance at Cadet Summer Training with the coveted "RECONDO" award—a performance-based award limited to the top 5% of cadets from across the nation. Upon completion of Cadet Summer Training, Hannah was selected to serve as an intern with the Army Nurse Corps at Fort Carson, Colorado. Hannah will commission as an Army 2nd Lieutenant this spring and intends to serve as a Nurse—caring for our Service Members and their families around the globe.



SPECIAL RECOGNITIONS – Academic Affairs

Mickie Gunter - Graduate Program Coordinator

Letitia Hamilton - Accountant II

Jennifer Hanlon Patterson - Assistant Director

Beverly Morehouse - Senior Sponsored Project Specialist

Rebekah Raney - Compliance Coordinator

Sherry Tucker - Administrative Assistant

Tierney Twigg - Assistant to the Dean - Graduate Admissions

SPECIAL RECOGNITIONS – Diversity, Equity and Inclusion

SPECIAL RECOGNITIONS – Finance and Administration

SPECIAL RECOGNITIONS - Athletics

Nissi Kabongo

Nissi Kabongo is a senior on the Ladyjack Track & Field team. She is from Plano and went to Frisco Liberty High School. She is majoring in Psychology with a minor in Marketing.

Nissi has had an incredible career at SFA and has achieved the following accomplishments on the track:

- 2x NCAA All-American Athlete
- NCAA 2021 All-Academic Team
- WAC 2022 Indoor Track and Field Female athlete of the year
- 2x June Irwin SFA Female Athlete of the Year**
- Team Captain 3 Years
- SLC 2021 Outdoor Freshman of the Year

Off the track, Nissi has been heavily involved on campus and within the athletics department. She is the current Student-Athlete Advisory Committee (SAAC) President, is a board member for the campus SLAB (Student Leadership Advisory Board) and has been a 3x Dean's List member.

Ladyjack Bowling Team

- 2022-2023 NTCA Pre-Season Poll – ranked #4
- 2022 USBC Intercollegiate Team Champion USBC=United States Bowling Congress
- Chloe Skurzynski was the USBC Intercollegiate Singles National Champion
- 2022 NCAA Runner-up (entered NCAA tournament as the #9 seed) – beat S** H****** #4, North Carolina A&T #7, and La Tech #6 in regional to get to finals in Columbus. Beat #1 McKendree and #3 Vandy to get to National Championship match.
- NCAA All-Americans – Chloe Skurzynski, 2nd team All American
- Carlene Beyer - Southland Bowling League Bowler of the Year
- Hana Roers and Brystal Beyer – Southland Bowling League All Rookie Team
- Amber Lemke - Southland Bowling League Coach of the Year
- NTCA (National Tenpin Coaches Association) recognized as one of the top academic teams.

Bowling Community Service 2021-2022

- 188 hours-9 athletes plus 2 coaches
- 100% participation

Noteworthy Events –

- Brooks Quinn Jones Food Delivery Assistance
- Be the Match Marrow Donor Drive
- Thanksgiving Homebound Project
- Millard's Crossing Easter Egg Hunt
- Football game concession stand work

Attendees:

- Chloe Skurzynski, Senior
- Hana Roers, Sophomore
- Chrystal George, Junior
- Megan George, Junior

SPECIAL RECOGNITIONS - Athletics

- Frances Davila, Freshman
- Kara Kay, Freshman
- Amber Lemke, Head Coach
- Steve Lemke, Assistant Coach

MINUTES OF JULY 24-26, 2022 (357) BOARD OF REGENTS MEETING

Explanation:

The minutes of the July 24-26, 2022 regular meeting of the Board of Regents (Meeting 357) is included in this report.

Recommendation:

It is recommended by the administration that the minutes of the July 24-26, 2022 (Meeting 357) be approved as presented.

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS

Nacogdoches, Texas
July 24 - 26, 2022
Volume 357

TABLE OF CONTENTS
BOARD MINUTES FOR JULY 24-26, 2022
BOARD OF REGENTS MEETING 357

Page

COMMITTEE OF THE WHOLE

Board Order 22-51
Approval of Minutes of Meeting 355, April 10-11, 2022 and Special Called Meeting 356, May 6, 2022 7

Board Order 22-52
Election of Chief Audit Executive for 2022-2023 8
Election of Coordinator of Board Affairs/Compliance for 2022-2023 8
Election of General Counsel for 2022-2023 8
Election of Interim President for 2022-2023 8

Board Order 22-53
Adoption of Board Evaluation 7

PERSONNEL

Board Order 22-54
Approval of Faculty and Staff Appointments 9
Approval of Changes of Status 9
Approval of Faculty Promotions 9
Approval of Faculty Tenure 10
Approval of Retirements 10

ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Board Order 22-55
Additional Curriculum Change for 2022-2023 10
Chartwells Agreement/MOU 10
Holiday Schedule for 2022-2023 11
Learning Management System Renewal 11

Board Order 22-56
Academic and Student Affairs Policy Revisions 12

Board Order 22-57
Naming of the Greg Arnold Center for Entrepreneurship 13

BUILDING AND GROUNDS COMMITTEE

Board Order 22-58
Electricity Contract Authorization....14

Board Order 22-59
Building and Grounds Policy Revisions....14

FINANCE AND AUDIT COMMITTEE

Board Order 22-60
Acknowledge Receipt of Audit Services Report....15
Annual Audit Plan for 2022-2023....15

Board Order 22-61
Resolution for 2019A and 2019B Unspent Bond Proceeds....15

Board Order 22-62
Dining Hall Facility Project Budget....16

Board Order 22-63
Residence Halls, Auxiliary, and Academic Deferred Maintenance and Improvements Project Budgets....16

Board Order 22-64
Fiscal Year 2022-2023 Tuition, Fees, Waivers and Exemptions....18

Board Order 22-65
Adoption of the Fiscal Year 2022-2023 Institutional Operating Budget....19

Board Order 22-66
Adoption of the Fiscal Year 2022-2023 Institutional Operating Budget Supplement for Compensation....19

Board Order 22-67
Acknowledge Receipt of Contract Monitoring Report....20

Board Order 22-68
Grant Awards....20

Board Order 22-69
TexPool Resolution Amending Authorized Representatives....20
Vending Services Provider....21
Netsync Network Solutions Contract – Wireless Access Points....21
Netsync Network Solutions Contract – Switch Support....22

Board Order 22-70
Finance and Audit Policy Revisions....22

APPENDICES

Appendix 1 – Board Self-Evaluation
Appendix 2 – Personnel
Appendix 3 – Policy Revisions
Appendix 4 – Annual Audit Plan 2022-2023
Appendix 5 – Bond Resolution
Appendix 6 – Tuition and Fees Table
Appendix 7 – Grant Awards
Appendix 8 – TexPool Resolution

Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
July 24-26, 2022
Austin Building, Room 307
Meeting 357

Sunday, July 24, 2022

The meeting of the Board of Regents was called to order in open session at 1:00 p.m. by chair Karen Gantt.

PRESENT:

Board Members:	Mrs. Karen Gantt, Chair
	Mr. Tom Mason, Vice Chair
	Mrs. Jennifer Winston, Secretary
	Mr. David Alders
	Mr. Robert Flores
	Mrs. Brigettee Henderson
	Mrs. Judy Olson
	Dr. Laura Rectenwald
	Ms. Nancy Windham
Interim President:	Dr. Steve Westbrook
General Counsel:	Mr. Damon Derrick
Chief Audit Exec.:	Mrs. Jane Ann Bridges
Cabinet Members:	Dr. Michara DeLaney-Fields
	Mr. Anthony Espinoza
	Dr. Brandon Frye – arrived at 1:50 p.m.
	Mr. Graham Garner
	Mrs. Rachele' Garrett
	Mr. Ryan Ivey
	Mrs. Gina Oglesbee
	Dr. Lorenzo Smith – arrived at 1:35 p.m.
	Mrs. Jill Still
	Dr. Charlotte Sullivan

Other SFA administrators and staff were in attendance.

The board recessed to committee meetings.

The meeting of the Building and Grounds Committee was called to order in open session at 1:03 p.m. by committee chair, David Alders.

Committee Members:	Mr. David Alders, Chair
	Mrs. Brigettee Henderson
	Ms. Nancy Windham

Mrs. Karen Gantt, ex officio

The committee members discussed and agreed to recommend the following report topics for the Finance and Audit Committee agenda item consideration.

Mrs. Gina Oglesbee and Dr. Brandon Frye presented the following reports: 2019A and 2019B Unspent Bonds; Bond Resolution; Dining Hall Facility Project; Residence Hall Facility, Auxiliary, and Academic Deferred Maintenance and Improvements Project.

The committee members heard presentations, discussed and agreed to recommend the following agenda items.

The board took a tour of the Tom and Peggy Wright Music Building and the Boynton Building between 2:45 p.m. and 4:30 p.m.

The CCAP Update Report was provided by Mrs. Gina Oglesbee, Mr. Damon Derrick, and Dr. Charlotte Sullivan. John Branch provided the Construction Report to the Committee.

17. Electricity Contract Authorization

18. Building and Grounds Policy Revisions
    Camps and Conferences 16.7
    Campus Design Standards 16.6
    Fire and Life Safety 13.24
    Juanita Curry Boynton House 16.32
    Norton HPE Complex 16.18

The Building and Grounds Committee adjourned at 4:45 p.m. and Chair Gantt called the meeting into Executive Session to discuss the following items:

Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076)

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

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, EEOC charges, *Ann Wilder v. SFASU*; *Christin Evans v. Sydney Miley, et al;* and *Marlene Kahla, Ph.D. v. Board of Regents of Stephen F. Austin State University, et al.* (Texas Government Code, Section 551.071)

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the head volleyball coach, head softball coach, head tennis coach, head soccer coach, head bowling coach, co-head track/field coach, co-head track/field and cross country coach, interim chief audit executive, general counsel, coordinator of board affairs/compliance, director of athletics, executive director for enrollment management, chief marketing communications officer, chief

information officer, chief diversity officer, director of governmental relations, vice presidents and the interim president. (Texas Government Code, Section 551.074)

The executive session ended and the Board of Regents meeting returned to open session at 10:23 p.m.

The meeting was recessed by Chair Gantt at 10:24 p.m. to Monday, July 25 at 8:30 a.m.

Monday, July 25, 2022

The meeting of the Board of Regents was called to order in open session at 8:30 a.m. by chair Karen Gantt.

PRESENT:

Board Members:	Mrs. Karen Gantt, Chair
	Mr. Tom Mason, Vice Chair
	Mrs. Jennifer Winston, Secretary
	Mr. David Alders
	Mr. Robert Flores
	Mrs. Brigettee Henderson
	Mrs. Judy Olson
	Dr. Laura Rectenwald
	Ms. Nancy Windham
Interim President:	Dr. Steve Westbrook
General Counsel:	Mr. Damon Derrick
Chief Audit Exec.:	Mrs. Jane Ann Bridges
Cabinet Members:	Dr. Michara DeLaney-Fields
	Mr. Anthony Espinoza
	Dr. Brandon Frye
	Mr. Graham Garner
	Mrs. Rachele' Garrett
	Mr. Ryan Ivey
	Mrs. Gina Oglesbee
	Dr. Lorenzo Smith
	Mrs. Jill Still
	Dr. Charlotte Sullivan

Other SFA administrators and staff were in attendance.

The President's Cabinet Reports were presented. Mrs. Rachele' Garrett, Interim Executive Director of Enrollment, presented the Enrollment Management Report. Dr. Lorenzo Smith provided an update on Academic Affairs and Dr. Michara DeLaney-Fields shared the results of the Campus Climate Survey.

The board recessed to committee meetings.

The Academic and Student Affairs Committee was called to order by Committee Chair Laura Rectenwald at 9:57 a.m.

Committee Members: Dr. Laura Rectenwald, Chair
Mrs. Brigettee Henderson, Chair
Mrs. Jennifer Winston
Mrs. Karen Gantt, ex officio

The committee members heard presentations, discussed and agreed to recommend the following agenda items.

12. Additional Curriculum Change for 2022-2023

13. Chartwells Agreement Amendment/MOU

14. Holiday Schedule for 2022-2023

15. Learning Management System Renewal

16. Academic and Student Affairs Policy Revisions
    - Accessibility of Electronic Information Resources 16.9
    - Advanced Placement Guidelines 6.5
    - Animals on University Property 13.2
    - Authority to Act in the Absence of the President 2.4
    - Children in the Workplace 13.15
    - Compliance with the Americans with Disabilities Act and the ADA Amendments Act 2.5
    - Comprehensive Scholarship Administration 3.31
    - Grievance and Appeals 11.15
    - Intellectual Property 9.4
    - Interlibrary Loan Services 4.11.1
    - Library Borrowing 4.11.2
    - Library Non-Monetary Gifts 4.11.3
    - Military Service Activation 6.14
    - Missing Student Notification 13.13
    - Outside Employment 11.19
    - Parking and Traffic Services 13.14
    - Policy Development and Format 1.6
    - Reasonable Workplace Accommodation for Disabilities 11.22
    - Satisfactory Academic Progress for Financial Aid Recipients 6.16
    - Second Baccalaureate Degrees 6.18
    - Small-Size Classes 7.26
    - Student Code of Conduct 10.4
    - Texas Comprehensive Research Fund 8.10
    - Title IX 2.13

The board toured the McKibben Building and the Ralph W. Steen Library starting at 10:20 a.m. The

Academic and Students Affairs Committee adjourned at 12:40 p.m. and then the board broke for lunch.

The Finance and Audit Committee Meeting was called to order by Committee Chair Tom Mason at 1:40 p.m.

Committee Members: Mr. Tom Mason, Chair
Mr. Robert Flores
Mrs. Judy Olson
Mrs. Karen Gantt, ex officio

The committee members heard presentations, discussed and agreed to recommend the following agenda items.

19. Acknowledge Receipt of Audit Services Report
    Information Technology Follow-Up Audit
    External Information Technology Follow-Up Audit
    Procurement Card Audit
    Contract Management and Procurement Audit
    Coin Collection Inventory
    Juanita Curry Boynton House Inventory
    External Quality Assurance Review
    Update on Audit Plan

20. Annual Audit Plan for 2022-2023

24. Fiscal Year 2022-2023 Tuition, Fees, Waivers and Exemptions

The HEF Status Report for Fiscal Year 2021-2022 was provided by Mrs. Oglesbee.

25. Fiscal Year 2022-2023 Institutional Operating Budget

26. Fiscal Year 2022-2023 Budget Supplement for Compensation

27. Acknowledge Receipt of Contract Monitoring Report

28. Grant Awards

29. TexPool Resolution Amending Authorized Representatives

30. Vending Services Provider Contract

31. Netsync Network Solutions Contract – Wireless Access

32. Netsync Network Solutions Contract – Switch Support

33. Finance and Audit Policy Revisions

Agency Funds 3.1
Compliance 2.12
Discretionary Use of University Funds 3.10
Gifts, Loans, Endowments and Bequests 3.17
Interdepartmental Transfer (IDT) 17.9
Items Requiring Board of Regents Approval 1.4
Lumberjack Education Assistance Policy 12.5
Tuition Set-Aside Funds Programs 3.33
Vendor Protests 16.36

21. Resolution for 2019A and 2019B Unspent Bond Proceeds

22. Dining Hall Facility Project Budget

23. Residence Hall Facility, Auxiliary, and Academic Deferred Maintenance and Improvements Project Budget

The Finance and Audit Committee adjourned at 5:15 p.m. and committee meetings were recessed. Chair Gantt called the meeting into Executive Session to discuss the following items:

Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076)

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

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, EEOC charges, *Ann Wilder v. SFASU*; *Christin Evans v. Sydney Miley, et al;* and *Marlene Kahla, Ph.D. v. Board of Regents of Stephen F. Austin State University, et al.* (Texas Government Code, Section 551.071)

Consideration of Individual Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of an Officer or Employee, including but not limited to the head volleyball coach, head softball coach, head tennis coach, head soccer coach, head bowling coach, co-head track/field coach, co-head track/field and cross country coach, interim chief audit executive, general counsel, coordinator of board affairs/compliance, director of athletics, executive director for enrollment management, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, vice presidents and the interim president. (Texas Government Code, Section 551.074)

The executive session ended and the Board of Regents meeting returned to open session at 7:25 p.m.

The meeting was recessed by Chair Gantt at 7:26 p.m. to Tuesday, July 26 at 8:30 a.m.

Tuesday, July 26, 2022

The meeting of the Board of Regents was called to order in open session at 8:33 a.m. by chair Karen Gantt.

PRESENT:

Board Members:	Mrs. Karen Gantt, Chair
	Mr. Tom Mason, Vice Chair
	Mrs. Jennifer Winston, Secretary
	Mr. David Alders
	Mr. Robert Flores
	Mrs. Brigettee Henderson
	Mrs. Judy Olson
	Dr. Laura Rectenwald
	Ms. Nancy Windham
Interim President:	Dr. Steve Westbrook
General Counsel:	Mr. Damon Derrick
Chief Audit Exec.:	Mrs. Jane Ann Bridges
Cabinet Members:	Dr. Michara DeLaney-Fields
	Mr. Anthony Espinoza
	Dr. Brandon Frye
	Mr. Graham Garner
	Mrs. Rachele' Garrett
	Mr. Ryan Ivey
	Mrs. Gina Oglesbee
	Dr. Lorenzo Smith
	Mrs. Jill Still
	Dr. Charlotte Sullivan

The invocation was provided by Regent Alders and the pledges were led by Chair Gantt and Vice Chair Mason.

SPECIAL RECOGNITION

Dr. Lorenzo Smith recognized Dr. Steve Galatas and the award-winning Model EU Team, as well as the Academic Advisors and Dr. Marc Guidry for their service and dedication to the university. Dr. Michara DeLaney-Fields recognized the Diversity, Equity and Inclusion team members for their hard work and service to the university. Mrs. Gina Oglesbee recognized the directors for the Finance and Administrations Division for their time and leadership throughout the past year.

Chair Gantt commented that the Board is aware of the campus community concerns regarding system affiliation and that the Board will investigate the manner to determine what will be in the best interest of the university.

MINUTES

Board Order 22-51

Upon motion by Regent Winston, seconded by Regent Mason, with all members voting aye, it was ordered that the minutes of Meeting 355, April 10-11, 2022 and Special Called Meeting 356, May 6, 2022 be approved as presented.

ADMINISTRATION

Board Order 22-52

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

ELECTION OF CHIEF AUDIT EXECUTIVE FOR 2022-2023

WHEREAS, the board members considered: The *Board Rules and Regulations* state that the chief audit executive serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the salary of the chief audit executive shall be designated in the appointing order.

THEREFORE, a performance evaluation was conducted, and Jane Ann Bridges was elected chief audit executive for 2022-2023, effective July 26, 2022, under current employment terms.

ELECTION OF COORDINATOR OF BOARD AFFAIRS/COMPLIANCE FOR 2022-2023

WHEREAS, the board members considered: The *Board Rules and Regulations* state that the coordinator of board affairs/compliance serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the salary of the coordinator of board affairs/compliance shall be designated in the appointing order.

THEREFORE, a performance evaluation was conducted, and April Smith was re-elected coordinator of board affairs/compliance for 2022-2023, effective September 1, 2022, under current employment terms.

ELECTION OF GENERAL COUNSEL FOR 2022-2023

WHEREAS, the board members considered: The *Board Rules and Regulations* state that the general counsel serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the salary of the general counsel shall be designated in the appointing order.

THEREFORE, a performance evaluation was conducted, and Damon Derrick was re-elected general counsel for 2022-2023, effective September 1, 2022, under current employment terms.

ELECTION OF INTERIM PRESIDENT FOR 2022-2023

WHEREAS, the board members considered: The *Board Rules and Regulations* state that the president serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the president's salary shall be designated in the appointing order.

THEREFORE, a performance evaluation was conducted, and Steve Westbrook was re-elected interim president for 2022-2023, effective September 1, 2022, under current employment terms.

Board Order 22-53
Upon motion by Regent Winston, seconded by Regent Windham, with all members voting aye, it was ordered that the following item be approved.

ADOPTION OF BOARD EVALUATION

WHEREAS, the board members considered: The university's accrediting body – the Southern Association of College and Schools Commission on Colleges – and the Board of Regents Rules and Regulations require that the Board of Regents conduct a self-evaluation of its responsibilities and expectations. This evaluation is to consider the principles of board governance, applicable state law, the Board rules, and the university's mission statement and strategic plan.

THEREFORE, following discussion and evaluation, it is recommended that the Board of Regents adopt the completed Board Self-Evaluation as presented in Appendix 1.

PERSONNEL

Board Order 22-54
Upon motion by Regent Windham, seconded by Regent Alders, with all members voting aye, it was ordered that the following personnel items be approved as listed in Appendix 2.

FACULTY AND STAFF APPOINTMENTS

Faculty appointments are recommended by the department chair and approved by the appropriate dean, provost/vice president for academic affairs and the president. Each appointment states salary and percentage of time employed, designates the semester or academic year (September through May) and states the effective date of employment. In addition, last degree and granting institution are included for first-time appointments.

Staff appointments are recommended by the department chair or director and approved by the appropriate dean (if applicable), vice president and/or president. Each appointment states salary, percentage of time employed, and designates the effective date of employment.

CHANGES OF STATUS

Changes of status include changes in appointment, percentage of time, salary or semesters. These changes are initiated by the department chair or director and routed through administrative channels for approval.

FACULTY PROMOTIONS

Promotions are initiated at the departmental level by one of the following methods: a faculty member applies for promotion on his/her own behalf or is recommended for promotion by his/her

department chair. The application/recommendation is reviewed, ranked, and recommended or not recommended for approval by the department faculty at or above the rank sought, department chair, dean, provost/vice president of academic affairs and president. Promotions recommended for approval by the president are submitted to the board for consideration.

FACULTY TENURE

Tenure is awarded by the Board of Regents to those faculty members who are recommended by the president. Applications of individuals recommended for tenure are reviewed by departmental and college committees and by a department chair, dean and provost/vice president of academic affairs, prior to recommendation to the president.

RETIREMENTS

Retirements include the listing of personnel that have selected to retire from SFA.

ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Board Order 22-55
Upon motion by Regent Olson, seconded by Regent Henderson, with all members voting aye, it was ordered that the following academic and student affairs items be approved.

ADDITIONAL CURRICULUM CHANGE FOR 2022-2023

WHEREAS, the board members considered: The Department of Computer Science requests to change the CIP code for the Master of Science in Cyber Security. A CIP code is a six-digit number used by the United States Department of Education and the Texas Higher Education Coordinating Board to identify academic degree programs. When the MS in Cyber Security was created, there were a limited number of CIP codes for identifying computer science degree programs. Since that time, the field has greatly diversified, and cyber security has become its own branch of computer science with multiple CIP codes for identifying different types of cyber programs. SFA's program is more investigatory than policy based, making it a superior program that should qualify as a STEM program. However, its current CIP code is more appropriate to policy based cyber programs and excludes STEM classification. Cyber programs classified as STEM can attract more international students and are competitive for more grant funding opportunities. Therefore, the department needs to update the CIP to reflect the MS in Cyber Security's true nature as an investigatory program.

THEREFORE, it was ordered that the curriculum change to the MS in Cyber Security be approved and effective Fall 2022.

CHARTWELLS AGREEMENT AMENDMENT/MOU

WHEREAS, the board members considered: The University's Dining Services Program Master Services Agreement with Compass Group USA, Inc. by and through its Chartwells Division ("Chartwells") to provide food service on campus contains provisions that outline a material change to the agreement. Per the contract, a material change event occurs when a change in the contractual

assumptions as defined in the original scope of work results in a variance of 10% or more to Chartwells' net financial return.

Chartwells has submitted notice of a material change event based on a variance of 14.8% in Chartwell's net financial return over the past year compared to the assumption contained in the original scope of work. This variance was created by a smaller number of meal plan subscribers than projected.

After review by university and Chartwells officials, the parties propose suspending the Innovation Fund for year one of the contract (September 1, 2021 through September 30, 2022) as remediation of the material change event, as outlined in the Memorandum of Understanding (MOU).

THEREFORE, it was ordered that the President be authorized to sign the MOU between the university and Compass Group USA, Inc. by and through its Chartwells Division suspending the monthly accrual of 2.7% Net Sales towards the Innovation Fund for year one of the agreement (September 1, 2021 through September 30, 2022).

HOLIDAY SCHEDULE FOR 2022-2023

WHEREAS, the board members considered: Fourteen holidays are allowed by the state for 2022-2023. The following schedule will allow SFA to be closed for three working days at Thanksgiving, six working days during Christmas, Martin Luther King, Jr Day, five working days during Spring Break, Memorial Day, Juneteenth, and Independence Day which totals 18 days. Employees will be required to take two days of paid leave on December 29 and 30, and two days of paid leave on March 9 and 10.

November 23 - 25	Thanksgiving Break
December 23 - January 1	Christmas/Winter Break
January 16	Martin Luther King, Jr. Day
March 6 - 10	Spring Break
May 29	Memorial Day
June 19	Juneteenth
July 4	Independence Day

Offices scheduled to be available: Admissions, Financial Aid, Registrar, Student Business Services, Residence Life, and University Police Department

THEREFORE, it is ordered that the holiday schedule for 2022-2023 be approved as presented.

LEARNING MANAGEMENT SYSTEM RENEWAL

WHEREAS, the board members considered: SFA uses Brightspace by D2L Ltd (Desire2Learn) as its learning management system (LMS). An LMS is a software application for the administration, documentation, tracking, reporting, and delivery of educational courses or supplemental course materials online. The cloud-based system allows secure access to course materials for students, faculty, and employees of SFA. Functions of the system include course creation, lesson management, testing, grading, and communication. In addition, the system provides predictive analytics, student success tracking, adaptive learning, and added support. We could not offer

distance education courses without the LMS.

The current contract with D2L Ltd expires on December 17, 2022. The Center for Teaching & Learning assessed the potential impact of changing LMS vendors and noted alternatives available to D2L Ltd. The Distance Education Committee voted to renew with D2L Ltd.

The five-year contract totals $1,030,368.30 and requires annual payments of $206,073.66.

THEREFORE, it was ordered that the contract with D2L Ltd for a learning management system and associated service and maintenance costs at an annual cost of $206,073.66 for a period of five years, through December 17, 2027, at a cost not to exceed $1,030,368.30 be approved. As the LMS is cloud-based, HEF funds will be used for the purchase. The president is authorized to sign the associated contract and purchase order(s) in accordance with policy 1.4, Items Requiring Board of Regents Approval.

Board Order 22-56
Upon motion by Regent Mason, seconded by Regent Alders, with all members voting aye, it was ordered that the following academic and student affairs items be approved.

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 3.

Accessibility of Electronic Information Resources 16.9
Advanced Placement Guidelines 6.5
Animals on University Property 13.2
Authority to Act in the Absence of the President 2.4
Children in the Workplace 13.15
Compliance with the Americans with Disabilities Act and the ADA Amendments Act 2.5
Comprehensive Scholarship Administration 3.31
Grievance and Appeals 11.15
Intellectual Property 9.4
Interlibrary Loan Services 4.11.1
Library Borrowing 4.11.2
Library Non-Monetary Gifts 4.11.3
Military Service Activation 6.14
Missing Student Notification 13.13
Outside Employment 11.19
Parking and Traffic Services 13.14
Policy Development and Format 1.6
Reasonable Workplace Accommodation for Disabilities 11.22
Satisfactory Academic Progress for Financial Aid Recipients 6.16
Second Baccalaureate Degrees 6.18
Small-Size Classes 7.26
Student Code of Conduct 10.4
Texas Comprehensive Research Fund 8.10
Title IX 2.13

Board Order 22-57
Upon motion by Regent Mason, seconded by Regent Alders, with all members voting aye, it was ordered that the following academic and student affairs items be approved.

NAMING OF THE GREG ARNOLD CENTER FOR ENTREPRENEURSHIP

WHEREAS, the board members considered: In accordance with university naming guidelines and procedures effective March 2019, an academic center and facility may be named for persons, both living and deceased, who make a significant donation to the university. The board will consider the naming of the Center for Entrepreneurship after Greg Arnold at Stephen F. Austin State University.

THEREFORE, it was ordered to name the Center for Entrepreneurship, and a mutually agreed upon facility to be designated by the board at a later date, contingent upon the complete satisfaction of the executed agreement terms and conditions. The following resolution is adopted:

WHEREAS, Greg Arnold, during his college career, was a member of Alpha Tau Omega fraternity; and

WHEREAS, in 1987, he received a Bachelor of Business Administration in Marketing from Stephen F. Austin State University; and

WHEREAS, Greg is Chief Executive Officer of TAC - The Arnold Companies of Dallas, Texas, built on a foundation of wholesale petroleum distribution and aviation services. TAC is a multi-business company that until July 01, 2022, consisted of almost 1,000 employees under the names TACenergy, TAC Air and TAC Private Hangars. As of July 1st, the aviation companies were acquired by Signature Flight Support the world's largest network of fixed-based operators. Greg continues to serve and lead company growth in the CEO role of TAC with 150 employees in 13 U.S. office locations which consist of TACenergy, LLC, and several private investment entities; and

WHEREAS, throughout his 36-year tenure as a driven and hardworking businessman, Greg has been responsible for the expansion and growth of the company across four divisions and what is today held as separate companies. Greg remains an inspiration to his university, his hometown of Texarkana, TX, local, state and national business in the petroleum and aviation industries, and support of start-up and launching companies across many sectors; and

WHEREAS, Greg has faithfully served his community through leadership with the Dallas All Stars Project serving as Vice Chair and providing corporate business learning to area students through the Dallas Development School for Youth (DSY) program; by partnering with Food Glorious Food catering to provide nearly 5,000 meals to environmental services workers at Children's Medical Center in Plano and Dallas during the pandemic; his time with the National Petroleum Council and the National Air Transportation Association and National Business Aviation Association boards; Long term support to the Carry The Load organization; leadership and board support of higher education across North Texas; and

WHEREAS, Greg Arnold, in his loyal dedication to the university through his generous gift of support and standards of excellence, has set a distinguished example for others;

NOW, THEREFORE, LET IT BE RESOLVED, the Board of Regents expresses its admiration, gratitude and high regard for Greg Arnold by naming the **Greg Arnold Center for Entrepreneurship**, within the Nelson Rusche College of Business.

BUILDING AND GROUNDS COMMITTEE

Board Order 22-58
Upon motion by Regent Alders, seconded by Regent Mason, with all members voting aye, it was ordered that the following building and grounds item be approved.

ELECTRICITY CONTRACT AUTHORIZATION

WHEREAS, the board members considered: Stephen F. Austin State University participates in an electricity contract with members of the Texas A & M University system consortium in order to obtain competitive electricity rates. The current contract with Texas General Land Office acting through Cavallo Energy Texas, LLC will expire on December 31, 2023. In order to secure competitive rates in the future, members of the Texas A & M University system consortium have entered into a new contract with Direct Energy Business, LLC for a contract period of January 1, 2024 through June 30, 2025.

THEREFORE, it was ordered that the university be authorized to enter into an electricity contract with members of the Texas A & M university system consortium with Direct Energy Business, LLC based on the best value for our university in securing competitive future rates. Designated funds and Auxiliary funds will be used for this purchase. The administration further recommends the president be authorized to sign all purchase orders and associated contracts or documents.

Board Order 22-59
Upon motion by Regent Alders, seconded by Regent Windham, with all members voting aye, it was ordered that the following building and grounds items be approved.

BUILDING AND GROUNDS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 3.

- Camps and Conferences 16.7
- Campus Design Standards 16.6
- Fire and Life Safety 13.24
- Juanita Curry Boynton House 16.32
- Norton HPE Complex 16.18

FINANCE AND AUDIT COMMITTEE

Board Order 22-60
Upon motion by Regent Mason, seconded by Regent Winston, with all members voting aye, it was ordered that the following finance and audit items be approved.

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

The Board of Regents acknowledge receipt of the audit services report as presented including the following:

Information Technology Follow-Up Audit
External Information Technology Follow-Up Audit
Procurement Card Audit
Contract Management and Procurement Audit
Coin Collection Inventory
Juanita Curry Boynton House Inventory
External Quality Assurance Review
Update on Audit Plan

ANNUAL AUDIT PLAN FOR 2022-2023

WHEREAS, the board members considered the following: According to the *Board Rules and Regulations,* the chief audit executive shall annually submit information on the annual audit plan, work schedule and staffing plan to the president for review and to the Board of Regents for their approval.

THEREFORE, it was ordered that the annual audit plan for 2021-2022 be approved as presented in Appendix 4.

Board Order 22-61
Upon motion by Regent Mason, seconded by Regent Alders, with all members voting aye, it was ordered that the following finance and audit item be approved.

RESOLUTION FOR 2019A AND 2019B UNSPENT BOND PROCEEDS

WHEREAS, the board members considered the following: The Board of Regents of Stephen F. Austin State University on February 6, 2019 issued its Revenue Financing System Bonds Series 2019A and Revenue Financing System Bonds Taxable Series 2019B to finance the acquisition, purchase, construction, improvement, renovation, enlargement or equipment of property, buildings, structures, facilities, roads or related infrastructure of University projects. With the March 2020 coronavirus pandemic, on campus operations were ceased for a period of time which severely impacted the university. As a result, the use of the Series 2019A unspent bond proceeds for the Residence Hall and Series 2019B unspent bond proceeds for the Dining Hall Facility were reevaluated by administration. The University's Bond Counsel drafted A Resolution Designating and Confirming Projects For Expenditure Of Unspent Bond Funds From The Board's Revenue Financing System Bonds, Series 2019A And Taxable Series 2019B; Authorizing Other Matters Incident And Related Thereto; And Providing An Effective Date as shown in the Appendix.

THEREFORE, it was ordered to adopt A Resolution Designating and Confirming Projects For Expenditure Of Unspent Bond Funds From The Board's Revenue Financing System Bonds, Series 2019A And Taxable Series 2019B; Authorizing Other Matters Incident And Related Thereto as presented in the Appendix 5.

Board Order 22-62
Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following finance and audit item be approved.

DINING HALL FACILITY PROJECT BUDGET

WHEREAS, the board members considered the following: With the Resolution Designating And Confirming Projects For Expenditure Of Unspent Bond Funds From The Board's Revenue Financing System Bonds, Series 2019A And Taxable Series 2019B; Authorizing Other Matters Incident and Related Thereto; And Providing An Effective Date, the board of regents next step is to approve project budgets in accordance with policy 1.4, Items Requiring Board of Regents Approval. For the Taxable Bonds Series 2019B for the Dining Facility, the board of regents previously ratified a project budget in October 2021 for Dining Facilities expenditures in the amount of $194,444.05 through October 31, 2021.

The bond proceeds of $15,800,000 and interest earnings through May 31, 2022 in the amount of $533,832.78 less the project budget already approved in the amount of $194,444.05 provide a balance of $16,139,388.73 available for the Dining Facilities additional project budget.
In accordance with the university's Dining Services Agreement with Compass Group USA, Inc. (Chartwells), $6,355,000 is included in the agreement to be used for Dining Facilities. University representatives are currently in discussion with Chartwells and the university's architects for the best use and treatment of the $6,355,000.

THEREFORE, it was ordered the approval of the Dining Facilities additional project budget in the amount of $16,139,388.73 and authorization for the president to sign project-associated contracts and purchase orders in accordance with policy 1.4, Items Requiring Board of Regents Approval.

Board Order 22-63
Upon motion by Regent Mason, seconded by Regent Windham, with all members voting aye, it was ordered that the following finance and audit item be approved.

RESIDENCE HALLS, AUXILIARY, AND ACADEMIC DEFERRED MAINTENANCE AND IMPROVEMENTS PROJECT BUDGETS

WHEREAS, the board members considered the following: With the Resolution Designating And Confirming Projects For Expenditure Of Unspent Bond Funds From The Board's Revenue Financing System Bonds, Series 2019A And Taxable Series 2019B; Authorizing Other Matters Incident and Related Thereto; And Providing An Effective Date agenda item, the Board of Regents next step is to approve project budgets in accordance with policy 1.4, Items Requiring Board of Regents Approval.

For the nontaxable Bonds Series 2019A for the Residence Halls, Auxiliary, and Academic Deferred Maintenance and Improvements Project Budgets, the board of regents previously ratified a project budget in October 2021 for Student Residential Facilities expenditures in the amount of $1,090,308.67 through October 31, 2021.

In January 2022, the board of regents approved an amount not to exceed $200,000 for a campus

assessment. Actual expenditures including encumbrances for the campus assessment total $199,850. The bond proceeds of $23,700,000 and interest earnings through May 31, 2022 in the amount of $719,677.02 less project budget approved in October 2021 in the amount of $1,090,308.67 provides a balance of $23,329,368.35 available for projects.

Anticipated use of the remaining funds includes Residence Halls and Auxiliary Deferred Maintenance and Improvements of $20,401,518.35; campus assessment authorized by the board of regents in January 2022 of $199,850; electric grid study of $158,000; Wright Music Building Roof Deferred Maintenance and Improvements of $500,000; Art Building HVAC Deferred Maintenance and Improvements of $1,400,000; and Health and Wellness Services Facility Deferred Maintenance and HVAC Improvements of $670,000.

For the Health and Wellness Services Facility, an additional $230,000 is allocated to the project in the 2022-23 institutional operating budget Higher Education Fund (HEF) allocation for a total project budget of $900,000.

THEREFORE, it was ordered that The administration recommends approval of the Residence Halls, Auxiliary, and Academic Deferred Maintenance Improvements additional project budgets as follows:

Project	**Amount**	**Funding Source and Notes**
Residence Halls and Auxiliary Deferred Maintenance and Improvements	$ 20,401,518.35	2019A Bond Proceeds and Interest
Campus Assessment	$ 199,850.00	2019A Bond Proceeds and Interest
Electric Grid Study	$ 158,000.00	2019A Bond Proceeds and Interest
Health and Wellness Services Facility Deferred Maintenance and HVAC Improvements	$ 900,000.00	2019A Bond Proceeds and Interest of $670,000 and FY 23 HEF of $230,000
Wright Music Building Roof Deferred Maintenance and Improvements	$ 500,000.00	2019A Bond Proceeds and Interest
Art Building HVAC Deferred Maintenance and Improvements	$ 1,400,000.00	2019A Bond Proceeds and Interest
Total Project Budgets	$ 23,559,368.35	Includes $230,000 HEF and is in addition to the project budget of $1,090,308.67 approved in October 2021

The administration recommends contracting for the Art Building HVAC Deferred Maintenance and Improvements with Johnson Controls, Inc. for an amount not to exceed $1,400,000 through The Interlocal Purchasing System (TIPS). The president is authorized to sign associated contracts and

purchase orders for the projects in accordance with policy 1.4, Items Requiring Board of Regents Approval.

Board Order 22-64
Upon motion by Regent Mason, seconded by Regent Winston, with all members voting aye, it was ordered that the following finance and audit item be approved.

FISCAL YEAR 2022-2023 TUITION, FEES, WAIVERS AND EXEMPTIONS

WHEREAS, the board members considered the following: Board of Regents policy 1.4, Items Requiring Board of Regents Approval states the following must be approved: Establishment (or change) of tuition, student fees, room and board fees, and all optional statutory tuition exemptions or waivers. Approval must be provided on no less than an annual basis, or when there is any change to the items listed.
A schedule of current tuition and fee items is listed as presented. The tables listed represent the charges for specific student classifications or cohorts:

a) Texas Resident Undergraduate Annual Fixed Price Plan (AFPP)
b) Texas Resident Graduate Annual Fixed Price Plan (AFPP)
c) Border State Tuition and Fee Plan
d) Non-Resident Tuition and Fee Plan
e) Texas Resident Undergraduate Guaranteed Price Plan (GPP)
f) Texas Resident Undergraduate Fixed Rate Tuition Plan (FRTP) for the FY2019 continuing cohort
g) Texas Resident Undergraduate Fixed Rate Tuition Plan (FRTP) for the FY2020 continuing cohort
h) ROTC Military Science Course(s) Rate Table
i) Dual Credit Rate (after Dual Credit exemption)
j) Out-of-State Fully Online Tuition and Fee Plan
k) RELLIS Program Rates
j) RN to BSN Program Rates

No changes to the current SFA tuition and fee rates are proposed for FY2023.

Other documents provided: 2021 Texas Public Higher Education almanac data of average tuition and fees by University; a listing of other student fees; and a summary of exemption and waiver programs authorized by the Texas Legislature and SFASU. While many exemptions and waivers are mandated for all public institutions, some programs are optional and implementation is left to the discretion of the governing board of the institution.

THEREFORE, it was ordered the approval of the tuition and fee rate schedules for the fiscal year 2022-2023 as presented in Appendix 6. The administration also recommends that the board affirm the university's implementation of mandatory and optional exemptions and waivers for the fiscal year 2022-2023.

Board Order 22-65
Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following finance and audit item be approved.

ADOPTION OF THE FISCAL YEAR 2022-2023 INSTITUTIONAL OPERATING BUDGET

WHEREAS, the board members considered the following: Texas Education Code (TEC) Title 3, Subtitle A, Chapter 51 states the following:

> Sec. 51.0051. ANNUAL OPERATING BUDGETS. The governing board of each institution shall approve on or before September 1 of each year an itemized budget covering the operation of the institution for the fiscal year beginning on September 1 of each year. The budget shall be prepared within the limits of legislatively appropriated general revenue and estimated educational and general funds.

In addition, Board of Regents Rules state, "The president shall prepare and submit annually to the board at its April or July meeting, as specified each year by the board, a proposed budget for the operation of the institution for the next fiscal period."

The Stephen F. Austin State University proposed institutional operating budget for fiscal year (FY) 2022-2023 is $270,020,925. SFA leadership prepared the FY 2022-2023 budget based on SFA moving from COVID-19 pandemic recovery in FY 2021-2022 to a more normalized state of operations in FY 2022-2023. The institutional budget includes the Higher Education Fund (HEF) allocation.

THEREFORE, it was ordered that the fiscal year 2022-2023 annual institutional operating budget that totals $270,020,925 and the associated HEF allocation be approved as presented.

Board Order 22-66
Upon motion by Regent Mason, seconded by Regent Rectenwald, with all members voting aye, it was ordered that the following finance and audit items be approved.

ADOPTION OF THE FISCAL YEAR 2022-2023 INSTITUTIONAL OPERATING BUDGET SUPPLEMENT FOR COMPENSATION

WHEREAS, the board members considered the following: The Board of Regents Rules state, "The president shall prepare and submit annually to the board at its April or July meeting, as specified each year by the board, a proposed budget for the operation of the institution for the next fiscal period."

Administration proposed an institutional operating budget for fiscal year 2022-2023 of $270,020,925. To support faculty and staff, the administration proposes a one-time use of fund balance/net position of $3,700,000 to supplement the fiscal year 2022-2023 institutional operating budget and provide additional faculty and staff compensation.

THEREFORE, it was ordered that a one-time use of fund balance/net position of $3,700,000 for additional faculty and staff compensation be approved. With the supplement of $3,700,000, the fiscal year 2022-2023 annual institutional operating budget totals $273,720,925.

Board Order 22-67
Upon motion by Regent Mason, seconded by Regent Windham, with all members voting aye, it was ordered that the following finance and audit items be approved.

ACKNOWLEDGE RECEIPT OF CONTRACT MONITORING REPORT

WHEREAS, the board members considered the following: The 84th Legislature passed Senate Bill 20 (SB20) that added new requirements for state agencies and institutions of higher education related to procurement and contracting. These requirements were written into the Texas Government Code and/or Texas Education Code and were effective September 1, 2015. SB 20 states "as soon as is practicable after the effective date of this Act, the comptroller of public accounts, and each affected state agency as necessary, shall adopt the rules, processes, and procedures and take the actions necessary to implement the changes in law made by this Act". To comply with contract reporting, a procedure has been established to identify each contract that requires enhanced contract or performance monitoring. This report has been developed to include information on identified contracts for reporting to the Board of Regents to meet these requirements. The contract monitoring report as presented includes the following contracts:

EbenConcepts Company
Love Advertising, Inc.

Board Order 22-68
Upon motion by Regent Mason, seconded by Regent Alders, with all members voting aye, it was ordered that the following finance and audit item be approved.

GRANT AWARDS

WHEREAS, the board members considered the following: For fiscal year 2022, the multi-year grant award total is currently $82,279,669. Of this total, grant awards allocable to fiscal year 2022 are currently $28,629,387, an increase of $509,457 since the last report.

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

THEREFORE, it was ordered that The administration recommends approval and ratification of the additional fiscal year 2022 grant awards that total $509,457. The grant awards are detailed as presented in Appendix 7.

Board Order 22-69
Upon motion by Regent Mason, seconded by Regent Flores, with all members voting aye, it was ordered that the following finance and audit items be approved.

TEXPOOL RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, the board members considered the following: The university uses TexPool as an investment entity for public fund investments. As a result of university administrative changes, a

resolution is necessary to amend authorized institutional representatives. A resolution is presented that revises university authorized investment signatories.

THEREFORE, it was ordered that the TexPool Resolution Amending Authorized Representatives be approved as presented in Appendix 8.

VENDING SERVICES PROVIDER

WHEREAS, the board members considered the following: Vending services for snack foods on the SFA campus has been out-sourced to Accent Vending since May 2003. SFA exercised the termination clause in Section 7.1.2. of the Vending Services Agreement with an effective termination date of August 31, 2022.

A request for proposals for vending services was issued on April 19, 2022. The five-member evaluation committee reviewed three written proposal responses and participated in presentations by each respondent. An evaluation of the three responses and presentations to this request determined that the proposal submitted by Gilly Vending, Inc. provides the best combination of value and service for the university.

The anticipated gross sales are expected to exceed $100,000 annually with a 24% commission of gross sales due to SFA with a minimum guarantee of $35,000 annually.

THEREFORE, it was ordered that the selection of Gilly Vending, Inc. as the vending services provider for a five-year term commencing September 1, 2022 through August 31, 2027 and thereafter with an option to extend for an additional 5-year period be approved. The president is authorized to sign associated contracts in accordance with policy 1.4, Items Requiring Board of Regents Approval.

NETSYNC NETWORK SOLUTIONS CONTRACT – WIRELESS ACCESS POINTS

WHEREAS, the board members considered the following: At its May 2022 meeting, the Board of Regents, in Board Order 22-50, approved funding for renewing the university's institutional license with Cisco for both the use of, and the software support for, our campus wireless network for a five-year period for a total of $1,668,825.

Since state law requires that the Board of Regents approve contracts with a value of more than $1 million, this item to specify the vendor whose contract value will exceed this threshold is presented in order to comply with this requirement. To clarify, there is no additional spending authority in this item, only the designation of the vendor being contracted with.

The vendor contract recommended for approval is from Netsync Network Solutions for a cost not to exceed $1,668,825. This vendor contract is quoted from the Texas Department of Information Resources (DIR) state contract for Cisco systems.

THEREFORE, it was ordered the approval of the Netsync Network Solutions contract for the purchase of a licensing agreement for wireless access points for a five-year period at a cost not to exceed $1,668,825. Auxiliary funds and Higher Education Funds will be used for this purchase. The president is authorized to sign all purchase orders and contracts as necessary, in accordance with

policy 1.4, Items Requiring Board of Regents Approval.

NETSYNC NETWORK SOLUTIONS CONTRACT – SWITCH SUPPORT

WHEREAS, the board members considered the following: At its April 2022 meeting, in Board Order 22-47, the Board approved upgrading the on-campus residential wireless network at a cost not to exceed $3,200,000. The purchase of certain network hardware, including switch support and licensing for five years associated with this project from one of the vendors, will exceed $1 million. Since state law requires that the Board of Regents approve contracts with a value of more than $1 million, this item to specify the vendor whose contract value will exceed this threshold is presented in order to comply with this requirement. To clarify, there is no additional spending authority in this item, only the designation of the vendor being contracted with.

The vendor contract recommended for approval is with Netsync Network Solutions with a value of $1,913,290.10. This contract is quoted from the Texas Department of Information Resources (DIR) state contract for Cisco systems.

THEREFORE, it was ordered the approval of the Netsync Network Solutions contract for the purchase of network hardware including switch support and licensing for five years to support the residential wireless network at a cost of $1,913,290.10. Auxiliary funds will be used for this purchase. The the president is authorized to sign all purchase orders and contracts as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

Board Order 22-70
Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following finance and audit items be approved.

FINANCE AND AUDIT POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 3.

Agency Funds 3.1
Compliance 2.12
Discretionary Use of University Funds 3.10
Gifts, Loans, Endowments and Bequests 3.17
Interdepartmental Transfer (IDT) 17.9
Items Requiring Board of Regents Approval 1.4
Lumberjack Education Assistance Policy 12.5
Tuition Set-Aside Funds Programs 3.33
Vendor Protests 16.36

REPORTS

President Report
Summer Commencement
New degree programs
Legislative Appropriation Request
Executive Director of Enrollment Management Search

99th Birthday
Homecoming

Faculty Senate Chair, Chris McKenna reported on the following topics.
Review of anticipated Faculty Senate business for Fall 2022 including as request for Faculty participation in a Presidential search; the Faculty Senate focus on Budget, Faculty Salaries, internal conflicts, system affiliation, and shared governance

Staff Council Chair, Megan Weatherly presented on the following topics.
Shared Governance
Staff Council Annual Elections, Bylaws, Amendments, Visibility and Presence
Compensation, Budget Development, LARs, Informal Translation Network
SFA's Future
Introduction of New Staff Council Chair

Student Government Association President, Madison Gartman discussed the following topics.
NACA conference
Upcoming plans for SGA
Watermelon Bash
Battle of the Pineywoods
Tailgating Wars
Mental Health Awareness Week

The meeting of the Board of Regents adjourned by Chair Gantt at 10:13 a.m.

Appendix 1

Stephen F. Austin State University
Board of Regents
Evaluation

The Board of Regents hereby conducts this self-evaluation of its responsibilities and expectations, with consideration given to the principles of board governance as specified by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), applicable state law, the Board of Regents Rules and Regulations, and the SFA strategic plan.

Orientation and Education

i. New members of the Board are provided an orientation session with university leadership and direct reports. This orientation provides an overview of each area of operations in advance of those members' first meeting and introduces the legal obligations of members of the Board. The Texas Higher Education Coordinating Board further provides an orientation session regarding legal obligations and best governance practices.

Current orientation content and process meets the needs of new Board members, and new Board members understand the legal obligations and expectations.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* There is room for improvement, especially in the area of legal obligations (as explained by AGB).

Everyone on the board needs the same training and understanding of the rules and follow those rules.

Coordinating Board orientation needs some attention.

ii. At the request of the chair, the Board may be provided a refresher training regarding their duties and responsibilities, including those duties required by law, and best practices in board governance. This includes, but is not limited to, the policy-making role of the Board, its fiduciary responsibilities in the management of funds, proper influence of external stakeholders, essential responsibilities, and accountability.

The Board is aware of its legal obligations and expectations. Current process for refresher training meets the Board's needs.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* This area could be strengthened with "board room etiquette, social media etiquette and cell phone/personal device usage during meetings. (Especially during executive sessions).

Holding refresher training every year or two is an excellent idea. It never hurts to stay current and be reminded of best practices.

Received an orientation, but not sure those appointed after received one. Refresher discussions are always welcome.

Legal Responsibilities

i. The Board is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees.

The Board effectively advocates for the university's independence and ability to manage its own affairs.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* The board is responsible for making decisions that are in the best interest of the university.

ii. The Board shall enhance the public image of each institution under its governance.

The Board actively and effectively enhances the public image of the university.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* Many, if not all board members, take every opportunity to promote SFA and enhance its public image.

iii. The Board shall interpret the community to the campus and the campus to the community.

The Board actively and effectively manages and nurtures community-university relations.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* I think members of the board should present at more faculty and staff events, especially service awards/recognition.

The board does this within the delicate limitations of "speaking on behalf of the board" or within constraints of confidential information.

iv. The Board shall nurture each institution under its governance to the end that each institution achieves its full potential within its role and mission.

The Board actively and effectively nurtures the university, enabling it to achieve its full potential within its stated role and mission.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* The board is responsible for governance and not the day-to-day management of the university, but within the board's boundaries more emphasis should be placed on growing enrollment. Enrollment growth should be the battle cry of all university administration, faculty, and staff.

v. The Board shall insist on clarity of focus and mission of each institution under its governance.

The Board ensures the focus and mission of the university is clear to the university community.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* _____

vi. The Board shall provide the policy direction for each institution of higher education under its management and control.

The Board actively and effectively provides policy direction for the university.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* _____

Organization and Structure

i. Board Rules are reviewed and revised on an as-needed basis, usually due to a change in law or regulation.

The Board Rules are reviewed and revised in an appropriate manner.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* General agreement here.

No personal knowledge of review of board rules, just review of campus rules/policies.

Board could benefit from review by legal counsel and further clarity and explanation of rules relative to specific incidences, i.e. confidentiality in executive session, etc.

ii. Board Rules provide that regular quarterly meetings will take place, usually in January, April, July, and October. The annual meeting in April is required by law.

Current meeting structure meets the Board's needs.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* Thoroughly enjoying the tours and B&G meetings outside of the quarterly meeting; feel more connected to campus and hopefully campus feels seen and heard.

iii. There are three elected officers of the Board: Chair, Vice Chair, and Secretary.

Current officer structure and duties meets the Board's needs.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* _____

iv. There are four standing committees of the Board: Executive, Academic and Student Affairs, Building and Grounds, and Finance and Audit. A nominating committee is selected by the Chair at the October meeting. Special committees may be appointed as necessary.

Current committee structure and duties meets the Board's needs.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* _____

v. The Board elects four positions directly: President, General Counsel, Chief Audit Executive, and Coordinator of Board Affairs/Compliance. The Board Rules briefly describe the duties and responsibilities of each position. These positions are appointed on an annual basis and serve at the pleasure of the Board.

Current selection and evaluation process meets the Board's needs.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* The evaluation process could be improved, but current process is acceptable.

vi. The Board Rules require the chair of the Board to ensure the Board is apprised of its duties and responsibilities provided under law, and assign which areas of the university each committee will oversee. University policy lists any items that require Board approval prior to the university taking action.

Board Rules and university policy effectively clarify the role and limits of the Board.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* Chair does a good job of reminding the board, but more clarity always welcome, even if redundant.

vii. The Board Rules detail the authority, duties and responsibilities of the university president. The duties and responsibilities are also supplemented by university policy approved by the Board.

Board Rules and university policy effectively clarify the role and authority of the president.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* General agreement, though past experience tempers strong agreement.

viii. By law, the Board must provide the policy direction for the university. The Board Rules state that the president "shall have discretionary powers broad enough to effectively administer the university within the policies and procedures as set forth" by the Board.

Board Rules and university policy effectively distinguish the roles between the Board and the president.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* General agreement, though past experience tempers strong agreement.

Not sure if this clarity of distinction is conveyed to all on campus; lines tend to be blurred at times.

ix. The format and content of the Board Report is described in the Board Rules. It must be submitted to all members of the Board and the secretary at least ten days in advance of a meeting.

Current board report structure and process meets the Board's needs.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* As always, the earlier the Diligent download, the better. Fully realize to have current information at times may not be possible.

x. Most board action items must be first presented through one of the standing committees. Exceptions include personnel and gifts/donations. An item must have a majority vote of the committee to proceed to the full Board for consideration. A majority vote of the Board will result in the item passing. The Chair may vote whenever his/her vote would affect the result – to break or to cause a tie.

Current approval structure for action items meets the Board's needs and is sufficient to prevent undue influence by a minority of members or by external forces.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree

				X

□ *Steps for Improvement:* Would always welcome committee meetings prior to the actual board meeting.

xi. At each quarterly meeting, the Board approves the minutes from the prior meeting. These minutes are prepared by the coordinator of board affairs/compliance and organized by committee. They further contain a listing of any reports presented to the Board at the meeting, and any appendices accompanying each item.

Board minutes are clear and accurate, providing sufficient detail to capture the results of deliberations.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* _____

xii. Board rules and SFA policy prohibit the approval of any contract or agreement of any character in which a member of the Board, directly or indirectly, has a pecuniary or substantial interest, without prior advice of the general counsel. Members are required to self-disclose any potential direct or indirect pecuniary or substantial interests in matters pending before the Board. Information regarding known potential conflicts is maintained by SFA's procurement department.

Current safeguards and procedures are sufficient to identify and prevent conflicts of interest.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* _____

xiii. The Board serves in a fiduciary role. The board receives an update from its financial managers and approves SFA's investment policy on an annual basis. A regent serves as an investment liaison officer to administration. The Board receives an update on outstanding construction projects and significant contracts every quarter.

Current practice keeps the Board informed of the financial health of SFA.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* The COVID years have made the board focus on its cash resources. The board needs regular dashboard metrics to review.

Though administration and F&A committee members are trusted, concise financial reports would be welcomed in greater frequency.

SFA Strategic Plan

i. SFA's mission, as stated in SFA Envisioned, 2015-2023 Strategic Plan is as follows: "*Stephen F. Austin State University is a comprehensive institution dedicated to excellence in teaching, research, scholarship, creative work, and service. Through the personal attention of our faculty and staff, we engage our students in a learner-centered environment and offer opportunities to prepare for the challenges of living in a global community."* The Board acts to uphold this mission through its approval of personnel and initiatives, and evaluation of leadership.

The Board supports and maintains its focus on the mission of SFA.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* _____

ii. SFA Envisioned has the overarching goal of "Transformative Experiences for SFA Students." This goals states that SFA will be deeply committed to providing high impact, experiential learning for all SFA students; students will be engaged and empowered; and students will graduate with the marketable skills and qualities necessary to be leaders in their fields. The Board acts to support this overarching goal through its approval of personnel and initiatives, and evaluation of leadership.

The Board supports and maintains its focus on the overarching goal of SFA Envisioned.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
				X

□ *Steps for Improvement:* Could improve and help facilitate internships and/or shadow opportunities via personal business connections.

iii. SFA Envisioned has the foundational goal of "Meaningful and Sustained Enrollment Growth." This goal states that SFA will expand its reach and increase enrollment, not merely for the sake of growth, but because it is committed to its responsibility to Texans. It further adds this will be accomplished through an appropriate mix of programs, delivery methods and locations. The Board acts to support this foundational goal through its approval of personnel and initiatives, and evaluation of leadership.

The Board supports and maintains its focus on the foundational goal of SFA Envisioned.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* The board's participation in developing strategies to support meaningful and sustained enrollment growth has not been strongly encouraged or sought. The board has tried, at times, to address it, but not with sustained focus.

The board supports this goal, but administration needs to find new initiatives for sustained growth.

The university needs a very strong and motivated enrollment team and some new, creative and innovative ways to get prospective students to consider SFA.

The board is always concerns with enrollment growth but could improve by strongly evaluating low producing programs, etc.

iv. SFA Envisioned has a supporting goal to "Attract and Support a High-Quality Faculty and Staff". This goal contains two broad strategies: (1) provide salary support that reflects the importance of current faculty and staff and aids in recruitment of new faculty and staff; and (2) provide attractive quality-of-life support and incentives to current and new faculty and staff that reflect a professional environment. The Board acts to support this supporting goal through its approval of personnel and initiatives, and evaluation of leadership.

The Board supports and maintains its focus on this supporting goal of SFA Envisioned.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* Again, the board's active participation in focusing on these two strategies has been sketchy. It has generally been regarded as a management issue, not one that the board appropriately should address, certainly not as a topic for leadership evaluation. Our VSIP program seemed to actually detract from the fulfillment of this goal.

The board needs to be aggressive in evaluating teaching credit hours and balancing faculty headcount.

Enrollment = Revenue. Revenue = Salary Increases

Due to low enrollment and financial strain, as well as other major issues over the past year, this goal has not been adequately supported or maintained.

Agree, but within the constraints of the university's fiscal position. Need to be more strategic about programming and its costs in order to offer more elsewhere.

v. SFA Envisioned has a supporting goal to "Foster Academic and Co-Curricular Innovation." This goal has already implemented several recommendations from working groups, including the Student Success Center, funds for classroom furniture and technology, re-branding of the Center for Career and Professional Development, introduction of the Lumberjack GROW program, and a marketing campaign aimed at the development of soft skills. Teams are currently reviewing recommendations regarding educator development opportunities and co-curricular programs. Other strategy teams include student mentoring and affordability. The Board acts to support this supporting goal through its approval of personnel and initiatives, and evaluation of leadership.

The Board supports and maintains its focus on this supporting goal of SFA Envisioned.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* I don't recall this being a topic by which the board has evaluated

leadership.

vi. SFA Envisioned has a supporting goal to "Redefine University Culture." The goal focuses on increasing employee engagement in three areas: (1) leadership enhancement programs; (2) paradigm change from a culture of compliance to one of goal/value based initiatives; and (3) cultural construction and communication. The Board acts to support this supporting goal through its approval of personnel and initiatives, and evaluation of leadership.

The Board supports and maintains its focus on this supporting goal of SFA Envisioned.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* Don't recall that these items have been reported on before a meeting of the board.

While attempting to allow for more stakeholder input, it has widened the gap between board/administration and faculty/staff.

vii. SFA Envisioned has a supporting goal to "Increase Connections." This goal includes building relationships with a variety of constituents, including K-12, two-year institutions, local government, alumni, and corporate partners. The Board acts to support this supporting goal through its approval of personnel and initiatives, and evaluation of leadership.

The Board supports and maintains its focus on this supporting goal of SFA Envisioned.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
			X	

□ *Steps for Improvement:* General agreement here. The board has been much more successful in some of these categories than in others.

Could help facilitate more local business/community connection.

Evaluation

Considering the board self-evaluations are a SACSCOC requirement and a best practice, what improvements can be made to the self-evaluation processes?

These questions appropriately refer to institutional documents such as university policies, board rules and its strategic plan. The only problem is that essential though difficult-to-define categories like board unity and internal relationships, which are important categories, go unaddressed. This board has tackled some very difficult challenges with professionalism, serious and thoughtful deliberation, discretion and goodwill, and it has been well-served in these challenges by a committed and diligent chair.

Maybe there should be a Cabinet assessment of board performance, with recommendations on how the board can best help them fulfil their responsibilities, yet remain at a "governance" level.

May need to update the questions or go over SFA Envisioned soon and discuss/align with it if it is to be followed.

This evaluation of the Stephen F. Austin State University Board of Regents has been carefully considered and consisted of a critical assessment of Board structure and governance by all regents present on this, the 26th day of July, 2022.

_____

Chair, Board of Regents

FACULTY AND STAFF APPOINTMENTS

Appendix 2

Type (Faculty/Staff)	Employee Name	New Title and Department	New Salary-New Term Length - New FTE	Effective Date
Staff	Marcus Trice	Football Assistant Coach - Athletics	$50,000-Annual - 100%	3/14/2022
Staff	Mitchell White	Football Assistant Coach - Athletics	$50,000-Annual - 100%	3/4/2022
Staff	Dallas Cameron	Men's Basketball Assistant Coach - Athletics	$91,000-Annual - 100%	5/11/2022
Staff	Holly Randall	Counselor - Counseling Services	$55,400-Annual - 100%	4/14/2022
Staff	Lacey Bradshaw	Contracting Specialist II - Procurement & Business Services	$46,000-Annual - 100%	3/1/2022
Staff	Jeremy Pickett	Emergency Management Coordiantor - University Police Department	$72,000-Annual - 100%	3/14/2022

Time Period Reporting: 3/1/22 - 5/31/22

STAFF APPOINTMENTS

Appendix 2

Employee Name	
Richie Bruister	Head Coach of Softball. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.
Hadrian Choukran	Co Head Coach of Track/Field. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.

CHANGES OF STATUS - STAFF

Appendix 2

Employee Name	Previous Position and Department	Previous SFA Salary-Previous Term Length (Academic/Annual) - Previous FTE	New Title and Department	New SFA Salary-New Term Length (Academic/Annual) - New FTE	Effective Date
Shannon Morrison	Student Success Coordinator - Academic Advising	$41,000-Annual - 100%	Career Coordinator - Center for Career and Professional Development	$41,000-Annual - 100%	5/23/2022
Alisha Collins	Lecturer - Accounting	$65,000-Academic - 100%	Budget Director of Academic Affairs - VP Academic Affairs	$92,700-Annual - 100%	5/16/2022
Jordan Cunningham	Greenhouse Technician - Agriculture	$31,073-Annual - 100%	Environmental Education Program Coordinator - Agriculture	$41,599-Annual - 100%	3/1/2022
Steffany Newsome	Risk & Compliance Auditor - Audit Services	$64,272-Annual - 100%	Assistant Director - Office of Financial Reporting	$85,000-Annual - 100%	4/1/2022
Kendall Rocha	Risk & Compliance Auditor - Audit Services	$62,000-Annual - 100%	Risk & Compliance Auditor II - Audit Services	$70,300-Annual - 100%	5/1/2022
Megan Kelley	Academic Advisor II - COE Academic Services	$42,920-Annual - 100%	Senior Admissions Counselor - Admissions	$42,920-Annual - 100%	3/28/2022
Stephanie Strahl	Academic Advisor III - COE Academic Services	$46,479-Annual - 100%	Academic Advisor III - COE - Student Services & Advising	$48,354-Annual - 100%	4/12/2022
Leslie Ornelas	Assistant Teacher - Early Childhood Laboratory	$25,000-Annual - 100%	Lead Teacher - Early Childhood Laboratory	$36,000-Annual - 100%	5/30/2022
LaShanda Parkhurst	Counselor II - Financial Aid	$47,643-Annual - 100%	Assistant Director - Financial Aid	$52,875-Annual - 100%	5/2/2022
Teneka Fowler	Representative - Human Resources	$41,000-Annual - 100%	Coordinator - Office of Institutional Effectiveness	$47,000-Annual - 100%	3/1/2022
Ross Bowman	Systems Programmer I - Information Technology Services	$50,000-Annual - 100%	Systems Programmer II - Information Technology Services	$57,000-Annual - 100%	3/1/2022
Christopher Cotton	ETRC Archive Associate - Library	$39,585-Annual - 100%	University Archives and Research Coordinator - Library	$47,500-Annual - 100%	4/1/2022
Ja'von Long	Assistant Director - Multicultural Affairs	$47,000-Annual - 100%	Interim Coordinator - Student Engagement -Fraternity and Sorority Life	$47,000-Annual - 100% with monthy stipend of $1,500/month-3 months	3/1/2022
Gary Wurtz	Director/Professor - Music	$112,477-Annual - 100%	Dean - College of Fine Arts	$170,000-Annual - 100%	5/1/2022
Jacob Seamans	Accountant III - Office of Financial Reporting	$63,872-Annual - 100%	Director - Office of Financial Reporting	$105,000-Annual - 100%	3/1/2022
Jordan Rains	Student Compliance Specialist - Office of the Registrar	$38,000-Annual - 100%	Program Director - Athletics - Compliance & Academic Eligibility	$42,000-Annual - 100%	5/31/2022
Andrew Roybal-Cano	Student Compliance Specialist - Office of the Registrar	$38,325-Annual - 100%	One Stop Manager - Axe Handle	$48,000-Annual - 100%	4/18/2022
Choya Coleman	Program Card Coordinator - Procurement & Business Services	$42,889-Annual - 100%	Project and Accessibility Coordinator - IT Services - Banner Project Management	$49,500-Annual - 100%	5/2/2022

Time Period Reporting: 3/1/22 - 5/31/22

CHANGE OF STATUS - STAFF

Appendix 2

Employee Name	
Debbie Humphreys	Head Coach of Volleyball. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.
Tony Minatta	Head Coach of Soccer. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.
Erin Scott	Head Coach of Tennis. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.
Amber Lemke	Head Coach of Bowling. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.
Ron Hansen	Co Head Coach of Track/Field and Cross Country. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.

Appendix 2

FACUTLY PROMOTIONS

Explanation:

Promotions are initiated at the departmental level by one of the following methods: a faculty member applies for promotion on his/her own behalf or is recommended for promotion by his/her department chair. The application/recommendation is reviewed, ranked, and recommended or not recommended for approval by the department faculty at or above the rank sought, department chair, dean, provost/vice president of academic affairs and president. Promotions recommended for approval by the president are submitted to the board for consideration.

Recommendation:

It is recommended by the administration that the following individuals be granted promotion to the academic rank indicated:

To Assistant Professor, effective September 1, 2022

Allison Younger	Nursing
Katy Trotty	Nursing
Kesha Becnel	Nursing
Keli Sheree Barrios	Nursing

Appendix 2

FACULTY TENURE

Explanation:
Tenure is awarded by the Board of Regents to those faculty members who are recommended by the president. Applications of individuals recommended for tenure are reviewed by departmental and college committees and by a department chair, dean and provost/vice president of academic affairs, prior to recommendation to the president.

Recommendation:
It is recommended by the administration that academic tenure be awarded to the following individuals, effective fall semester, 2022:

Bidisha Sengupta	Chemistry & Biochemistry

RETIREMENTS

Appendix 2

Type (Faculty/Staff)	Employee Name	Current Department	Current Title	Effective Date	Years of Service at SFA
Faculty	Thomas Branton	Accounting	Assistant Professor	5/31/2022	5
Faculty	Lynn Greenleaf	Mathematics and Statistics	Associate Professor	5/31/2022	9
Faculty	Josephine Taylor	Biology	Professor	5/31/2022	30

Time Period Reporting: 3/1/22 - 5/31/22

Appendix 3

Policy Name	Policy Number	Page
Accessibility of Electronic Information Resources	16.9.	1
Advanced Placement Guidelines	6.5.	5
Agency Funds	3.1.	7
Animals on University Property	13.2	11
Authority to Act in the Absence of the President	2.4	19
Camps and Conferences	16.7.	21
Campus Design Standards	16.6.	23
Children in the Workplace	13.15.	25
Compliance	2.12	28
Compliance with the Americans with Disabilities Act and the ADA Amendments Act	2.5.	34
Comprehensive Scholarship Administration	3.31.	37
Discretionary Use of University Funds	3.10.	42
Fire and Life Safety	13.24.	45
Gifts, Loans, Endowments and Bequests	3.17.	48
Grievance and Appeals	11.15.	55
Intellectual Property	9.4.	63
Interdepartmental Transfer (IDT)	17.9.	74
Interlibrary Loan Services	4.11.1.	77
Items Requiring Board of Regents Approval	1.4.	79
Juanita Curry Boynton House	16.32.	86
Library Borrowing	4.11.2.	90
Library Non-Monetary Gifts	4.11.3	92
Lumberjack Education Assistance Policy	12.5.	94
Military Service Activation	6.14.	99
Missing Student Notification	13.13.	102
Norton HPE Complex	16.18.	106
Outside Employment	11.19.	110
Parking Services	13.14.	114

Policy Name	Policy Number	Page
Policy Development and Format	1.6.	119
Reasonable Workplace Accommodation for Disabilities	11.22.	123
Satisfactory Academic Progress for Financial Aid Recipients	6.16.	128
Second Baccalaureate Degrees	6.18.	135
Course Enrollment	7.26.	137
Student Code of Conduct	10.4.	140
Texas Comprehensive Research Fund	8.10.	154
Title IX	2.13.	157
Tuition Set-Aside Funds Programs	3.33	193
Vendor Protests	16.36.	197

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Accessibility of Electronic Information Resources

Policy Number: 16.9

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: ITS

Purpose of Policy (what does it do): Establishes standards for electronic and information resources (EIR) including: software applications and operating systems; telecommunication products; video and multimedia products; self-contained closed products; desktop and portable computers; and procurement of these products as required by DIR.

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 <u>each</u> substantive revision: Revised to allow for a temporary appointment of an Electronic Accessibility Coordinator.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Anthony Espinoza, Chief Information Officer
Damon Derrick, General Counsel

Accessibility of Electronic Information Resources

Original Implementation: October 18, 2010

Last Revision: ~~July 23, 2019~~ *July 26, 2022*

Stephen F. Austin State University is committed to making electronic information resources accessible to all users. Chapter 213 of the Texas Administrative Code (TAC) establishes standards for electronic and information resources (EIR) including: software applications and operating systems; telecommunication products; video and multimedia products; self-contained closed products; desktop and portable computers; and procurement of these products.

In order for EIR products or service to be considered accessible, the product should offer an alternate format or method for providing information, including product documentation, to people with disabilities. Additionally, it should work with assistive technology commonly used to increase, maintain, or improve functional capabilities for individuals with disabilities.

Electronic Accessibility Coordinator (EAC)

The university president or university information resource manager *(IRM)* shall designate an Electronic Accessibility Coordinator to develop, support, and maintain EIR accessibility rules, standards, and procedures, and assist university personnel with relevant training information for EIR accessibility. The coordinator will chair the Electronic Accessibility Team (EAT) and may be contacted at accessibility@sfasu.edu. *The IRM may appoint a temporary Electronic Accessibility Coordinator in the event the Electronic Accessibility Coordinator vacates the role until a permanent Electronic Accessibility Coordinator is appointed. The temporary appointment may not exceed 30 days.*

Compliance

For compliance review purposes, all EIR vendors/companies must provide accessibility information in accordance with state law.

Web Accessibility

All official and affiliated university Web pages intended for public viewing shall be accessible to, and usable by, all users and compliant with TAC Chapter 206.70, unless an exception is approved by the president, or an exemption has been made.

Web developers shall follow guidelines established by Chapter 206 of the TAC, Section 508 of the Rehabilitation Act, as amended, to the extent required under law, and criteria established by university procedures to improve the accessibility of all university websites.

Web Accessibility Link

Each university website that provides entry to members of the public must contain a "Web Accessibility" link to the Electronic Accessibility Site. This site contains the university's Web accessibility policy and contact information for the university's EAC.

Suggestions and Concerns

Existing website compliance issues can be addressed to the EAC by sending name, contact information, the nature of the accessibility problem, and the website address or specific Web page of concern to accessibility@sfasu.edu.

Grievances

If a user has a complaint about the accessibility of Stephen F. Austin State University websites, or access to other electronic equipment, he/she should notify the EAC at accessibility@sfasu.edu. The EAC, or designee, will contact the complainant regarding the issue and attempt to resolve the complaint. The complainant is expected to cooperate with the EAC and appropriate university personnel in the process of determining a resolution. The EAC will make recommendations to the relevant university departments and officials responsible for making electronic and information resources accessible.

Additional Information and Resources

Additional information about accessibility programs in Texas is available from the Governor's Committee on People with Disabilities, Information Technology Industry Council (ITI).

EIR Category	Technical Accessibility Standards
Software Applications and Operating Systems	1 TAC §213.30
Websites	1 TAC §206.70 Web Content Accessibility Guidelines (WCAG) 2.0, Level AA
Telecommunications Products	1 TAC §213.31
Video and Multimedia Products	1 TAC §213.32
~~Self-Contained, Closed Products~~*Hardware*	1 TAC §213.33
~~Desktop and Portable Computers~~	~~1 TAC §213.34~~
Functional Performance Criteria	1 TAC §213.35
Support ~~Information, D~~*D*ocumentation *and Services*~~, and Support~~	1 TAC §213.36
Compliance Exceptions and Exemptions	1 TAC §213.37
Procurements	1 TAC §213.38
Accessibility Training and Technical Assistance	1 TAC §213.39
Accessibility Survey and Reporting Requirements	1 TAC §213.40
EIR Accessibility Policy and Coordinator	1 TAC §213.41

Cross Reference: ~~Purchase~~ *Procurement* of Electronic and Information Resources (17.16); University Website (15.10); ~~Web Accessibility Page;~~ 1 Tex. Admin. Code §§ 206.1-.2, .70-.75; 1 Tex. Admin. Code §§ 213.1-.2, .30-.41; Tex. Gov't Code §§ 2054.451-.465; Section 508 of the Rehabilitation Act, as amended, 29 U.S.C. § 794d; 36 C.F.R. 1194

Responsible for Implementation: Chief Information Officer

Contact for Revision: Electronic Accessibility Coordinator

Forms: Electronic Accessibility Exception Request Form Voluntary Product Accessibility Template (VPAT ®)

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Advanced Placement Guidelines

Policy Number: 6.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do):

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 <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Advanced Placement Guidelines

Original Implementation: September 4, 1979
Last Revision: July ~~23, 2019~~*26, 2022*

Stephen F. Austin State University (SFA) offers several options for students to earn college credit through placement programs and national examinations: the College Level Examination Program (CLEP), Advanced Placement Program (AP) of the College Board, International Baccalaureate (IB) Program, and SFA internal examinations.

The Office of Admissions is responsible for reviewing these placement programs and national examinations annually, and disseminating information about changes to the appropriate academic units.

To make revisions to course credit earned through AP, CLEP, and IB, academic units will submit recommendations through the dean to the Undergraduate Council's Curriculum Committee. An academic unit proposing a score of more than three (3) on a corresponding AP exam *or a score higher than the minimum score recommended by the American Council of Education on a corresponding CLEP exam* must submit a request to the provost justifying the need for a higher score. A request for a score higher than three (3) must include evidence that a higher score is needed to indicate the student's sufficient preparation for related, more advanced courses for which the lower-division course is a prerequisite.

Individual academic units may initiate an internal advanced placement program (i.e., a system that allows students to bypass certain courses). Academic units will submit requests via a memorandum to offer internal advanced placement programs through the dean of the college to the Undergraduate Council's Curriculum Committee for approval. Academic units will update their advanced placement programs as part of the university's general bulletin revision process.

Cross Reference: General Bulletin, Student Handbook and Activities Calendar~~,~~*;* Tex. Educ. Code § 51.968

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

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

Forms: SFA Advanced Placement Justification

Board Committee Assignment: Academic and Student Affair

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Agency Funds

Policy Number: 3.1

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy describes the processes for establishing and administering agency funds held by the university.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Agency Funds

Original Implementation: January 20, 1998
Last Revision: July *26~~23~~*, 202*2~~19~~*

Purpose

This policy describes the processes for establishing and administering agency funds held by the university.

Definition

Agency funds - ~~are~~ funds held by the university as custodian or fiscal agent for the benefit of institutionally associated groups or entities that support or enhance the mission of the university.

General

Agency funds are deposited with the university for safekeeping and can be used or withdrawn by the agency fund's authorized representatives at will. All agency funds must be related to the mission of the university. There should be a mutual benefit in having the university act as fiscal agent for the funds. The university, at its sole discretion, will determine whether or not to establish an agency fund or to terminate an existing agency fund.

Examples of agency funds include but are not limited to:

- Employee, student, or alumni organizations or clubs sanctioned by the university;
- Conferences offered by an outside organization and administered by the university;
- Scholarships and loans where the recipients are chosen by an external agency and the funding is given to the university to distribute.

The university reserves the right to commingle agency funds with university funds, which may be deposited in financial institutions approved by the Board of Regents as university depositories. Agency funds will not earn interest or be assessed administrative fees, except for identifiable bank charges directly related to a specific agency fund. Agency funds deposited in financial institutions will be managed at the same level of safekeeping as university funds. Should authorized representatives of an agency fund wish to conduct an independent audit, they may do so by obtaining their own auditor at their own expense.

The agency fund and its authorized representatives must adhere to applicable federal, state, and local laws. Agency funds are subject to review by university and state officials as well as anyone

legally authorized to do so.

Agency Fund Establishment and Disbursements

A request to establish an agency fund is made using procedural guidelines in the ~~controller's~~ office *of financial reporting*. Receipts deposited to agency funds are not considered gifts to the university.

Disbursements from an agency fund are guided by procedures established by and published on the *office of financial reporting'* ~~scontroller's~~ website.

Negative Balances in Agency Fund Prohibited

Agency funds are not permitted to carry negative balances. Therefore, the university may assess a $25 institutional fine each month an agency fund has a negative balance. Requests for a disbursement from an agency fund will not be processed if the agency fund has a negative balance.

Transfers

Transfers between agency funds and other fund groups are prohibited. Agency funds may be assessed charges from another fund through an interdepartmental transfer provided the agency account representatives agree to the assessed charges.

Dormant Agency Funds

Agency funds that have not had any activity in three years will be closed after efforts to contact the agency account representatives have been made. In instances where there is a legitimate claim to an outstanding balance of the agency fund after it has been closed, the agency fund's authorized representative should contact the ~~controller's~~ office *of financial reporting* to have the university reinstate those funds back into the agency fund and release it to the appropriate representative.

Cross References: Establishing a New Departmental Account: Fund–Organization–Program (FOP) (3.12); ~~Purchase Voucher~~*Direct Pay Disbursements* (17.20)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Director of Financial Reporting* ~~Controller~~

Forms: Request to Establish an Agency Account; Purchase Voucher; Request for Disbursement from an Agency Fund

Board Committee Assignment: Finance and Audit

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Animals on Univeristy Property

Policy Number: 13.2

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/20/2020

Unit(s) Responsible for Policy Implementation: Vice President of Student Affairs

Purpose of Policy (what does it do): Defines the categories of service animals, emotional support animals and recreational animals and outlines their level of presence permitted on campus and in campus facilities. Guidelines and responsibilties of the handler are also listed.

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 <u>each</u> substantive revision: Disability services will be the clearinghouse and first-level approver of emotional support animals in on-campus housing. Second-level approver will be campus living (residence life).

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Carrie Charley, Executive Director of Campus Living, Dining, and Auxiliary Enterprises
Tiffany Rivers, Director of Disability Services
John Fields, Executive Director and Chief of University Police
Brandon Frye, Vice President of Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

Jeremy Higgins, Director, Environmental Health, Safety & Risk Management
Damon Derrick, General Counsel

Animals on University Property

Original Implementation: Unpublished
Last Revision: ~~January 28, 2020~~*July 26, 2022*

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

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

~~Consideration of o~~*O*thers ~~may~~ *should* be ~~taken into account~~*considered* when providing for the maintenance and hygiene of service animals. Additionally, specific guidelines have been established concerning service and emotional support animals living in a campus residency environment.

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

Section I. Definitions

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

B. Service Animal:
Any dog, or miniature horse, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or

tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

C. Emotional Support Animal:
An animal that provides emotional support or therapeutic benefits that alleviate one or more of the identified symptoms or effect of a person's disability; however, the animal is not required to be individually trained or certified to perform such task. Emotional support animals may also be referred to as "comfort animals," "companion animals," and "assistance animals" used to support individuals with mental or emotional disabilities. These animals may provide crime deterrent effects or emotional support, well-being or comfort.

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

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

Section II. Service Animals

A. University Responsibility

1. Allow service animals to accompany the handler to all areas of the facility where the handler is normally allowed to go. A handler may not be segregated from other similar members of the campus community except where there is real danger to the animal or where the natural organisms carried by the service animal would adversely affect research. Exceptions to the exclusions will be reviewed on a case-by-case basis *by the appropriate university authority*.
2. Not to pet, feed, or deliberately startle/disturb a service animal.
3. Not to separate, or attempt to separate, service animals from their handlers.
4. Provide handlers living in campus housing with an area for relieving and grooming their animals.

B. Inquiries

1. When it is not obvious what service an animal provides, the handler may be asked:

a. If the animal is a service animal required for a disability; and
b. What work or task the animal has been trained to perform.

2. Staff may not ask about the person's disability, require medical documentation, require certification of the dog's training, or ask that the dog demonstrate its ability to perform the work or task.
3. Use of miniature horses as a service animal will be reviewed based on the inquiries and exceptions listed below and allowed by law.

C. Service Animal in Training

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

D. Exceptions

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

Section III. Emotional Support Animals

A. Inquiries

1. Requests for an emotional support animal (ESA) may be made by individuals with documented disabilities residing in university housing.
2. If the animal does not meet the definition of service animal, the individual must engage in a reasonable accommodation request with *Disability Services and Campus Living (*Residence Life*)* ~~or Disability Services~~ staff.
3. *Disability Services and Campus Living*~~Residence Life or Disability Services~~ may ask individuals who have disabilities that are not readily apparent or known to the university official to submit reliable documentation of a disability and their disability-related need for an ESA within the residence hall. The individual is not required to disclose medical information that is overly intrusive and invasive in order to receive an accommodation.
4. A person qualifies for reasonable accommodation if:
   a. The person has a documented disability;

b. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the residence halls; and
c. There is an identifiable relationship between the disability and the assistance the animal provides.

B. Exceptions

1. Emotional support animals may be denied or removed if:
   a. The specific animal would impose an undue financial and administrative burden or would fundamentally alter the nature of a service or program.
   b. The specific animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or
   c. The specific animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.
   d. The specific animal in question is not being cared for by the handler.

Section IV. Handler or Owner Responsibility

A. Authorized Animals

1. Handlers must abide by all state laws, Nacogdoches city ordinances related to animals in the city of Nacogdoches, and SFA guidelines, including by not limited to:
   a. All animals in the city must have a valid license and tag issued by the city of Nacogdoches at the Department of Animal Control. The license and tag must be reviewed annually.
   b. The handler is required to provide a collar or harness for the license and vaccination tags to be affixed. The handler shall see that the animal wears the collar and tags at all times.
2. The handler is liable for damages caused by the service animal, emotional support animal, or recreational animal.
3. The handler is responsible for the care and supervision of a service animal, emotional support animal, or recreational animal.
4. The handler must have full control of the animal at all times. Animals may not run at large; a leash or harness is required unless the handler is unable because of disability to use a leash or harness or it restricts the animal's ability to function properly.
5. Disturbing animal vocalization must be kept to an absolute minimum.
6. Handlers are responsible for relieving animals in designated locations and must ensure immediate clean-up and proper disposal of animal waste.
7. The handler must observe *on-campus* housing and food service establishment guidelines.
8. All service/emotional support animals must have an annual clean bill of health from a licensed veterinarian. The animal's cleanliness is mandatory in the campus environment.

9. Vaccinations must be current and based on a veterinarian's recommendations, with records made available at time of request.
10. Daily grooming and occasional baths (at a vet or a family home) should be undertaken to keep the ~~service~~ animal's odor to a minimum.
11. Flea control is essential and adequate preventative measures must be taken. If a flea problem develops, it must be dealt with immediately and in an effective manner. In the event a flea problem is not eliminated by the handler, the university will exterminate the *applicable* property and assess the handler the standard extermination fee.

B. Unauthorized Animals

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

Section V. Residence Life and Food Service Guidelines

1. Occupants of university housing are not permitted to keep pets, except birds in cages and fish in aquariums.
2. Full-time professional live-in staff may have fish living in an aquarium (10-gallon maximum) and birds in a cage. In addition, upon executing an approved live-in staff pet agreement, the staff members may have either one (1) cat or one (1) dog.
3. Service animals are permitted to accompany the individual with a disability to all areas of the facility where persons are normally allowed to go.
4. Emotional support animals are not permitted anywhere outside of the individual's assigned living space; exceptions may be made on a case-by-case basis from Residence Life or Disability Services.
5. Service/emotional support animals should be kept under control. Animals should always be on a leash except when in the student's room with the door closed unless the leash restricts the service animal's ability to function appropriately.
6. Animal food should be kept in a covered storage container to deter pests.
7. An animal's paws must be kept off tables, trays, and food service counters at all times.

Section VI. Information and Appeals

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

For specific information regarding accessibility, refer to university policy 2.2, Accessibility for Persons with Disabilities. For specific information regarding resolution of disagreements, refer to university policy 6.6, Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities. For issues related to Discrimination, refer to university policy 2.11, *Nond*~~D~~iscrimination. ~~Complaints.~~

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

Responsible for Implementation: Vice President *of*~~for~~ ~~University~~ *Student* Affairs, *Chief Diversity Officer*

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Authority to Act in the Absence of the President

Policy Number: 2.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Provides delegation of authority in the absence of the president.

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 <u>each</u> substantive revision: Updated position titles.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Steve Westbrook, Interim President
Damon Derrick, General Counsel

Authority to Act in the Absence of the President

Original Implementation: February 23, 1978
Last Revision: ~~October 28, 2019~~ *July 26, 2022*

In the absence of the president the authority to act in his*/her* place is delegated in the following order, depending upon the presence of the individual on the campus:

1. Provost/*Executive* Vice President for Academic Affairs
2. Vice President ~~for~~ *of* ~~University~~ *Student* Affairs
3. Vice President for Finance and Administration
4. Vice President for University Advancement

The individual administrative officer acting under this delegation of authority is to handle administrative situations in accordance with the recognized operating procedures of the university ~~in the absence of the president~~. (The line of succession for emergency operations is outlined in the university's Emergency Operations Plan).

He/She may take such action as he/she deems necessary, dependent upon the circumstances of a particular situation, when the president cannot otherwise be reached to make such decisions. As soon as possible and practical, the president shall be informed of any decision or unusual incident and the action taken. No unusual or major decision embodying significant commitments on behalf of the university will be made without consulting the president.

Should the president be temporarily unable to perform his/her duties, the process for naming an acting president is contained within the Rules and Regulations of the Board of Regents.

Cross Reference: Rules and Regulations of the Board of Regents; Emergency Operations Plan

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Camps and Conferences

Policy Number: 16.7

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Campus Living, Dining and Auxiliaries

Purpose of Policy (what does it do): Supplies requirements and guidelines for internal and external groups wishing to host a camp or conference on University property and using University facilities

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 <u>each</u> substantive revision: Semantics, clarification, and title changes

Specific rationale for deletion of policy:

Additional Comments:

Cross reference Campus Programs for Minors.

Reviewers:

Student Affairs Policy Committee
Brandon Frye, Vice President Student Affairs
Damon Derrick, General Counsel

Camps and Conferences

Original Implementation: 1987
Last Revision: ~~July 23, 2019~~*July 26, 2022*

Stephen F. Austin State University may host a variety of camps and conferences that make use of university facilities. This policy outlines certain requirements for these events.

Camps and Conference Policy and Procedure Manual

The university will maintain a manual outlining specific policies and procedures related to requesting, scheduling, producing and paying for camps and conferences. This manual will be available online, *and a printed copy* available from the ~~Student Services~~*Reservations O*~~o~~ffice *in the Baker Pattillo Student Center* and provided to each camp or conference director.

Camps and Conferences Coordinator

As the needs of camps and conferences are varied, the university provides a camps and conferences coordinator to assist with planning. This coordinator is the primary position at the university that assists camp and conference directors with arranging event inclusions such as housing, meals, meeting space, insurance and other special needs.

Eligibility

Any camp or conference requesting use of university facilities must ~~have a university sponsor~~*be sponsored by a university department*. It is the responsibility of the university sponsor to ensure that all programs and activities conducted on university property are in compliance with the Americans with Disabilities Act and university policy 13.5 (Campus Programs for Minors).

Insurance Requirements

As a condition of approval, each camp or conference is required to maintain an acceptable level of general liability and accident medical insurance coverage as outlined in the camps and conferences policy and procedure manual.

Cross Reference: Campus Programs for Minors (13.5)

Responsible for Implementation: Vice President *of*~~for~~ ~~University~~ *Student* Affairs

Contact for Revision: ~~Director of Student Services~~*Executive Director of Campus Living, Dining and Auxiliary Enterprises*

Forms: Camps and Conferences Policy and Procedure Manual

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Campus Design Standards

Policy Number: 16.6

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy provides design and construction teams with general guidance regarding the university's intent to develop a consistent approach to designing and constructing buildings emphasizing the importance of life cycle cost, maintenance reliability, and unified architectural vernacular.

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: N/A

Specific rationale for <u>each</u> substantive revision:

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Branch, Physical Plant Interim Director
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Campus Design Standards

Original Implementation: July 21, 2009
Last Revision: July *26~~23~~*, 20*22~~19~~*

Purpose

This policy provides design and construction teams with general guidance regarding the university's intent to develop a consistent approach to designing and constructing buildings emphasizing the importance of life cycle cost, maintenance reliability, and unified architectural vernacular.

General

The university is committed to the highest level of building standards and recognizes that collaboration in design, construction and maintenance is essential to provide the appropriate level of those standards. The Physical Plant Department has the responsibility to oversee and manage design, construction, renovation and landscape projects. Project proposals will be guided by the campus master plan, strategic plan and campus space utilization strategy.

Each project's design, materials, and construction shall conform to the most current adopted code editions by the state of Texas, including but not limited to the International Building Codes, Life Safety Codes (adopted by the state fire marshal~~l~~), National Electric Code, applicable Texas Department of Licensing and Regulation statutes, ASHRAE (adopted by SECO), U.S. EPA regulations, Americans with Disabilities Act, Texas Accessibility Standards, the Fair Housing Act, Texas Building Energy Code, and all applicable laws of the United State and the state of Texas.

SFA Physical Plant Department maintains a set of Design and Building Standards as a guidance for design and construction professionals for all phases of projects. The guidelines serve as a reference and are not intended to replace applicable codes.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Children in the Workplace

Policy Number: 13.15

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): The purpose of this policy, which applies to all Stephen F. Austin State University (SFA) employees, is to support the university's commitment to fostering a healthy balance between workplace obligations and family.

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: N/A

Specific rationale for <u>each</u> substantive revision: No changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Children in the Workplace

Original Implementation: July 23, 2019
Last Revision: *July 26, 2022*~~None~~

Purpose

The purpose of this policy, which applies to all Stephen F. Austin State University (SFA) employees, is to support the university's commitment to fostering a healthy balance between workplace obligations and family. The university welcomes young children and families to the campus while at the same time providing guidelines to protect the safety of children in the workplace and to maintain a professional workplace environment.

This policy is not intended to apply to situations including, but not limited to, children utilizing facilities that are open to the public and whose age is appropriate for them to be unsupervised; children attending special occasions that are employer-sponsored, scheduled during the regular work day and where attendance by children is encouraged; or children accompanying a parent or guardian during hours other than the official university hours as defined by university policy.

Definitions

Minor child is defined as any individual under the age of 13.

Caregiver is defined as a family member or friend who looks after a minor child in the stead of a parent.

General

SFA understands that visits by children in the care of its employees occur for a variety of reasons, however, the following principles apply:

1. Minor children remain the sole responsibility of the SFA employee that is the child's parent or caregiver including the supervision of the child while the child is on campus. No other SFA employee should be asked or expected to supervise a child while the employee is on university time.
2. The presence of the minor child cannot disrupt the workplace.
3. Minor children not participating in SFA sponsored activities are prohibited from areas where significant potential safety hazards or liabilities exist and where strict safety precautions are required. These areas might include, but are not limited to, storage rooms, equipment rooms, and certain athletic facilities such as training rooms, courts, fountains, swimming pools, playing fields, and laboratories.
4. Employees may not bring minor children to campus as a substitute for regular childcare.

Failure to Comply

The employee's supervisor may ask the employee to remove the minor child from the workplace. Continuous failure to comply with this policy could result in disciplinary action up to and including termination of employment. Disciplinary action will be in accordance with Policy 7.11, Faculty Code of Conduct, or Policy 11.4, Discipline and Discharge.

Cross Reference: Faculty Code of Conduct (7.11); Discipline and Discharge (11.4); Working Hours and Holidays (12.24)

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

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Compliance

Policy Number: 2.12

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 11/1/2021

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Policy describes and implements the university's compliance program.

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: Updates to committee member listings.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Compliance Coordinating Committee
Executive Oversight Compliance Committee
Damon Derrick, General Counsel

Compliance

Original Implementation: July 26, 2016
Last Revision: ~~November 1, 2021~~*July 26, 2022*

INTRODUCTION

This policy sets forth the rules governing the creation, implementation, and periodic evaluation of an institutional compliance program for the university. The program is designed to provide a framework for promoting an organizational culture that: (1) promotes a commitment to ensure the highest level of compliance with all applicable laws and regulations, institutional policies, procedures and other rules governing higher education, including research and health care to the extent applicable and (2) prevents and detects criminal conduct or other conduct inconsistent with an effective compliance program.

DEFINITIONS

A. University - Stephen F. Austin State University (SFA) 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. Substantial authority personnel - high-level personnel or individuals who exercise substantial discretion when acting within the scope of their authority.

COMMITTEES

SFA utilizes two committees: Executive Oversight Compliance Committee and Compliance Coordinating Committee.

EXECUTIVE OVERSIGHT COMPLIANCE COMMITTEE

The Executive Oversight Compliance Committee's primary function is to direct policy and instill the importance of compliance in the university community. This committee monitors progress on key compliance initiatives, reviews updates on compliance developments and best practices, and allocates resources as necessary to achieve the compliance program goals. Its members consist of:

1. President
2. Provost and Executive Vice President for Academic Affairs
3. Vice President of Student Affairs
4. Vice President for Finance and Administration
5. Vice President for University Advancement
6. Director of Governmental Relations
7. Executive Director of Enrollment Management

8. Chief Diversity Officer
9. Chief Information Officer
10. Director of Intercollegiate Athletics
11. Chief Marketing Communications Officer
12. Chief Audit Executive (advisory)
13. General Counsel

In exercising its overall responsibility for the university's compliance program, the Executive Oversight Compliance Committee shall be regularly briefed by the chair of the Compliance Coordinating Committee about the content and operation of the program, and also when criminal conduct is discovered.

The Executive Oversight Compliance Committee shall take reasonable steps to:

1. Not include within the substantial authority any individual who has engaged in illegal activities or other conduct inconsistent with an effective compliance program.
2. Communicate periodically and in a practical manner the standards and procedures of the compliance program by conducting effective training programs and otherwise disseminating information appropriate to the respective roles and responsibilities of the entire university community involved in the compliance program. Such training may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.
3. Ensure that the compliance program is followed including monitoring and auditing to detect illegal activities or other conduct inconsistent with an effective compliance program.
4. Have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby university employees and agents may report or seek guidance regarding potential or actual criminal conduct or other conduct inconsistent with an effective compliance program without fear of retaliation.
5. Consistently promote and enforce the compliance program throughout the university through appropriate incentives for performing in accordance with the program, and appropriate disciplinary measures for engaging in criminal conduct or other conduct inconsistent with an effective compliance program and for failing to take reasonable steps to prevent or detect such conduct.
6. Respond appropriately after criminal conduct or other conduct inconsistent with an effective compliance program has been detected, including making any necessary modifications to the compliance program to prevent further similar conduct.
7. Assess the risk of criminal conduct or other conduct inconsistent with an effective compliance program and take appropriate action to design, implement, or modify the program to reduce the risk of such conduct identified through this process at least annually.

COMPLIANCE COORDINATING COMMITTEE

The Compliance Coordinating Committee's primary function is to oversee the implementation of the compliance program throughout the university. This committee disseminates information about compliance updates and activities to the responsible parties and keeps those individuals updated on any changes in laws or regulations and makes recommendations to the Executive Oversight Compliance Committee. Its members consist of:

1. General Counsel (Chair)
2. Chief Audit Executive (Advisory)
3. Assistant General Counsels
4. Coordinator of Board Affairs/Compliance
5. Assistant Athletic Director for Compliance
6. ~~Controller~~*Director of Financial Reporting*
7. Director of Procurement and ~~Property~~ *Business* Services
8. Director of Human Resources
9. Director of Environmental Health, Safety, and Risk Management
10. Deputy Chief Information Officer
11. Chief of Police
12. Registrar
13. *Assistant* Director of Financial Aid
14. Compliance Coordinator - Research
15. Chair of the Chairs Forum
16. Chair of the Academic Affairs Policy Committee
17. ~~Executive Director of Development~~
~~18.~~*17.* Assistant Vice President of Student Affairs and Dean of Students
~~19.~~*18.* Title IX Coordinator
~~20.~~*19.* ADA Coordinator
~~21.~~*20.* ~~Associate Director of~~ Admissions *Program Director*
~~22.~~*21.* Associate Vice President for Finance and Administration

The Compliance Coordinating Committee shall be provided adequate resources and appropriate authority to carry out its duties and responsibilities.

A. The General Counsel shall chair the Compliance Coordinating Committee and shall regularly brief the Executive Oversight Compliance Committee and the Board of Regents about the content and operation of the university's compliance program, and also when criminal conduct is discovered.
B. The Compliance Coordinating Committee will utilize a Compliance Matrix to assist the responsible committee members in carrying out their duties. The matrix is designed to further the coordination and documentation efforts of existing and ongoing compliance initiatives and is broken down into different compliance areas assigned to the committee member responsible for ensuring compliance, representative issues associated with the compliance area as well as the applicable laws.
C. The Compliance Coordinating Committee, through its members, shall assist the Executive Oversight Compliance Committee in training the university community which may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.

D. The Compliance Coordinating Committee is responsible for creating and maintaining a compliance web page on the university's website. At a minimum the web page will include the Compliance Matrix, Compliance Coordinating Committee members, and instructions on how to anonymously and confidentially report suspected fraud or other criminal conduct or conduct inconsistent with an effective compliance program without fear of retaliation.
E. The Compliance Coordinating Committee is responsible for implementing and operating a risk-based process that:
    1. builds compliance consciousness into daily business processes,
    2. monitors the effectiveness of the processes, and
    3. communicates instances of non-compliance to appropriate administrative officers for action.

DEPARTMENT HEAD RESPONSIBILITY

The department head of each operating unit within the university is responsible and shall be held accountable for compliance and compliance-related activities in their respective units. The department head shall maintain documented procedures and records for their activities and areas of responsibility.

PRESIDENT'S CABINET RESPONSIBILITY

Each president's cabinet member is responsible and shall be held accountable for compliance and compliance-related activities in their area of responsibility and will be required to certify compliance at least annually. The Dean of the Office of Research and Graduate Studies will oversee the certification of compliance assurances.

PRESIDENT AND CABINET MEMBERS RESPONSIBILITY

The president and cabinet members are responsible and shall be held accountable for:
1. the sufficiency of resources allocated to compliance activities, and
2. the appropriateness of corrective and disciplinary action taken in the event of noncompliance.

AUDIT SERVICES RESPONSIBILITY

Audit Services may provide advisory or audit services, as necessary and appropriate, to the compliance operations. The chief audit executive is responsible and shall be held accountable for:
1. independently evaluating the design and effectiveness of the various compliance functions as included on the annual audit plan,
2. making recommendations for improvements, as necessary and appropriate, and
3. reporting recommendations to the Board of Regents Finance and Audit Committee and the president.

EMPLOYEE RESPONSIBILITY

Each employee of the university shall be responsible for establishing an organizational culture that encourages compliance with its legal obligations, complying with all applicable federal and state laws and university policies and procedures, meeting and complying with any reporting requirements required by law, and complying with the mandates and standards in this policy.

REPORTING STRUCTURE

The reporting obligations set forth below are to fulfill the purposes of this policy, to enable the university to do a risk assessment to determine if additional resources should be allocated, and to assist the university to respond as needed. These requirements do not replace, change or modify applicable reporting requirements or any other action required of the university under federal or state laws or regulations.

The general counsel and chief audit executive shall report to the Executive Oversight Compliance Committee the workings of the Compliance Coordinating Committee, including agenda items, member concerns, and recommended changes in policies or procedures.

The chair of the Compliance Coordinating Committee shall promptly report to the Executive Oversight Compliance Committee any suspected compliance violation that has caused or poses an imminent risk of injury or harm to persons, property or the surrounding community, or reputational harm, as soon as possible after discovering or receiving the report of the suspected violation.

The general counsel and chief audit executive are responsible to:

1. conduct a compliance program investigation or monitor the investigation conducted by an appropriate operating unit of the suspected violation(s), and
2. as appropriate, make findings and recommendations to the chair of the Board of Regents, chair of the Finance and Audit Committee, and the president.

Cross Reference: U.S. Federal Sentencing Guidelines; Fraud (2.7)

Responsible for Implementation: President

Contact for Revision: General Counsel

Forms: None

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Compliance with the Americans with Disabilities Act and the ADA Amendments Act

Policy Number: 2.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Chief Diversity Officer

Purpose of Policy (what does it do): Outlines university intent to comply with federal laws protecting the rights of persons with disabilities and the measures taken to prohibit discrimination.

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 <u>each</u> substantive revision: No changes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Tiffany Rivers, ADA Coordinator
Michara DeLaney-Fields, Chief Diversity Officer
Damon Derrick, General Counsel

Compliance with the Americans with Disabilities Act and the ADA Amendments Act

Original Implementation: October 19, 1993
Last Revision: July ~~23, 2019~~*26, 2022*

~~The Americans with Disabilities Act and ADA Amendments Act of 2008 acknowledge the findings of congress that millions of Americans have one or more physical or mental disabilities. The legislation provides a comprehensive national mandate for the elimination of discrimination against individuals with disabilities.~~

~~It is the intent of the Board of Regents of~~ Stephen F. Austin State University ~~to~~ *will* comply with ~~both the letter and the spirit of~~ the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA), as well as the Rehabilitation Act of 1973 and other laws protecting the rights of persons with disabilities. Compliance measures should address the necessity to provide opportunities to qualified persons with disabilities in employment and in access to education, where this will not pose an undue burden or fundamentally alter the programs of the institution. ~~The board recognizes that compliance with the ADA and ADAAA requires increased awareness of all university employees and a commitment of institutional resources. Further, it is the intent of the board to continue this institution's strong commitment to meeting the special needs of individuals with disabilities, and that this commitment remain an integral part of the educational mission and service component of Stephen F. Austin State University.~~

~~It is the intent of this institution that ADA c~~*C*ompliance measures shall include the following:

- Diligently pursue the identification and elimination of physical, communication and attitudinal barriers to activities, programs, or services operated or sponsored by the institution, including employment, academic criteria, student and public services, and facilities.
- Implement procedures for raising awareness of the requirements of the ADA throughout the institution;
- Provide coordinated and timely response to requests from individuals with disabilities;
- Create a task force to support the efforts of an ADA coordinator and ensure continued sensitivity to special needs of individuals with disabilities.

~~University policy prohibits unlawful discrimination on the basis of race, color, religion, sex, age, national origin, disability, genetic information, citizenship, and veteran status. Additionally, the university prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression.~~

Definition:

Discrimination on the basis of disability includes:

- to limit, segregate, or classify a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's disability;
- to participate in a contract ~~which could~~*that has the effect of* subject*ing* an applicant or employee with a disability to discrimination;
- to use any standards, criteria or method of administration ~~which could~~*that* have the effect of discriminating on the basis of disability;
- to deny equal jobs or benefits because of a disability;
- to fail to make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;
- to use selection criteria which exclude individuals with disabilities unless the criteria are job related and consistent with business necessity; and
- to fail to use employment tests in a manner that ensures that the test results accurately reflect the applicants or employee's skills or aptitude for a particular job.

Cross Reference: Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2000); ADA Amendments Act of 2008, Pub. L. 110-325; Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355

Responsible for Implementation: ~~Vice President for University Affairs~~*Chief Diversity Officer*

Contact for Revision: ADA Coordinator

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Comprehensive Scholarship Administration

Policy Number: 3.31

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Office of Financial Aid and Scholarships

Purpose of Policy (what does it do): Statuatory Compliance

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 <u>each</u> substantive revision:

Specific rationale for deletion of policy:

Additional Comments:

Provided definitions and updated language for clarification. Updated office name, responsible parties and cross references.

Reviewers:

Rachele Garrett, Director of Financial Aid and Scholarships
Erma Brecht, Executive Director of Enrollment Management
Jill Still, Vice President for University Advancement
Damon Derrick, General Counsel

Comprehensive Scholarship Administration

Original Implementation: November 2, 2015
Last Revision: July ~~23, 2019~~*26, 2022*

The university has designed these guidelines to ensure fair treatment for all eligible students who apply for scholarship assistance, as well as the effective and compliant administration of scholarships. This policy does not apply to unaffiliated organizations who control the funding and selection of scholarship applicants.

Definitions:

1. *Student means a person who is currently enrolled at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester and is eligible to continue enrollment.*
2. *Office of Financial Aid and Scholarships is the administrative area, which manages scholarships on behalf of the university.*
3. *Financial Assistance ~~&~~and Scholarship committee consists of representation from each of the academic colleges, and various other staff positions across campus selected by the Office of Financial Aid and Scholarships. The provost and executive vice president of academic affairs appoints academic college representatives.*
4. *Endowed Scholarships have been created using donor funds and have a scholarship agreement between said donor and the university and/or SFASU Foundation that designates the terms and qualifications to award that scholarship.*
5. *Entity is any university unit or affiliated organization that establishes a scholarship for students.*
6. *FOP is the abbreviation for university Fund, Organization and Program numbers.*

~~Scholarships are one form of financial aid. Stephen F. Austin State University (SFA) s~~Scholarships are provided through two primary sources: ~~SFA~~ *the university* and the SFASU Foundation. ~~The scholarship team, within the Office~~*The Office* of ~~Student~~ Financial ~~Assistance~~*Aid and Scholarships*~~,~~ is responsible for the oversight of the university's comprehensive scholarship program and acts as a liaison between academic departments, the SFASU Foundation, ~~the Office of Student Financial Assistance~~ *Aid and Scholarships* and ~~the Office of Enrollment Management~~*Admissions*. ~~The scholarship team~~*The Office of Financial Aid and Scholarships* will set deadlines, ensure departments adhere to scholarship guidelines, and verify funds are spent accordingly. This will ensure compliance with ~~the funding sources~~*scholarship* agreements and that institutional, state and federal regulations are met.

~~An outside entity not affiliated with the university who controls the funding and selection of applicants is not subject to this policy. Any funds received in this manner will be processed according to donor requirements and treated as an outside scholarship.~~

Scholarship Database System

The Office of ~~Student~~ Financial ~~Assistance~~ *Aid ~~&~~and Scholarships* ~~is the primary owner and~~ is

responsible for the management and maintenance of the scholarship database. The database provides a consolidated source for scholarship criteria, electronic scholarship applications, committee assignments, *available scholarship disbursement amounts,* and reports. *Endowed scholarships will be entered into the database.* ~~For any endowed s~~Scholarships ~~award that is provided to an SFA student, it must be~~ *that are not endowed may be entered into the database at the discretion of the Office of Financial Aid and Scholarships.* ~~documented in the scholarship software database.~~

Scholarship Establishment

~~It is the responsibility of the~~*Each* entity ~~to~~ coordinate*s* with the ~~scholarship team~~*Office of Financial Aid and Scholarships* ~~and~~ to ensure ~~that both the donor and the university objectives are met~~*correct scholarship management*. The entity ~~is responsible for sending all required~~*is required to submit the following: the FOP number, scholarship agreement, the intent of the scholarship and the eligibility date of scholarship disbursement.* ~~documentation to t~~*T*he Office of ~~Student~~ Financial ~~Assistance~~ *Aid and Scholarships* ~~when a scholarship is created or modified. The scholarship team is responsible for maintaining procedures to monitor scholarship funds.~~*develops and maintains procedures to monitor scholarships.*

Scholarship Processing

Any student wishing to receive *an endowed* scholarship ~~awards~~ must complete the official SFA scholarship application. ~~All students awarded scholarship funds will be required to complete a Conflict of Interest and Disclosure form. This information is recorded in the scholarship database and is accessible to the committees in order for them to make the candidate selection. It is the~~

~~responsibility of the Office of Student Financial Assistance to coordinate all access and provide the procedures to the scholarship committee.~~

~~A post disbursement report is generated and sent to the appropriate parties. This report will contain scholarship recipient data. This report is used as notification of the scholarship disbursement.~~

~~The account manager of the scholarship program will determine whether funds should be repaid if the student withdraws from the university or no longer meets the eligibility criteria. In such situations, the account manager must notify the Office of Student Financial Assistant whether to charge back the funds and issue a bill to the student.~~*If there are no qualified applicants, the committee may select an otherwise eligible candidate.*

All students offered scholarships are required to complete a Conflict of Interest and Disclosure form.

Distribution of Scholarship Funds

To maximize scholarship- funding and aid in the recruiting ~~of top students,~~ *and retention of students, a pre-distribution form must be submitted to the Office of Financial Aid and Scholarships, by the responsible committee/department. –This will constitute recommendation and authorization of scholarship disbursement*~~all university scholarship awards must be distributed (fully awarded) to the best of the ability of the responsible department. In order for a scholarship award to be made all documentation must be provided to the Office of Student Financial Assistance and a pre-disbursement form completed.~~

A post disbursement report is generated and sent to the appropriate academic area as notification of

the scholarship disbursement. -The account manager of the scholarship FOP will determine whether funds should be repaid if the student withdraws from the university or no longer meets the eligibility criteria. In such situations, the account manager must notify the Office of Financial Aid and Scholarships whether to charge back the funds and issue a bill to the student.

~~**Scholarship Processing**~~

~~Any student wishing to receive scholarship awards must complete the official SFA scholarship application. All students awarded scholarship funds will be required to complete a Conflict of Interest and Disclosure form. This information is recorded in the scholarship database and is accessible to the committees in order for them to make the candidate selection. It is the~~

~~responsibility of the Office of Student Financial Assistance to coordinate all access and provide the procedures to the scholarship committee.~~

~~A post-disbursement report is generated and sent to the appropriate parties. This report will contain scholarship recipient data. This report is used as notification of the scholarship disbursement.~~

~~The account manager of the scholarship program will determine whether funds should be repaid if the student withdraws from the university or no longer meets the eligibility criteria. In such situations, the account manager must notify the Office of Student Financial Assistant whether to charge back the funds and issue a bill to the student.~~

Employee Conflict of Interest and Confidentiality

A conflict of interest can occur when personal interests affect the performance of a professional obligation to the university. ~~All SFA employees must report anything that may have a potential to be a conflict of interest.~~ All SFA employees who are part of a scholarship committee or have access to the scholarship software will be required to annually disclose potential conflicts of interest.

Cross Reference: Ethics (2.6);~~,~~ Gifts, Loans, Endowments, and Bequests (3.17); Tex. Educ. Code § 51.969

Responsible for Implementation: ~~Provost/*Vice President for Academic Affairs, Executive Director of Enrollment Management*, and Vice President for Academic Affairs and Vice President for University Advancement~~

Contact For Revision: Director of Financial Aid *and Scholarships*

Forms: SFA Scholarship application; Scholarship Authorization and Disclosure form; Employee Disclosure; Disbursement Form; Pre-Disbursement Form

Board Committee Assignment: Academic and Student Affairs Committee

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Discretionary Use of University Funds

Policy Number: 3.10

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes that only certain funds can be used for discretionary purposes and provides guidance on how to identify such funds.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Discretionary Use of University Funds

Original Implementation: April 23, 2013
Last Revision: ~~April 30, 2019~~ *July 26, 2022*

Purpose

This policy establishes that only certain funds can be used for discretionary purposes~~,~~ and provides guidance on how to identify such funds.

General

Stephen F. Austin State University receives funds from a variety of sources, including state appropriations, tuition and fees, auxiliary revenues, departmental sales and services, grants, and gifts. Most of the funds received are for specific, limited purposes or are subject to restrictions by the Board of Regents, state and federal legislation, and rules of other oversight agencies. Regardless of type, the university uses all funds in a manner consistent with applicable federal and state laws and regulations, university policies, and other restrictions or designations.

Funds that are allowed for discretionary purchases must be used for a valid business purpose. Examples of valid business purposes include, but are not limited to, certain types of business meals, administrative planning retreats, and business travel expenditures. Some examples of funds that may be used for discretionary purposes include discretionary donor gifts to departments, undesignated donations, funds from sales and services, and interest earned on certain institutional funds. Examples of university policies that restrict university expenditures to specific funds include, but are not limited to: Gifts, Prizes and Awards (3.18), Food Purchases (17.6), and Travel (3.29). The ~~controller's~~ office *of financial reporting's* website contains Guidelines for Expenditures from University Funds, Guidelines for Expenditures from University Funds - Summary Chart, and a list of funds that can be used for discretionary purposes.

Cross Reference: Gifts, Prizes and Awards (3.18); Food Purchases (17.6); Travel (3.29); Guidelines for Expenditures from University Funds; Guidelines for Expenditures from University Funds - Summary Chart; Policy 3.18 - Gifts, Prizes and Awards - Summary Chart; Funds that can be used for Discretionary Purposes.

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: ~~Controller~~ *Director of Financial Reporting*, Budget Director

Forms: None

Board Committee Assignment: Finance and Audit

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Fire and Life Safety

Policy Number: 13.24

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): The purpose of this policy is to aid in protecting the physical, human, and fiscal resources of the university. The Department of Environmental Health, Safety, and Risk Management (EHSRM) has the primary responsibility to establish and enforce procedures that ensure university compliance with fire and life safety guidelines.

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: N/A

Specific rationale for <u>each</u> substantive revision: N/A

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Jeremy Higgins, Director of Environmental Health, Safety, and Risk Management
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Fire and Life Safety

Original Implementation: July 16, 2013
Last Revision: July *26~~23~~*, 202*2~~19~~*

Purpose

The purpose of this policy is to aid in protecting the physical, human, and fiscal resources of the university. The Department of Environmental Health, Safety, and Risk Management (EHSRM) has the primary responsibility to establish and enforce procedures that ensure university compliance with fire and life safety guidelines.

General

Fire prevention is an important component of the university's fire safety program and being proactive against any potential fire and life safety hazards offers the greatest protection against injury or property loss. The university's fire and life safety program is designed to prevent or reduce property loss and injury from fire and explosions arising from storage, handling, and use of flammable and combustible substances, materials, and devices. The fire and life safety procedures available on the EHSRM website (https://www.sfasu.edu/safety) are essential in promoting fire and life safety and enhancing university compliance with applicable codes and regulations.

The university's fire and life safety program will comply with the NFPA 1 Fire Code, NFPA 101 Life Safety Code, and SFA's fire and life safety procedures while cooperating with the local fire department to ensure fire and life safety procedures comply with local requirements. Compliance with state and local requirements for accessibility to facilities, compatibility of equipment, adequacy of fire suppression water supplies and hydrants is necessary for the safety of responding firefighters and preservation of state property.

EHSRM Responsibilities

The director of EHSRM (or designee) has primary responsibility to administer and oversee compliance with the university's fire and life safety program. Duties of EHSRM include:

a) Inspecting university buildings and property for fire safety hazards, risks, or in response to a notice of a possible violation. In carrying out this duty, the EHSRM safety officer or representative shall have the authority to enter any university building, structure, room, office or laboratory (university employees may accompany the EHSRM safety officer on an inspection of their area);
b) Recommending preventative and corrective action and working with university departments to assure appropriate action is taken;
c) Establishing and coordinating fire safety training programs (ex: fire drills) to comply with regulatory requirements or upon request of department heads;
d) Serving as the official university contact with state and local fire marshals and other state agencies regarding fire safety;

e) Preparing mandated reports and compiling and disseminating data related to the fire safety program;
f) Communicating local, state, and national fire safety requirements to university officials;
g) Maintaining records related to the fire safety program in accordance with the record retention schedule of the university and the state of Texas;
h) Serving as an advisor for the university departments on fire safety issues;
i) Serving as the Authority Having Jurisdiction (AHJ) for fire safety codes and standards;
j) Investigating all fires occurring on university property;
k) Working closely with the local fire department, police department, and other emergency response agencies to assure they are informed about the campus so as to be prepared in case of an emergency; and
l) Approving waivers of university fire and life safety policies and procedures.

Waivers

The director of EHSRM is responsible for granting waivers to university fire and safety policies and procedures. Waivers may be granted on a case-by-case basis or as a blanket approval which applies to a specific type of event, function, or use.

Policy Compliance

It is imperative that SFA employees comply with federal, state, and local environmental health, safety, and risk management legislation, and relevant government fire and life safety codes and regulations. In addition, it is essential that employees observe industry best practices and comply with SFA safety policies, and procedures. Non-compliance can result in sanctions against the university, as well as posing serious risks to students, employees, visitors, and university property. Disciplinary action may be taken against university students and employees who do not comply with this policy and associated regulations. Offending materials and substances may be confiscated permanently for further protection of the surrounding environment.

Cross Reference: Health and Safety (13.10); Risk Management (13.19); National Fire Protection Association *(nfpa.org)*; Texas State Fire Marshal *(tdi.texas.gov)*

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Gifts, Loans, Endowments, and Bequests

Policy Number: 3.17

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/28/2020

Unit(s) Responsible for Policy Implementation: Vice President for University Advancement

Purpose of Policy (what does it do): Guidelines for soliciting, accepting, acknowledging and using gifts, endowments and bequests made to the university.

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 <u>each</u> substantive revision: Addition of library gift information from policy 4.11.3 that is to be deleted and moved to Steen Library Procedure Manual.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Vice President for Academic Affairs
Jill Still, Vice President for University Advancement
Damon Derrick, General Counsel

Gifts, Loans, Endowments, and Bequests

Original Implementation: July 18, 1981
Last Revision: ~~January 28, 2020~~*July 26, 2022*

Authority to accept gifts, loans, endowments and bequests made to Stephen F. Austin State University is vested in the president of the university by the Board of Regents. Gifts, loans, endowments and bequests to any entity of the university should be reported through normal administrative channels.

The president of the university has been authorized to accept gifts under the following conditions:

1. A gift, loan, endowment or bequest which may require commitment of funds, personnel, space or other resources shall be approved by the president prior to any commitment or action on behalf of the university.

2. The university is authorized, with prior approval of the president and ratification by the Board of Regents, to accept gifts or devises of real property for the establishment of scholarships, professorships and other trusts for educational purposes provided such property will not require appropriations by the legislature for operation, maintenance, repair or construction of buildings.

3. Privacy of donor identity may be granted by the university with the exceptions noted by the Public Information Act or the Internal Revenue Service when public recognition is not desired by the donor.

The terms under which any loan, endowment or bequest is offered and accepted shall be provided in a written agreement between the donor and the university. The general counsel's office shall review any bequests made to the university prior to acceptance by the president. All original deeds of trust, wills, endowments, original records, etc., should be forwarded to the Office of Development for safekeeping.

The Office of Development is the primary source of contact with non-university personnel or entities for development-related purposes, including but not limited to stewardship and solicitation of funds. No individual or company may be solicited for any gift, loan, endowment, or bequest by any member of the faculty or staff of the university until that individual has presented the Office of Development with a copy of the proposal or request for funds and has received approval thereof.

Research grants or performance contracts which are privately funded are administered through the Office of Research and Sponsored Programs, and are not under the provisions of this policy.

Solicitation of Gifts

The Office of Development is responsible for soliciting, coordinating, approving and reporting all gifts and fundraising efforts. This includes both projects and proposals initiated by the Office of Development and those initiated elsewhere within the university and its related entities. To fulfill its mission, the Office of Development must be kept informed in a timely fashion on all actions related to fundraising.

1. All university departments, including faculty, staff, students, student organizations (as per policy 10.9, Student Organization Formation and Recognition) and affiliated 501(c)(3) entities are responsible for coordinating and clearing all fundraising projects funded by individuals, foundations and corporations in advance of the fundraising projects in writing. All fundraising projects shall comply with SFA policies and procedures, as well as federal and state laws.

2. If any faculty member, staff member, student or student organization receives any unsolicited question from a prospective donor regarding a possible gift to the university or the Stephen F. Austin State University Foundation, Inc., the Office of Development should be notified of the inquiry as soon as possible following the initial contact.

Acknowledgment of Gifts

In order to ensure accurate recording of all private support for the university and to properly acknowledge donors' gifts, the Office of Development will coordinate the acknowledgment of gifts.

1. All offices are responsible for forwarding any gifts received to the Office of Development for receipting and reporting purposes or to the bursar’s office (as per policy 3.16, Gift Reporting). This will ensure accurate recording of all support for the university, fulfill the receipting requirements of the Internal Revenue Service, and properly acknowledge that support. Further, all gifts and any accompanying correspondence, instructions, etc., are to be forwarded to the Office of Development for processing. Gifts-in-kind such as equipment, furniture and art objects are to be reported in writing to the Office of Development via the Gifts-in-kind form.

2. Any written statement concerning tax deductibility of contributions must be reviewed and approved by the Office of Development.

Use of Gifts, Loans, Endowments and Bequests

Gifts, loans, endowments and bequests made to Stephen F. Austin State University shall be used for the purpose designated by the donor. If a purpose is not specified by the donor, and the amount of the gift is $500,000 or more, utilization shall be as directed by the Board of Regents after

consideration of recommendations by the president and the vice president for development. If a purpose is not designated, and the amount of the gift is less than $500,000, utilization shall be as directed and approved by the president of the university.

Gifts received by the university and made payable to the Stephen F. Austin State University Foundation, Incorporated, should be forwarded to the Office of Development for transfer and deposit to the foundation. No gifts or bequests to the university may be transferred to the Stephen F. Austin State University Foundation, Inc. or the Stephen F. Austin State University Alumni Association, Inc. without petitioning a court of competent jurisdiction, as outlined under state law. Funds gifted to the university for a restricted purpose are considered a charitable trust. Legal title to such funds cannot be transferred to other entities, except as noted above.

Under the authority of the Board of Regents, the vice president for finance and administration of Stephen F. Austin State University is empowered to negotiate and execute the sale of marketable securities donated to the university when such sale is directed or allowed by the donor of said securities. The proceeds of such sale shall be promptly deposited into a university account, to be used as indicated by the donor. All in-kind gifts of $500,000or more and all real estate gifts (excluding gifts managed by the SFA Real Estate Foundation) would require specific approval by the Board of Regents for liquidation to a university cash account.

Restrictions on the expenditure of gift funds generally reside within the following three criteria:

1. A gift must be expended in accordance with the donor's wishes.
2. The expenditure of the gift funds must be for the demonstrable good of the university.
3. The expenditure must provide no private gain to either the donor or the person controlling the expenditure of the funds.

The use of gift funds must meet all three criteria collectively. Some specific examples of expenditures from unrestricted gifts that may be for the demonstrable good of the university, without private gain for the individual expending the funds, are as follows:

1. awards that recognize or promote faculty development, excellence in teaching, academic achievement, athletic achievement, scholarship, or service;
2. costs related to the promotion of the communication of intellectual ideas among students, faculty, staff and administrators of the university;
3. support of student events and activities sponsored by the university;
4. the recruitment of highly qualified students, faculty and staff;
5. costs related to the promotion of the exchange of ideas with community leaders regarding the role of the university and its programs in the community;
6. costs related to the conduct of accrediting agency visits, visits by other officials from other institutions or representatives outside higher education;
7. costs related to the support of continuing education activities.

Examples of expenditures which may not meet the criteria established are as follows:

1. any expenditure that violates the restriction placed on the gift by the donor;
2. the procurement of private property for the personal, unofficial use of any faculty or staff member;
3. donations or other payments to a political party;
4. any other expenditure expressly prohibited by law.

Questions concerning an expenditure meeting these criteria should be referred to the Office of Development.

Real or personal property acquired through gifts, loans, endowments or bequests is subject to the same management requirements as other state property. Disposal of any property acquired through gifts, loans, endowments or bequests shall be handled in accordance with state law and applicable university policies and procedures. Property acquired through gifts, loans, endowment or bequest cannot be disposed of, sold, or transferred without written permission from the Office of Development and the president.

Conflict of Interest

No employee of the university may accept any gift, loan, endowment, or bequest the purpose of which is to establish or be used, in whole or in part, as a salary supplement for him/herself.

Publicity

The Office of Development, in coordination with the faculty/staff contact person, the donor, and the Office of University Marketing Communications, is responsible for coordinating all publicity related to gifts.

Matching Gifts

Certain foundations and companies provide gifts to the university which match contributions made by their employees. For tax purposes, certification is required from the university that the gift of the employee has been received. The matching gift forms, which certify receipt of the gift, require the signature of the executive director or associate director of development.

Foundation Support

The Office of Development has the responsibility of performing certain support functions for the Stephen F. Austin State University Foundation, Inc. and the SFA Real Estate Foundation, Inc. This includes receiving, receipting, acknowledging, and reporting gifts received by either foundation, as provided in the Agreement between Stephen F. Austin State University and the Stephen F. Austin State University Foundation, Inc. and the Agreement between Stephen F.

Austin State University and the SFA Real Estate Foundation, Inc.

Library

Unrestricted gifts of books and other library related materials to Stephen F. Austin State University, not to include equipment such as tape recorders, etc., will not require the usual approval process as ~~authorized~~ *described* in this policy ~~(See Library Gifts, 4.11.3)~~.

The Ralph W. Steen Library is authorized to determine whether to accept a non-monetary gift on the basis of the needs of the collection, technical processing costs, physical condition, location and space, maintenance requirements, and donor restrictions. The library will determine the retention, cataloging treatment, and other considerations related to the use or disposition of donated materials.

The library director and the vice president for university advancement will negotiate and authorize the acceptance of major gifts (i.e. gifts requiring an extraordinary commitment of space or gifts accompanied by specific management requirements), subject to approval by the provost and executive vice president for academic affairs and the president.

The library will not appraise gifts. The cost of any appraisal of non-monetary gifts is the responsibility of the donor.

Definitions

1. Gift. A gift includes the gratuitous transfer of cash, cash equivalents such as securities and negotiable instruments, and real or personal property which generates income or may be sold for cash, for the purpose of enhancing the university and its programs, without expectation of specific benefit by the donor.
2. Loan. Real or personal property furnished for the temporary use of the university.
3. Endowment. An endowment is comprised of a gift, in which the donors have stipulated that the principal must be invested and only the income used to fund a project or need. The principal remains intact in perpetuity, thereby continuing to generate income to be used by the university. Endowment funds are classified into four different categories:
    a. Permanent Endowments. These endowments are sometimes referred to as "true" or "pure" endowments and are assets designated by the donor to be held in perpetuity. If specifically stated in writing by the donor, the corpus assets of this category of endowments may never be spent and income derived must be expended in accordance with the written terms and conditions established by the donor and the university. Otherwise, the governing board may appropriate for expenditure, for the uses and purposes for which the fund is established, the net appreciation, realized and unrealized, in the fair market value of the assets of an endowment fund over the historic dollar value of the fund to the extent allowed under the

University Management of Institutional Funds Act or other applicable law.

b. Term Endowment. In this category of endowments, the donor has specified that following a particular date or event, the assets of the endowment may be expended in accordance with the terms and conditions as specified. Until the passage of the specific date or event, this type of endowment will operate in a manner similar to the permanent endowment with the income used in accordance with the written terms and conditions established by the donor and the university.
c. Quasi-Endowments or Quasi-Funds. The Board of Regents may, with formal action, set aside certain institutional funds to be maintained as endowments. The formal action by the Board of Regents will specify the use of the assets and income derived, and set other terms and conditions relating to the fund. The Board of Regents may, with formal action, change the terms and conditions of the endowment including cessation of the endowment and the return of the assets to the original source of funding, or change the use or purpose as may be appropriate and authorized by law.
d. Funds Held in Trust by Others. Some donors may choose to make income from endowment-type funds available to the university, but will leave the possession of the assets in trust with a third party. In this case, the endowment is not recorded as an asset of the university. In accordance with the Generally Accepted Accounting Principles (GAAP), the existence of the trust must be disclosed in the notes to the university's financial statements.

Amounts associated with fundraising necessary for naming consideration are outlined in the university's Overview of Naming Guidelines and Procedures, available in the office of the vice president for university advancement.

Cross Reference: Tex. Educ. Code §§ 51.001-.009, 95.34, Ch. 101; Uniform Prudent Management of Institutional Funds Act, Tex. Prop. Code Ch. 163; Uniform Prudent Investor Act, Tex. Prop. Code Ch. 117; Texas Public Funds Investment Act, Tex. Gov't Code Ch. 2256; Gift Reporting (3.16); ~~Library Gifts (4.11.3);~~ Student Organization Formation and Recognition (10.9); Overview of Naming Guidelines and Procedures.

Responsible for Implementation: Vice President for University Advancement

Contact for Revision: Vice President for University Advancement

Forms: Gift-in-Kind Form

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Grievance and Appeals

Policy Number: 11.15

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): It is the policy of the university to seek fair and equitable solutions to grievances arising from the employment relationship. This policy applies to all staff employees.

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: N/A

Specific rationale for <u>each</u> substantive revision: Category 1 grievances have been modified from a five step process to a four step process. Human Resources' authority to designate which step a grievance should begin has been formalized in policy. A formal hearing is only available in instances of termination when requested by the individual who filed the grievance, which is presented to a single hearing officer rather than a panel.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Steve Westbrook, Interim President

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

Damon Derrick, General Counsel

Grievance and Appeals

Original Implementation: Unpublished
Last Revision: ~~April 30, 2019~~*July 26, 2022*

Purpose

It is the policy of the university to seek fair and equitable solutions to grievances arising from the employment relationship. This policy applies to all ~~non-academic~~ staff employees.

Definitions

Category I *G*~~g~~rievances consist of disciplinary actions resulting in involuntary terminations, demotions, decreases in salary, or suspensions without pay, and allegations of a violation of, or retaliation for the exercise of, constitutional rights.

Category II *G*~~g~~rievances consist of issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job assignments, interpretation of the official personnel or administrative policies of the university as applied to the grievant, oral or written reprimands, or similar matters involving management decisions concerning the grievant.

General

Grievances have been divided into two categories. A ~~five~~*four*-step grievance procedure for Category I grievances has been established for prompt and thorough consideration of employee grievances and to ensure due process of law. A shorter two-step procedure is provided for Category II grievances.

Each employee may, without prejudice or fear of retaliation, express his/her grievance through the channels outlined in this procedure for timely and thorough consideration. ~~-~~The university will not retaliate against an employee for the filing of a grievance under this policy*; however, the filing of a grievance will not constrain the university from taking appropriate employment action.*

A probationary employee may not file a grievance under Category I unless: (a) the action involves allegations of a health or safety hazard; or (b) the action involves allegations of a violation of, or retaliation for the exercise of, constitutional rights. A probationary employee may not file a Category II grievance for a disciplinary action.

Category I Grievances

Each grievance must be submitted in writing using the *university* grievance form, which can be obtained from Human Resources. A written grievance must contain a clear and concise statement

of the grievance which refers to the applicable policy alleged to have been violated, the date the incident took place, the issue involved, and the specific relief sought by the grievant. The grievance should include any additional information to be considered in its support. Once a grievance has been submitted in writing, it may not be changed or amended after the expiration of the ten (10) day period set out in Step One of the grievance procedure. All matters pertaining to a grievance will be treated as part of the official personnel file of the grievant.

When a grievance involves an alleged violation of constitutional rights or retaliation for the exercise of constitutional rights, the burden of proof is upon the grievant to establish by a preponderance of the evidence that the decision or action placed in question by the grievance was a violation of grievant's constitutional rights or was intended as retaliation for the lawful exercise of constitutional rights by the grievant. Otherwise, the burden of proof is on the university to show good cause as to why the grieved action was taken.

The grievant may present his/her grievance individually, through legal counsel, or through a representative of an organization that does not claim the right to strike. Fees or charges (if any) to the grievant for such representation must be paid by the grievant since university monies are not authorized for such use. The director of human resources has the obligation to assist the grievant, upon request, by explaining this grievance procedure in detail.

~~Procedure for~~ Category I Grievance *Procedures*

1. *Step One (First-Line Supervisor).* The grievant will use the grievance form to present the grievance in writing to the first-line supervisor within ten (10) working days from the date of the alleged action or condition giving rise to the grievance. A copy of the grievance will be sent to the director of human resources by the first-line supervisor. Within five (5) working days, the supervisor will inform the grievant of the decision in writing. A copy of the decision will be sent to the director of human resources.
2. *Step Two (~~Department~~ Unit Head or Administrative Equivalent).* Grievances not satisfactorily resolved in Step One may be appealed by the employee in writing to the ~~employee's~~ *grievant's* ~~department chair~~*unit head* or administrative equivalent. The appeal must be made within five (5) working days following the date of the first-line supervisor's decision in Step One. Within five (5) working days, the ~~department~~ *unit* head *or administrative equivalent* will inform the grievant of the decision in writing. Copies of the decision will be sent to: (1) the first-line supervisor; and (2) the director of human resources.
3. *Step Three (Dean or Director).* Grievances not satisfactorily resolved in Step Two may be appealed in writing to the appropriate dean or director. The appeal must be made within five (5) working days following the date of the Step Two decision. Within five (5) working days, the dean or director will inform the grievant of the decision in writing. Copies of the decision will be sent to: (1) *the first-line supervisor; (2)* the ~~department~~

unit head~~chair~~ or administrative equivalent; and (~~2~~*3*) the director of human resources.~~.~~

3.

4. Step Four (Vice President or cabinet-level administrator). Grievances not satisfactorily resolved in Step Three may be appealed in writing to the appropriate vice president *or cabinet-level administrator* of the university. The appeal must be made within five (5) working days of the date ~~of~~ the Step Three decision *was rendered* by the dean or director. The vice president *or cabinet-level administrator, in ~~his or her~~their sole discretion, may personally* ~~will have the option to~~ ~~handle~~ *consider* the grievance or *elect to*~~to~~ appoint a ~~Grievance Review Board~~*delegate* to consider the grievance. When the subject of the grievance is the termination of the grievant, a hearing ~~must~~ *will* be held~~,~~ if requested by the grievant *in their appeal to the vice president or cabinet-level administrator*. ~~The vice president will either~~ *personally* ~~commence the review~~ *hearing* ~~or request the appointment of the Grievance Review Board~~*appoint a delegate who will commence the hearing* ~~within ten (10) working days following the date of the receipt of the appeal. If the vice president does not request a Grievance Review Board, A~~a ~~written decision will be given~~ *rendered* ~~to the grievant within fifteen (15) working days following the date of receipt of the appeal~~*the hearing. If no hearing is ~~required or a hearing has not been~~ requested by the grievant, a written decision by the vice president or ~~his or her~~their delegate will be rendered ~~to the~~* ~~If a Grievance Review Board is requested, a written decision by the vice president will be given to the grievant~~ within ten (10) working days following the receipt of the ~~Grievance Review Board's report and recommendations~~*appeal*. Copies of the decision will be sent to: (1) *the first-line supervisor; (2) the unit head or administrative equivalent; (3)* the dean or director; and (~~2~~*4*) the director of human resources. *The decision of the vice president or cabinet-level administrator, or ~~his or her~~their delegate, is final.*

~~*5. Step Five (President).* The president of the university is the final level of appeal. Grievances not satisfactorily resolved in Step Four may be appealed in writing to the president. The appeal must be made within five (5) working days following the date of the Step Four decision by the vice president *or cabinet-level administrator*. The president may *elect to* handle the*personally* review of the grievance or, if a Grievance Review Board was not requested at the Step Four level, the president will have the option to appoint a Grievance Review Board*in his or her sole discretion, may appoint a delegate to review the appeal*. Within a reasonable period of time not to exceed thirty *business* (30) days following the receipt of the appeal, or receipt of the Grievance Review Board's report and recommendations, whichever occurs last, the president, *or his or her delegate if applicable*, will inform the grievant of the decision in writing. Copies of the decision will be sent to: (1) the appropriate vice president *or cabinet-level administrator*; and (2) the director of human resources.~~

The time limits set forth in the ~~five steps of the grievance procedure~~*Grievance Category I*

Grievance Procedures must be observed by both the grievant and the appropriate supervisory and administrative personnel. *F*~~The f~~ailure of the ~~employee~~ *grievant to* ~~to process the grievance in a timely manner to the next level~~*abide by the given timelines* will constitute a withdrawal of the grievance. *F*~~The f~~ailure of supervisory or administrative personnel to timely respond to a grievance will constitute authorization for the ~~employee~~ *grievant* to process the grievance to the next step.

In administering these procedures, the director of human resources has the authority to designate at which step a grievance may begin or skip steps, dependent upon the ~~grievant's~~grievant's reporting line. For grievances against a vice president or cabinet-level administrator, the president or ~~his or her~~their designee will serve as the sole and final level of appeal.

Category I ~~Grievance Review Board~~

~~All ranks of university non-academic employees are eligible to serve on the Grievance Review Board. Human Resources will maintain a roster of non-academic employees serving on the grievance panel. The members of the grievance panel will be representative of the university work force, taking into consideration that the panel also be representative as to sex, race, and supervisory or non- supervisory status. The members will be selected from nominations submitted by other non-academic employees. The president will make final approval of the panel.~~
Hearing Procedures

Where a ~~hearing is afforded~~grievance concerns termination of the grievant and has been properly requested by the grievant in Step Four, the vice president or cabinet--level administrator will either personally commence the hearing or appoint a delegate who will commence the hearing within fifteen (15) working days following the date of the receipt of the appeal. T~~A Grievance Review Board, consisting of three (3) members, will be selected from the grievance panel of ten (10) employees previously approved by the president. The grievant will select one (1) name and the Step Three official will select one (1) name. The board will name its own chair from the remaining members of the panel. A representative of Human Resources and/or counsel from the Office of the General Counsel may be consulted in procedural matters and present at the hearing.~~

~~The Grievance Review Board will strive to hold the necessary hearing or hearings within ten (10) working days from the date Human Resources is notified in writing that a vice president or the president, as applicable, requests a hearing of the grievance, with the understanding that availability and other scheduling issues may require the hearing to occur at a later date. The president, vice president, Human Resources representative or the grievant will have the right to object to the person selected as chair of the Grievance Review Board based upon the grievance pending before the board or perceived unfair representation of a division of the university due to the nature of the grievance.~~

~~After the board is constituted and the hearing date is scheduled, the board will convene and hear~~

~~the grievance.~~ ~~T~~he hearing will be closed to the public *and may be conducted by video conference*. The grievant, *the* institutional representative, and *the* university*'s vice president or cabinet-level administrator/delegate* all have the right to be advised by legal counsel or a representative of an employee organization *that does not claim the right to strike. Any* ~~(which does not have the right to strike), however~~ such legal counsel or representative *is permitted to provide support, guidance, or advice to their client, but may not directly* ~~*operate in an advisory role only and does not have the right to strike or actively*~~ *participate in*~~will not be allowed to conduct or participate in~~ the hearing.

At least five (5) business days prior to the scheduled hearing, the grievant and institutional representative will submit a list of its witnesses (including a short description of the testimony each witness is expected to provide) and *a copy*~~four copies~~ of its *documentary* evidence to the director of human resources~~ or their representative~~. The director of human resources ~~or their representative~~ will provide the list of witnesses and a copy of the *documentary* evidence to ~~each side and the members of the board~~*all parties*. Formal rules of evidence do not apply to the hearing, and the ~~boar~~*vice president or cabinet-level administrator/delegate* ~~d~~ may exclude evidence ~~*he or she*~~*they*~~it~~ deems~~s~~ irrelevant or superfluous. *Each party is responsible for securing the attendance of their own witnesses at the hearing.*

~~A court reporter or a~~*At a minimum, the hearing will be audio recorded*~~t least two (2) audio recording devices will be furnished by the university to record the hearing~~. *A*~~T~~The party requesting a typed transcript of the proceedings will be responsible for ~~payment of *such*~~*all associated costs*~~ame~~. The hearing will consist of opening statements by the grievant and the institutional representative, testimony by witnesses called by the ~~institution and the~~ grievant *and the institution*~~, with both parties having the right to~~ cross examin*ation*~~e~~ *of* witnesses, and *presentation of* any relevant exhibits. ~~which either party seeks to present to the board. At least five (5) business days prior to the scheduled hearing, the grievant and institutional representative will submit a list of its witnesses (including a short description of the testimony each witness is expected to provide) and four copies of its evidence to the director of human resources or their representative. The director of human resources or their representative will provide the list of witnesses and a copy of the evidence to each side and the members of the board. Formal rules of evidence do not apply to the hearing, and the board may exclude evidence it deems irrelevant or superfluous.~~

At the conclusion of the testimony, both parties will be permitted to make a closing ~~argument~~*statement*. *T*~~TFollowing the hearing, t~~he ~~Grievance Review Board~~*vice president or cabinet-level administrator/delegate will then close the hearing* ~~will retire to deliberate~~ and~~, as soon as possible, will submit~~ *issue* a written ~~report of its findings~~*decision to the grievant within ten (10) working days. Copies of the decision will be sent to: (1) the first-line supervisor; (2) the unit head or administrative equivalent; (3) the dean or director; and (4) the director of human resources. The decision of the vice president or cabinet-level administrator, or* ~~*his or her*~~*their delegate, is final.* ~~and recommendations to the vice president or president, as applicable, who will make a decision on the grievance.~~

Category II Grievances

Category II grievances are matters of employee-management disagreement other than those specifically defined as Category I grievances. Category II grievances are not authorized to be processed through the formal Category I grievance procedure. ~~Category II grievances include, but are not limited to, employee dissatisfaction relative to wages, hours, and working conditions as well as work related actions such as performance evaluations, oral or written reprimands, administration of the merit pay program, or job assignments or interpretations of the official personnel or administrative policies of the university as applied to the grievant.~~

~~Procedure for~~ Category II Grievances *Procedures*

1. *Step One.* A Category II grievance may be informally presented to the first-line supervisor for discussion and consideration.
2. *Step Two.* If a Category II grievance is not satisfactorily resolved by the first-line supervisor, the employee should present the complaint in writing using the grievance form to the appropriate ~~department~~ *unit* head or director for final consideration and action. If the grievance is against the ~~department~~ *unit* head or director, it will be presented to the appropriate dean or supervisor of the *unit head or* director for final consideration. The written grievance and the written response of the ~~department~~ *unit* head or director will be treated as part of the official personnel file of the employee. Copies of the written grievance and written response will be sent to: (1) the first- line supervisor; and (2) the director of human resources.

Cross Reference: U.S. Const. amend. V; U.S. Const. amend. XIV; Tex. Const. art I, § XIX

Responsible for Implementation: President

Contact for Revision: Human Resources

Forms: Formal Grievance Forms are available in Human Resources

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Intellectual Property

Policy Number: 9.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/26/2022

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Policy details the university's rules regarding ownership and use of intellectual property developed by university employees and students.

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 <u>each</u> substantive revision: No substantive change.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Steve Westbrook, Interim President
Damon Derrick, General Counsel

Intellectual Property

Original Implementation: April 9, 1988
Last Revision: July ~~23~~*26,* 202~~219~~

Stephen F. Austin State University encourages participation by faculty, staff and students in scholarly research and creative activities that support and enhance teaching in its classrooms and laboratories. While research conducted at Stephen F. Austin State University is aimed at discovery and dissemination of knowledge, rather than profit from commercial application, the Board of Regents recognizes that questions regarding intellectual property rights may arise from such activities. The Board of Regents seeks through adoption of this policy to balance the interests of the public, the university and the inventor, author, or creator in intellectual property arising from research and creative activities conducted by employees of the university. The board further seeks to ensure that inventions, discoveries and creative works are used and controlled in an efficient and prudent manner which will result in maximum benefit to the public, the university and the inventor, author, or creator.

Applicability

This policy shall apply to all persons employed by Stephen F. Austin State University or a component thereof, and to anyone using facilities or funds subject to control or supervision by Stephen F. Austin State University. This policy, as amended from time to time, shall be deemed to constitute part of the conditions of employment of every employee, including student employees. Unless otherwise excluded, this policy shall apply to intellectual property of all types (including any invention, discovery, trade secret, technology, scientific or technological development, computer software, course materials, conception, design, creation or other form of expression of an idea) regardless of whether the intellectual property is subject to protection under patent, trademark, or copyright laws, or common law.

Copyright

1. **Definitions**

    a. Copyright is the ownership and control of the intellectual property in original works of authorship. Copyright ownership and the rights thereof are defined by federal law. It is the policy of Stephen F. Austin State University that all rights in copyright shall remain with the creator of the work unless otherwise subject to contractual legal obligations, or the work is a "work made for hire" as that term is defined by federal law. The university will not require faculty to produce “works made for hire” as part of their regular workload or as terms for continued employment unless the production of works made for hire were a part of the faculty member’s original conditions of employment, agreement

to produce a “work made for hire” is made in advance between the university and faculty member, or as otherwise provided by university policy.

b. A "work made for hire" is:
If expressly agreed to by the parties in a written instrument, a work specially ordered or commissioned by the university shall be considered a “work made for hire”, including but not limited to a work for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, a course, or an atlas. An “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities. Multimedia courseware specially commissioned by the university shall be included as a work made for hire. “Multimedia courseware” is defined as interactive teaching aids created and deployed with electronic tools. They may incorporate text, graphic video, and audio elements and may be mounted for remote access on a file server or stored onto a removable storage medium for stand-alone distribution. Examples include but are not limited to distance education courses, electronic textbooks, hypertext modules, simulation software, and databases containing numbers, images, or text. Financial support for course development or course reductions offered by the university to aid with course development of on-campus or distance education courses will not by itself constitute a work made for hire unless agreement is reached prior to such arrangements that the resulting course will be a work made for hire.

2. **Ownership**

a. General
In keeping with academic tradition, the university does not claim ownership of copyrightable intellectual property created by faculty during the normal course of their employment unless otherwise agreed in writing. Such property includes but is not limited to: course content, syllabi, course materials, course computer enhancements, authored/created textbooks, books, articles, software, multimedia courseware, data sets in any format and similar works, the intended purpose of which is to disseminate the results of academic research or scholarly study created on the faculty’s own initiative. Further, the university claims no ownership of faculty authored/created popular nonfiction, novels, poems, musical compositions, software or other works of artistic imagination which do not result from projects commissioned or assigned by the university. Unless evidence of excessive use or abuse of university funds or facilities exists, the university will convey, upon request and to the extent consistent with its legal obligations, the copyright in such works to the individual faculty creator(s) or author(s). Faculty members will make such decisions and take such steps to protect works they own, with their discretion. The university reserves the right to use for instructional and research purposes, without obligation to make payment therefore, any works created by

employees or students during their periods of employment or attendance and revisions or derivations of such works.

b. Sponsored Research Agreements
Copyright ownership of all material (including software) that is developed in the course of, or pursuant to, a sponsored research agreement (whether funded by a public or private agency or organization) shall be determined in accordance with the terms of the sponsored research agreement, federal law, or, in the absence of such terms, the copyright shall be negotiated with the author generally following the principles set forth in this policy.

c. Use of University Resources
   i. Copyright in all material (including software) that is developed with the significant use of funds, space, hardware, or facilities administered by the university, including but not limited to classroom and laboratory facilities, but without any obligation to others in connection with such support, resides in the university. The university recognizes and affirms the traditional academic freedom of its faculty to publish freely without restriction. In keeping with this philosophy, the university will not construe the provision of office, computer or library facilities as constituting significant use of university resources, except for those situations where funds were paid specifically to support the development of such. Faculty development leaves, faculty development grants, mini-grants and research course reductions will not be construed as a significant use of university resources unless otherwise agreed to by the university and faculty member.
   ii. Copyright in works resulting from projects that are performed in whole or in part by any person with grants from funds administered by the university shall be determined in accordance with the terms of the support agreement, federal law, or, in the absence of such terms, shall be negotiated by the parties involved. The university will determine whether to register and enforce the copyright on works it owns.

d. Joint Works
Works, including the development or redevelopment of fully online courses, may be created through the joint efforts of faculty, employees working within the scope of employment, and/or others under contract to provide services. Such joint works are jointly owned by the faculty member and university. Ownership agreements shall be executed to memorialize the parties' intentions and avoid later confusion over ownership rights. Any of the joint owners may register and enforce the copyright in the names of all owners with accounting. In the absence of an agreement on the division of revenues, they will be shared pro rata after recouping costs.

e. Grandfather Clause for Ownership of Fully Online Courses

Agreements executed under the Intellectual Property Rights for Distance Education policy (deleted July 26, 2016) still apply.

3. **Revenue Sharing**

   a. Works Not Owned by Stephen F. Austin State University
   If the university does not claim ownership of an intellectual property, authors and creators of intellectual works not owned by the university may copyright the related work, publish it, register the copyright and receive any revenues which may result therefrom.

   b. Works in Which Stephen F. Austin State University Has a Property Interest (Generally, Commissioned Works or Works Prepared in the Course and Scope of Employment)
      i. Royalty income received by the university through the sale, licensing, leasing or use of copyrightable material in which the university has a property interest will normally be shared with the author. Authorship for this purpose shall be determined by the president or his designee. Compensation and division of royalties, if any, will be negotiated by written agreement prior to commencement of work on the project or as soon thereafter as practical.
      ii. In the event that an author contributes a personal work to the university, a written agreement accepting such contribution shall be executed. The terms of the agreement shall include a statement governing the division of royalties between the university and the author.
      iii. In cases of extramural funding, the terms of the funding agreement shall govern the division of any royalties that may result from commercialization of materials resulting therefrom. In the event that the funding agreement vests royalty rights in the university, and does not provide any royalty share for the author, the terms of Copyright, Section 3.b.(i) shall apply. No such royalty payment to the author, however, may violate the terms of the funding agreement.

4. **Use of University or Agency Sponsored Materials**
   a. Prior to the use of a work in which the university has an interest, the author will consult with the university through appropriate administrators, or provide a reasonable opportunity for such consultation, with respect to its use.
   b. When unresolved questions on use occur, they shall be referred to the president or his designee for resolution.

5. **Revision of Materials**
   Materials owned by the university under the terms of this policy shall not be altered or revised without providing the author a reasonable opportunity to assume the responsibility for the revision. If the author declines the opportunity to revise such material, the assignment of responsibility for the revision will be made by the president or his designee in consultation

with the appropriate department or office. This does not apply to the substantial redevelopment of fully developed approved online courses.

6. **Withdrawal of Materials**
   a. Materials owned by the university under the terms of this policy shall be withdrawn from use when the university, in consultation with the author, deems such use to be obsolete or inappropriate. No withdrawal or other discontinuance that would violate the terms of any licensing or other agreement relating to the materials shall take place.
   b. The university may release to the author(s) the right to any work copyrighted in the name of the university.

7. **Warranty**
   Authors/creators must obtain appropriate permissions and releases necessary to avoid infringing or invading the personal rights of others. An author or creator of any work owned by the university under the terms of this policy warrants that, to the best of his/her knowledge, the work does not infringe on any existing copyright or other legal rights; that work not identified as quotations is the expression and creation of the author; that necessary permission for quotations and the like has been obtained; and that the work contains no libelous material or any material that invades the privacy of others.

8. **Notice of Copyright**
   Although the law does not require copyright notice for legal protection, the university encourages that such notice be applied to all works.

   All material owned by the university under the terms of this policy shall be protected by notice of copyright in the name of the university. The proper form of such notice is as follows:

   © 20__, Stephen F. Austin State University. All rights reserved.

   The date should be the year in which the work was completed or in which it was published, whichever is earlier. The name of the university should be spelled out in its entirety.

   Works in the electronic environment are protected under copyright law just as print works are protected, from the moment of fixation in a tangible medium of expression. This is generally understood to include fixation in a central processing unit.

Patents

1. **Obligations**
   a. Employees and others who are subject to this policy by virtue of their employment or use of university services or facilities shall disclose to the president or his designee (dean with

copy to the general counsel) any invention or discovery (including those made under cooperative arrangements); provide complete information thereon; and cooperate with the university in protecting potential patent and know-how rights in accordance with Administration of Intellectual Property below.

b. When an invention arises from a project specially commissioned by the university, created in the course of employment, or with use of university facilities or funds beyond the provision of office or library facilities, the inventor hereby assigns all rights, title and interest in and to any such invention to the university or its designee and shall assist the university or its designee in securing patent protection on the invention. The inventor shall, upon request, execute an invention agreement prior to commencement of the project, or as soon thereafter as practical.

c. All parties privy to inventions, know-how, trade secrets, or other discoveries which may be patentable shall maintain such information in strict confidence, so as to protect the intellectual property (subject to internal disclosure as outlined above). Researchers, consultants, and other individuals hired on projects which may involve the development of patentable property shall execute a non-disclosure agreement. Notwithstanding this provision, all employees shall be subject to non-disclosure and confidentiality obligations on patentable or other trade secret information as a term and condition of employment.

2. **Sponsored Research**

a. In cooperative undertakings sponsored by, or involving, third parties, provisions for the control of patents normally should be consistent with the general policy stated above. The provision of sponsored research funds shall trigger patents section 1.b. above. However, it is recognized that in some cases the interests of other organizations (federal, industrial, etc.) will justify modifications of the general policy. In those cases, the provisions with respect to patents shall appear in the applicable memorandum of understanding or agreement for the review and approval of the president. It is intended and provided that disclosed inventions will be identified and managed in accordance with patent policy and procedures.

b. Nothing in this policy shall be interpreted as precluding the acceptance of a contract, grant, or agreement that provides for ownership of inventions and patent rights by the cooperating agency or organization.

3. **Royalties**

a. After a deduction of fifteen percent (15%) for administrative costs, and a deduction for the cost of patenting, licensing, and protecting of invention and patent rights, the net royalties or other income arising from an invention or discovery shall be divided as follows:

   i. Fifty percent (50%) to the inventor(s);

   ii. Fifty percent (50%) to the university.

b. Special facts concerning an invention may warrant a different distribution of royalties. Agreements with respect to royalties shall be in writing and signed by the president or his

designee. Any agreement which grants the inventor more than fifty percent (50%) of the net royalties shall require approval of the Board of Regents.

c. In the event that a person contributes an invention to the university, a written agreement accepting the contribution shall be executed. The terms of the agreement shall include a statement governing the division of royalties between the university and the donor.

4. **Use of Inventions and Discoveries**
   a. Prior to the use of an invention or discovery in which the university has an interest, the employee responsible for the invention or discovery will consult with the university through appropriate administrators, or provide a reasonable opportunity for such consultation, with respect to its use. The university reserves the right to use for instructional and research purposes, without obligation to make payment therefore, any inventions or discoveries made by employees during their periods of employment and revisions or derivations of such inventions or discoveries.
   b. When unresolved questions on use occur, they shall be referred to the president or his designee for resolution.

Trademarks, Service Marks and Trade Names

1. Trademarks and service marks may be any work, name, symbol, or device, or any combination thereof adopted and used by the university in the sale or advertising of goods or services to identify and distinguish such goods and services from those sold by others.

2. Trade names include any names used to identify Stephen F. Austin State University and its services.

3. The president or his designee shall be responsible for protection and licensure of trademarks, service marks, and trade names used by or related to Stephen F. Austin State University.

4. No licenses shall be granted to commercial entities for use of trademarks or service marks in connection with inherently dangerous products, products of obscene or disparaging characteristics, health related products, and any other uses which in the opinion of the president or his designee would degrade the reputation or goodwill of the university.

5. Trademark licensing inquiries should be directed to the director of athletics for processing in accordance with the university's licensing program. If the licensing inquiry does not fall within the traditional licensing program, the request should be forwarded to the general counsel.

Trade Secrets

Trade secrets may be comprised, generally, of any formula, pattern, or device, or of information which gives one an opportunity to obtain an advantage over competitors who do not know or use it

in commercial applications. Trade secrets in which Stephen F. Austin State University maintains an interest shall be protected in accordance with the terms of sponsored research agreements or, if none exist, by any lawful means available to the university as determined by the president or his designee.

Disclosure of Intellectual Property

1. Each individual subject to this policy has a duty to disclose promptly, in writing, and prior to any disclosure either to the public or for commercial purposes, any intellectual property created or discovered by such individual. Disclosure shall be made to the president or his designee (dean with copy to the general counsel).

2. The president shall ~~adopt policies and~~ determine procedures for appropriate institutional review of such disclosures. The duty to disclose arises as soon as the individual has reason to believe, based upon his/her own knowledge or upon information supplied by others, that the intellectual property may be protectable under patent, trademark, or copyright law, or common law. Certainty about the protections to be afforded such intellectual property is not required before a disclosure should be made. Each individual subject to this policy shall execute such declarations, assignments, or other documents as may be necessary to protect the university's interest in such intellectual property.

3. Disclosure of equity ownership or management participation in a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property created or discovered by an employee shall be made in accordance with Equity Ownership and Management Participation below.

Equity Ownership and Management Participation

1. Ownership of any equity interest in a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property created or discovered by an employee shall be disclosed to the president or his designee. The president shall take any necessary steps to avoid injury to the university as a result of potential conflicts of interest arising out of such equity ownership.

2. No employee may serve as a director, officer, or employee of a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property in which the university has an ownership interest except upon request of, or prior approval by, the Board of Regents. Authorization to serve as a director, officer, or employee of such a business entity may be subject to one or more conditions established to avoid injury to the university as a result of potential conflicts of interest.

3. In accordance with Section 51.912 of the Texas Education Code, the names of all business entities that have an agreement with the university relating to the research, development,

licensing, or application of intellectual property in which employees own an equity interest, or for which such persons serve as director, officer, or employee, shall be reported to the governor and legislature on an annual basis. The university may accept equity interests as partial or total compensation for rights conveyed in agreements with business entities relating to intellectual property owned by the university. The university may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the university and a business entity relating to intellectual property created, discovered, or developed by the employee and owned by the university.

Disposition of Income

1. In the disposition of any net income accruing to the university or a component from patents, trade secrets, or copyrights, first consideration shall be given to the promotion of research.

2. In the disposition of any net income accruing to the university or a component from licensure of trademarks or service marks, first consideration shall be given to creation or enhancement of scholarship programs.

License Agreements

1. 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 and assigned to, or is otherwise owned by, the university shall require approval by the Board of Regents.

2. Agreements which grant a third party the right to reproduce, sell or use a copyrighted work, trademark, service mark, or trade name in which the university owns an interest shall require approval by the president *or his designee*.

Administration of Intellectual Property

1. The president or his designee shall be responsible for administering this policy. Duties encompassed by this responsibility shall include filing appropriate registration forms and supporting documents with the Copyright Office, Library of Congress, or the Patent and Trademark Office, negotiating and drafting licenses and other royalty agreements, drafting necessary agreements for specially commissioned works, determining the applicability of this policy and appropriate law to intellectual property, and adoption of policies and procedures consistent with this policy statement and necessary for determination of ownership or protection of the university's interests in intellectual property. All referrals to the president or his designee, under this policy, shall follow established procedures and administrative channels of communication.

2. In determining the university's ownership interest in any intellectual property and measures necessary for appropriate protection or exploitation of such interests, the president or his

designee may utilize assistance from designated university committees, the general counsel, Texas attorney general, an appropriate private law firm or attorney, or corporations established for the purpose of managing intellectual property.

3. The responsibility for commercial marketing and licensure of intellectual property, and for maintenance of appropriate fiscal records, is assigned to the president or his designee.

4. All expenses of copyright registration, patenting and other forms of protection sought by the university shall be borne by the university, unless otherwise paid by a licensee through a negotiated licensing agreement. If the university fails or refuses to pursue within a reasonable period any registration of copyright or patent, or other protection, for intellectual property in which an employee has an ownership or royalty interest, the employee may independently pursue registration or other protection of such interest. All patents must be filed in the university's name, unless the university relinquishes all rights and interest to the intellectual property in writing, signed by the president. The individual shall be reimbursed for expenses related to such protective action, pursuant to a negotiated written agreement, if the university subsequently decides to assert and exploit the university's interests in the property.

Cross Reference: Tex. Educ. Code § 51.912; United States Code, Titles 17, 35

Responsible for Implementation: President

Contact for Revision: General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Interdepartmental Transfer

Policy Number: 17.9

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy defines and describes the appropriate usage of interdepartmental transfers.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Interdepartmental Transfer (IDT)

Original Implementation: Unpublished
Last Revision: July *26~~23~~*, 202*2~~19~~*

Purpose

This policy defines and describes the appropriate usage of interdepartmental transfers.

Definition

~~An~~ *I~~i~~*nterdepartmental transfer (IDT) - ~~is~~ used by a university department to pay for goods and services received from another department. With appropriate documentation, this process provides an internal mechanism to expense and credit university accounts in those exchanges.

General

The department providing the goods or services should initiate the IDT using the procedures established by the ~~controller's~~ office *of financial reporting* and the Interdepartmental Transfer Request form. The initiating department must retain copies of the documentation as required by Records Management (2.9). As with any other purchase, funds must be available in the applicable account.

An IDT is not to be used to shift balances or move budgets from one account to another. An IDT is not to be used to transfer capital equipment from one department to another. Such transfers are handled through *finance and administrative services*~~Procurement and Property Services~~. See Property Inventory and Management (17.14). However, if an exchange of funds is involved in the equipment transfer, an IDT may be used for the transaction.

Departments that initiate IDTs must develop written internal procedures that include:

- a segregation of duties in recording, reconciling, authorizing, and approving IDT transactions;
- IDT documentation, distribution, location, and retention responsibilities;
- a process to review accounts and verify IDT charges and credits.

Cross Reference: Records Management (2.9); Property Inventory and Management (17.14)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Director of Financial Reporting* ~~Controller~~

Forms: Interdepartmental Transfer Request available on the SFA Business Forms website

Board Committee Assignment: Finance and Audit

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Interlibrary Loan Services

Policy Number: 4.11.1

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

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): If materials are not available at the SFASU library, faculty, staff and students have the capabilities to borrow items within the Interlibary Loan Services (ILL).

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: Policy to be moved to the Steen Library Procedures Manual.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

~~Interlibrary Loan Services~~

~~**Original Implementation:** March, 1985~~
~~**Last Revision:** April 30, 2019~~

~~The Interlibrary Loan Services (ILL) supplements local library resources by providing access to materials not available in the Ralph W. Steen Library collection. The following statements regulate ILL activities.~~

~~ILL borrowing is extended to faculty, staff and students of Stephen F. Austin State University (SFA). Patrons must exhaust the limits of the Steen collection before requesting ILL services.~~

~~Faculty members and students may request materials related to their own scholarly research or to course-related subject matter. Occasionally, service is available to library users not affiliated with SFA, subject to the discretion of the library director.~~

~~Requests should be submitted to the ILL department through the library's website.~~

~~All conditions of use imposed by the lending library on items borrowed are to be strictly observed. Abuse of ILL regulations may result in the forfeiture of ILL borrowing privileges. (Examples: taking Library Use Only material out of the library, disregarding loan restrictions, repeated failure to return material by due date.) ILL service may be refused to any patron whose Steen Library borrowing privileges are blocked.~~

~~The library reserves the right to refuse any ILL request if fulfillment of the request would violate copyright law. Steen Library abides by the National ILL Code, which regulates the exchange of material between libraries in the U.S., and maintains such records of ILL transactions as required by the university's records retention schedule.~~

~~**Cross Reference:** U.S. Copyright Law (Title 17, U.S. Code, Section 108); National Interlibrary Loan Code~~

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

~~**Contact for Revision:** Library Director~~

~~**Forms:** http://2912.account.worldcat.org/profile/~~

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

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Items Requiring Board of Regents Approval

Policy Number: 1.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): This policy establishes items and actions that require approval by the Board of Regents. It also specifies items and actions that do not require board approval.

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: N/A

Specific rationale for <u>each</u> substantive revision: Monetary values adjusted to match state law reporting standards, duplication removed that is listed in other policies, and revisions made for clarity.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Kay Johnson, Executive Director of Finance and Administrative Services
Gina Oglesbee, Vice President for Finance and Administration
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Items Requiring Board of Regents Approval

Original Implementation: July 5, 1988
Last Revision: *July 26, 2022~~July 23, 2019~~*

Purpose

This policy establishes items and actions that require approval by the Board of Regents. ~~It also specifies items and actions that do not require board approval~~.

Definitions

Project budget - ~~For purposes state herein, "project budget" is~~ the total of all costs associated with a project.

Contract - a purchase order with or without additional documents including a quote, terms and conditions, agreement, etc.; a contract document outlining ~~all the~~ terms of the agreement and requiring signature. Examples include contracts that the ~~b~~Board of Regents approves, contracts that the president or designee signs, ordinary operating expenses issued by a purchase order, and revenue contracts.

A. Items That Require Approval by the Board of Regents

1. *Contracts with a total cost or value of $~~5~~1,000,000 or more~~.~~*
   All c~~Contract~~*s or agreements*~~s, purchases, or agreements~~ *with a total cost or value of* ~~in the amount of~~ ~~$5~~*1,0*00,000 or more, *unless exempted in Section B below. The total cost or value of the contract includes all potential contract documentation.* ~~and any contractamendment, extension, or renewal that causes the value of the original contract to exceed~~
   a. ~~$500,000, except those items that appear in Section B below~~
   Any amendment, extension, or renewal of a contract with a value that exceeds 25 percent of the value of the original contract previously ~~board~~ approved by the Board of Regents in accordance with Texas Education Code (TEC) 51.9337-(f).
   b. *Any amendment, extension, or renewal of a contract not previously required to be approved by the Board of Regents that cumulatively ~~exceeds~~total $~~5~~1,000,000.*
2. Annual operating budget
3. ~~*Increases in existing*~~ *Annual operating budget ~~s through a "budget adjustment"~~amendments, ~~if~~ cumulatively ~~over~~total $1,0~~5~~00,000, ~~except revolving funds~~*

–Long range master plans and strategic plans

~~1.~~*4.*

5. Construction/renovation projects if the estimated cost is $~~500~~*1,000,*000 or more, including:

a. *Total project budget~~,~~ and ~~including~~ adjustments that increase the total Board of Regents approved~~board approved~~ project budget~~.~~*

b. Selection of an architect/engineer~~.~~

c. Construction contract awards including Guaranteed Maximum Price~~.~~

i. Change orders that would increase the cost of the project beyond the amount of the Guaranteed Maximum Price. Board approval of change orders is~~would~~ not ~~be~~ required for budgeted construction contingencies within the Guaranteed Maximum Price.

~~*ii. Authority to submit all construction and/or renovation project proposals, real propertypurchases, and energy savings performance contracts to the Texas Higher Education Coordinating Board (THECB) that require THECB approval, or as otherwise required under law as defined by TEC Chapter 17.*~~

~~*iii.* For projects requiring T*(T*HECB*)* review, a final project close out report entailing a postcompletion evaluation of the project ~~*is required. Format of the report prescribed by the construction manual.*~~ that includes the following elements that must be reported to the Buildings and Grounds Committee: final project cost, summary ofchange orders, existence of any liquidated damages, final HUB participation percentages and total value, summary of approvals from any state or federal agencies having jurisdiction, survey summary of evaluation by end users, and summary of finalinspection punch list for items needing repair. A warranty inspection will be conducted and major warranty repairs summarized for review by the president and chair of the Buildings and Grounds Committee.~~

6. Authority to submit all construction and/or renovation project proposals, real property purchases, and energy savings performance contracts to the Texas Higher Education Coordinating Board (THECB) that require THECB approval, or as otherwise required under law ~~as defined by TEC Chapter 17~~.

~~*For projects requiring THECB review, a final project close out report entailing a post completion evaluation of the project is required. Format of the report prescribed by the construction manual.*~~

~~Delegations of administrative authority, including~~

~~Authority to approve travel~~

~~Authority to approve purchases~~

7. Purchase, sale, or exchange of real property

~~Depository contracts~~

~~*8.* Food service (or similar) contracts, including changes in existing contracts~~

9. Contracts and agreements with support or development foundations

10. ~~Biennial legislative~~*Legislative appropriations* request*s*

~~b. Authority to submit all construction and/or renovation project proposals, real~~

propertypurchases, and energy savings performance contracts to the Texas Higher EducationCoordinating Board (THECB) that require THECB approval, or as otherwise requiredunder law.

c. Construction contract awards. The Guaranteed Maximum Price must be reported to the Buildings and Grounds Committee at the next possible meeting.

d. Approval of project budget.

e. Change orders that would increase the cost of the project beyond the amount of the Guaranteed Maximum Price. Board approval of change orders would not be requiredfor budgeted construction contingencies within the Guaranteed Maximum Price.

f.*a.* For projects requiring THECB review, a final project close-out report entailing a postcompletion evaluation of the project that includes the following elements that must be reported to the Buildings and Grounds Committee: final project cost, summary ofchange orders, existence of any liquidated damages, final HUB participation percentages and total value, summary of approvals from any state or federal agencieshaving jurisdiction, survey summary of evaluation by end users, and summary of finalinspection punch list for items needing repair. A warranty inspection will be conducted and major warranty repairs summarized for review by the president and chair of the Buildings and Grounds Committee.

2.*11.* Actions relating to university employees, including

a. Appointment of full-time faculty
b. Faculty promotions
c. Awarding of faculty tenure
d. Appointment of full-time administrative/professional *(exempt)* staff (exempt) excluding those requiring student status
e. Change of position status of full-time faculty and administrative/professional (exempt) staff
f. Advisement on termination of full-time faculty and administrative/professional (exempt) staff (executive session only, does not require board action for approval)
g. Leaves of absence for faculty and administrative/professional (exempt) staff for one semester (four and one-half months) or more

12. Annual holiday schedule

3.*1.*Delegations of administrative authority, including

a. Authority to approve travel

b.*a.*Authority to approve purchases

4.*13.* Policy statements when the effect will be to change admission, probation, or suspension regulations; establish or alter policies, regulations, or rules relating to employment or property rights; govern the activities of the entire university or a major section of the university, such as rules for admission into teacher education or any

other major curriculum; change long standing and well accepted practices or patterns of behavior; or implement rules, regulations or activities established by external authorities

~~5.~~*1.* ~~Contracts, purchases, or agreements in the amount of $500,000 or more, and any contract amendment, extension, or renewal that causes the value of the original contract to exceed $500,000, except those items that appear in Section B below~~

~~6.~~*14.* Any lease of any item (building, equipment, etc.) if the total cost of the lease is expected to be $500,000 or more without regard to the length of the lease period

~~7.~~*1.* ~~Purchase, sale or exchange of real property~~

~~8.~~*1.* ~~Depository contracts~~

~~9.~~*1.* ~~Food service (or similar) contracts, including changes in existing contracts~~

~~10.~~*1.* ~~Contracts and agreements with support or development foundations~~

~~11.~~*15.* Settlements, consent decrees, authority to enter into litigation (executive session only, does not require board action for approval)

~~12.~~*16.* Establishment (or change) of tuition, student fees, room and board fees, and all optional statutory tuition exemptions or waivers. Approval must be provided on no less than an annual basis, or when there is any change to the items listed.

~~13.~~*17.* Curriculum matters, including

a. Establishment or elimination of academic programs
b. Establishment or elimination of courses
c. Major changes in programs or courses

~~14.~~*18.* Designation of a name for university buildings, facilities, streets, etc.

~~15. Annual holiday schedule~~

~~16.~~*19.* Private, governmental, or foundation grants or agreements *of $1 million or more or if the grant commits the university more than five years.* ~~if the purpose of the grant, etc.is not designated ("president's discretion" constitutes a designation)~~

~~17.~~*1.* ~~Annual operating budget~~

~~18. Increases in existing budgets through a "budget adjustment" if over $500,000, exceptrevolving funds~~

~~19. Biennial legislative request~~

~~20. Long range master plans and strategic plans~~

B. *Exceptions*~~Items~~ That Do Not Require Approval by the Board of Regents

~~1. Construction or renovation projects under $500,000~~

~~2. Change orders under $500,000 as long as the approved budget is not exceeded~~

~~3. Appointment, change of status, promotion, termination of non-exempt employees~~

~~4. Appointment, change of status, termination of graduate or student assistants~~

~~5. Resignations~~

~~6. Contracts, purchases, and agreements when the amount is less than $500,000~~

~~7. Budget transfers that do not increase the board approved budget~~

~~8.~~*1.* Private, governmental, and foundation grants, agreements or sub-awards if the purpose of such is stipulated by the grantor. New grants, contracts, agreements or sub-awards are to be submitted to the Board of Regents for ratification on a quarterly basis.

~~9.~~*2.* Materials purchased for resale in auxiliary operations and central stores

~~10.~~*3.* Materials purchased for inventory stock of physical plant, residence life, or student *center* ~~center~~operations, such as custodial cleaning products and paper goods

4. Materials purchased for inventory stock from operation and maintenance budgets previously approved by the board, such as food purchases for the Early Childhood Lab

~~11.~~*5.* Materials or services purchased for emergencies resulting from disasters, hazards, or *other* ~~other~~exigent circumstances

~~12.~~*6.* Library subscription services

~~13.~~*7.* Recurring printing orders

~~14.~~*8.* Contracts and agreements for athletic events, entertainment concerts, fine arts events, *and other* ~~andother~~ similar activities

~~15.~~ Group travel packages for resale

~~16.~~*9.* ~~Materials or services purchased for emergencies resulting from disasters, hazards, or otherexigent circumstances~~

~~17.~~*10.* Outside counsel contracts

~~18.~~*11.* Other items approved by the president of the university which are not listed in Section *A of* ~~Aof~~ this policy

~~19.~~*12.* Specific commodities or service necessary for day-to-day operations *which may aggregate over $*~~5~~*1,000,000 in an annual period*~~of the university:~~*,* ~~I~~*including, but not limited to utilities, gasoline, insurance, telecommunications and networking services, preferred or mandatory use vendor contracts, and blanket contracts or standing orders for which multiple purchases are made as needed by departments over the term, including renewals, to include,* ~~but not limited to, computers, printers, office supplies, promotional products, and routine maintenance products.~~

~~a. Water utility~~

~~b. Regulated electricity for beef farm, broiler farm and PWCC~~

~~c. Gasoline for university vehicles~~

~~d. Credit card merchant service fees~~

~~e. Maintenance contracts associated with preventive and/or repair work for on-going maintenance or service provided on a scheduled or as-needed basis for equipment orsoftware~~

~~f. Asbestos abatement projects as necessary on an "as needed" basis~~

~~g. Insurance negotiated and/or approved by the State Office of Risk Management~~

~~h. Temporary staffing services~~

~~i. Telecommunications and networking services and fees for land line phones, cellphones and internet service~~

~~j. Hosted software services and applicable license and maintenance for general businessoperations such as student bill payment, cashiering and student email~~

~~k. Television programming services~~
~~l. Pest Control services~~
~~m. Concrete services not related to a project that requires board approval~~
~~n. Hazardous waste pick-up and disposal services~~
~~o. Radio tower rental for the university radio station~~
~~p. Consultant for annual roof inspections~~
~~q. Fire alarm inspections~~
~~r. Travel-related contracts, including air charter service~~
~~s. Search engine optimization for the university website~~
~~t. Preferred or mandatory use vendor contracts, blanket contracts or standing orders nototherwise requiring board approval, for which multiple purchases made as needed by departments may exceed $500,000 over the term of the contract including renewals and including, but not limited to, computers, printers, office supplies, promotional products, chemicals and air filters for HVAC systems, etc.~~

Cross Reference: *19 Tex. Admin. Code Ch. 17; Contracting Authority (1.3); Delegated Purchasing Authority (17.5); Procurement Manual; Construction Manual*~~None~~

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Finance and Audit Committee

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Juanita Curry Boynton House

Policy Number: 16.32

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy affirms that the Juanita Curry Boynton House (Boynton House) serves as a university event space and as the residence of the university president. It prescribes responsibility for the university property used and/or stored at the facility and inventory management procedures; it officially designates event and residential space and the process for making decisions concerning renovations and décor.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judi Kruwell, Associate Vice President of Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Juanita Curry Boynton House

Original Implementation: July 23, 2019
Last Revision: *July 26, 2022* ~~None~~

Purpose

This policy affirms that the Juanita Curry Boynton House (Boynton House) serves as a university event space and as the residence of the university president. It prescribes responsibility for the university property used and/or stored at the facility and inventory management procedures; it officially designates event and residential space and the process for making decisions concerning renovations and décor.

Property

The president is designated as the property custodian for all university property located at the Juanita Curry Boynton House and grounds. The president is responsible for maintaining an accurate and current inventory, documented by photographs, of all university property located at the Boynton House in the Juanita Curry Boynton House property log. The updated log will be provided by the Office of the President to the director of procurement and *business*~~property~~ services*/HUB coordinator* and the chief audit executive on an annual basis coinciding with the annual property inventory audit.

The Department of Procurement and *Business*~~Property~~ Services is responsible for conducting a periodic property inventory audit in accordance with policy 17.14, Property Inventory and Management. In addition, during the periodic inventory, the Department of Procurement and *Business*~~Property~~ Services will *select and* spot check items on the Juanita Curry Boynton House property log. The Department of Audit Services may audit any and all property as considered necessary.

Space Allocation

The Juanita Curry Boynton House serves as a dual-use facility; the facility serves as both an event/hosting space for the university and as a personal residence of the president. The following prescribes the nature of the various spaces within the facility:

<u>University Event Space</u>

- Formal Living Room and Main Foyer
- Commercial Kitchen
- Dish Storage Room

- Formal Dining Room
- Guest Bathroom
- Outdoor areas

Hybrid Space

- East Wing Room
- Bar

Residential Space

- Master Bedroom/Bathroom
- Upstairs Rooms 1-4
- Residential Kitchen
- Den/TV Room

Notwithstanding these allocations, the president is not restricted to use solely of the residential space; rather, the president may make use of the entire facility, subject to any restrictions provided in this policy.

Renovation, Furnishing, and Décor

Any decisions regarding renovation, furnishing, and décor will be brought before the Juanita Curry Boynton House committee. This committee shall consist of the following individuals: the chair of the Board of Regents (or designee), the vice president for university advancement, the director of the physical plant department, a representative from Interior Design program in the School of Human Sciences, the chief audit executive (ex officio), and the general counsel (ex officio). The chair of the Board of Regents (or designee) will serve as chair of this committee. The committee may designate additional individuals to advise it as desired.

The renovation, furnishing, and décor of university event space and hybrid space is within the sole purview of the Juanita Curry Boynton House committee. For hybrid space, the committee will solicit and consider input from the president.

Furnishing and décor of residential space is the sole purview of the president. Any request for renovation, including but not limited to construction, space modification, and paint and/or wallpaper, will be submitted to the Juanita Curry Boynton House committee for approval.

All university policies and procedures apply, including but not limited to those regarding procurement and establishment of a budget.

Cross Reference: Property Inventory and Management (17.14)

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: Juanita Curry Boynton House Property Log

Board Committee Assignment: Building and Grounds

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Library Borrowing

Policy Number: 4.11.2

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

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Guidance on who can borrow materials from the SFASU library.

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 <u>each</u> substantive revision: Policy to be moved to the Steen Library Procedures Manual.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

~~Library Borrowing~~

~~**Original Implementation:** February 11, 1981~~
~~**Last Revision:** April 30, 2019~~

~~Persons who hold Stephen F. Austin State University identification cards or Judy B. McDonald Public Library cards are eligible to borrow materials from the Ralph W. Steen Library. Individuals who do not hold either card may use an official picture identification, e.g., driver's license, to borrow materials. A university library card may be issued upon request. Loan periods vary by borrower category and type of material borrowed. Library users are responsible for all materials borrowed from either library, including the payment of overdue fines, and replacement and/or repair costs for lost or damaged materials. Borrowing privileges are suspended at both libraries for overdue materials or unpaid charges at either library. Individuals are limited to ninety-nine items on their borrowing record at any one time.~~

~~Ralph W. Steen Library recognizes and accepts TexShare reciprocal borrowing cards from participating institutions. TexShare library card holders from participating institutions must present an official picture identification when borrowing materials from Ralph W. Steen Library. TexShare cards issued to SFA students are valid for one semester, expiring on the first day of the following semester, whereas, faculty and staff TexShare cards expire at the end of August.~~

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

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

~~**Contact For Revision:** Library Director~~

~~**Forms:** https://forms.sfasu.edu/libweb/library_registration.html and https://forms.sfasu.edu/libweb/texas_share_card_app.html~~

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

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Library Gifts

Policy Number: 4.11.3

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

Date of last revision, if applicable: 1/26/2016

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs

Purpose of Policy (what does it do): Guidelines for gifts to Steen Library.

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 <u>each</u> substantive revision: Policy to be combined with policy 3.17 and be moved to the Steen Library Procedures Manual.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

~~Library Non-Monetary Gifts~~

~~**Original Implementation:** March, 1982~~
~~**Last Revision:** October 28, 2019~~

~~The purpose of the Ralph W. Steen Library's gift program is to support the academic mission of the university by accepting materials.~~

~~The library will decide whether to accept a non-monetary gift on the basis of the needs of the collection, technical processing costs, physical condition, location and space, maintenance requirements, and donor restrictions. The library reserves the right to determine the retention, cataloging treatment, and other considerations related to the use or disposition of donated materials.~~

~~The library director and the vice president for university advancement will negotiate and authorize the acceptance of major gifts (i.e., gifts requiring an extraordinary commitment of space or gifts accompanied by specific management requirements), subject to approval by the provost and vice president for academic affairs and the president.~~

~~The library does not appraise gifts. The cost of any appraisal of non-monetary gifts is the responsibility of the donor.~~

~~**Cross Reference:** Gift Reporting (3.16)~~

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

~~**Contact for Revision:** Library Director~~

~~**Forms:** None~~

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

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Lumberjack Education Assistance Program

Policy Number: 12.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/18/2020

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy permits active, regular (100% FTE) employees of the university, their spouses, and dependents to participate in the Lumberjack Education Assistance Program (LEAP) provided eligibility requirements are met.

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: N/A

Specific rationale for <u>each</u> substantive revision: 1) Added definitions for eligible employee, eligible spouse, and eligible dependent.
2) Graduate Assistants have been removed from the LEAP policy and will be subsidized with a separate program.
3) Added length of service requirement for employees to be employed at 100% FTE for six months (continuous service) to be completed before the end of the enrolled term to become eligible for LEAP. This required service must also be completed by the employee before a spouse or dependent is eligible.
4) Changed the program to allow for participants to retain outside scholarships and federal financial aid (PELL and FSEOG). In the past, all financial aid applied to the student's bill first, and the LEAP exemption was reduced.

Specific rationale for deletion of policy:

Additional Comments:

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

Graduate Teaching and Research Assistants (GRA/GTAs) that were covered by LEAP in FY20-22 will no longer be covered under this employee benefit policy. A separate program will be established and funded in the university budget to provide financial aid in the form of a scholarship to subsidize the GRA/GTA program beginning with the Spring semester FY23.

To bridge the gap for the GRA/GTAs that were covered under LEAP in the Spring and Summer 22 terms and the GRA/GTAs hired for the Fall 22 term, a legacy subsidy will be provided using increased tuition and fee revenue. The legacy program will end as GRA/GTAs graduate or opt out of the program.

In accordance with policy 6.12 Graduate Assistantships, legacy and future participation in the new scholarship program requires the student be enrolled in a minimum of six (6) hours of graduate level coursework in order to receive the scholarship.

Recruitment of new full-time GRA/GTA positions beginning Spring 2023 will include scholarship funds that can be awarded for up to 50% of mandatory tuition and fees, excluding statutory and graduate tuition. The recommended scholarship levels are $3,000 for students enrolled in nine (9) hours and $2,300 for students enrolled in six (6) hours. These scholarship levels will fund approximately 50% of what the LEAP program would have covered. GRA/GTA positions beginning Spring 2023 will not be limited as to other financial aid for which they receive, therefore, stacking of any other scholarships will be allowed.

Effective for the Fall 2022 term, retirees, retiree spouses and retiree dependents will no longer be granted the LEAP benefit. This is not a policy change, but a procedural change required to comply with the current and revised versions of policy. There are currently seven (7) students receiving the LEAP exemption as either a retiree or dependent of a retiree. These students will be considered legacy retiree eligible participants. Participation in LEAP as legacy retirees, retiree spouses, and retiree dependents will end after the Summer 2024 term, or as these students graduate or become ineligible for any other reason.

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Erma Brecht, Executive Director Enrollment Management
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Lumberjack Education Assistance Program

Original Implementation: January 28, 2003
Last Revision: ~~April 18, 2020~~*July 26, 2022*

Purpose

This policy permits active, regular (100% FTE) employees of the university, their spouses, and dependents, ~~as well as certain graduate assistants~~ to participate in the Lumberjack Education Assistance Program (LEAP) provided eligibility requirements are met *and funding is available*.

Definitions

Eligible employee – for purposes of LEAP, an eligible employee is an active, regular (100% FTE) employee who has completed six months of continuous service for the university prior to the end of the enrolled semester.

Eligible dependent – for purposes of LEAP, a child, stepchild, or qualified dependent of an eligible employee meeting the definition of dependent under IRS regulations.

Eligible spouse – for purposes of LEAP, an individual recognized by law as a spouse or common law spouse and meets insurance eligibility requirements for a spouse set forth by the Employees Retirement System of Texas (ERS).

Third party or contract – a sponsoring organization or agency who takes responsibility for paying a student's tuition and fee balance either in full or in part.

Outside scholarship~~s~~ – a scholarship~~s~~ provided by a private donor~~s~~, foundation~~s~~, business~~es~~, ~~and~~or other sources external to Stephen F. Austin State University, SFASU Foundation, Inc., and SFASU Alumni Association.~~.~~

General

Detailed program and eligibility requirements can be found on the human resources website. ~~The program~~*LEAP* is designed as an employee benefit initiative and is subject to available resources.

~~Full-time employees and graduate assistants who meet specific eligibility requirements are permitted to take a course during working hours. However, participation in the program does not supersede regular work responsibilities. If departmental workloads permit, employees may take one course per semester of either three or four semester credit hours during working hours. An employee's supervisor must approve the time off for the class, and also approve make-up work arrangements for time missed. If work cannot be made up, an employee must turn in vacation or comp time for work time missed. Exceptions to the policy will be considered, but approval must be obtained from the employee's supervisor and appropriate vice president.~~

LEAP benefits apply only to mandatory tuition and fee charges excluding statutory tuition. Statutory tuition, excessive hours tuition, 3-peat charges, and non-mandatory incidental fees are not covered by LEAP benefits.

LEAP benefits will be reduced if~~do not apply to~~ tuition and fees ~~which~~ are paid by a third party or contract, or are ~~covered~~paid by any other exemption or ~~waiver.~~waiver.

LEAP benefits will also be reduced by student financial aid with the exception of ~~are not reduced by~~ PELL grant, FSEOG (federal supplemental educational opportunity grant), outside scholarships, ~~or~~ loans.

Participation in the LEAP program requires maintaining a minimum cumulative GPA of 2.0 for undergraduate degree programs and a minimum cumulative GPA of 3.0 for graduate degree programs.

The university complies with federal and state tax regulations governing any applicable taxability, tax reporting, and/or withholding of taxes on ~~the~~ *LEAP benefits* ~~Lumberjack Education Assistance Program~~. The value of any taxable tuition and fee benefits paid by ~~the~~ LEAP *above the annual IRS eligible amount is treated as a taxable benefit to the employee.* ~~will be included as taxable income on the employee's annual Wage and Tax Statement (W-2) and will be subject to tax withholdings.~~

Employees

Active, regular (100% FTE) employees become eligible for LEAP benefits when they will have completed six months of continuous service for the university ~~. The six month period must be completed~~ before~~y~~ the last day of the enrolled term. ~~I~~If an employee retires from the university, or terminates for any reason, LEAP eligibility will end on the last day of the enrolled term.

~~*LEAP benefits will apply to eligible tuition and fee charges for up to two courses (maximum 8 credit hours) per semester with supervisor approval. Statutory tuition related to courses eligible for LEAP will be covered by an employee scholarship.*~~

If departmental workload permits, an employee may attend one class during normal working hours by utilizing an alternative work schedule or by using accrued compensable leave. To be eligible for an alternative work schedule, an employee must request approval from the appropriate supervisor and director/dean for the time off to attend class.

Statutory tuition related to courses eligible for LEAP will be covered by a separate employee scholarship. ~~*Exceptions to the maximum semester load may be considered, but approval must be obtained from the employee's supervisor, director/dean, and appropriate member of the president's cabinet.*~~

Spouse/Dependents

Eligible employees may apply for LEAP benefits on behalf of their spouse/dependents when the employee becomes eligible as set forth by this policy. The LEAP benefits may be applied to undergraduate or graduate courses that are part of the overall degree plan of the spouse/dependent so long as he/she meets the definition of spouse/dependent as set forth by this policy. Documentation may be required to determine spouse/dependent eligibility.

If the eligible employee that applied for LEAP on behalf of the spouse/dependent retires from the university or terminates for any other reason, LEAP eligibility for the spouse/dependent will end on the last day of the enrolled term.

Cross Reference: *LEAP Requirements Document on the Human Resources Website*~~None~~

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: *LEAP Application on mySFA; Employee Scholarship Application*~~Employee Educational Assistance packet: http://www.sfasu.edu/hr/115.asp.~~

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Military Service Activation

Policy Number: 6.14

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Provost and Vice President for Academic Affairs for University Affairs

Purpose of Policy (what does it do): Provide course absence and withdrawal guidance for students that may be called to active military service.

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 <u>each</u> substantive revision: 1. Provide process for students that miss more than 25% of total number of class meetings. 2. Clarify process for student withdrawal from the university due to military service activation. 3. Minor edits.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Mickey Diez, Registrar
Erma Brecht, Executive Director of Enrollment Management
Damon Derrick, General Counsel

Military Service Activation

Original Implementation: April 20, 2010
Last Revision: July ~~23, 2019~~*26, 2022*

Through the course of an academic term, a student may be called to active military service. In the event of activation or mobilization, students are required to present a copy of their official orders *to the Registrar's Office* to facilitate verification of inclusive dates. Students called to active military service have several options available to them for the treatment of their academic coursework and financial obligations.

Excused Absence for Military Service Activation

Should a student called to active military service choose not to withdraw, the university will excuse the student from attending classes or engaging in other required activities upon receipt of a copy of the military orders. Excluding the final examination period, the maximum amount of time a student may be excused will be no more than twenty-five percent (25%) of the total number of class meetings, or the contact hour equivalent. The university will not penalize the student for that absence (including any travel associated with the service) and the student will be allowed to complete any assignment or take any examination within one year after the completion of active service.

The university may provide as an accommodation, if reasonable and appropriate under the individual circumstances, extended time for course completion and additional services for those returning from active military service with documented duty-related disabilities. See Academic Accommodation~~s~~ for Students with Disabilities (6.1). During this time, the syllabus and a record of the coursework completed prior to activation will be retained by the instructor or academic unit. The student will be able to complete the course without penalty and under the same requirements as when the student initially enrolled in the course.

Upon returning from active military service, the student will provide to the registrar a written request to complete the course. Upon receipt, the registrar will contact the *Dean of the student's major* ~~academic unit head~~ who will coordinate the completion of the course*(s) with the appropriate academic department(s)*. If the student fails to complete any coursework or examinations, the student will receive the grade earned up to that point. Any dispute under this policy will be handled under normal academic procedures. See Final Course Grade Appeals by Students (6.3).

Withdrawal from University for Active Military Service

~~Any withdrawal from a course due to active military service will be treated as if the student had not enrolled in that course.~~ If a student elects to withdraw from the university due to military service activation, the university, at the student's written request and upon receipt of a copy of

the military orders, will*:*

~~1. refund the tuition and fees paid by the student for the semester in which the student withdraws;~~

~~2. petition the instructor to assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of coursework and who has demonstrated sufficient mastery of the course material. The decision will be at the instructor's discretion; or,~~

~~3. grant the student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript.~~

1. Refund the tuition and fees paid by the student for the semester in which the student withdraws. Any withdrawal from a course due to active military service will be treated as if the student had not enrolled in that course; or

~~2.~~Grant a student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript~~,~~ or

~~1.~~2.~~A~~as determined by the instructor, assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of coursework and who has demonstrated sufficient mastery of the course material.

Cross Reference: Tex. Educ. Code §§ 51.9111, 54.006(f); 19 Tex. Admin. Code § 4.8; Course Grades (5.5); Course Add/Drop (6.10); Student Fiscal Appeals (6.19); Satisfactory Academic Progress for Financial Aid Recipients (6.16); Academic Accommodations for Students with Disabilities (6.1); Final Course Grade Appeals by Students (6.3).

Responsible for Implementation: ~~Provost and Vice President for Academic Affairs~~ *Executive Director of Enrollment Management* ~~and Vice President for University Affairs~~*~~Chief Diversity Officer~~*

Contact for Revision: Registrar

Forms: None

Board Committee Assignment: Academic and Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Missing Student Notification

Policy Number: 13.13

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy, along with its accompanying procedures, establishes a framework for cooperation among members of the Stephen F. Austin State University community, in accordance with the Higher Education Opportunity Act (HEOA) of 2008, aimed at locating and assisting currently enrolled students who reside on and off campus and have been reported missing.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Fields, Chief of Police
Andrew Dies, Assistant Vice President of Student Affairs/Dean of Students
Brandon Frye, Vice President of Student Affairs
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Missing Student Notification

Original Implementation: July 20, 2010
Last Revision: July *26~~23~~*, 202*2~~19~~*

Purpose~~:~~

This policy, along with its accompanying procedures, establishes a framework for ~~—~~cooperation among members of the Stephen F. Austin State University community, in accordance with the Higher Education Opportunity Act (HEOA) of 2008, aimed at locating and assisting currently enrolled students who reside ~~on and off~~*in on-*~~-~~campus *housing* and have been reported missing.

General

Any person having reason to believe that a student may be missing should immediately contact the Stephen F. Austin State University Police Department (UPD). The *U~~u~~*niversity *P~~p~~*olice *Department* shall investigate each report and immediately notify the appropriate university administration *if there is evidence that the person could be missing*.

A student is presumed to be missing when his or her absence is inconsistent with his or her established patterns of behavior, and the deviation cannot be readily explained. Before presuming that a person is missing, reasonable measures should be taken to determine whether or not the student is at another place of residence and whether or not anyone familiar with the person has seen or heard from the person recently or is aware of where he or she may be.

Contact Information~~:~~

~~All s~~Students shall have an opportunity to designate a contact person who will be notified in the event the student *residing in on-campus housing* is determined to be missing. This contact information is separate from the emergency contact information a student may have provided as part of the registration process and will not be disclosed outside of a missing person investigation.

If a student fails to provide a separate contact person to be notified in a missing person investigation, the university may contact any person listed as an emergency contact for ~~—~~the student.

If the student deemed missing is younger than 18 years of age and is not emancipated, the University Police Department is required to notify the parent or guardian of the missing student within 24 hours after that determination is made.

Procedure~~:~~

- Anyone who suspects a student may be missing should notify the University Police Department immediately at 936-468-2608 *or 911*.
- Any report of a missing student made to a university office or employee, should be directed immediately to the University Police Department at 936-468-2608.
- When a student is reported missing, the University Police Department shall;
  - Initiate an investigation to determine the validity of the missing person report;
  - Notify the assistant vice president *of student affairs/ ~~and~~* ~~and~~ dean of students;
  - Make a determination as to the status of the missing student *based upon the investigation*;
  - ~~•~~ If the student is determined to be missing ~~:~~
  - notify the confidential contact person identified by the missing student as the emergency contact within 24 hours;
  - If the student has failed to provide a confidential contact person, notification may be made to any person listed as an emergency contact for the student;
  - Notify the student's custodial parent or guardian as contained in the records of the university within 24 hours of the determination that the student is missing if the student is younger than 18 years of age and is not emancipated.
- The *assistant* vice president *of* ~~for university affairs~~*student affairs/dean of students* shall initiate any action he/~~ or~~ she deems appropriate under the circumstances to be in the best interest of the missing student.
- The University Police Department may request the assistance of other law ~~–~~enforcement agencies as deemed necessary in the investigation.

Awareness~~:~~

A statement of this policy and the missing student notification procedures shall be provided in the university's annual security report in accordance with federal law and regulations.

The assistant vice president *of student affairs/* ~~and~~ dean of student*s and the University Police Department*~~t affairs~~ shall have the responsibility to inform students of the provisions of this policy, and the procedures set forth above.

Cross Reference: 20 U.S.C. § 1092(j); 34 C.F.R. § 668.46

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

~~Affairs~~ *and Vice President- of~~of~~ Student Affairs*

Contact for Revision: ~~Executive Director of Public Safety *and Parking Services/*~~Chief of Police~~;~~*and Assistant Vice President of Student Affairs/Dean of Students*

Forms: None

Board Committee Assignment: Academic and Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Norton HPE Complex

Policy Number: 16.18

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/29/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Acacdemic Affairs and Vice President of Student Affairs

Purpose of Policy (what does it do): Policy discusses use of equipment and grounds for HPE and Campus Rec.

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 <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Student Affairs Policy Committee
Academic Affairs Policy Committee
Brandon Frye, Vice President Student Affairs
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Norton HPE Complex

Original Implementation: Summer, 1975
Last Revision: ~~January 29, 2019~~*July 26, 2022*

The provisions of university policy 16.33, Use of University Facilities, govern the use of all buildings, facilities, equipment and grounds, hereinafter referred to as facilities, under the control of Stephen F. Austin State University (SFA). That policy provides that the university may establish additional procedures for the reservation and use of specific facilities; therefore, the following provisions apply to the Norton HPE complex.

The Lucille Norton HPE Complex is a shared use facility on campus between the Kinesiology and Health Science Department, the Athletic Department, and the Campus Recreation Department which also ~~oversees~~ *staffs* the Employee Wellness program. The following guidelines have been created in an effort to maximize the use of available spaces while supporting a collaborative relationship between all users of the facility.

Facility Usage

A valid SFA ID card is required to use the facility during recreational programming. There is no charge for SFA students, faculty, or staff to use the facility. The complex is not available for use by anyone other than current SFA students, faculty, staff, and members of the Employee Wellness program unless through a contracted rental of the facility.

Non-SFA groups may rent the facility in accordance with Policy 16.33.

The facility may be used during emergency operations (i.e. evacuation shelter) when deemed necessary by the vice president ~~for university~~*of student* affairs *or their designee*. During such use, ~~University~~ *Student* Affairs staff will be responsible for facility management. Every effort will be made to minimize the impact on academic classes scheduled in the HPE Complex.

Priority of Use/Scheduling

The following spaces have been designated for priority usage by the following groups. Any entity wishing to use these spaces must request them from the designated group who is responsible for the scheduling of the facility during these times. The designated group below is responsible for supervision of the space during these times, for leaving the space clean and usable for the next group and for locking the facility at the end of their use (when appropriate).

HPE Weight Room	12 am – 6 am	Campus Recreation
	6 am - Noon	Kinesiology & Health Science

	Noon – 1 pm	Campus Recreation
	1 pm – 4 pm	Kinesiology & Health Science
	4 pm – 12 am	Campus Recreation
	Weekends	Campus Recreation
HPE Racquetball	12 am – 8 am	Campus Recreation
	8 am – Noon	Kinesiology & Health Science
	Noon – 1 pm	-Campus Recreation
	1 pm – 4pm	Kinesiology & Health Science
	4 pm – 12 am	Campus Recreation
	Weekends	Campus Recreation
HPE Indoor Pool	12 am – 8 am	Campus Recreation
	8 am – Noon	Kinesiology & Health Science
	Noon – 1 pm	Campus Recreation
	1 pm – 4 pm	Kinesiology & Health Science
	4 pm – 12 am	Campus Recreation
	Weekends	Campus Recreation
HPE Big Gym	12 am – 6 am	Campus Recreation
	6 am – Noon	Kinesiology & Health Science
	Noon – 1 pm	Campus Recreation
	1 pm – 4 pm	Kinesiology & Health Science
	4 pm – 12 am	Campus Recreation
	Weekends	Campus Recreation
HPE Gymnastics Room	12 am – 6 am	Campus Recreation
	6 am – 4 pm	Kinesiology & Health Science
	4 pm – 12 am	Campus Recreation
	Weekends	Campus Recreation
HPE/Shelton Classrooms and Labs	12 am – 12 am	Kinesiology & Health Science
	Weekends	Kinesiology & Health Science
Shelton Gym	12 am – 6 am	Campus Recreation
	6 am – *2:30*~~4~~ pm	Kinesiology & Health Science
	2:30~~4~~ pm – ~~*10*~~*7 10* pm	Athletic Department *(In-season volleyball priority*~~*only*~~*)/Campus Recreation*
	10~~*7*~~ pm – 12 am	Campus Recreation
	Weekends	Campus Recreation
	Saturdays-10am-4pm	*Athletics (In-season volleyball priority*~~*only*~~*)/Campus Recreation*

Intramural Fields	12 am – 8 am	Campus Recreation
	8 am – 4 pm	Kinesiology & Health Science
	4 pm – 12 am	Campus Recreation
	Weekends	Campus Recreation
Tennis Courts	12 am – 8 am	Campus Recreation
	8 am – 4 pm	Kinesiology & Health Science
	~~4 pm 7 pm~~*All day/night (24/7)*	Athletic Department (Courts #5-8 & 11-14 only)
	4 pm – 12 am	Campus Recreation
	Weekends	Campus Recreation

Cross Reference: Use of University Facilities (16.33)

Responsible for Implementation: Provost and *Executive* Vice President for Academic Affairs; Vice President ~~for~~ *of* ~~University~~ *Student* Affairs*; Director of Intercollegiate Athletics*

Contact for Revision: Chair of the Department of Kinesiology and Health Science; Director of Campus Recreation*; Director of Intercollegiate Athletics*

Forms: None

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Outside Employment

Policy Number: 11.19

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/20/2021

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy outlines the requirements of Stephen F. Austin State University (SFA) employees in reporting outside employment that is in addition to their employment at SFA. This policy applies to all employees of SFA except positions that require enrollment as a student.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Outside Employment

Original Implementation: April 21, 1981
Last Revision: *July*~~April~~ *26*~~12~~20, 202~~2~~1

Purpose

This policy outlines the requirements of Stephen F. Austin State University (SFA) employees in reporting outside employment that is in addition to their employment at SFA. This policy applies to all employees of SFA except positions that require enrollment as a student.

Definitions

Outside employment - ~~is~~ engagement in any activity for a fee, salary, wages, or other financial arrangement other than for SFA. Examples include dual employment with another entity in Texas government, establishing or joining a firm, private business, or engaging in the private practice of some professional skill, or working at another job.

Dual employment - ~~is~~ engagement in any activity for a fee, salary or wage at another state agency or institution of higher education other than SFA**.**

Annual Conflict of Interest Disclosures – required annual disclosures by certain university employees using the university's online process.

General

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

1. An individual desiring permission to engage in outside employment must complete the Request for Approval of Outside Employment form and route it through administrative channels to the appropriate division head (or president if no division head oversees the office) for approval, prior to beginning outside employment. After initial approval of the outside employment, the employee will annually disclose or update such outside employment in the Employee Annual Conflict of Interest Disclosures.
2. Proper performance of the employee's university assignment is paramount and outside work will assume a position secondary to university duties.
3. The employee may not use any materials or facilities of SFA in the course of outside employment.
4. The employee will make a reasonable effort to assure that his/her outside employment is not identified with SFA.
5. The employee cannot perform any outside employment within the hours in which they are also

being compensated for employment with SFA.

In addition, the following guidelines and constraints are applied for dual employment:

1. ~~1. Separate leave records will be maintained for each employment~~*An employee seeking dual employment must notify and receive approval from both the current and potential additional state employer prior to accepting multiple state employments*.

~~1.~~*2.Separate leave records will be maintained for each employment.*

3~~2~~. Time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for the other position.

4~~3~~. Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.

5~~4~~. The state's contribution towards the taxes imposed on the employee by the Federal Insurance Contributions Act may not exceed the overall limit specified in the General Appropriations Act. The *state* comptroller shall prescribe such uniform accounting and reporting procedures as necessary to ensure that expenditures for this purpose do not exceed this limit.

6~~5~~. The total state contribution toward the employee's group insurance will be limited to no more than the amount specified in the General Appropriations Act for one full time active employee.

7~~6~~. The employee will be entitled to receive longevity payment for no more than one employment.

8~~7~~. Overtime compensation will accrue for each employment totally independent of the other, except that when an employee works in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act (FLSA) of 1938, 29 U.S.C., sec. 201 et seq., in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions.

~~Each division head will provide a summary report to the president of individuals in their division approved for outside employment by October 31 of each year.~~

Cross Reference: Faculty Handbook, Tex. Const. art. XVI, §§ 33, 40; Tex. Gov't Code §§ 667.001-007; General Appropriations Act; Fair Labor Standards Act, 29 U.S.C. §§ 201-219

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Request for Approval of Outside Employment form is available on the human resources website; Employee Annual Conflict of Interest Disclosures.

Board Committee Assignment: Academic and Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Parking Services

Policy Number: 13.14

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/27/2021

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): SFASU parking regulations are intended to regulate and control parking and the use of parking facilities, to provide for the issuance of parking permits, and to provide for jurisdiction over offenses. These rules and regulations are supplementary to applicable ordinances of the city of Nacogdoches and the statutes of the state of Texas that govern pedestrians and the use of motor vehicles and bicycles.

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: N/A

Specific rationale for <u>each</u> substantive revision: Name change and minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Fields, Chief of Police
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Parking ~~and Traffic~~*Services*~~Services~~

Original Implementation: September 1, 1961
Last Revision: July *26*~~27~~, 2022~~1~~

Purpose~~:~~

The Texas Education Code provides that the governing board of each state institution of higher education may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of the Texas Education Code and the governance of the institution, provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control.

General

The Board of Regents will approve the establishment of parking fees and any changes thereto. However, the board hereby delegates to the chief of police the authority to adopt rules and regulations that govern the operation and parking of vehicles on property owned or under the control of the university, including but not limited to limiting the rate of speed, assigning parking spaces and designating parking areas and their use, prohibiting parking as it deems necessary, removing vehicles parked in violation of university policy and procedure or law at the expense of the violator, and instituting a system of registration for vehicle identification.

The rules and regulations are supplementary to applicable ordinances of the city of Nacogdoches and the statutes of the state of Texas that govern pedestrians and the use of motor vehicles and bicycles.

The rules and regulations will be reviewed on at least an annual basis, and include review by the office of the general counsel.

~~General:~~

A. The operation of a motor vehicle or bicycle on university property is a privilege granted by the university and is not an inherent right of any faculty/staff member, student or visitor. All faculty, staff, students and visitors who park on university property must have and display a university parking permit or park in a short-term paid parking space. A parking permit signifies that an individual has been granted the privilege of parking a vehicle on university property and does not guarantee a parking place on campus.

B. The university assumes no liability or responsibility for damage to or theft of any vehicle parked or driven on campus. The university assumes no responsibility or any duty to protect

any vehicle or its contents at any time the vehicle is operated or parked on the campus. No bailment is created by granting any parking or operating privileges regarding a vehicle on any property owned, leased or otherwise controlled by the university.

C. Each person operating a motor vehicle on university property is responsible for obeying all university parking services regulations as well as all city and state parking regulations. The regulations are in effect at all times on university property including semester breaks, holidays, weekends, and intersessions.

Administration and Enforcement of the Regulations~~:~~

A. **~~Parking Services:~~** The *p~~P~~*arking *s~~S~~*ervices division of the SFA University Police Department (UPD) is authorized to enforce the regulations and is responsible for the administrative functions relating to parking permits; establishing procedures and requirements for the issuance of parking permits; the collection of enforcement fees for parking services violations; establishing requirements for the submission of appeals; the processing of appeals from parking services citations; and for management of parking lots and garages. ~~University~~ *P~~P~~*arking *s~~S~~*ervices enforcement officers are authorized to write university parking citations.

B. **~~The Stephen F. Austin State University Police Department (UPD):~~** The *u~~U~~*niversity *p~~P~~*olice division of UPD is also authorized to enforce the regulations at any time or under any circumstances deemed necessary. UPD officers may issue university citations or court appearance citations enforceable in justice of the peace or municipal court.

Additionally, the university police shall be vested with the authority to refuse to allow persons having no legitimate business to enter upon any property under the control and jurisdiction of Stephen F. Austin State University and to eject any unauthorized persons from said property upon their refusal to leave peaceably upon request.

The university police are authorized to enforce the Texas Motor Vehicle Code, the Texas Penal Code, and applicable ordinances of the city of Nacogdoches, the parking services regulations of the university, and all other laws.

Authority~~:~~

Parking *s~~S~~*ervices and UPD are authorized to enforce the regulations:

A. Through the issuance of university citations and collection of enforcement fees, including the periodic billing of unpaid citations and the referral of individual cases pertaining to unpaid campus citations to a collection agency;

B. Through the impoundment of vehicles interfering with the movement of vehicular, bicycle, or

pedestrian traffic, blocking a sidewalk or space for those with disabilities, loading dock, ramp, cross-walk, entrance, exit, fire lane, or aisle;

C. Through the impoundment or immobilization of vehicles for unpaid enforcement fees or display of a lost, altered, stolen or unauthorized parking permit;

D. By the suspension, revocation or denial of campus parking and driving privileges, parking permit and garage access privileges to those who have flagrantly violated these regulations;

E. By requiring either the vehicle owner or operator or the person who purchased the permit to appear in court for certain moving violations or at a university hearing for non-payment of outstanding charges or other violations of these regulations;

F. By barring re-admission and by withholding grades, degree, refunds and official transcript of any student for non-payment of outstanding charges in accordance with university ~~standards~~ *policy*;

G. By disciplinary action against employees or students who fail to abide by these regulations;

H. By such other methods as are commonly employed by city governments or state agencies in control of traffic regulation enforcement.

I. Violation of the university parking services regulation is a misdemeanor punishable by a fine of up to $200.

J. With approval of the vice president for finance and administration, UPD and *p*~~P~~arking *s*~~S~~ervices may authorize an alternative method for the payment of fines that is consistent with the university's mission such as community service hours or the collection of food for area foodbanks.

Collection Methods~~:~~

The university may arrange for collection of debts due to the university pursuant to the regulations in the following manner and as specified elsewhere in the regulations:

A. Permit payments may be deducted from employee payroll checks with the employee's permission. Deductions for all permit purchases will continue until the full price of the permit is paid or until the permit is returned. Employees are responsible for monitoring their paychecks to ensure that proper deductions are being made for their SFA parking permit.

B. A financial hold may be placed against *anyone*~~students~~ for past due debts.

~~C.~~ Any charge not paid when due *is considered an accounts receivable subject to collection*

following policy 3.28, Student and Non-Student Accounts Receivable. ~~may be forwarded to a collection agency or an attorney for collection. The offender will be responsible for paying all costs of collection, including any agency fees and/or reasonable attorney's fees, which will be added to the total amount due.~~

Appeals

~~:~~ The rules and regulations established by Parking Services will provide a procedure for appeal of a citation.

Cross Reference: Parking Services Regulations; Tex. Educ. Code §§ 51.201-.211, 54.505; Tex. Transp. Code § 681.008, Ch. 683*; Student and Non-Student Accounts Receivable (3.28)*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Executive Director and /*Chief of Police

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Policy Development and Format

Policy Number: 1.6

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Policy describes the policy review and formation process and contains the format each policy must follow

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: Policy 13.14 removed from mandatory annual review due to the removal of parking and traffic charges and fees from the policy. Revision history added to each policy.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Damon Derrick, General Counsel

Policy Development and Format

Original Implementation: July 16, 2013
Last Revision: July ~~23~~*26, ~~2019~~2022*

A. POLICY FORMAT

Each policy will have a title that is concise but descriptive.

Each policy is indexed with a numeric indicator which indicates the position of the entry within the policy manual. Each policy contains two sets of numbers separated by a period. The number preceding the period refers to the subject area and the number following the period identifies the sequentially numbered policy within that subject area. The index number will be noted in the footer.

Each policy will have the following captions, defined as follows:

- Original Implementation: All new policies must be approved by the board of regents. The caption specifies the date of original approval of the policy by the board of regents. If the date of original implementation could not be determined accurately, Unpublished is substituted.
- Last Revision: All revisions to policies must be approved by the board of regents. This caption indicates the latest date that the policy was approved by the board of regents; the text of the policy is the latest revision, as of this date.
- Cross Reference: These consist of other policies or statutory references that may have a direct impact upon the policy.
- Responsible for Implementation: This caption indicates the position title of the senior university administrator who has been delegated by the board of regents and/or the president with the responsibility of administering this policy. This caption should state either the president, *vice president,* or ~~the vice president(s)~~*other division head* to whom the president has delegated this responsibility. If the policy is a university-wide policy, the responsible office listed is president; if the policy affects or is administered by a division of the university, the vice president *or other division head*~~of the division~~ is listed.
- Contact for Revision: This caption lists the position title of the university employee who directly administers the policy on a day-to-day basis and/or has been assigned the responsibility for revision of the policy. In some cases, there are multiple employees listed as responsible for revision and each must collaborate in the revision to coordinate changes that will impact more than one university division.
- Forms: Forms necessary to implement the policy are listed by title, followed by a parenthetical reference which indicates where the form may be obtained.

- Board Committee Assignment: This caption indicates which committee of the Board of Regents is responsible for initial review and recommendation for approval by the board.

- *Policy Revision History: This caption provides the revision dates of the policy for the previous ten years.*

Each policy will have a footer containing the page number, title and index number of the policy.

Policies will be styled consistent with the most recent version of the *Associated Press Stylebook.*

The general counsel may modify policies to revise contact information*, position title changes,* or as necessary to ensure compliance with this section. Additionally, the general counsel may modify the structure and format of the policy manual as needed to increase its usability and effectiveness.

B. PROCESS FOR PROPOSAL OR REVISION OF POLICIES

Policies may be revised by the Board of Regents at any time it becomes necessary or advisable. At a minimum, policies are to be reviewed every three years, with the exception of the following policies which require annual review:

- 2.13 ~~Sexual Misconduct~~*Title IX*
- 3.20 Investments – Endowment Funds
- 3.21 Investments
- 10.4 Student Code of Conduct
- ~~13.14 Parking and Traffic Regulations~~

The employee listed as contact for revision in each policy is responsible for initiating the review process and submitting the suggested policy changes through administrative channels to the president or to the vice president of the appropriate university division. In the academic affairs division, policy revisions should be submitted to the provost/vice president through a policy review committee.

New policies may originate from individual students, faculty or staff members, administrators, or from ad hoc or standing committees, groups, or boards; new policies must be submitted through the same process described above for policy revisions.

New or revised policies should be submitted for approval to the Office of the Board of Regents by the ~~president, vice presidents~~*individual responsible for the policy's implementation*, general counsel, or chief audit executive. The deadline for submission is approximately six weeks before each quarterly board meeting. Each submission must include a completed Policy Summary Form. The coordinator of board affairs will format the submitted policies for consistency and post online for campus-wide review and input. Additionally, copies will be sent to the president, and vice presidents, *and other division heads*. All policies are reviewed by the general counsel. Proposed

policies or revisions should be submitted to the board members in the agenda book ten days before each regular board meeting.

Following approval by the Board of Regents, policies are available in the online policy manual. A campus-wide email will be sent to highlight policy changes after each board meeting. Each university division will brief its staff concerning changes to relevant policies during staff meetings that follow each board meeting.

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: General Counsel; Coordinator of Board Affairs

Forms: Policy Summary Form (Board of Regents Office)

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Reasonable Workplace Accommodations For Disabilities

Policy Number: 11.22

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations, which does not constitute an undue hardship to the university.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Reasonable Workplace Accommodation for Disabilities

Original Implementation: April 20, 2004
Last Revision: July *26*~~23~~, 202*2*~~19~~

Purpose

Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations, which does not constitute an undue hardship to the university.

Definitions

~~A d~~*D*isability - ~~is~~ *a physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having such impairment*~~a known mental or physical impairment that substantially limits one or more major life activities of an individual either evidenced by a record of such impairment; or by being regarded as having such impairment~~.

~~A q~~*Q*ualified individual with a disability - ~~is~~ an individual who meets all the skills, experience, knowledge, educational and other job requirements of the position. In addition, the individual can perform the essential functions of the position with or without reasonable accommodation.

Reasonable accommodations - ~~are~~ modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable SFA's employees with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

~~An u~~*U*ndue hardship - ~~is~~ incurred when an accommodation request impacts the operations or business through the cost factors involved, or the effect on the safety of the requestor or other individuals, or due to the impact on the university's ability to conduct business.

General

Job postings will include a statement that all responsible workplace accommodations are requested

by calling the human resources department. The director of human resources or his/her designee will be responsible for overseeing the reasonable workplace accommodation policy and the procedures to ensure compliance.

Any employee requiring an accommodation shall notify his/her immediate supervisor as soon as practical, informing the supervisor of the nature of the disability. Any supervisor notified of a disability shall immediately report it to the director of human resources or his/her designee.

The employee shall provide to the director of human resources or his/her designee the following within a reasonable time from the date of notification, not to exceed fourteen (14) *calendar* days:

- A letter from an appropriate healthcare or rehabilitation professional. The letter shall contain a diagnosis, prognosis, and an evaluation as to the effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position.
- A copy of all documentation relevant to making a decision about reasonable accommodation. Relevant documents may include, but are not limited to, medical records.

The director of human resources or his/her designee may request a letter from the employee that includes:

- The nature and extent of the physical or mental impairment;
- A complete medical diagnosis by a qualified professional, including the results of any tests conducted to verify the extent of the condition;
- Which, if any, of the major life functions are substantially limited as a result of the employee's condition;
- A prognosis, including the permanent or temporary nature of the condition and a list of all job functions or tasks the employee cannot perform but can perform if reasonable accommodation is provided; and
- Recommendations for appropriate accommodations based on the job description and current duties, if applicable, including the source and type of any special equipment that may be needed.

The director of human resources or his/her designee shall confer with the employee to ascertain the employee's requirements and input on a reasonable accommodation.

Before making a decision regarding the accommodation, the director of human resources or his/her designee may submit the employee's request for accommodation, accompanying documentation and medical records to an appropriate health care professional or a disability committee of appropriate university employees familiar with determining disability status for evaluation and

recommendations at the university's expense. All information will be kept confidential by the expert or committee and all documentation provided to the expert/committee will be returned to the university by the expert/committee.

Based on the relevant information provided, the director of human resources or his/her designee shall determine what, if any, reasonable accommodation will be made and shall convey it to the employee and management. If accommodation would constitute undue hardship on the university, supporting documentation will state the reasons. An undue hardship determination will conform to definitions provided by the courts, ADA Amendments Act of 2008, and state regulations. Factors that may affect an accommodation decision should include, but are not limited to, the availability of funding, the amount of disruption of work of other employees, and the impact on the university's ability to conduct business.

Reasonable workplace accommodations taken may include making existing facilities readily available; modifications or adjustments to the work environment or manner or circumstances under which the position's essential functions are customarily performed; modifications or adjustments that enable the individual with the disability to enjoy equal benefits and privileges *of employment as are enjoyed by its* ~~as~~ other similarly situated employees without disabilities; and other appropriate adjustment to the work environment of a qualified individual with a disability.

Unless extenuating circumstances exist, the review process should not exceed a period of thirty (30) *calendar* days.

The director of human resources or his/her designee shall periodically confer with the employee with the disability to determine continuance of the workplace accommodation and shall notify the appropriate university personnel regarding the continuation or discontinuation of the workplace accommodation.

In addition to ADA information, all medical information concerning the employee requesting an accommodation shall remain confidential and separate from personnel files. This includes any doctor's statements, leave forms, or any other information that pertains to the medical condition or medical history of the employee. This pertains not only to all records kept by the human resources department, but extends to any records kept in the departmental offices.

~~This pertains not only to all records kept by the human resources department, but extends to any records kept in the departmental offices.~~

The president or his/her appointed representative shall periodically review and update this policy and procedures to ensure compliance with EEO laws.

Cross Reference: Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. § 793, 34 C.F.R. § 104, 41 C.F.R. § 60-741; the Americans with Disabilities Act of 1990, Pub. L. No. 110-325, 42 U.S.C. §§ 12101-12213 as amended by the American with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553; and the Tex. Lab. Code §§ 21.051-129

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Satisfactory Academic Progress for Financial Aid Recipients

Policy Number: 6.16

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: January 29, 2019

Unit(s) Responsible for Policy Implementation: Office of Financial Aid and Scholarships

Purpose of Policy (what does it do): This policy is required by federal regulation to monitor students academic progress for financial assistance eligibility.

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: N/A

Specific rationale for each substantive revision: Update to required verbiage related to rounding of calculation and the addition of a section on competency based calculations.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Rachele Garrett, Director of Financial Aid and Scholarships
Erma Brecht, Executive Director of Enrollment Management
Damon Derrick, General Counsel

Appendix 3

Satisfactory Academic Progress for Financial Aid Recipients

Original Implementation: September, 1985
Last Revision: ~~January 29, 2019~~*July 26, 2022*

Federal regulations mandate minimum standards of satisfactory progress for students receiving financial assistance. Satisfactory academic progress (SAP) is the term used to denote a student's successful completion of coursework toward a certificate or degree. These standards apply to the student's entire academic history, whether financial aid was received or not, and to all types of aid~~: grants, loans, and work study~~. The standards for determining progress for continued financial aid at the university are composed of three separate measurements: grade point average (GPA), pace of completion, and maximum hours allowed for a degree level *program*. *Standard rounding rules apply for all SAP measurements. SAP standards apply to all federal, state, and institutional financial assistance programs with exceptions as defined by applicable law.* ~~All students must be enrolled in a degree or certificate program to be eligible to receive state or federal financial aid.~~

Satisfactory academic progress will be evaluated after each fall, spring and summer ~~terms~~*semesters*. ~~Although s~~Summer ~~terms include Maymester, Summer I and Summer II, the summer~~ SAP evaluations will only occur at the end of Summer II. ~~Students who fall behind in their coursework or fail to achieve minimum standards for grade point average and completion of classes may lose their eligibility for all types of federal, state and university aid.~~ Students will be notified of their financial aid eligibility via university email. *If SAP is not met, loss of financial aid occurs immediately.* ~~Students can find their SAP status within the financial aid menu on the university student portal.~~

All ~~S~~students *must be enrolled in a degree or certificate program to be eligible to receive state or federal financial aid.* ~~w~~ *Students w*ho are admitted to *the university*~~Stephen F. Austin State University (SFA)~~ as non-degree, pro*bationary,*~~visional,~~ transient, career interest or self-improvement *or*~~,~~ course audit~~, or concurrent enrollment~~ shall ~~NOT~~ *not* be eligible to receive state or federal financial aid. ~~When the student is admitted to a degree program or special student status has changed, a student may then be considered for financial assistance.~~ The U.S. Department of Education does not recognize academic fresh start and requires an institution to count *all* courses applicable to a student's major ~~(regardless of whether or not financial aid was received) in~~ *in* evaluating a student's SAP.

Financial aid probation/suspension is different from academic probation/suspension. Students on academic suspension, who are allowed by their academic dean to attend, may receive financial aid only if they meet the financial aid satisfactory academic requirements.

~~SAP standards apply to all federal, state, and institutional financial assistance programs with~~

~~exceptions as defined by applicable law.~~

GRADE POINT AVERAGE (GPA)

For financial aid purposes, an undergraduate student must maintain a cumulative GPA of 2.0, and graduate or doctoral students must maintain a cumulative GPA of 3.0. Grade point averages are verified at the end of each semester.

PACE OF COMPLETION

For financial aid purposes, students must complete 67% of the cumulative hours attempted at ~~SFA~~*the university*, including accepted transferred hours. Pace of completion is measured at the end of each semester.

Students that are in subscription-based programs are exempt from the pace portion of SAP; however, a student in this type of program is not eligible for a subsequent disbursement until all prior credit hours have been completed.

Grades of A, B, C, D, RA, RB, RC, RP or P denote satisfactorily completed credit hours. Repeated and remedial courses are counted in the calculation of pace of completion. Grades of F, W, WH, WF, WP, RD, RF, RWH, RWP, RWF, RW, or QF are not satisfactory. *Incompletes (grade of WH) do not affect a student's cumulative GPA for SAP but count as credit hours attempted toward both pace and maximum time frame.*

MAXIMUM HOURS ALLOWED FOR DEGREE OR CERTIFICATE

For financial aid purposes, the maximum number of hours allowed is one-and-a-half times the minimum program length for all degree programs~~ and allowable certificate programs~~. A student's entire *current* academic record is used in calculating maximum hours allowed. *Students exceeding the allowable* ~~Maximum hours allowed are verified at the end of each semester and students exceeding the allowable~~ number of hours will be denied further financial aid and will not be eligible for a warning period. *Maximum hours allowed are verified at the end of each semester.*

WARNINGS

Students will be given a warning semester when the required GPA or pace of completion is not met. At the end of the warning semester, students not in compliance are not eligible for financial aid. Students who have reached the maximum hours allowed are not eligible for a warning semester.

APPEALS

Students who are not making satisfactory academic progress and have had a warning semester may file an appeal with the *Office of F*~~f~~inancial *A*~~a~~id *and Scholarships* ~~office~~ within thirty (30) days after the first class day of the semester. Appeals ~~should~~ *must* state why the student failed to meet satisfactory academic progress and what has changed that would allow the student to *make satisfactory academic progress* ~~fulfill the requirements~~ at the end of the next *evaluation period*~~semester~~.

Appeals will only be accepted in the case of extenuating circumstances, such as death in the family, illness or injury to the student or immediate family member, or mitigating circumstances beyond the student's control. Appeals based solely on financial and/or emotional needs without sufficient explanation or documentation will not be approved. Appeals must include documentation to support extenuating circumstances. All decisions on appeals are final. Students will be notified of the ~~disposition~~ *outcome* of their appeal ~~in writing~~. A student who filed a financial ai*d* ~~d~~appeal must be prepared to pay registration costs regardless of any pending appeal status.

If an appeal is granted, and the student can regain eligibility in one semester, the student is placed on financial aid probation. A student who is placed on financial aid probation may receive financial aid for one subsequent semester. If an appeal is denied or is not submitted, the student must meet the minimum SAP standards at the end of the next evaluation period in order to regain financial aid eligibility.

ACADEMIC PLAN

Students may be ~~given~~ *placed on a financial aid* ~~an~~ academic plan if they cannot meet the minimum SAP requirements at the end of the next evaluation period. The plan will specify the number of hours that must be completed and/or the grade point average that will be necessary to bring the record back into compliance. Failure to meet the standards established in the academic plan will result in the ~~loss~~ *denial* of future financial aid eligibility.

~~**DEFINITIONS**~~

~~**Audited Courses**~~

~~Students may audit regular academic courses; however, these courses are not eligible for financial aid. Audited courses will not impact a student's SAP eligibility.~~

Change of Major

Students are allowed to make changes in their course of study ~~and major~~ for purposes of this policy; however, all changes will count in a student's SAP calculation. Change of major can result

in a possible overage of attempted credit hours which would impact the maximum time frame component.

~~**Conflicting Information**~~***Grade Change***

~~All conflicting information is reviewed for SAP monitoring. For example, l~~*L*ate posted grades or grade changes will not automatically change current *SAP* status. Students may request that the SAP status be recalculated after they have confirmed with the registrar that the grade change has been posted to their academic record.

~~**Evaluation**~~

~~Loss of Title IV eligibility occurs immediately if SAP is not met. If the student's appeal is successful, the student is placed on financial aid probation and Title IV funds are disbursed for the next payment period only. The student must meet SAP at the end of each fall, spring or summer term or comply with the requirements of the academic plan designed to ensure the student will make SAP by a specified point in time.~~

~~**Incompletes**~~

~~Incompletes (grade of WH) do not affect a student's cumulative GPA for SAP, but count as credit hours attempted toward both pace and maximum time frame. Students with a grade of incomplete are encouraged to contact the financial aid office for further evaluation.~~

Pass/Fail Courses

In some classes, students receive a grade of either pass or fail. A passing grade will be included in the student's pace of completion and maximum time frame calculations. A grade of F will be included in the student's GPA, pace of completion and maximum time frame calculations.

Financial Aid Probation

If an appeal is granted, the student is placed on financial aid probation. A student who is placed on financial aid probation may receive financial aid for one semester. At the conclusion of the financial aid probation period, the student must meet the SAP standards or will no longer be eligible for financial aid.

Developmental Courses

Students are eligible to receive financial aid for developmental courses. These courses are ~~counted~~ *included in the pace of completion and maximum time frame*~~in the~~ calculation.~~ of both attempted~~

~~and earned hours for determining satisfactory progress.~~

Repeated Coursework

Students are allowed to repeat a course and, if passed, have it count toward enrollment for financial aid eligibility once. Each course attempt will count toward a student's pace of completion. ~~and all prior attempts with lower grades will count as unsuccessful credit hours attempted.~~

Transfer Credits

Transfer credit grades will not count toward a student's cumulative GPA; however, these will count ~~as~~ *toward pace of complete and maximum time frame calculations*~~both attempted and earned hours toward both pace of completion and maximum time frame for SAP~~.

Withdrawals

Withdrawals do not *count in a student's* ~~affect a student's~~ cumulative GPA ~~for SAP,~~, but count as credit hours attempted toward both pace of completion and maximum time frame. A withdrawal (grade of W) is different from a course which is dropped (no grade and no record of attempt). Students who withdraw prior to the first class date will not be penalized for SAP purposes. ~~Should a student withdraw after the first class date, those hours will count towards a student's pace of completion and time frame calculation.~~

Financial Aid Warning

Students will be given a warning semester when the required GPA or pace of completion is not met. At the end of the warning semester, students not in compliance are not eligible for financial aid. Students who have reached the maximum hours allowed are not eligible for a warning semester.

Cross Reference: 20 U.S.C. 1091(a)(2), (c); 34 CFR 668.16(e), 668.32(f), 668.34; Military Service Activation (6.14)

Responsible for Implementation: ~~Provost and Vice President for Academic Affairs~~*Executive Director of Enrollment Management*

Contact for Revision: Director of *Office of* Financial Aid *and Scholarships*; ~~Provost and~~ *Executive Director of Enrollment Management*~~Vice President for Academic Affairs~~

Forms: None

Board Committee Assignment: Academic and Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Second Baccalaureate Degrees

Policy Number: 6.18

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Speaks of commitment to helping those wishing to achieve a second baccalaureate degree at SFA.

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 <u>each</u> substantive revision: Word clairificaiton.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Second Baccalaureate Degrees

Original Implementation: January 25, 2010
Last Revision: July 23, 2019

Stephen F. Austin State University (SFA) is committed to facilitating the timely completion of academic degrees and *to* providing opportunities to achieve second degrees at the baccalaureate level.

Students who hold a baccalaureate degree from an accredited institution, including SFA, may earn a second baccalaureate degree from SFA.

The following conditions apply to a second baccalaureate degree:

- Students who earned a first baccalaureate degree from another accredited institution must complete all requirements for the Texas Core Curriculum *and~~,~~ the SFA In-Residence policy*, ~~at least 30 semester hours at SF~~ as well as all the requirements for a second degree with at least 1~~5~~*2* hours taken in the major field at the upper-level.
- Students who earned a first baccalaureate degree from SFA *must meet the SFA In-Residence policy for the second degree and* may apply ~~up to 12 hours in~~ transfer credit to the second degree *at the discretion of the advisor and/or academic unit head*.
- Students must satisfy all prerequisites, co-requisites, and major requirements for the second degree program as required by the academic unit.
- Students seeking a second baccalaureate degree requiring a minor may use the major completed in the first bachelor's degree in lieu of a minor.
- At the discretion of the major advisor or academic unit head, courses completed successfully in the first bachelor's degree may be applied to the requirements for the second bachelor's degree.

Cross Reference: ~~None~~*In-Residence Requirement (6.15)*

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Small-Size Classes

Policy Number: 7.26

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do):

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: Early review requested by Provost

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for <u>each</u> substantive revision: Policy name change to Course Enrollment. Multiple updates and changes to entire policy to help with the flow and understanding of class size.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Faculty Senate
Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

~~Small-Size Classes~~ *Course Enrollment*

Original Implementation: November 4, 1977
Last Revision: ~~April 30, 2019~~*July 26, 2022*

Course enrollment should reflect attention to learning theories, learner dynamics, and instructional quality controls as well as reflect institutional efficiencies and appropriate returns on investment. Course revenues include tuition and formula funding; differential tuition allocations are connected to course enrollments. Consequently, undergraduate courses should enroll a minimum of ten (10) students and graduate/doctoral courses should enroll a minimum of five (5) students. Course enrollment exceptions to these guidelines must be approved by the dean and the provost no later than five (5) working days prior to the beginning of the semester/term. ~~This policy applies to courses for which the primary mode of instruction is lecture, laboratory, or seminar. Small-size classes are undergraduate classes with fewer than 10 registered students and graduate classes with fewer than five registered students, per THECB Chapter 5, sections 5.23 (Definitions) and 5.26 (Offering of Small Classes by Public Universities). No small-size classes will be offered in any term except as approved by the Provost and authorized by the Board of Regents of Stephen F. Austin State University.~~

~~Small-size classes~~*Course enrollment exception request*~~s~~ ~~that~~ *must provide a rationale and could* ~~meet~~ *reflect* one or more of the following ~~requirements~~*circumstances* ~~may be~~*for approval consideration* ~~authorized to be taught~~:

- *1.* Required course for graduation (~~This~~ *The* course is not offered each semester or term and, if ~~cancelled,~~ *canceled*,~~.~~ may affect the date of graduation of those enrolled);
- *2.* Required course for majors in the field that should be completed in a given semester (term) in order to keep proper sequencing of courses;
- *3.* Course in a newly established degree program *(*~~yrs 1 & 2~~*years one and two)*, concentration, or support area;
- ~~•~~ Interdepartmental (cross-listed) courses taught as a single class by the same faculty ~~at~~
- *4.* ~~the same~~*using an identical* ~~station~~*schedule/location/delivery mode*, provided that the combined courses do not constitute a small ~~class~~*enrollment course*;
- *5.* First time offering of a course;
- *6.* ~~Class size~~*Course enrollment* limited by accreditation or state licensing standards;
- *7.* ~~Class size~~*Course enrollment* limited by the availability of laboratory, ~~or~~ clinical facilities, *or practicum site(s)*;
- ~~•~~ Voluntarily offered by a faculty member in excess of the institutional teaching load
- *8.* requirement and for which the faculty member receives no additional compensation~~.~~*;*
- *9. Additional justifications for exceptions may be considered with the approval of the dean and provost.*

Procedure:

1. An academic unit head submits a ~~small size class~~*course enrollment exception* ~~approval~~ *request* form to the appropriate dean requesting approval to offer ~~small size class~~*small enrollment course*(es) *at least five working days prior to the beginning of the semester/term.*
2. The dean approves/disapproves the request and forwards the form to the associate provost.
3. The provost and *executive* vice president for academic affairs approves/disapproves the request and sends copies of the small class form to the dean, academic unit head, and the registrar.

Cross Reference: ~~Faculty Handbook;~~ Tex. Educ. Code § 51.403

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

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

Forms: ~~Small size Class Approval~~*Course Enrollment Exception Request* Form

Board Committee Assignment: Academic and Student Affairs

Appendix 3

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Code of Conduct

Policy Number: 10.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 11/1/2021

Unit(s) Responsible for Policy Implementation: Vice President of Student Affairs

Purpose of Policy (what does it do): This policy describes the expected conduct of SFA students, and the disciplinary process for students who are alleged to have violated those expectations.

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: Minor updates to office names

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for <u>each</u> substantive revision: 1. Deleted note of when the policy would go into effect. 2. Updated office name change.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Student Affairs Policy Committee
Brandon Frye, Vice President Student Affairs
Damon Derrick, General Counsel

Student Code of Conduct

Original Implementation: January 19, 1988
Last Revision: ~~November 1, 2021~~ *July 26, 2022*

~~This version of the Student Code of Conduct policy is effective January 1, 2022.~~

General Policy

Choosing to join the Stephen F. Austin (SFA) State University community obligates one to adhere to a code of behavior that embraces academic and personal integrity; respect for the dignity, rights and property of others; and an intolerance of discrimination and harassment. In keeping with this obligation, students and student organizations are expected to comply with the standards outlined in the Student Code of Conduct.

The SFA Way

The SFA community holds itself to a standard called The SFA Way. At its basis, The SFA Way encourages the entire university community to "strive for personal excellence in everything we do." The SFA Way encourages students to follow the principles of Respect, Caring, Responsibility, Unity, and Integrity.

Table of Contents

Article I: Definitions ..... *1~~3~~*
Article II: Jurisdiction ..... *3~~5~~*
Article III: Violations ..... *3~~6~~*
Article IV: The Student Conduct Process ..... *6~~13~~*
Article V: Sanctions ..... *10~~20~~*
Article VI: Appeals ..... *11~~21~~*
Article VII: Interim Measures ..... *12~~22~~*
Article VIII: Records ..... *12~~23~~*
Article IX: Non-discrimination, Interpretation, and Revision ..... *13~~26~~*

Article I: Definitions

1. The term "Advisor" means an individual serving as a guide for a Charged Student, Student Organization, or a Victim during the Student Conduct Process.
2. The term "Appeal" means the review by the designated Appeal Officer of the full record of the Student Conduct Process and the Sanctions imposed to determine the adequacy of the procedures used, determination of responsibility, and the fairness of the sanctioning.
3. The term "Appeal Officer" means a person or persons authorized by the Vice President of Student Affairs to consider an Appeal of an Outcome of the Student Conduct Process.

4. The term "Charged Student" means a Student who has been alleged to have violated one or more provisions within the Student Code of Conduct.
5. The term "Conduct Officer" means person authorized by the Vice President of Student Affairs to administer the Student Code of Conduct.
6. The term "Dean of Students" means the individual further designated by the Vice President of Student Affairs with responsibility for administering the Student Code of Conduct. For the purposes of this policy, "Dean of Students" may refer to that individual's designee.
7. The term "Dean of Students Office" means the department designated by the Vice President of Student Affairs for administering the Student Code of Conduct. The Office of Student ~~Rights and Responsibilities~~*Conduct and Outreach* is included within the Dean of Students Office.
8. The term "Email" means the University's recognized medium for means of communicating with Student or Student Organizations per SFA Policy 15.1, Email for University Communication.
9. The term "Faculty" or "Faculty Member" means a person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
10. The term "Policy" means the written regulations of the University as found in, but not limited to, the University web page and online policy manuals.
11. The term "Reporting Party" means an individual who submits a report alleging a violation of this Student Code of Conduct. The Reporting Party and Victim may or may not be the same person.
12. The term "Student" includes all persons admitted to the University and are enrolled or are eligible to enroll at the University.
13. The term "Student Organization" means any number of Students who meet as a group, whether as a registered Student organization or as an unaffiliated Student organization, on campus or at a recognized University event. This may also include, but is not limited to, sports clubs, athletic teams, and other types of Student groups. The Student Organization's executive officer will serve as the representative for the Student Organization during the Student Conduct Process unless the Student Organization designates in writing to the Dean of Students Office another Student member to represent the Student Organization during the Student Conduct Process.
14. The term "University" means Stephen F. Austin State University.
15. The term "University Premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
16. The term "University Official/Staff Member" includes a person employed by the University.
17. The term "Vice President of Student Affairs" is the person designated by the University President to be responsible for the administration of the Student Code of Conduct.
18. The term "Victim" is any individual who has alleged injury or harm by an SFA Student or Student Organization. Victims are entitled to varying levels of participation in the Student Conduct Process, depending on the nature of the allegations. As articulated in the Family Educational Rights and Privacy Act (See 34 C.F.R. § 99.31 and 99.39) a victim who has been subject to Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, or Non-forcible sex offenses (incest or statutory rape) is entitled to be notified of their rights

and of the outcome of the disciplinary process. All other victim rights articulated in this regulation apply to all victims.

Article II: Jurisdiction

This Student Code of Conduct shall apply to conduct that occurs on University Premises, at University sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the University and off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a Student or Student Organization's conduct even if a Student withdraws from the University while a disciplinary matter is pending. The Vice President of Student Affairs or designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, at that individual's sole discretion. Student conduct that may be defined as sex-based misconduct may be reviewed under university policy 2.13 (Title IX).

Article III: Violations

1. Harm to others, including but not limited to:
- **a.** Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury.
- **b.** Endangering the physical health or safety of any person or actions that cause a reasonable apprehension of such harm.
- **c.** Harassment (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University. This provision shall not be used to discipline a Student or Student Organizations for speech protected by the First Amendment.
- **d.** Physical violence of any nature against any person. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; or acting in a manner that threatens or endangers the physical health or safety of any person or causes a reasonable apprehension of such harm.
- **e.** Acts of animal cruelty, including but not limited to:
  - **i.** Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal.
  - **ii.** Failing to provide necessary food, water or care for an animal in the person's custody.
  - **iii.** Abandoning an animal in the person's custody.
  - **iv.** Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury.
- **f.** Sexual Harassment, Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking as defined by SFA Policy 2.13, Title IX, and Other Sexual Harassment and Other Unprofessional/Inappropriate Conduct as defined by SFA Policy 2.11, Nondiscrimination.
- **g.** Sexual Exploitation including but not limited to:

i. Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party.
ii. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent.
iii. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent.
iv. Sexual voyeurism.
v. Inducing another to expose one's genitals or private areas.
vi. Prostituting another Student.
vii. Engaging in sexual activity while knowingly infected with an STD.

h. Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.

2. Hazing of any kind including but not limited to:

a. Any intentional, knowing, or reckless act occurring on or off campus by one person alone or acting with others, that endangers the mental or physical health or safety of a currently enrolled or prospective Student for the purpose of new member intake, being initiated into, affiliating with, holding office in, or maintaining membership in that organization.
b. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity.
c. Any type of activity which involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other similar activity that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the Student.
d. Any activity which involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance that subjects the Student to an unreasonable risk of harm or that adversely affects the mental of physical health of the Student.
e. Any activity that induces, causes, or requires the Student to perform a duty or task which involves a violation of the Penal Code.
f. Any activity that involves coercing the Student to consume drugs or alcoholic beverage or liquor in any amount that would lead a reasonable person to believe the Student is intoxicated.
g. Soliciting, encouraging, aiding or directing another engaging in hazing.
h. Intentionally, recklessly or knowingly permitting hazing to occur.
i. Having first-hand knowledge that a specific hazing incident is being planned or has occurred and failing to report said knowledge in writing to the Dean of Students, SFA Police, SFA Fraternity and Sorority Life or the Office of Student ~~Rights and Responsibilities~~*Conduct and Outreach*.
j. Any other violation of SFA Policy 10.3, Hazing.

3. Dishonesty of any kind, including but not limited to:

a. Providing false or misleading information to the University.
b. Providing false or misleading information to a University Official or Faculty.
c. Forgery, alteration, or misuse of any documents, records, identification, access cards, or keys.

- **d.** Unauthorized possession, duplication or use of keys, access cards, or identification cards.
- **e.** Any action taken to deceive University Officials or Faculty regarding one's identity.

4. Harm to Property including but not limited to:
- **a.** Vandalism of or damaging University property or property of another others.
- **b.** Theft of any kind, including seizing, possessing, selling, or concealing property with knowledge that it has been stolen.
- **c.** Unauthorized entry into, presence in, or use of University facilities, equipment, or property.
- **d.** Any tampering, removal, and/or damage to fire and safety equipment on University property (e.g., residence halls, student center, campus recreation center and all academic buildings, etc.). Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers.
- **e.** Using or possessing any University key or access card without proper authorization. No Student or Student Organization is allowed to have a University key duplicated without prior permission from faculty or staff with authority to provide that permission.
- **f.** Obstruction of the free flow traffic on University premises or at University-sponsored or supervised activities.
- **g.** Posting of commercial advertising on University property without approval from University Officials.

5. Disorderly Conduct including but not limited to:
- **a.** Disruption or Interference of Students, faculty, administration, staff, the educational mission, or routine operations of the University.
- **b.** Commercial solicitation on campus or with University resources without prior approval from University officials.
- **c.** Failure to comply with a reasonable and lawful request or directive of University Officials.
- **d.** Facilitation of Student misconduct including but not limited to assisting, conspiring, soliciting, or encouraging others to engage in conduct which violates the Student Code of Conduct.
- **e.** Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and University policy.
- **f.** Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. This may include but is not limited to the operation of a vehicle, bicycle, skateboard, scooter, and other mobile devices.
- **g.** Failure to present proper identification upon request by University Officials or Faculty, including law enforcement officers.

6. Misuse of Computing Resources including but not limited to:
- **a.** Failure to comply with University policies, license agreements, or contracts.
- **b.** Unauthorized alteration or destruction of computer equipment, software, network, data or system performance.
- **c.** Unauthorized copying or distribution of University data.
- **d.** Use of University resources for unauthorized commercial purposes or personal gain.
- **e.** Harmful access, or invasion of privacy.

f. Use of computing facilities and resources to interfere with the work of another Student, faculty member, staff member or University Official.

7. Obstruction of the Student Conduct process which includes but is not limited to:
- **a.** Colluding with or intimidating witnesses.
- **b.** Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.
- **c.** Deliberately disrupting or interfering with the Student Conduct process.
- **d.** Tampering with information to be used in a Student Conduct process.
- **e.** Attempting to influence the impartiality of a Student Conduct Hearing Board member.
- **f.** Violating and/or failing to comply with Sanctions assigned through the Student Conduct process.
- **g.** Retaliation against any individual for filing a complaint or report of alleged violations of the Student Code of Conduct or otherwise participating in the student conduct process.

8. Prohibited possession or use of alcohol which includes but is not limited to:
- **a.** Possession or consumption of alcohol while under the age of 21.
- **b.** Purchasing, providing, or distributing alcohol to any individual who is under the age of 21.
- **c.** Possession and/or use of a common source (keg, beer bongs, etc.) on University property or at a University sanctioned or sponsored event.
- **d.** Possessing, furnishing, or consuming alcohol in unauthorized areas of the University.
- **e.** Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol as defined by state law.
- **f.** Participation in or hosting of drinking games which involve the consumption of alcoholic beverages on University property or at a University sanctioned or sponsored event.

9. Prohibited possession or use of drugs which includes but is not limited to:
- **a.** Possession or use of any controlled substance, controlled substance analogues, and/or drug paraphernalia prohibited by SFA Policies or of any federal, state, or local law or ordinance.
- **b.** Abusing legally obtained drugs by failing to take the drug as directed.
- **c.** Misuse of non-controlled substances not intended for human consumption (i.e. spice, bath salts, rubbing alcohol) or not in compliance with manufacturer specifications.
- **d.** Sale or distribution of narcotics, prescription drugs, controlled substances, controlled substance analogues, or drug paraphernalia

10. Conduct which could constitute a violation SFA Policy or of any federal, state, or local law or ordinance including, but not limited to:
- **a.** The use or sale of all tobacco and vape products as defined and prohibited by SFA Policy 13.21, Smoking Vaping and Use of Tobacco Products.
- **b.** Violations of SFA Policy 13.9, Firearms, Explosives, and Ammunition policy.
- **c.** Violations of Residence Life Community Guidelines.

Article IV: The Student Conduct Process

The following rules of procedure in student disciplinary matters are adopted to ensure that the

University will fulfill the requirements of procedural Due Process in student conduct proceedings, outlined in the Student Code of Conduct. These rules of procedure shall be followed in any disciplinary proceeding, subject to the authority of the Board of Regents and the authority delegated to the President of the University to exercise jurisdiction over disciplinary matters of the University. Cases involving sex-based misconduct, including, but not limited to, sexual violence, domestic/dating violence, and/or stalking may be investigated according to SFA Policy 2.13 (Title IX).

The burden of proof in the Student Conduct process is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more likely than not.

1. **Determination of Charges**
    - **a.** Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by anyone, including but not limited to, University Police or other University departments, faculty, staff, Students, or third parties. Reports may be sent anonymously; however, this may significantly limit the University's ability to investigate, collect evidence, or take effective action.
    - **b.** The Dean of Students Office will review available information to determine if a Student or Student Organization will be charged with a violation of the Student Code of Conduct. The Dean of Students may gather additional information if deemed necessary to assist in their determination.
    - **c.** The Dean of Students may choose to withdraw charges if, at any point in the Student Conduct Process, they are no longer deemed warranted.
2. **Educational Conference**
    - **a.** Once a Student or Student Organization has been charged with an alleged violation of the Student Code of Conduct, the first step in the process is an Educational Conference. The Educational Conference is not a hearing. The purpose of the Educational Conference is for a Conduct Officer to review with the Charged Student or Student Organization, and any Victim, the allegations and charges, their rights, the Student conduct process, possible sanctions, and to answer questions. During the Educational Conference the Charged Student or Student Organization will be given the opportunity to accept responsibility for the charges and any assigned sanctions, if applicable.
        - **i.** If the Charged Student or Student Organization accepts responsibility for the charge(s) and any assigned sanctions, then the Charged Student or Student Organization will be asked to sign the Educational Conference form indicating that individual's acceptance and their waiving of their right to a hearing and appeal. The Charged Student or Student Organization and any victim will then receive an email documenting their acceptance of responsibility and assigned sanctions within five (5) business days from the Dean of Students Office.
        - **ii.** If the Charged Student or Student Organization does not accept responsibility for the charge(s) or does not agree with the assigned sanctions, then the Charged Student or Student Organization will be asked to sign the Educational Conference form indicating that decision and the case will be referred to a Student Conduct Hearing

iii. If the Charged Student or Student Organization fails to attend an Educational Conference or complete the Educational Conference Form, the case will be referred to a Student Conduct Hearing

3. **Student Conduct Hearing**

Charged Students or Student Organizations who choose to not accept the outcome of the Educational Conference or do not participate in the Educational Conference, will be referred to a Student Conduct Hearing.

a. **Hearing Notification**: The Dean of Students Office shall provide notice of the hearing to the Charged Student or Student Organization's SFA email. The notice will set forth the date, time, and place of the hearing; the charges assigned; and the rights of the Student or Student Organization. The Charged Student or Student Organization will be informed that an Advisor may be present during the hearing. The Student or Student Organization must notify the Dean of Students Office if an attorney will serve as an Advisor to allow a representative from the University's General Counsel's Office to attend. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. Failure to do so may result in the hearing being rescheduled. Any request to reschedule shall be made in writing to the Dean of Students Office, who has the authority to reschedule the hearing for good cause. Failure to attend the Student Conduct Hearing will lead to the case being heard in the Charged Student or Student Organization's absence. A Charged Student or Student Organization's lack of attendance shall not be used against the Charged Student or Student Organization in any determination of responsibility and/or sanctions.

b. **Victim Hearing Notification**: In cases with a Victim, The Dean of Students Office shall provide notice of the hearing through email. The notice will set forth the date, time, and place of the hearing and the charges assigned. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. This notification will also advise the victim of his or her rights in the Student conduct process, including but not limited to, the right to submit a list of questions, the right to submit a victim impact statement, the right to request a copy of his or her record, the right to an Advisor, and the right to provide information in a separate room from the Charged Student or Student Organization.

c. **Student Conduct Hearing Board:** The Dean of Students Office will choose at least 3 individuals, with at least 1 Faculty/Staff and 1 Student, who are available to serve on the Student Conduct Hearing Board. These Student Conduct Hearing Board members are comprised of those appointed to serve on the Student Conduct Hearing Board. Student Conduct Hearing Board Members are appointed to the Student Conduct Hearing Board by the Vice President of Student Affairs. All appointments are for one (1) academic year. Faculty, Staff, and Students may serve an unlimited number of terms.

d. **Pre-Hearing Information:** The Dean of Students Office will make available pre-hearing information including copies of records that will be presented by the University at the hearing, and a list of potential University witnesses, and a summary of the information the witness(es) may provide. The pre-hearing information will be available at least three business days in advance of the hearing. The Charged Student or Student Organization must provide the Dean of Students Office with a list of potential witnesses and copies of any records that they will present at the hearing at

least two (2) business day in advance of the hearing. Evidence and/or witnesses that are not provided at least two (2) business day before the hearing will only be included in the hearing at the discretion of the Student Conduct Hearing Board Chair.

e. Advisors: An Advisor may accompany a Charged Student or Student Organization or a Victim in a Student Conduct Hearing. An Advisor may not directly participate in the Student Conduct Hearing in any capacity other than providing advice and support to the Charged Student or Student Organization or Victim they are accompanying. A Charged Student or Student Organization and a Victim may select anyone to serve as their Advisor as long as this individual is not a witness to or involved in the case. A Charged Student or Organization and a Victim may only have one Advisor present during a Student Conduct Hearing. If the chosen Advisor is an attorney, the Charged Student or Student Organization or Victim must inform the Dean of Students Office at least two (2) business days in advance of the Student Conduct Hearing to allow for a representative of the University General Counsel's Office to attend. Failure to do so may result in the hearing being rescheduled. For the purposes of this policy, an Advisor who is involved in any other part of the Student Conduct Process shall be held to these standards.

f. Role of Hearing Board Chair: A Faculty or Staff Student Conduct Hearing Board member, in attendance at the Student Conduct Hearing, will serve as the Hearing Board Chair. The Hearing Board Chair manages the Student Conduct Hearing Board and is responsible for the decorum of the hearing, and to ensure that all procedures are properly followed. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes, obstructs, or fails to abide by the rulings of the chair. Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee, in which by majority vote shall be final. In case of a tie and a majority is unable to be reached, the vote of the Hearing Board Chair is the deciding vote. The chair may also seek guidance from the Dean of Students Office as needed.

g. Order of Proceedings During the Student Conduct Hearing: The Hearing Board Chair will facilitate the Student Conduct Hearing, determine the presence or absence of the Charged Student or Student Organization and/or Victim, verify the alleged misconduct, determine the presence of an Advisor, and explain any additional procedures to be employed during the hearing. The hearing will be recorded in either audio or video format.

The Charged Student or Student Organization will be given the opportunity to provide an opening statement. This is the opportunity for the Charged Student or Student Organization to state their case and present their evidence. After the Charged Student or Student Organization provides their opening statement, the Student Conduct Hearing Board and any Victim will be given the opportunity to question the Charged Student or Student Organization.

The Dean of Students' and the Charged Student or Student Organization's witnesses, if any, will then be called to provide a statement, present any evidence they may possess, and answer questions posed by the Student Conduct Hearing Board and the

Charged Student or Student Organization, and any Victims if applicable. The Dean of Students Office is unable to compel individuals to serve as a Witness. The Charged Student or Student Organization will be responsible for notifying their Witness(es) of the time, date, and location of the Student Conduct Hearing. Witnesses may participate in person, by telephone, or virtually if needed. Only one Witness will be allowed to participate in the Student Conduct Hearing at a time. The Hearing Board Chair may limit the number or disallow completely, character witnesses that have no direct knowledge of the alleged misconduct.

All questions asked by the Charged Student or Student Organizations, Victim, and any Witnesses must be directed to the Chair to determine if they are relevant and appropriate for the case.

After all Witnesses and evidence has been presented, the Charged Student or Student Organization may make a closing statement.

The Student Conduct Hearing Board will then convene in closed session to determine if the Charged Student or Student Organization is responsible or not responsible for the alleged violations of the Student Code of Conduct. If a finding of responsible is made for any of the alleged violations, The Student Conduct Hearing board will determine recommended sanctions. Determination and recommendation of Sanctions are outlined in the Sanctions section of this document (Article V).

The outcome of the Student Conduct Hearing will be sent to the Charged Student or Student Organization, and any victim, through email within five (5) business days following the close of the hearing. This time may be extended for deliberations when necessary and the Charged Student or Student Organization shall be notified of any such extensions. The outcome letter shall contain a decision on each charge, any findings of fact and any applicable sanctions. The Charged Student or Student Organization may appeal a finding of responsible within five (5) business days as outlined in the appeal section of these procedures.

Hearings are closed to the public and all information presented in the hearing is confidential and restricted to only those who have an absolute need to know. In cases involving multiple Charged Students or Student Organizations from the same incident, information obtained at one hearing may be used at another hearing.

Article V: Sanctions

Charged Student or Student Organizations who accept responsibility or are found responsible for violations of the Student Code of Conduct, will be assigned sanctions based on the violation, any aggravating or mitigating circumstances, and prior violations of the Student Code of Conduct. The Conduct Officer/Student Conduct Hearing Board will recommend sanctions to the Dean of Students or designee, who will make a final determination of sanctions. Recommended sanctions may be adopted, modified, or rejected. When recommended sanctions are not adopted by the Dean of Students or designee, the Dean of Students or designee shall provide the Charged Student or Student

Organization with the reasons for not adopting the recommendations in writing. One or more of the following sanctions may be assigned for violations of the Student Code of Conduct:

1. **Disciplinary Reprimand**: a written disciplinary sanction notifying a Student or Student Organization that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.
2. **Disciplinary Probation**: a written disciplinary sanction notifying a Student or Student Organization that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more severe sanctions. In addition, restrictions may be placed on a Student or Student Organization's activities.
3. **Educational Requirements**: a Student or Student Organization is required to complete a specified educational sanction related to the violation committed. Such educational requirements may include, but are not limited to, completion of a seminar, written assignment, alcohol or drug assessment, and/or presentation. Fines may be associated with Educational Requirements due to the cost of the assigned assessment/program.
4. **Special Action:** A sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, but are not limited to restitution, community service, counseling suggestions, and restrictions or removal from academic courses, University housing, or extracurricular activities.
5. **Suspension:**
    a. A Student who is suspended is required to leave the University for a specified period of time. The Student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period the Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific written permission of the Vice President of Student Affairs and the SFA Chief of Police. While serving a suspension a Student is not in good standing.
    b. A Student Organization that is suspended is required to cease all activity during the specified time period. During this time, they are not recognized by the University as outlined in SFA Policy 10.9, Student Organization Formation and Recognition. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended Student Organizations must submit a new application as an organization at the end of the suspension period.
    c. In certain situations, the Suspension may be placed in a deferred status.
6. **Expulsion:** A Student who is expelled is permanently barred from attending the University and is ineligible for readmission to the University. The Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific written permission of the Vice President of Student Affairs and the SFA Chief of Police.

Article VI: Appeals

Charged Students or Student Organizations who are found responsible by a Student Conduct Hearing Board have the right to appeal based on certain criteria. Appeals must meet one or more of the following grounds:

1. The information contained within the case does not support the finding of responsible.
2. The assigned sanctions are not appropriate for the violation(s).

3. The Student or Student Organization's rights, as outlined by this policy, were violated.

The Charged Student or Student Organization must submit an appeal to the Vice President of Student Affairs within five (5) business days of the outcome letter being sent from the Dean of Students. This appeal must describe why they feel their case meets one of the appeal criteria listed.

The Vice President of Student Affairs or Designee may uphold the decision and/or sanctions, modify the decision and/or sanctions, or remand the case for a new hearing. Unless the appeal decision is to remand the case, the appeal decision is considered the final decision of the University. The Charged Student or Student Organization will receive the outcome of the appeal through email.

Article VII: Interim Measures

The Dean of Students may assign Interim Measures to a Student or Student Organization if it is determined that the continued presence or actions of a Student or Student Organization poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal University functions. The Interim Measure will take effect immediately without prior notice to the Student or Student Organization. Interim Measures may include, but are not limited to, interim suspension, restrictions, removal from on-campus housing, or no contact directives. Interim Measures may be lifted by the Dean of Students when deemed appropriate.

In cases of interim suspension, restrictions, or removal from on-campus housing, unless waived in writing by the Student or Student Organization, the Student or Student Organization will have a post-removal hearing with the Dean of Students or designee regarding the Interim Measure. The scope of this hearing is limited solely to the determination of whether that Student or Student Organization's presence or continuation of activities adversely affects the health, safety or welfare of the University community. The Student or Student Organization will be provided with an explanation of the evidence on which the University based its decision concerning the Interim Measure and an opportunity to respond.

Article VIII: Records

All hearings, and records pertaining to hearings, will be considered education records and treated as designated by law. Student or Student Organization conduct records are kept for seven years after the final outcome of the Student Conduct Process. Records for cases where a Student or Student Organization has been expelled or suspended are held permanently.

Disciplinary actions which result in suspension or expulsion from the University and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension or expulsion) along with the effective dates of the sanction.

There will be no disclosure of file contents outside of the University without the written permission of the Student, unless required or allowed by law. Disclosure within the University is limited to those employees having legitimate need of the information to conduct University business. A Student or Student Organization may make a written request for a personal copy of their incident report and receive a redacted copy. Disclosure to victims of violent crimes, nonforcible sex offenses or other offenses with reporting requirements will be handled according to law. All hearings are closed to the

public.

Article IX: Non-discrimination, Interpretation, and Revision

Decisions rendered according to this policy will be made based on observations of a Student's conduct, actions and statements and not on the basis of a student's race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Any Student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, this request must be made to SFA Disability Services at least three business days in advance of the hearing. If necessary the Hearing Board Chair, or the Dean of Students or designee, may postpone the hearing to provide reasonable accommodations.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the Vice President of Student Affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the Vice President of Student Affairs or designee.

Cross Reference: Tex. Educ. Code §§ 51.9315, .936, .9364; Fraud (2.7); Nondiscrimination (2.11); Title IX (2.13); Student Academic Dishonesty (4.1); Reproduction of Copyrighted Works by Educators and Librarians (9.2); Digital Millennium Copyright (9.3); Hazing (10.3); Student Organization Formation and Recognition (10.9); Student Involuntary Withdrawal (10.13); Annual Disclosure of Crime Statistics (13.3); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9); Acceptable Use of Information Technology Resources (14.2); Residence Life Community Guidelines

Responsible for Implementation: Vice President of Student Affairs

Contact for Revision: Assistant Vice President of Student Affairs and Dean of Students

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Texas Comprehensive Research Fund

Policy Number: 8.10

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: ORGS Dean

Purpose of Policy (what does it do): States what the Comprehensive Research Program at SFA can be used for.

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 <u>each</u> substantive revision: Minor changes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Texas Comprehensive Research Fund

Original Implementation: January 19, 2006
Last Revision: July ~~23, 2019~~*26, 2022*

The Texas Comprehensive Research Fund can only be used for activities at eligible general academic teaching institutions "that promote increased research capacity" at the institution (Texas Education Code §62.097).

The Comprehensive Research Program (CRP) at Stephen F. Austin State University uses these funds to directly support the university's research agenda and to increase competitiveness in acquiring external funds for research and development.

Therefore, use of CRP funds will be limited to research and development activities as defined by the Texas Higher Education Coordinating Board (Texas Administrative Code, Part 1, Chapter 13, Subchapter G, Rule §13.122):

- Research means "a systematic study directed toward fuller scientific knowledge or understanding of the subject studied."
- Development means "the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes."
- Curriculum development activities are also eligible for funding when "the primary purpose of the project is developing and testing an instructional or educational model through appropriate research methodologies (i.e., data collection, evaluation, dissemination, and publication)."

~~Comprehensive Research Program~~*CRP* funds cannot be used to supplant funds for research activities or to purchase or maintain equipment supported by other sources.

In the expenditure of ~~Comprehensive Research Program~~*CRP* funds, recipients are subject to all university policies and procedures, and local, state, and federal regulations.

Before initiating research that involves human subjects, vertebrate animals, or hazardous materials, researchers must obtain written approval from the chair of the appropriate university board or committee.

Recipients of ~~Comprehensive Research Program~~*CRP* funds must meet deadlines for deliverables, including annual reports, as required by the Office of Research and Graduate Studies (ORGS).

Publications resulting from the CRP will acknowledge the source of funds as the Stephen F. Austin State University Comprehensive Research Program. Copies of publications will be

submitted to ORGS and the Center for Digital Scholarship in the Steen Library.

Deans submit requests for ~~Comprehensive Research Program~~*CRP* funds on behalf of their faculty and research staff to the director of ORGS who makes awards based on criteria established by the director and the provost and *executive* vice president for academic affairs. For awards of $50,000 or greater, the director makes recommendations for funding to the provost and *executive* vice president for academic affairs.

Cross Reference: Human Research Subjects Protection (8.4); Institutional Animal Care and Use Committee (IACUC) (8.6); Recombinant DNA and/or Infectious Biohazards in Teaching and Research (8.9); Tex. Educ. Code §§ 62.091-.098; 19 Tex. Admin. Code §§ 13.120-.127

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

Contact for Revision: Dean, Office of Research and Graduate Studies

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Title IX

Policy Number: 2.13

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/27/2021

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Establish process and procedure for implementation of Title IX of the Education Amendments of 1972.

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: N/A

Specific rationale for <u>each</u> substantive revision: To ensure compliance with current regulation and laws as well as the CLERY Act and Violence Against Women Act.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Lissy Turner, Title IX Coordinator
Michara DeLaney-Fields, Chief Diversity Officer
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Title IX

Original Implementation: July 27, 2015
Last Revision: July ~~27, 2021~~*26, 2022*

III. Policy Statement

~~A. *Statement of Nondiscrimination*~~

Stephen F. Austin State University (the "University") is committed to providing an educational and employment environment free of unlawful sex discrimination. Consistent with Stephen F. Austin State University's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX"), the University prohibits Sexual Harassment that occurs within its Education Programs and Activities.

As further defined below, for purposes of this Policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty members, staff, students, contractors, guests, and other members of the University community who commit Sexual Harassment are subject to the full range of ~~University~~*university* discipline.

IV. Scope

This Policy applies to Sexual Harassment, as defined below, that occurs within the University's Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University Community *within the United States*.

Non-Discrimination in Application: The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at https://ocrcas.ed.gov/contact-ocr. Pg. 1.

Disability Accommodations: This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

V. Definitions

I. **"Sexual Harassment"** for purposes of this Policy is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

J. **"Quid Pro Quo Sexual Harassment"** occurs when an employee ~~or student~~ of the University conditions the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual ~~contact~~*conduct*.

K. **"Hostile Environment Sexual Harassment"** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities.

L. **"Sexual Assault"** includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.[1]

1. **"Rape"** is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. ~~There is "carnal knowledge" if there is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempted Rape is included.~~

2. **"Sodomy"** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

~~3.~~ **"Sexual Assault with an Object"** is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. ~~An "object" or "instrument" is anything used by the offender other than the offender's genitalia.~~

3.

4. **"Fondling"** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her

[1] The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a)*(3)*. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

age or because of his/her temporary or permanent mental or physical incapacity.

5. **"Incest"** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Texas law.

6. **"Statutory Rape"** is sexual intercourse with a person who is under the statutory age of consent as defined by Texas law.

M. **"Domestic (Family) Violence"** is felony or misdemeanor crimes ~~of violence~~ committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or *who* has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Texas[2], or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Texas. *This includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:*

- *a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;*
- *is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;*
- *with whom the victim shares a child in common; or*
- *commits acts against youth or adult victim who is protected from those acts under the family and domestic violence laws of Texas.*

It should be understood that domestic violence/dating violence applies to any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner or dating partner. This pattern of behavior may

[2] Family Violence is defined by the Texas Family Code Section 71.004 as:
(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or ~~Sexual Assault~~*sexual assault* or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or ~~Sexual Assault~~*sexual assault*, but does not include defensive measures to protect oneself;
(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
(3) Dating violence, as that term is defined by Section 71.0021.

include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control.

N. **"Dating Violence"** [3] is violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2. Where the existence of such a relationship will be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

O. **"Stalking"** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

1. *Course of Conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or communicates to or about a person, threats~~,~~ that a reasonable person would regard as threatening bodily injury or death of that person, their family members including someone with whom the person is dating or interferes with that person's property.

[3] Dating violence is defined by the Family Code, Section 71.0021 as:
(a) an act, other than a defensive measure to protect oneself, by an actor that:
(1) is committed against a victim:
(A) with whom the actor has or has had a dating relationship; or
(B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
(2) is intended to result in physical harm, bodily injury, assault, or Sexual Assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or Sexual Assault.
(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
(1) the length of the relationship;
(2) the nature of the relationship; and
(3) the frequency and type of interaction between the persons involved in the relationship.
(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

2. *Reasonable Person* means a person under similar circumstances and with similar identities to the person subjected to the stalking behavior would fear for their safety or the safety of others, or suffer substantial emotional distress.

3. *Substantial Emotional Distress:* Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

H. ***"Economic Abuse"*** *in the context of domestic violence and dating violence means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:*

i. *Restrict a person's access to money, assets, credit, or financial information;*
ii. *Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or*
iii. *Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.*

I. ***"Technological Abuse"*** *means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to:*

i. *Internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.*

J. ***"Reasonable Person"*** *a hypothetical person that is used as a comparative standard regarding the action(s) or situation of another individual and whether or not the approach taken or not taken was appropriate given the circumstances. This comparative standard is used in addition to the definition of "stalking".*

K. ***"Relevant"****- evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. "Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Process:*

a. *Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:*
   i. *They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or*
   ii. *They concern specific incidents of the complainant's prior sexual behavior*

with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).

b. Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.

c. Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020)

L. ***"Mandatory Reporter"****-All University Employees, with the exception of Confidential Employees, operating in the scope of their employment who witness or receive information regarding an incident that the employee reasonably believes constitutes Sexual Harassment, Sexual Assault, Dating Violence, and/or Stalking and has been alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident.*

~~H.~~*M.* **"Consent"** is a *clear* voluntary, ongoing, mutual understanding among all participants that clearly indicates a willingness, through words or ~~clear unambiguous~~*physical* actions, and demonstrates a knowing, intentional agreement to engage in each *specific* instance and stage of sexual *contact or* activity. Knowledge of consent is the responsibility of each person involved in every instance of sexual *contact and/ or* activity and consent can be withdrawn at any time. A person who is *Coerced and/or* Incapacitated is not capable of giving Consent. *Consent cannot be inferred from silence, absence of resistance, or lack of protest.*

The following list provides examples of when Consent has not been obtained or is not effective:

- Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary agreement to engage in each act of sexual activity has been demonstrated.
- Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated.
- Consent to one act does not imply consent to another; past consent does not imply future consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.
- Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) Intimidation,[4] (d) Coercion, (e) Incapacitation or (f) any

[4] *Intimidation* means intentional behavior that would cause a reasonable person to fear injury or harm.

other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual activity.

- A current or previous dating or sexual relationship ~~or manner of dress~~ does not, by itself, constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly demonstrates a willingness to engage in each instance of sexual activity.

- *An individual's manner of dress does not, by itself, constitute Consent to engage in sexual conduct and/or activity.*

~~P.~~*N.* **"Incapacitated"** refers to a state of being that prevents an individual from having the mental ability, emotional stability, or maturity to provide consent at the time the alleged behavior occurs. Incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability or medical condition.

Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one's actions. The effects of alcohol and drug consumption often occur along a continuum. For example, inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond "mere" intoxication or even being drunk. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which they appear to give consent but do not have conscious awareness or the capacity to consent.

~~Q.~~*O.* **"Coercion"** is the use of pressure and/or other oppressive behavior, including expressed or implied threats of physical harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amounts to coercion if they wrongfully limit the other's ability to freely choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substance that impairs the person's ability to give consent.

~~R.~~*P.* **"Retaliation"** is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Retaliation is prohibited and is considered a stand-alone policy violation without regard to any finding of responsibility for violation of this policy.

~~S.~~*Q.* **"Complainant"** means the individual(s) who is alleged to have been impacted by a violation of this Policy.[5]

~~T.~~*R.* **"Respondent"** means the individual(s) who is ~~alleged~~ to have violated this Policy.

~~U.~~*S.* **"Formal Complaint"** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's education programs and activities. A "document filed by a Complainant" means a document or electronic submission (such as the reporting form) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

~~V.~~*T.* **"Supportive Measures"** are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University's Education Programs and Activities without unreasonably burdening another Party, including measures designed to protect the safety of all parties implicated by a report or the University's education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

~~W.~~*U.* **"Education Programs and Activities"** refers to all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. Additionally, the term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the University. It also includes off-campus conduct when the conduct could deny or limit a person's ability to participate in or benefit from the University's programs and activities or when the University, in its sole discretion, has an identifiable interest in the off-campus conduct.

VI. Understanding Hostile Environment Sexual Harassment

[5] A Complainant and Respondent are each individually a "Party" and collectively the "Parties" with respect to a Formal Complaint filed under this Policy.

In determining whether a Hostile Environment exists, the University will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The University will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The University encourages members of the University Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

Sexual Harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or gender stereotyping, *sexual orientation, and gender identity* even if those acts do not involve conduct of a sexual nature.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
- Unwelcome kissing, hugging, or massaging;
- Sexual innuendos, jokes, or humor;
- Displaying sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- E-mail and Internet use that violates this policy;
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts;
- Commenting on a person's dress in a sexual manner;
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; or
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes.

VII. Reporting Sexual Harassment

A. *Title IX Coordinator*

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours~~, to the following individuals:~~.

Reporting options and online reporting forms can be found at the following website: www.sfasu.edu/lumberjacks-care. In addition, a link to reporting information will be maintained on the university home page.

Contact information for the Title IX Coordinator and Deputy Title IX coordinators is outlined below. This information is subject to change and the most updated contact information for the Title IX coordinator and deputy coordinators can be found at www.sfasu.edu/lumberjacks-care.

Title IX Coordinator	McKibben Education Building, Suite 304 titleix@sfasu.edu | (936) 468-8292
Deputy Title IX Coordinator for Faculty, Staff, and Third Parties:~~,~~ Director of Human Resources	Austin Building, Suite 201 titleixemployees@sfasu.edu | (936) 468-2304
Deputy Title IX Coordinator for Athletics*:* Senior Woman Administrator, SFA Intercollegiate Athletics	SFA Athletic Fieldhouse titleixathletics@sfasu.edu | (936) 468-3751
Deputy Title IX Coordinator for the SFA Charter School~~,~~*:* CEO/Principal SFA Charter School	2428 Raguet Street titleixcharter@sfasu.edu | (936) 468-5899

B. *Mandatory Reporting Requirement for University Employees*

Under Texas law, all University employees, with the exception of Confidential Employees, who:

1. in the course and scope of their employment[6]

2. witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment,[7] Sexual Assault, Dating Violence, or Stalking, which

3. is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident

must promptly report within 48 hours the incident to the University's Title IX Coordinator or a Deputy Title IX Coordinator.

Writing required. The University's online reporting form is the preferred method of communicating incidents promptly, so that a record is made of the time and all factual details disclosed in the initial report. A written memo is also acceptable if it can be delivered to a Coordinator promptly after the employee's duty to report arises.

[6] "Course and Scope of Employment" means an employee performing duties in the furtherance of the institution's interests.

[7] For the purposes of Texas's mandatory reporting requirement only, "Sexual Harassment" means: means unwelcome, sex-based verbal or physical conduct that (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from the University's educational programs or activities.

Report Contents. The employee's report must include all information concerning the incident known to the employee which is relevant to an investigation under this Policy, including whether the subject of the report has expressed a desire for an institutional response to the incident or made a request for confidentiality in reporting the incident.

***Privacy vs.* Confidentiality.** ~~Unless~~
References made to confidentiality refer to the ability of identified confidential resources to not report full details of crimes and violations, in accordance with mandatory reporting laws, to law enforcement or university officials without permission, unless waived in writing by the affected individual, ~~the identity of an alleged victim of an incident reported pursuant to this mandatory reporting requirement may be disclosed only to (~~*or for extreme circumstances, such as* a~~)~~ *health and/or safety emergency or child abuse. References made to privacy mean University officials and* employees ~~of~~*who cannot guarantee confidentiality but will maintain privacy to* the ~~University who are~~*greatest extent possible, and information disclosed will be relayed only as* necessary to ~~conduct an investigation of~~*investigate and/or seek a resolution and to notify* the ~~report or any related hearings and (b) a law enforcement officer~~*Title IX Coordinator or designee. The University will limit the disclosure as much as practicable even if the Title IX Coordinator or designee determines that the request for confidentiality cannot be honored.*

Exceptions. The mandatory reporting requirement does not apply to:

1. Individuals who are themselves the victims of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking incident that is being reported;

2. Instances when an employee receives information about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking at a public awareness event sponsored by the University; or

3. Employees designated as Confidential Employees.

4. A campus peace officer employed by the university who receives information regarding an incident involving sexual assault, domestic violence, dating violence, or stalking from an alleged victim who chooses to complete a pseudonym form described in Texas Code of Criminal Procedure. University Police Officers must report limited information to the Title IX Coordinator, including the type of incident, general location and date of alleged incident. The report may not include the victim 's name, phone number, address, or other information that may directly or indirectly reveal the victim 's identity.

Consequences of Non-Compliance. An employee who fails to make a required report will be terminated following an investigation and any required process under the applicable personnel policy.[8]

Immunity. An employee who, in good faith reports or assists in the investigation of a report under this Policy, or who testifies or otherwise participates in a disciplinary process or judicial proceeding

[8] Employees who fail to make a mandatory report under this provision may also be subject to criminal prosecution pursuant to Texas Education Code section 51.255(a).

arising from a report of such an incident, will not be subject to disciplinary action for violations of the administrative policies of Stephen F. Austin State University that are reasonably related to the incident. This immunity does not apply to a person who perpetrates or assists in the perpetration of the incident reported under this policy or who commits a criminal offense pursuant to Texas Education Code § 51.255(a).

C. *Confidential Employees*

The University believes it is critical to provide community members who may be experiencing Sexual Harassment information about available institutional resources to empower those individuals to make informed decisions about their rights and options. Members of the University community may speak to officially designated Confidential Employees[9] about Sexual Harassment, Sexual Assault, Dating Violence, or Stalking without the conversation triggering a mandatory report of incident details.

The University has designated the following Confidential Resources:

SFA Counseling Services
(936) 468-2401 | counseling@sfasu.edu

SFA Human Services Counseling Clinic
(936) 468-1041 | SFACounselingClinic@sfasu.edu

SFA Student Health Clinic
(936) 468-4008 | healthservices@sfasu.edu

Family Crisis Center of East Texas
(936) 468-7233 Campus Office
(800) 828-7233 (24-hour crisis line)

~~SFA University Police~~
~~(936) 468-2608 | updemail@sfasu.edu~~

A Confidential Employee is not required to report any information that would violate an individual's expectation of privacy, such as the name or other identifying information of an individual who has experienced or allegedly engaged in Sexual Harassment.

This provision does not affect any employee's duty to report incidents of sexual misconduct as required by other law.

D. *Reports to Law Enforcement*

[9] Under Texas law, a "Confidential Employee" is an employee (1) designated by the University as a person with whom students may speak confidentially concerning Sexual Harassment, Sexual Assault, Dating Violence, or Stalking or (2) receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law.

Victims of a crime have the right to choose whether to report the crime to law enforcement, to be assisted by the University in reporting the crime to law enforcement, or to decline to report the crime to law enforcement. The University encourages anyone who believes they experienced or witnessed a crime to make a report to the Stephen F. Austin State University Police Department ("UPD"), if the assault occurred on campus, or to local law enforcement, for crimes occurring off campus.

Reports of criminal offenses occurring on campus, including but not limited to sexual assault, dating violence, domestic violence, and stalking may also be made to UPD at 936-468-2608 (non-emergency) or 911 (emergency) or to the City of Nacogdoches Police Department 936-559-2607 (non-emergency) or 911 (emergency) or to other local law enforcement authorities. Regardless of where the incident occurred, UPD can assist in making a report to the appropriate law enforcement agency. Individuals are not required to report all criminal violations to law enforcement, but the University strongly encourages reporting criminal violations to the police. The Title IX Coordinator and deputy Title IX coordinators can assist individuals in contacting these law enforcement agencies as well as the confidential resources outlined in Section 6.1 C of this policy. Employees and students with protective or restraining orders relevant to a report are encouraged to provide a copy to the University Police Department.

If a report of a policy violation is made to UPD, officers will advise the complainant or reporting party of their right to file a report under this policy. To the extent allowed by law and university policy, UPD shall also notify the Title IX Coordinator of the report, and provide the Title IX Coordinator, or the individual investigating the reported policy violation, access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation.

E. *Medical Treatment and Preservation of Evidence*

In cases of sexual assault, and for one's safety and well-being, immediate medical attention is encouraged to evaluate for physical injury, sexually transmitted diseases, and pregnancy. Being examined as soon as possible, ideally within 120 hours, is important for evidence collection, which may be used to support prosecution should the Complainant decide to pursue criminal charges.

F. *Anonymous Reports*

Anyone, not designated as a ~~responsible employee~~*Mandatory Reporter*, can make an anonymous report by submitting information through the Online Reporting Form found at http://www.sfasu.edu/lumberjacks-care.

VIII. Preliminary Assessment

Upon receipt of a report, the Title IX Coordinator will conduct a preliminary assessment to determine whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this Policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with the

Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other University offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of this Policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

IX. Contacting the Complainant

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the following:

- the availability of Supportive Measures with or without filing a Formal Complaint;
- the Complainant's wishes with respect to such Supportive Measures;
- the process for filing and pursuing a Formal Complaint;
- the importance of going to a hospital for treatment and preservation of evidence as soon as practicable after the incident, if applicable;
- the right to report the incident to the institution and to receive a prompt and equitable resolution of the report;
- the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement; and
- information about resources that are available on campus and in the community.

X. Supportive Measures

Generally. Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the University. The University encourages any individual who has questions or concerns to seek support of University-identified resources. The Title IX Coordinator or their designee is available to provide information about the University's policy and procedure and to provide assistance. A list of University identified resources is located at the following link: http://www.sfasu.edu/lumberjacks-care

Complainant. The Title IX Coordinator or their designee will offer and make available Supportive Measures to the Complainant upon receipt of a report of Sexual Harassment regardless of whether the Complainant elects to file a Formal Complaint.

Respondent. The Title IX Coordinator or their designee will notify the Respondent of the availability of Supportive Measures contemporaneously with the Respondent being notified of a Formal Complaint. Once a Formal Complaint has been initiated, the University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures

to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

All Parties. The University will, to the greatest extent practicable, ensure that each Party or other person who reports an incident of Sexual Harassment is offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident. In addition, all Parties are allowed to drop a course in which both Parties are enrolled without any academic penalty.

Confidentiality. The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

XI. ~~Interim~~*Emergency* Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from the University's education programs and activities on ~~an~~*a* temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an ~~interim~~*emergency* removal, the Title IX Coordinator must offer to meet with the Respondent within ~~twenty-four~~*24* hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

XII. Formal Complaint

A. *Filing a Formal Complaint*

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the University investigate and adjudicate a report of Sexual Harassment in accordance with this Policy. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the University's Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or

repeated conduct or where the alleged perpetrator may pose a continuing threat to the University Community. Factors the Title IX Coordinator may consider include (but are not limited to):

1. the seriousness of the alleged incident, including (a) whether a weapon was involved in the incident, (b) whether multiple assailants were involved in the incident, and (c) whether the incident is poses a risk of recurrence;

2. whether the institution has received other reports of Sexual Harassment committed by the Respondent;

3. whether the alleged incident poses a risk of harm to others; and

4. any other factors the University determines relevant.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the University will commence an investigation and proceed to adjudicate the matter. If the University elects to proceed as a Complainant, the University will inform the alleged victim of the incident of that decision. In all cases where a Formal Complaint is filed, the Complainant will be treated as a Party, irrespective of the Party's level of participation.

B. *Consolidation of Formal Complaints*

The University may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

C. *Dismissal Prior to Commencement of Investigation*

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of this Policy (*i.e.*, because the alleged conduct did not occur in the University's Education Programs and Activities).

- *The conduct alleged in the Formal Complaint took place outside the United States.*

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is

presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

D. *Notice of Formal Complaint*

~~Within five days of the Title IX Coordinator~~*Upon* receiving a Formal Complaint, the Title IX Coordinator *or designee* will *promptly* transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of or hyperlink to this Policy;
- Sufficient details known at the time so that the Parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
- Notifying the Complainant and Respondent of their right to inspect and review evidence;
- Notifying the Complainant and Respondent of the University's prohibitions on retaliation and false statements; and
- Information about resources that are available on campus and in the community.

Should the University elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the University will provide a supplemental written notice describing the additional allegations to be investigated.

E. *Presumption of Non-Responsibility*

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

XIII. Investigation

I. *Commencement and Timing*

After the written notice of Formal Complaint is transmitted to the Parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the Parties. The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within ~~60 calendar~~*100 university business* days of the transmittal of the written notice of Formal Complaint.

J. *Equal Opportunity*

During the investigation, the investigator will provide an equal opportunity for the Parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is ~~categorically inadmissible, such as testimony concerning sexual history of the Complainant.~~*not Relevant.* The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a Party's opportunity to present testimonial and other evidence that the Party believes is relevant to resolution of the allegations in the Formal Complaint. A Party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

K. *Documentation of Investigation*

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

L. *Access to the Evidence*

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each Party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the University may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a Party or some other source. The parties will have ten calendar days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

M. *Investigation Report*

After the period for the parties to provide any written response has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each Party and their advisor, in either electronic or hard copy form.

XIV. Adjudication Process Selection

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each Party a notice advising the Party of the two different adjudication processes specified below. The notice will explain that the hearing process is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each Party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in in lieu of the hearing process. Parties are urged to carefully review this Policy, consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each Party will have three calendar days from transmittal of the notice specified below to return the signed written consent form to the Title IX Coordinator. If either Party does not timely return the signed written consent, that Party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

XV. Adjudication

I. *Hearing Process*

The process for adjudicating Formal Complaints is the hearing process specified in this Section. The hearing process will be used to adjudicate all Formal Complaints unless both ~~parties~~*parties'* timely consent to Informal Resolution.

Non-participation by any party or their advisor at any point in the hearing process shall not delay the adjudication.

1. Hearing Panel

After selection of the hearing process as the form of ~~administrative~~ adjudication, the Title IX Coordinator will promptly appoint a hearing panel which will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing panel is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator. The hearing panel is composed of three people selected from a pool of trained panelists, one of whom will serve as the hearing panel chair. Neither the investigator nor the Title IX Coordinator may serve on the hearing panel. Panelists whose relationship with a party in an investigation causes a conflict of interest shall be excluded from the panel. The hearing panel is responsible for conducting a live hearing for alleged violations of this policy and for making a determination of responsibility and, when appropriate, apply sanctions. Hearing panelists shall complete ongoing training regarding the issues contained in this policy.

2. Hearing Notice and Response to the Investigation Report

After the hearing panel is appointed by the Title IX Coordinator, the hearing panel chair will promptly transmit written notice to the parties notifying the parties of the hearing panel's

appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; and setting a date and time for the hearing. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten calendar days from the date of transmittal of the written notice.

A Party's written response to the investigation report must include:

- To the extent the Party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be ~~categorically~~ excluded from consideration at the hearing based on ~~privilege,~~ relevancy~~, the prohibition on the use of sexual history, or for any other reason;~~.
- A list of any witnesses that the Party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing panel chair;
- A list of any witnesses that the Party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the Party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the Party at the pre-hearing conference and hearing;
- If the Party does not have an advisor who will accompany the Party at the hearing, a request that the University provide an advisor for purposes of conducting questioning.

A Party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; ~~and~~
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment~~.~~*;*
- *Relevant evidence which was not included in the investigation report due to mistake, inadvertence, surprise or excusable neglect;*
- *Questions which the parties' advisors intend to ask during cross-examination at the hearing to be ruled on for relevancy by the hearing chair prior to the hearing; and*
- *Concerns of bias or conflict of interest which may exist between a party and a member or members of the hearing panel*.

3. Pre-Hearing Conference

Prior to the hearing, the hearing chair will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with ~~simultaneous and contemporaneous~~ participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary University personnel, if any, together in the same physical location. However, upon request of either

Party, the parties will be separated into different rooms with technology enabling the parties to participate ~~simultaneously and contemporaneously~~ by video and audio.

In the hearing chair's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate ~~simultaneously and contemporaneously~~ by use of such technology.

During the pre-hearing conference, the hearing chair will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing chair's discretion, should be resolved before the hearing. *Effort shall be made by the hearing chair to conduct pre-hearing conferences that are equitable and present information that is materially the same to all parties and advisors.*

4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing chair will transmit notices of attendance to any University employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness~~.~~*, including those requested by the hearing panel.* The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing chair immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The University ~~will~~*is* not *obligated to* issue a notice of attendance to any witness who is not an employee or a student.

5. Hearing

After the pre-hearing conference, the hearing panel will convene and conduct a hearing. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing panel, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location. However, upon request of either Party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. The hearing may, in the hearing chair's discretion, be conducted virtually, by use

of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the rulings from the hearing chair will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each Party to address the hearing panel directly and to respond to questions posed by the hearing chair;
- Opportunity for each Party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other Party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each Party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing chair and a reason for the ruling provided;
- Opportunity for each Party to submit evidence that the Party did not present during the investigation *or pre-hearing conference* due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each Party to make a brief closing argument.

Except as otherwise permitted by the hearing chair, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing panel, the Title IX Coordinator, and other necessary University personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them.

While a Party has the right to attend and participate in the hearing with an advisor, a Party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited~~, as the case may be, in~~ *at* the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section, the hearing chair will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing chair will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rational for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply.

All participants shall be subject to the university's rules of decorum during hearing processes.

6. Subjection to Questioning

In the event that any Party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the Parties' advisors, the statements of that Party or witness~~, as the case may be,~~

whether given during the investigation or during the hearing, ~~will not~~*may* be considered by the hearing panel in reaching a determination of responsibility. *The hearing panel will rely on appropriate training to judge the credibility and weight given to any statement or evidence presented in the hearing or the investigative report in making a determination of responsibility.*

~~Notwithstanding the foregoing, the hearing panel may consider the testimony of any Party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither Party requested attendance of the witness at the hearing.~~

In applying this Section, the hearing panel will not draw an inference about the determination ~~regarding~~*of* responsibility based solely on a Party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

7. Deliberation and Determination

After the hearing is complete, the hearing panel will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing panel will take care to exclude from consideration any evidence that was ruled ~~inadmissible~~*not Relevant* at the pre-hearing conference, during the hearing, or otherwise. The hearing panel will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

8. Discipline and Remedies

In the event the hearing panel determines that the Respondent is responsible for violating this policy, the hearing chair will, prior to issuing a written decision, consult with an appropriate University official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed~~.~~ *and the process to follow through with such discipline in coordination with other University departments as necessary.* The hearing chair will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

If a student is found responsible for Sexual Harassment and the sanction imposed makes the student ineligible to reenroll in the University (i.e., suspension or expulsion), the University will include a notation on the student's transcript. The student may request the removal of a transcript notation imposed under this Policy if:

- the student becomes eligible to reenroll at the University; or
- the University determines that good cause exists to remove the notation.

If the University receives an appropriate request by another postsecondary educational institution, the University will provide to the requesting institution information relating to the University's determination that the student violated this Policy.

9. Written Decision

After reaching a determination and consulting with the appropriate University official and Title IX Coordinator as required above, the hearing chair will prepare a written decision that will include:

- Identification of the allegations potentially constituting *covered* Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written ~~decision~~*determination*, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- ~~Articulate findings~~*Findings* of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate University official;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the University's process and grounds for appeal.

The hearing chair's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the University strives to issue the hearing chair's written determination within 15 business days of the conclusion of the hearing.

J. *Administrative Adjudication*

In lieu of the hearing process *and to the extent not prohibited by federal law*, the Parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator. At any time prior to the issuance of the administrative officer's determination, a Party has the right to withdraw from administrative adjudication and request a live hearing.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer who does not need to be an employee of the University. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator.

The administrative officer will promptly send written notice to the Parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten calendar days from the date of transmittal of the written notice specified in this paragraph.

A Party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the Parties' written responses, the administrative officer will meet separately with each party to provide the Party with an opportunity make any oral argument or commentary the Party wishes to make and for the administrative officer to ask questions concerning the Party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each Party, the administrative officer will objectively ~~revaluate~~*re-evaluate* all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the Parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (*i.e.*, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any University official and the Title IX Coordinator and will prepare and transmit a written decision which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the University strives to issue the administrative officer's written determination within twenty-one calendar days of the transmittal of the initiating written notice.

XVI. Dismissal During Investigation or Adjudication

The University may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

XVII. Appeal

A. *Grounds for Appeal*

Either Party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

1. A procedural irregularity affected the outcome;

2. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;

3. The Title IX Coordinator, investigator, hearing panel, or administrative officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

B. *Deadline to File Appeal*

A Party must file an appeal within seven calendar days of the date they receive notice of dismissal or determination appealed from or, if the other Party appeals, within three calendar days of the other Party appealing, whichever is later. All parties will be provided a link to the appeal form upon notification of the findings in their case. The appeal must be submitted in writing and- must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing Party believes the appeal should be granted, and articulate what specific relief the appealing Party seeks.

Appeals should be submitted using the online appeal form which can be found on the Lumberjacks Care webpage at http://www.sfasu.edu/lumberjacks-care.

C. *Resolution of Appeal*

Promptly upon receipt of an appeal, the *Title IX Coordinator or designee will appoint an* appeal officer *who* will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other Party that an appeal has been filed and that the other Party may submit a written opposition to the appeal within seven calendar days. The appeal officer shall also promptly obtain from the Title IX Coordinator *or designee* any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale. The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no Party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision. No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the University strives to issue the appeal officer's written decision within 21 calendar days of an appeal being filed.

XVIII. Informal Resolution

The University may, in the Title IX Coordinator's discretion, facilitate an Informal Resolution in accordance with the protocol outlined below.

A. *Guiding Principles*

Generally, informal resolution involves a structured, supervised interaction between the Parties and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent and/or other affected community members to ~~accept responsibility and~~ repair harm (to the extent possible). Informal resolution may not include an investigation, hearing, or disciplinary action against a Respondent (including transcript notations), but may include imposing appropriate and reasonable remedies as agreed to by the Parties. All informal resolutions are facilitated by a trained administrator or outside expert.

B. *Availability of Informal Resolution*

Informal resolution is available in matters in which the Title IX Coordinator, in the Title IX Coordinator's discretion, determines it is appropriate. Factors the University will consider when

determining whether a report of Prohibited Conduct is suitable for ~~Alternative~~*Informal* Resolution include, but are not limited to:

- the nature and severity of the conduct, including whether the use of force or a weapon was involved;
- the Respondent's prior known disciplinary or criminal conduct, including whether the University has received other reports of Prohibited Conduct committed by the Respondent;
- whether the alleged incident poses a risk of harm to other individuals or the community;
- the dynamics of power or control commonly associated with the alleged conduct or the nature of the parties' relationship;
- whether multiple parties are affected or involved;
- any admissions of responsibility by the Respondent; and
- any other factor deemed relevant by the Title IX Coordinator or their designee in the interest of overall campus safety or safety of the parties involved.

Informal resolution will not be permitted if ~~the~~*:*

- *The* Respondent is a non-student employee accused of committing Sexual Harassment against a student,
- *The allegations include Sexual Assault,*
- *The allegations include ongoing Dating and/or Domestic Violence, or*
- *An imminent threat of harm exists.*

The Title IX Coordinator's determination on whether the allegations may be resolved with an Informal Resolution is not subject to appeal.

C. *Informal Resolution Process*

At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the Parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the Parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-Party);

- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a Party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each Party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence. The University will not pressure or compel any individual to engage in mediation, to directly confront the other, or to participate in any particular form of informal resolution. Individuals may be accompanied by an adviser or support person at any meetings related to the informal resolution process.

If the Parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, except as otherwise provided in the resolution itself, absent a showing that a Party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either Party or to the University. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process, all other forms of informal resolution pursuant to this Section are not subject to appeal.

~~D~~

D. Informal Resolution Options

The office of Title IX at Stephen F. Austin State University offers the following informal resolution procedures for addressing Formal Complaints of Sexual Harassment covered in this policy:

Mutual No-Contact Directive: A mutual no-contact directive is a contract provided by the Office of Title IX, the terms of which are that the parties will not initiate contact with each other in person, over text or social media, or through third parties.

Mediation: The purpose of mediation is for the involved parties to identify appropriate remedies to resolve the allegations and maintain equitable access to educational activities. During mediation, a facilitator will guide a conversation between parties in separate meetings; the parties will be asked not to contact each other directly during the process. Mediation may not result in disciplinary action against a Respondent but may include imposing appropriate and reasonable remedies as agreed to by the parties.

Administrative Adjudication: Administrative Adjudication is a form of informal resolution. Notwithstanding the foregoing if the form of informal resolution is administrative adjudication, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal.

With the exception of a resolution resulting from the Administrative Adjudication process, all other forms of informal resolution are not subject to appeal.

E. Termination of Informal Resolution

A Party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized. *If the parties withdraw from the informal resolution process, information disclosed or obtained during the informal resolution may be included as evidence during the formal investigation and live hearing.*

~~E~~

F. Deadlines for Informal Resolution

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within ~~21 calendar days.~~*15 university business days, unless otherwise deemed by the Title IX Coordinator.* If an informal resolution process does not result in a resolution within 21 calendar days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

XIX. Other Investigation and Adjudication Considerations

A. Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a Party, insist that communication flow through the advisor, or communicate with the University about the matter without the Party being included in the communication. In the event a Party's advisor of choice engages in material violation of the parameters specified in this policy, the University may preclude the advisor from further participation, in which case the Party may select a new advisor of their choice.

In the event a Party is not able to secure an advisor to attend the and requests the University to provide an advisor, the University will provide the Party an advisor, without fee or charge, who will conduct questioning on behalf of the Party at the hearing. The University will have sole discretion to select the advisor it provides. The advisor the University provides may be, but is not required to be, an attorney.

The University will provide an advisor to any Party upon receipt of a request to the Title IX Coordinator or their designee. The University will provide an advisor for any Party at a hearing for the purpose of cross-examining a Party or witness.

The role of advisors in cross-examination in Title IX hearings shall not constitute the practice of law as reserved for a licensed attorney. Licensed attorneys retained as advisors for Title IX proceedings shall fill the role of an advisor, not the role of an attorney.

B. *Conflicts of Interest, Bias, and Procedural Complaints*

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any Party who believes one or more of these University officials has a material conflict of interest or material bias must raise the concern promptly so that the University may evaluate the concern and find a substitute, if appropriate. The failure of a Party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal.

C. *Objections Generally*

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the University may evaluate the matter and address it, if appropriate.

D. *Treatment Records and Other Privileged Information*

During the investigation and adjudication processes, the investigator and adjudicator are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party; or
- information or records protected from disclosure by any other legally-recognized privilege, such as the attorney-client privilege

unless the University has obtained the Party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, may consider any such records or information otherwise covered by this Policy if the Party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

E. *Sexual History*

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

F. *Student Withdrawal or Graduation Pending Disciplinary Charges*

If a student withdraws or graduates from the University pending an investigation of a complaint of Sexual Misconduct under this Policy, the University will expedite the disciplinary process as necessary to accommodate both the Complainant and the Respondent's interest in a speedy resolution and continue the investigation with or without the participation of the Respondent.

G. *Academic Freedom*

The University will construe and apply this Policy consistent with the principles of academic freedom specified in policy 7.3, Academic Freedom and Responsibility. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom specified in university policy.

XX. Other Policy Violations

A. *Bad Faith Complaints and False Information*

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Student Code of Conduct in the case of students and other University policies and standards, as applicable, for other persons.

B. *Other Sex-Based Misconduct*

This policy applies only to Sexual Harassment as defined in this Policy. Complaints of other forms of sex discrimination are governed by policy 2.11, Nondiscrimination Policy.

XXI. Sanctions

I. Disciplinary sanctions or other actions that are not supportive measures shall not be imposed on Respondents prior to a determination of responsibility except in cases meeting the requirements for emergency removals.

J. The designated administrator may decide sanctions, if any, or may delegate the sanctioning decision to another authority. Sanctioning decisions involving employees must be determined in consultation with Human Resources.

K. Sanctions may have rehabilitative, educational, and restorative elements for students. In addition, sanctions may have punitive components. Examples of sanctions may include, but are not limited to, written reprimand or warning, required training, no-contact directives, probation, suspension, and employment dismissal and/or expulsion.

L. Students found responsible for committing Dating or Domestic Violence and/or Sexual Assault will be subject to permanent expulsion with a minimum sanction of a one-year suspension, in the absence of sign~~i~~ficant mitigating factors.

M. Students found responsible for committing acts of Sexual Harassment, Sexual Assault, Stalking, Dating Violence, Domestic Violence, and/or any other sex-based misconduct who are allowed to return after a suspension of one year or more will be ineligible to represent the university in any way or to hold an office in any recognized student organization. This includes intercollegiate athletics or other competitions, both on and off campus, and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors.

N. When an employee is found to have sexually harassed or engaged in sex-based misconduct as defined in this policy, the sanction will be termination of employment.

O. For sex discrimination complaints, both the Complainant(s) and the Respondent(s) will be informed in writing of any and all sanctions, except when to do so would violate state or federal law (e.g., Family Educational Rights and Privacy Act).

XXII. Records Retention

The University shall meet minimum requirements for Title IX processes records retention (whether digital or analog) set forth by federal regulation, state law, and university policy.

~~XXI.~~*XXIII.* Discretion in Application

A. *Interpretation*

The University retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the Parties.

The provisions of this Policy and the Hearing Procedures are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the University retains discretion to revise this Policy and the Hearing Procedures at any time, and for any reason. The University may apply Policy revisions to an active case provided that doing so is not clearly unreasonable.

B. *Outside Appointments, Dual Appointments, and Delegations*

The University retains discretion to retain and appoint suitably qualified persons who are not University employees to fulfill any function of the University under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer. The University also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given University official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in the University's discretion, be delegated by such University official to any suitably qualified individual and such delegation may be recalled by the University at any time.

C. *Vendors, Contractors and Third Parties*

The University does business with various vendors, contractors, and other third-parties who are not students or employees of the University. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the University retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the University retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

D. *Recordings*

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the University and is considered property of the University, subject to any right of access that a Party may have under this policy, FERPA, and other applicable federal, state, or local

laws. Only the University is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. ~~Any Party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer~~*Should any Party desire a transcription of the recording, a request should be made to the Title IX Office and the requesting Party is responsible for all associated costs.*

E. *Relationship With Criminal Process*

This policy sets forth the University's processes for responding to reports and Formal Complaints of Sexual Harassment. The University's processes are separate, distinct, and independent of any criminal processes. While the University may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the University will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

XXIV. Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should Policy 2.13, Title IX be revoked in this manner, any conduct covered under Policy 2.13 Title IX shall be investigated and adjudicated under the existing Nondiscrimination Policy 2.11.

Cross Reference: Nondiscrimination (2.11); Academic Freedom and Responsibility (7.3); Faculty Code of Conduct (7.11); Tenure and Continued Employment (7.29); Student Code of Conduct (10.4); Discipline and Discharge (11.4); Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681; 42 U.S.C. § 1981; 34 C.F.R. Part 106; Tex. Educ. Code §§ 51.251-.260, .281-.293; Tex. Fam. Code §§ 71.0021, 004

Responsible for Implementation: President

Contact for Revision: Title IX Coordinator

Forms: Sexual Misconduct Reporting Form, Sexual Misconduct Appeal of Investigation Findings Form, ~~Responsible Employee~~ *Mandatory Reporter*- Title IX Reporting Form

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Tuition Set Aside Funds Programs

Policy Number: 3.33

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

Date of last revision, if applicable:

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy provides guidelines for the university's Set Aside Programs that are required by Texas Education Code (TEC), Chapter 56.

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: An audit of SFASU Tuition Set Asides revealed the need for a policy to document the governing board's establishment of guidelines of set aside programs as required by TEC 56.034. The target implementation date was set for July 31, 2022.

Specific rationale for <u>each</u> substantive revision:

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Gina Oglesbee, Vice President for Finance and Administration
Judith Kruwell, Associate Vice President for Finance and Administration
Erma Brecht, Executive Director Enrollment Management
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Tuition Set-Aside Funds Programs

Original Implementation: July 26, 2022
Last Revision: None

Purpose

This policy authorizes the university's set-aside programs required by Texas Education Code Chapter 56.

Definitions

Statutory Tuition Set-Aside Funds also referred to as **Texas Public Education Grants (TPEG)** – institutions of higher education are required by Texas Education Code Sections 56.031-.039 to set aside funds from statutory tuition to provide aid to students with financial need whose education costs are not met in whole or in part from other sources and to provide funds to supplement and add flexibility to existing financial aid programs.

Tuition Set-Aside Funds – institutions of higher education are required by Texas Education Code Sections 56.011-.012 to set aside funds from designated tuition to provide aid to students with financial need whose education costs are not met in whole or in part from other sources and to provide funds to supplement and add flexibility to existing financial aid programs.

General

The Board of Regents has authorized to be set aside for use as TPEG:

- Not less than 15-percent out of each resident student's statutory tuition charged under Texas Education Code Section 54.051 as provided by the General Appropriations Act for the applicable academic year;
- Three-percent out of each nonresident student's statutory tuition charged under Texas Education Code Section 54.051.

The Board of Regents has authorized to be set aside for use as undergraduate Tuition Set-Aside Aid:

- Not less than 15-percent of any amount of designated tuition charged to a resident undergraduate student under Texas Education Code Section 54.0513 in excess of $46 per semester credit hour.

The Board of Regents has authorized to be set aside for use as graduate Tuition Set-Aside Aid:

- Not less than 15-percent of any amount of designated tuition charged to a resident student enrolled in a graduate or professional degree program under Texas Education Code Section

54.0513 in excess of $46 per semester credit hour.

The Tuition Set-Aside funds support need-based university initiatives.

Guidelines for Awarding Aid

The following guidelines shall be used in awarding aid from Set-Aside Programs:

- Students must establish financial need in accordance with university procedures and rules established by the Texas Higher Education Coordinating Board (THECB). Financial need is determined by review of a Free Application for Federal Student Aid (FAFSA) or Texas Application for State Financial Aid (TASFA).
- Aid may only be applied to students who are admitted and enrolled for at least six hours that apply to their undergraduate degree program or at least six hours that apply to their graduate degree program.
- The student must meet the satisfactory academic progress criteria established by the Office of Financial Aid and Scholarships

Funds set aside from resident tuition may only be used for aid to resident students. Funds set aside from nonresident tuition may only be used for nonresident students. After the end of the semester, the university may transfer any excess funds set aside from tuition paid by resident or nonresident students for aid awarded to the other class of students. Priority for awarding aid from any excess funds set aside by resident students shall be given to resident students.

Excess Funds

At the end of a fiscal year, if the total amount of unencumbered funds set aside under the TPEG program exceed 150-percent of the amount of funds set aside by the university for the TPEG program in the fiscal year, the university shall transfer the excess amount to THECB for the purpose of awarding aid to students at institutions other than Stephen F. Austin State University.

Administrative

The Office of Financial Aid and Scholarships will maintain administrative procedures for awarding aid from Tuition Set-Aside Programs and will submit guidelines for the award of aid to THECB. The Financial Reporting Department will maintain administrative procedures for Tuition Set-Aside calculations and accounts.

Cross Reference: Tex. Educ. Code §§ 54.0501-.0513,56.011-.039

Responsible for Implementation: Vice President for Finance and Administration and Executive Director of Enrollment Management

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Vendor Protests

Policy Number: 16.36

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes guidelines for the submission and evaluation of vendor protests in connection with the solicitation, evaluation, or award of a contract with the university.

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: N/A

Specific rationale for each substantive revision: Title changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Vendor Protests

Original Implementation: July 14, 1998
Last Revision: July *26~~23~~*, 20*22~~19~~*

Purpose

This policy establishes guidelines for the submission and evaluation of vendor protests in connection with the solicitation, evaluation, or award of a contract with the university.

General

Any actual or prospective bidder, offeror, or contractor who feels aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the director of procurement and *business* ~~property~~ services/HUB coordinator of Stephen F. Austin State University *(procurement director)*. Such protests must be in writing and received in the procurement director's office: (1) by the end of the posted solicitation period if the protest concerns the solicitation documents or actions associated with the publication of the solicitation documents; (2) by the day of the award of a contract resulting from the solicitation if the protest concerns the evaluation or method of evaluation for a solicitation; or (3) no later than ten (10) days after the notice of award if the protest concerns the award.

Formal protests must conform to the requirements of this policy, and shall be resolved in accordance with the procedure set forth herein. Copies of the protest must be mailed or delivered by the protesting party to any other interested parties. For the purposes of this policy, "interested parties" means all vendors who have submitted bids, proposals, or other expressions of interest related to the solicitation and/or contract involved.

In the event of a timely protest or appeal, Stephen F. Austin State University shall not proceed further with the solicitation or award of the contract unless the procurement director, after consultation with the end user, makes a written determination that the award of contract without delay is necessary to protect the best interests of the university.

A formal protest must be sworn and contain:

1. A specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. A precise statement of the relevant facts;
4. An identification of the issue or issues to be resolved;
5. Argument and authorities in support of the protest; and
6. An explanation of the subsequent action sought.

The procurement director shall have the authority, prior to appeal to the vice president for finance and administration, to settle and resolve the dispute concerning the solicitation, evaluation, or award

of a contract. The procurement director may solicit written responses to the protest from other interested parties.

If the protest is not resolved by mutual agreement, the procurement director will issue a written determination on the protest.

1. If the procurement director determines that no violation of rules or statutes has occurred, he/she shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination.
2. If the procurement director determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he/she shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
3. If the procurement director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he/she shall so inform the protesting party, the end user, and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

The procurement director's determination on a protest may be appealed by the protesting party to the vice president for finance and administration. An appeal of the procurement director's determination must be in writing and must be received in the vice president's office no later than 10 working days after the date of the procurement director's determination. The appeal shall be limited to review of the procurement director's determination. Copies of the appeal must be mailed or delivered by the protesting party to any other interested parties and must contain a certified statement that such copies have been provided.

The vice president may, in his/her discretion, refer the matter to the president for his/her consideration or issue a written decision on the protest.

When a protest has been appealed, the following requirements shall apply.

1. Copies of the appeal and responses of interested parties, if any, shall be delivered to the vice president or president, as applicable (“appellate authority”).
2. The appellate authority may, in his/her sole discretion, hold a hearing on the appeal if he/she believes the written record is not sufficient to render a determination. If a hearing is held, the appellate authority will set the order and amount of time allowed for presentations. The general counsel may be present as an advisor to the university.
3. The appellate authority's determination of the appeal shall be final.

Unless good cause for delay is shown or the appellate authority determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely or containing all required information will not be considered.

A decision issued in writing by the appellate authority, shall be the final administrative action of Stephen F. Austin State University.

Cross Reference: Tex. Gov't Code § 2155.076; 34 Tex. Admin. Code §§ 20.531-.538

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: Finance and Audit

SFASU DEPARTMENT OF AUDIT SERVICES
FIVE-YEAR AND FISCAL YEAR 2023 AUDIT PLANS

FIVE-YEAR AUDIT PLAN

Audits are scheduled in a five-year Audit Plan as shown below.

Audit Projects	2023	2024	2025	2026	2027
Audit Assistance to Oversight Agencies	X	X	X	X	X
Benefits Proportionality by Method of Finance*					
Charter School *(annual)*	X	X	X	X	X
Contract Management and Procurement *(annual)*	X	X	X	X	X
Departmental and/or Operational Audits	X	X	X	X	X
Facilities Audit *(every five years)*		X			
Follow-Up	X	X	X	X	X
National Collegiate Athletic Association *(annual)*	X	X	X	X	X
Public Funds Investment Act *(biennial)*	X		X		X
Quality Assurance Review			X		
Risk-Based and Other Audits	X	X	X	X	X
Safety and Security Audit *(triennial)*			X		
Southern Association of Colleges and Schools	*every ten years - 2032*				
Texas Administrative Code 202 *(biennial)*	X		X		X
Texas Workforce Commission Review	*every six years - 2028*				

* For fiscal years 2022 and 2023, institutions of Higher education shall also consider audits of benefit proportional when developing their annual internal audit plans.

FISCAL YEAR 2023 AUDIT PLAN

The fiscal year 2023 Audit Plan allocable hours of 7,730 is based on staff of four (4) internal audit professionals and one (1) graduate research assistant, taking into consideration leave time.

The fiscal year 2023 Audit Plan reflects details for audits and other activities the Department of Audit Services plans to perform during the fiscal year. Audit resources are divided among risk-based audits, information technology audits, required audits, special projects, investigations, meetings, committee service, audit administration, professional development, and department activities. Details are shown on the following page.

A RESOLUTION DESIGNATING AND CONFIRMING PROJECTS FOR EXPENDITURE OF UNSPENT BOND FUNDS FROM THE BOARD'S REVENUE FINANCING SYSTEM BONDS, SERIES 2019A AND TAXABLE SERIES 2019B; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of Regents (the "Board") of Stephen F. Austin State University (the "University") on February 6, 2019 issued its Revenue Financing System Bonds, Series 2019A (the "Series 2019A Bonds") and Revenue Financing System Bonds, Taxable Series 2019B (the "Taxable Series 2019B Bonds") pursuant to the terms and conditions provided in the "Resolution Authorizing the Issuance of One or More Series of Board of Regents of Stephen F. Austin State University Revenue Financing System Revenue Bonds; Providing for the Security for and Payment of Said Bonds; Establishing Procedures for Selling and Delivering the Bonds; and Approving and Authorizing Instruments and Procedures Relating Thereto" adopted by the Board on October 29, 2018 (the "Bond Resolution"); and

WHEREAS, the Series 2019A Bonds were issued to finance the acquisition, purchase, construction, improvement, renovation, enlargement or equipment of property, buildings, structures, facilities, roads or related infrastructure including the (a) Welcome Center and Student Support Services One Stop Shop, (b) Basketball Practice Facility, (c) Fine Arts Expansion Initiative, (d) Residence Hall and (e) costs of issuing the Series 2019A Bonds; and

WHEREAS, pursuant to Board Order 20-09 approved at the October 27-28, 2019, Board meeting, the Board approved the College of Fine Arts Expansion Project scope to include the School of Art's filmmaking program, the Kinesiology dance program and renovation of Turner Auditorium and increased the budget for such project, in part, by allocating approximately $13 million of the Series 2019A Bond proceeds initially set aside for the construction of a welcome center/one stop shop and deferred construction of such welcome center project; and

WHEREAS, the Taxable Series 2019B Bonds were issued to finance the acquisition, purchase, construction, improvement, renovation, enlargement or equipment of property, buildings, structures, facilities, roads or related infrastructure including a dining hall facility for the University and the Board is proceeding with the expenditure of the Taxable Series 2019B Bonds proceeds, including interest earnings, for the dining hall facility project; and

WHEREAS, in connection with the issuance of the Series 2019A Bonds and the Taxable Series 2019B Bonds, the University procured architects, contractors and other consultants that began planning and designing the Basketball Practice Facility, the Fine Arts Expansion Initiative and the Residence Hall being financed with the Series 2019A Bonds proceeds and the Dining Hall being financed with the Taxable Series 2019B Bonds, respectively; and

WHEREAS, in March 2020 the World Health Organization and the President of the United States separately declared the outbreak of a respiratory disease caused by a novel coronavirus ("COVID-19") to be a public health emergency. On March 13, 2020, the Governor of Texas declared a state of emergency for all counties in the State of Texas because of the effects of COVID-19. Subsequently, in response to a rise in COVID-19 infections in the State,

the Governor issued a number of executive orders intended to help limit the spread of COVID-19 and mitigate injury and the loss of life, including limitations imposed on business operations, social gatherings and other activities; and

WHEREAS, in response to the Governor's actions the University ceased on campus operations and all classes were transitioned to online delivery. Non-essential personnel worked remotely until July 2020. The University's auxiliary functions including residence halls and dining were severely impacted by the loss of housing and dining revenue. As a residential campus, the University requires students to live on campus until completion of 60 hours of undergraduate coursework. The on campus requirement was suspended for fall 2020 and spring 2021 and therefore the University suspended any further action related to the planning, design and construction of the new Residence Hall and Dining Hall; and

WHEREAS, as a result of the impact of COVID-19 and the decline in University revenues, Administration is recommending the Board take action to designate new projects set forth in "Exhibit A" attached hereto for the expenditure of all the remaining unspent and unencumbered Series 2019A Bond proceeds, including interest earnings (which for informational purposes was approximately $23,129,518.35 as of June 1, 2022), originally programmed for the new Residence Hall; and

WHEREAS, the Board hereby finds and determines that the adoption of this Resolution is in the best interests of the University; now, therefore,

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

SECTION 1: Due to the effects of the COVID-19 pandemic, the Board hereby abandons construction of the Residence Hall as originally planned and further authorizes the expenditure of all remaining Series 2019A Bonds proceeds, including interest earnings, for the designated projects set forth in "Exhibit A" attached hereto.

SECTION 2: The Board hereby confirms proceeding with the dining hall facility and the expenditure of the Taxable Series 2019B Bond proceeds, including interest earnings, for such dining hall facility.

SECTION 3: This Resolution may be relied upon by the appropriate officials at the university and establishes compliance by the Board with the requirements of Texas law and the Bond Resolution.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 5: All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9: This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

EXECUTED this the ____ day of _____, 2022.

_____
Chair, Board of Regents

_____
Secretary, Board of Regents

EXHIBIT A

The acquisition, purchase, construction, improvement, renovation, demolition, enlargement or equipment of property, buildings, structures, facilities, roads or related infrastructure for the following projects:

(1) Residence halls deferred maintenance, including demolishing certain residence halls;
(2) Electric grid analysis;
(3) Academic buildings and facilities deferred maintenance; and
(4) Auxiliary buildings and facilities deferred maintenance.

Fall 2021 (202210)
Texas Residents UG AFPP

Current Tuition and Fees

Num. of Hrs.	Tx Res	Designated Tuition	Univ Svc Fee	Stud. Svc.	Stud. Cntr.	Int'l Ed. Fee	Reg Records	Rec Sports Fee	Env Svc Fee	Diff Tui	Num. of Hrs.	Total Tx Res
										UG		Undergrad
1	$ 50.00	$ 204.00	$ 83.00	$ 13.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	1	$ **561.50**
2	$ 100.00	$ 408.00	$ 166.00	$ 27.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	2	$ **912.00**
3	$ 150.00	$ 762.00	$ 249.00	$ 40.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	3	$ **1,412.50**
4	$ 200.00	$ 614.50	$ 332.00	$ 54.00	$ 36.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	4	$ **1,412.50**
5	$ 250.00	$ 459.00	$ 415.00	$ 67.50	$ 45.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	5	$ **1,412.50**
6	$ 300.00	$ 1,524.00	$ 498.00	$ 81.00	$ 54.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	6	$ **2,633.00**
7	$ 350.00	$ 1,308.50	$ 581.00	$ 94.50	$ 63.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	7	$ **2,633.00**
8	$ 400.00	$ 1,153.00	$ 664.00	$ 108.00	$ 72.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	8	$ **2,633.00**
9	$ 450.00	$ 1,836.00	$ 747.00	$ 121.50	$ 81.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	9	$ **3,471.50**
10	$ 500.00	$ 2,040.00	$ 830.00	$ 135.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	10	$ **3,826.00**
11	$ 550.00	$ 2,244.00	$ 913.00	$ 148.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	11	$ **4,176.50**
12	$ 600.00	$ 3,221.00	$ 996.00	$ 162.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	12	$ **5,300.00**
13	$ 650.00	$ 3,074.50	$ 1,079.00	$ 175.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	13	$ **5,300.00**
14	$ 700.00	$ 3,074.00	$ 1,016.00	$ 189.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	14	$ **5,300.00**
15	$ 750.00	$ 3,074.00	$ 952.50	$ 202.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	15	$ **5,300.00**
16	$ 800.00	$ 3,074.00	$ 889.00	$ 216.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	16	$ **5,300.00**
17	$ 850.00	$ 3,074.00	$ 825.50	$ 229.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	17	$ **5,300.00**
18	$ 900.00	$ 3,074.00	$ 762.00	$ 243.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	18	$ **5,300.00**
19	$ 950.00	$ 3,074.00	$ 705.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	19	$ **5,300.00**
20	$ 1,000.00	$ 3,074.00	$ 655.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	20	$ **5,300.00**
21	$ 1,050.00	$ 3,074.00	$ 605.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	21	$ **5,300.00**

IMPORTANT: Texas Residents taking some or all on-line courses will be charged a $33 per credit hour Distance Learning fee up to $396 BUT Designated Tuition will be reduced by that same amount - STUDENTS TOTAL CHARGES WILL NOT CHANGE

Fall 2022 (202310)
Texas Residents GR AFPP

Current Tuition and Fees

Num. of Hrs.	Tx Res	Designated Tuition	Discretionary Graduate Rate	Univ Svc Fee	Stud. Svc.	Stud. Cntr.	Int'l Ed. Fee	Reg Records	Rec Sports Fee	Env Svc Fee	Diff Tui	Num. of Hrs.	Total Tx Res
	Please Note: Graduate Students are charged an additional $33 per credit hour for each on-line course up to $396										GR		GRAD
1	$ 50.00	$ 204.00	$ 30.00	$ 83.00	$ 13.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	75.00	1	$ **566.50**
2	$ 100.00	$ 408.00	$ 60.00	$ 166.00	$ 27.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	75.00	2	$ **947.00**
3	$ 150.00	$ 762.00	$ 90.00	$ 249.00	$ 40.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	75.00	3	$ **1,477.50**
4	$ 200.00	$ 614.50	$ 120.00	$ 332.00	$ 54.00	$ 36.00	$ 3.00	$ 8.00	$ 60.00	5.00	75.00	4	$ **1,507.50**
5	$ 250.00	$ 459.00	$ 150.00	$ 415.00	$ 67.50	$ 45.00	$ 3.00	$ 8.00	$ 60.00	5.00	75.00	5	$ **1,537.50**
6	$ 300.00	$ 1,524.00	$ 180.00	$ 498.00	$ 81.00	$ 54.00	$ 3.00	$ 8.00	$ 60.00	5.00	75.00	6	$ **2,788.00**
7	$ 350.00	$ 1,308.50	$ 210.00	$ 581.00	$ 94.50	$ 63.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	7	$ **2,818.00**
8	$ 400.00	$ 1,153.00	$ 240.00	$ 664.00	$ 108.00	$ 72.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	8	$ **2,848.00**
9	$ 450.00	$ 1,836.00	$ 270.00	$ 747.00	$ 121.50	$ 81.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	9	$ **3,716.50**
10	$ 500.00	$ 2,040.00	$ 300.00	$ 830.00	$ 135.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	10	$ **4,101.00**
11	$ 550.00	$ 2,244.00	$ 330.00	$ 913.00	$ 148.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	11	$ **4,481.50**
12	$ 600.00	$ 3,221.00	$ 360.00	$ 996.00	$ 162.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	12	$ **5,635.00**
13	$ 650.00	$ 3,074.50	$ 390.00	$ 1,079.00	$ 175.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	13	$ **5,665.00**
14	$ 700.00	$ 3,074.00	$ 420.00	$ 1,016.00	$ 189.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	14	$ **5,695.00**
15	$ 750.00	$ 3,074.00	$ 450.00	$ 952.50	$ 202.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	15	$ **5,725.00**
16	$ 800.00	$ 3,074.00	$ 480.00	$ 889.00	$ 216.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	16	$ **5,755.00**
17	$ 850.00	$ 3,074.00	$ 510.00	$ 825.50	$ 229.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	17	$ **5,785.00**
18	$ 900.00	$ 3,074.00	$ 540.00	$ 762.00	$ 243.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	18	$ **5,815.00**
19	$ 950.00	$ 3,074.00	$ 570.00	$ 705.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	19	$ **5,845.00**
20	$ 1,000.00	$ 3,074.00	$ 600.00	$ 655.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	20	$ **5,875.00**
21	$ 1,050.00	$ 3,074.00	$ 630.00	$ 605.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	75.00	21	$ **5,905.00**

BORDER STATE
Fall 202310 (202310)

Current Tuition and Fees

Num. of Hrs.	Tx Res	Border Res	Designated Tuition	Discretionary Graduate Rate	Univ Svs Fee	Stud. Svc.	Env Svc Advising	Fee Cntr.	Int'l Ed. Fee	Reg Records	Rec Sports Fee	Diff Tui UG	Diff Tui GR	Num. of Hrs.	Total - Non-Res	
Please Note: Border State Students are charged an additional $33 per credit hour for each on-line course up to $396												*UG*	*GR*		**UG**	**GR**
1	$ 50.00	$ 80.00	$ 204.00	$ 30.00	$ 83.00	$ 13.50	$ 5.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	$ 100.00	$ 75.00	1	$ **591.50**	$ **596.50**
2	$ 100.00	$ 160.00	$ 408.00	$ 60.00	$ 166.00	$ 27.00	$ 5.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	$ 100.00	$ 75.00	2	$ **972.00**	$ **1,007.00**
3	$ 150.00	$ 240.00	$ 762.00	$ 90.00	$ 249.00	$ 40.50	$ 5.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	$ 100.00	$ 75.00	3	$ **1,502.50**	$ **1,567.50**
4	$ 200.00	$ 320.00	$ 614.50	$ 120.00	$ 332.00	$ 54.00	$ 5.00	$ 36.00	$ 3.00	$ 8.00	$ 60.00	$ 100.00	$ 75.00	4	$ **1,532.50**	$ **1,627.50**
5	$ 250.00	$ 400.00	$ 459.00	$ 150.00	$ 415.00	$ 67.50	$ 5.00	$ 45.00	$ 3.00	$ 8.00	$ 60.00	$ 100.00	$ 75.00	5	$ **1,562.50**	$ **1,687.50**
6	$ 300.00	$ 480.00	$ 1,524.00	$ 180.00	$ 498.00	$ 81.00	$ 5.00	$ 54.00	$ 3.00	$ 8.00	$ 60.00	$ 100.00	$ 75.00	6	$ **2,813.00**	$ **2,968.00**
7	$ 350.00	$ 560.00	$ 1,308.50	$ 210.00	$ 581.00	$ 94.50	$ 5.00	$ 63.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	7	$ **2,843.00**	$ **3,028.00**
8	$ 400.00	$ 640.00	$ 1,153.00	$ 240.00	$ 664.00	$ 108.00	$ 5.00	$ 72.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	8	$ **2,873.00**	$ **3,088.00**
9	$ 450.00	$ 720.00	$ 1,836.00	$ 270.00	$ 747.00	$ 121.50	$ 5.00	$ 81.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	9	$ **3,741.50**	$ **3,986.50**
10	$ 500.00	$ 800.00	$ 2,040.00	$ 300.00	$ 830.00	$ 135.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	10	$ **4,126.00**	$ **4,401.00**
11	$ 550.00	$ 880.00	$ 2,244.00	$ 330.00	$ 913.00	$ 148.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	11	$ **4,506.50**	$ **4,811.50**
12	$ 600.00	$ 960.00	$ 3,221.00	$ 360.00	$ 996.00	$ 162.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	12	$ **5,660.00**	$ **5,995.00**
13	$ 650.00	$ 1,040.00	$ 3,074.50	$ 390.00	$ 1,079.00	$ 175.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	13	$ **5,690.00**	$ **6,055.00**
14	$ 700.00	$ 1,120.00	$ 3,074.00	$ 420.00	$ 1,016.00	$ 189.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	14	$ **5,720.00**	$ **6,115.00**
15	$ 750.00	$ 1,200.00	$ 3,074.00	$ 450.00	$ 952.50	$ 202.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	15	$ **5,750.00**	$ **6,175.00**
16	$ 800.00	$ 1,280.00	$ 3,074.00	$ 480.00	$ 889.00	$ 216.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	16	$ **5,780.00**	$ **6,235.00**
17	$ 850.00	$ 1,360.00	$ 3,074.00	$ 510.00	$ 825.50	$ 229.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	17	$ **5,810.00**	$ **6,295.00**
18	$ 900.00	$ 1,440.00	$ 3,074.00	$ 540.00	$ 762.00	$ 243.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	18	$ **5,840.00**	$ **6,355.00**
19	$ 950.00	$ 1,520.00	$ 3,074.00	$ 570.00	$ 705.00	$ 250.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	19	$ **5,870.00**	$ **6,415.00**
20	$ 1,000.00	$ 1,600.00	$ 3,074.00	$ 600.00	$ 655.00	$ 250.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	20	$ **5,900.00**	$ **6,475.00**
21	$ 1,050.00	$ 1,680.00	$ 3,074.00	$ 630.00	$ 605.00	$ 250.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	$ 100.00	$ 75.00	21	$ **5,930.00**	$ **6,535.00**

Non-Residents
Fall 2022 (202310)

Current Tuition and Fees

Num. of Hrs.	Tx Res	Non-Res Statutory	Designated Tuition	Discretionary Graduate Rate	Univ Svs Fee	Stud. Svc.	Env Svc Advising	Fee Cntr.	Int'l Ed. Fee	Reg Records	Rec Sports Fee	Diff Tui UG	Diff Tui GR	Num. of Hrs.	Total - Non-Res	
Note: Non-Resident Students will be charged an additional $33 per credit hour for each on-line course up to $396												*UG*	*GR*		**UG**	**GR**
1	$ 50.00	$ 458.00	$ 204.00	$ 30.00	$ 83.00	$ 13.50	$ 5.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	100.00	75.00	1	$ 969.50	$ 974.50
2	$ 100.00	$ 916.00	$ 408.00	$ 60.00	$ 166.00	$ 27.00	$ 5.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	100.00	75.00	2	$ 1,728.00	$ 1,763.00
3	$ 150.00	$ 1,374.00	$ 762.00	$ 90.00	$ 249.00	$ 40.50	$ 5.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	100.00	75.00	3	$ 2,636.50	$ 2,701.50
4	$ 200.00	$ 1,832.00	$ 614.50	$ 120.00	$ 332.00	$ 54.00	$ 5.00	$ 36.00	$ 3.00	$ 8.00	$ 60.00	100.00	75.00	4	$ 3,044.50	$ 3,139.50
5	$ 250.00	$ 2,290.00	$ 459.00	$ 150.00	$ 415.00	$ 67.50	$ 5.00	$ 45.00	$ 3.00	$ 8.00	$ 60.00	100.00	75.00	5	$ 3,452.50	$ 3,577.50
6	$ 300.00	$ 2,748.00	$ 1,524.00	$ 180.00	$ 498.00	$ 81.00	$ 5.00	$ 54.00	$ 3.00	$ 8.00	$ 60.00	100.00	75.00	6	$ 5,081.00	$ 5,236.00
7	$ 350.00	$ 3,206.00	$ 1,308.50	$ 210.00	$ 581.00	$ 94.50	$ 5.00	$ 63.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	7	$ 5,489.00	$ 5,674.00
8	$ 400.00	$ 3,664.00	$ 1,153.00	$ 240.00	$ 664.00	$ 108.00	$ 5.00	$ 72.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	8	$ 5,897.00	$ 6,112.00
9	$ 450.00	$ 4,122.00	$ 1,836.00	$ 270.00	$ 747.00	$ 121.50	$ 5.00	$ 81.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	9	$ 7,143.50	$ 7,388.50
10	$ 500.00	$ 4,580.00	$ 2,040.00	$ 300.00	$ 830.00	$ 135.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	10	$ 7,906.00	$ 8,181.00
11	$ 550.00	$ 5,038.00	$ 2,244.00	$ 330.00	$ 913.00	$ 148.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	11	$ 8,664.50	$ 8,969.50
12	$ 600.00	$ 5,496.00	$ 3,221.00	$ 360.00	$ 996.00	$ 162.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	12	$ 10,196.00	$ 10,531.00
13	$ 650.00	$ 5,954.00	$ 3,074.50	$ 390.00	$ 1,079.00	$ 175.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	13	$ 10,604.00	$ 10,969.00
14	$ 700.00	$ 6,412.00	$ 3,074.00	$ 420.00	$ 1,016.00	$ 189.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	14	$ 11,012.00	$ 11,407.00
15	$ 750.00	$ 6,870.00	$ 3,074.00	$ 450.00	$ 952.50	$ 202.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	15	$ 11,420.00	$ 11,845.00
16	$ 800.00	$ 7,328.00	$ 3,074.00	$ 480.00	$ 889.00	$ 216.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	16	$ 11,828.00	$ 12,283.00
17	$ 850.00	$ 7,786.00	$ 3,074.00	$ 510.00	$ 825.50	$ 229.50	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	17	$ 12,236.00	$ 12,721.00
18	$ 900.00	$ 8,244.00	$ 3,074.00	$ 540.00	$ 762.00	$ 243.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	18	$ 12,644.00	$ 13,159.00
19	$ 950.00	$ 8,702.00	$ 3,074.00	$ 570.00	$ 705.00	$ 250.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	19	$ 13,052.00	$ 13,597.00
20	$ 1,000.00	$ 9,160.00	$ 3,074.00	$ 600.00	$ 655.00	$ 250.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	20	$ 13,460.00	$ 14,035.00
21	$ 1,050.00	$ 9,618.00	$ 3,074.00	$ 630.00	$ 605.00	$ 250.00	$ 5.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	100.00	75.00	21	$ 13,868.00	$ 14,473.00

Texas Residents UG GPP FY 2021-2023
GUARANTEED PRICE PLAN

Current Tuition and Fees

Num. of Hrs.	Tx Res	Designated Tuition	Univ Svc Fee	Stud. Svc.	Stud. Cntr.	Int'l Ed. Fee	Reg Records	Rec Sports Fee	Env Svc Fee	Diff Tui	Num. of Hrs.	Total Tx Res
												Undergrad
1	$ 50.00	$ 255.00	$ 83.00	$ 13.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	1	$ 612.50
2	$ 100.00	$ 510.00	$ 166.00	$ 27.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	2	$ 1,014.00
3	$ 150.00	$ 765.00	$ 249.00	$ 40.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	3	$ 1,415.50
4	$ 200.00	$ 1,020.00	$ 332.00	$ 54.00	$ 36.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	4	$ 1,818.00
5	$ 250.00	$ 1,275.00	$ 415.00	$ 67.50	$ 45.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	5	$ 2,228.50
6	$ 300.00	$ 1,530.00	$ 498.00	$ 81.00	$ 54.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	6	$ 2,639.00
7	$ 350.00	$ 1,785.00	$ 581.00	$ 94.50	$ 63.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	7	$ 3,109.50
8	$ 400.00	$ 2,040.00	$ 664.00	$ 108.00	$ 72.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	8	$ 3,520.00
9	$ 450.00	$ 2,295.00	$ 747.00	$ 121.50	$ 81.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	9	$ 3,930.50
10	$ 500.00	$ 2,550.00	$ 830.00	$ 135.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	10	$ 4,336.00
11	$ 550.00	$ 2,805.00	$ 913.00	$ 148.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	11	$ 4,737.50
12	$ 600.00	$ 3,596.00	$ 996.00	$ 162.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	12	$ 5,675.00
13	$ 650.00	$ 3,449.50	$ 1,079.00	$ 175.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	13	$ 5,675.00
14	$ 700.00	$ 3,449.00	$ 1,016.00	$ 189.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	14	$ 5,675.00
15	$ 750.00	$ 3,449.00	$ 952.50	$ 202.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	15	$ 5,675.00
16	$ 800.00	$ 3,449.00	$ 889.00	$ 216.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	16	$ 5,675.00
17	$ 850.00	$ 3,449.00	$ 825.50	$ 229.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	17	$ 5,675.00
18	$ 900.00	$ 3,449.00	$ 762.00	$ 243.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	18	$ 5,675.00
19	$ 950.00	$ 3,449.00	$ 705.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	19	$ 5,675.00
20	$ 1,000.00	$ 3,449.00	$ 655.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	20	$ 5,675.00
21	$ 1,050.00	$ 3,449.00	$ 605.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	21	$ 5,675.00

IMPORTANT:
GPP Students taking some or all on-line courses will be charged $33 per credit hour for Distance Learning Fee but Designated Tuition will be reduced by that same amount - STUDENTS TOTAL CHARGE WILL NOT CHANGE

201910, 201920, 201930 FRTP (202310)
Texas Residents UG FRTP

Current Tuition and Fees

Num. of Hrs.	Tx Res	Designated Tuition	Univ Svc Fee	Stud. Svc.	Stud. Cntr.	Int'l Ed. Fee	Reg Records	Rec Sports Fee	Env Svc Fee	Diff Tui	Num. of Hrs.	Total Tx Res
Note: FRTP Students will be charged an additional $33 per credit hour for each on-line course										UG		Undergrad
1	$ 50.00	$ 226.00	$ 83.00	$ 13.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	1	$ **583.50**
2	$ 100.00	$ 452.00	$ 166.00	$ 27.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	2	$ **956.00**
3	$ 150.00	$ 678.00	$ 249.00	$ 40.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	3	$ **1,328.50**
4	$ 200.00	$ 904.00	$ 332.00	$ 54.00	$ 36.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	4	$ **1,702.00**
5	$ 250.00	$ 1,130.00	$ 415.00	$ 67.50	$ 45.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	5	$ **2,083.50**
6	$ 300.00	$ 1,356.00	$ 498.00	$ 81.00	$ 54.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	6	$ **2,465.00**
7	$ 350.00	$ 1,582.00	$ 581.00	$ 94.50	$ 63.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	7	$ **2,906.50**
8	$ 400.00	$ 1,808.00	$ 664.00	$ 108.00	$ 72.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	8	$ **3,288.00**
9	$ 450.00	$ 2,034.00	$ 747.00	$ 121.50	$ 81.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	9	$ **3,669.50**
10	$ 500.00	$ 2,260.00	$ 830.00	$ 135.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	10	$ **4,046.00**
11	$ 550.00	$ 2,486.00	$ 913.00	$ 148.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	11	$ **4,418.50**
12	$ 600.00	$ 2,712.00	$ 996.00	$ 162.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	12	$ **4,791.00**
13	$ 650.00	$ 2,938.00	$ 1,079.00	$ 175.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	13	$ **5,163.50**
14	$ 700.00	$ 3,164.00	$ 1,016.00	$ 189.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	14	$ **5,390.00**
15	$ 750.00	$ 3,390.00	$ 952.50	$ 202.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	15	$ **5,616.00**
16	$ 800.00	$ 3,616.00	$ 889.00	$ 216.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	16	$ **5,842.00**
17	$ 850.00	$ 3,616.00	$ 825.50	$ 229.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	17	$ **5,842.00**
18	$ 900.00	$ 3,616.00	$ 762.00	$ 243.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	18	$ **5,842.00**
19	$ 950.00	$ 3,616.00	$ 705.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	19	$ **5,842.00**
20	$ 1,000.00	$ 3,616.00	$ 655.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	20	$ **5,842.00**
21	$ 1,050.00	$ 3,616.00	$ 605.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	21	$ **5,842.00**

202010, 202020, 202030 FRTP (202310)
Texas Residents UG FRTP

Current Tuition and Fees

Num. of Hrs.	Tx Res	Designated Tuition	Univ Svc Fee	Stud. Svc.	Stud. Cntr.	Int'l Ed. Fee	Reg Records	Rec Sports Fee	Env Svc Fee	Diff Tui	Num. of Hrs.	Total Tx Res
Note: FRTP Students will be charged an additional $33 per credit hour for each on-line course										UG		Undergrad
1	$ 50.00	$ 233.00	$ 83.00	$ 13.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	1	$ **590.50**
2	$ 100.00	$ 466.00	$ 166.00	$ 27.00	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	2	$ **970.00**
3	$ 150.00	$ 699.00	$ 249.00	$ 40.50	$ 35.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	3	$ **1,349.50**
4	$ 200.00	$ 932.00	$ 332.00	$ 54.00	$ 36.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	4	$ **1,730.00**
5	$ 250.00	$ 1,165.00	$ 415.00	$ 67.50	$ 45.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	5	$ **2,118.50**
6	$ 300.00	$ 1,398.00	$ 498.00	$ 81.00	$ 54.00	$ 3.00	$ 8.00	$ 60.00	5.00	100.00	6	$ **2,507.00**
7	$ 350.00	$ 1,631.00	$ 581.00	$ 94.50	$ 63.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	7	$ **2,955.50**
8	$ 400.00	$ 1,864.00	$ 664.00	$ 108.00	$ 72.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	8	$ **3,344.00**
9	$ 450.00	$ 2,097.00	$ 747.00	$ 121.50	$ 81.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	9	$ **3,732.50**
10	$ 500.00	$ 2,330.00	$ 830.00	$ 135.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	10	$ **4,116.00**
11	$ 550.00	$ 2,563.00	$ 913.00	$ 148.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	11	$ **4,495.50**
12	$ 600.00	$ 2,796.00	$ 996.00	$ 162.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	12	$ **4,875.00**
13	$ 650.00	$ 3,029.00	$ 1,079.00	$ 175.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	13	$ **5,254.50**
14	$ 700.00	$ 3,262.00	$ 1,016.00	$ 189.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	14	$ **5,488.00**
15	$ 750.00	$ 3,495.00	$ 952.50	$ 202.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	15	$ **5,721.00**
16	$ 800.00	$ 3,728.00	$ 889.00	$ 216.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	16	$ **5,954.00**
17	$ 850.00	$ 3,728.00	$ 825.50	$ 229.50	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	17	$ **5,954.00**
18	$ 900.00	$ 3,728.00	$ 762.00	$ 243.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	18	$ **5,954.00**
19	$ 950.00	$ 3,728.00	$ 705.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	19	$ **5,954.00**
20	$ 1,000.00	$ 3,728.00	$ 655.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	20	$ **5,954.00**
21	$ 1,050.00	$ 3,728.00	$ 605.00	$ 250.00	$ 85.00	$ 3.00	$ 8.00	$ 120.00	5.00	100.00	21	$ **5,954.00**

ROTC (MILS) Military Science Course(s) Rate for FY 22-23						
Hour		**Statutory**		**Designated**		**Total**
1		50.00		194.00		**244.00**
2		100.00		388.00		**488.00**
3		150.00		582.00		**732.00**
4		200.00		776.00		**976.00**
5		250.00		970.00		**1,220.00**
6		300.00		1,164.00		**1,464.00**
7		350.00		1,358.00		**1,708.00**
8		400.00		1,552.00		**1,952.00**
9		450.00		1,746.00		**2,196.00**
10		500.00		1,940.00		**2,440.00**

Dual Credit Rate for FY 22-23

Hour	Statutory	Univ Svc Fee	Total
1	50.00	36.00	**86.00**
2	100.00	72.00	**172.00**
3	150.00	108.00	**258.00**
4	200.00	144.00	**344.00**
5	250.00	180.00	**430.00**
6	300.00	216.00	**516.00**
7	350.00	252.00	**602.00**
8	400.00	288.00	**688.00**
9	450.00	324.00	**774.00**
10	500.00	360.00	**860.00**

Current Tuition and Fees

Out of State Fully On-Line Grad student (Non-Resident Electronic Fee)

HOURS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Diff Tuition - GR	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00
NR - OUT of State Electronic	120.00	240.00	360.00	480.00	600.00	720.00	840.00	960.00	1,080.00	1,200.00	1,320.00	1,440.00	1,560.00	1,680.00	1,800.00	1,920.00	2,040.00	2,160.00	2,280.00	2,400.00
Statutory Tuition - R	50.00	100.00	150.00	200.00	250.00	300.00	350.00	400.00	450.00	500.00	550.00	600.00	650.00	700.00	750.00	800.00	850.00	900.00	950.00	1,000.00
Designated Tuition	204.00	408.00	762.00	614.50	459.00	1,524.00	1,308.50	1,153.00	1,836.00	2,040.00	2,244.00	3,221.00	3,074.50	3,074.00	3,074.00	3,074.00	3,074.00	3,074.00	3,074.00	3,074.00
Univ Services Fee	83.00	166.00	249.00	332.00	415.00	498.00	581.00	664.00	747.00	830.00	913.00	996.00	1,079.00	1,016.00	952.50	889.00	825.50	762.00	705.00	655.00
Registration Fee	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Rec Sports Fee	60.00	60.00	60.00	60.00	60.00	60.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00
International Edu Fee	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Student Center Fee	35.00	35.00	35.00	36.00	45.00	54.00	63.00	72.00	81.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00
Student Service Fee	13.50	27.00	40.50	54.00	67.50	81.00	94.50	108.00	121.50	135.00	148.50	162.00	175.50	189.00	202.50	216.00	229.50	243.00	250.00	250.00
Env Services Fee	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Distance Education Fee	33.00	66.00	99.00	132.00	165.00	198.00	231.00	264.00	297.00	330.00	363.00	396.00	396.00	396.00	396.00	396.00	396.00	396.00	396.00	396.00
Graduate Tuition	30.00	60.00	90.00	120.00	150.00	180.00	210.00	240.00	270.00	300.00	330.00	360.00	390.00	420.00	450.00	480.00	510.00	540.00	570.00	600.00
TOTAL	**719.50**	**1,253.00**	**1,936.50**	**2,119.50**	**2,302.50**	**3,706.00**	**3,889.00**	**4,072.00**	**5,093.50**	**5,631.00**	**6,164.50**	**7,471.00**	**7,621.00**	**7,771.00**	**7,921.00**	**8,071.00**	**8,221.00**	**8,371.00**	**8,521.00**	**8,671.00**

Out of State Fully On-Line UG student (Non-Resident Electronic Fee)

HOURS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Diff Tuition - UG	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
NR - OUT of State Electronic	120.00	240.00	360.00	480.00	600.00	720.00	840.00	960.00	1,080.00	1,200.00	1,320.00	1,440.00	1,560.00	1,680.00	1,800.00	1,920.00	2,040.00	2,160.00	2,280.00	2,400.00
Statutory Tuition - R-UG	50.00	100.00	150.00	200.00	250.00	300.00	350.00	400.00	450.00	500.00	550.00	600.00	650.00	700.00	750.00	800.00	850.00	900.00	950.00	1,000.00
Designated Tuition -R-UG	204.00	408.00	762.00	614.50	459.00	1,524.00	1,308.50	1,153.00	1,836.00	2,040.00	2,244.00	3,221.00	3,074.50	3,074.00	3,074.00	3,074.00	3,074.00	3,074.00	3,074.00	3,074.00
Univ Services Fee	83.00	166.00	249.00	332.00	415.00	498.00	581.00	664.00	747.00	830.00	913.00	996.00	1,079.00	1,016.00	952.50	889.00	825.50	762.00	705.00	655.00
Registration Fee	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Rec Sports Fee	60.00	60.00	60.00	60.00	60.00	60.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00
International Edu Fee	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Student Center Fee	35.00	35.00	35.00	36.00	45.00	54.00	63.00	72.00	81.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00	85.00
Student Service Fee	13.50	27.00	40.50	54.00	67.50	81.00	94.50	108.00	121.50	135.00	148.50	162.00	175.50	189.00	202.50	216.00	229.50	243.00	250.00	250.00
Env Services Fee	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Distance Education Fee	33.00	66.00	99.00	132.00	165.00	198.00	231.00	264.00	297.00	330.00	363.00	396.00	396.00	396.00	396.00	396.00	396.00	396.00	396.00	396.00
TOTAL	**714.50**	**1,218.00**	**1,871.50**	**2,024.50**	**2,177.50**	**3,551.00**	**3,704.00**	**3,857.00**	**4,848.50**	**5,356.00**	**5,859.50**	**7,136.00**	**7,256.00**	**7,376.00**	**7,496.00**	**7,616.00**	**7,736.00**	**7,856.00**	**7,976.00**	**8,096.00**

RELLIS RATES - Resident

Hours	F60R	T00R	T05R	TDR1	Total
	96.50	50.00	168.50	100.00	415.00
1	96.50	50.00	168.50	100.00	415.00
2	193.00	100.00	337.00	100.00	730.00
3	289.50	150.00	505.50	100.00	1,045.00
4	386.00	200.00	674.00	100.00	1,360.00
5	482.50	250.00	842.50	100.00	1,675.00
6	579.00	300.00	1,011.00	100.00	1,990.00
7	675.50	350.00	1,179.50	100.00	2,305.00
8	772.00	400.00	1,348.00	100.00	2,620.00
9	868.50	450.00	1,516.50	100.00	2,935.00
10	965.00	500.00	1,685.00	100.00	3,250.00
11	1,061.50	550.00	1,853.50	100.00	3,565.00
12	1,158.00	600.00	2,022.00	100.00	3,880.00
13	1,254.50	650.00	2,190.50	100.00	4,195.00
14	1,351.00	700.00	2,359.00	100.00	4,510.00
15	1,447.50	750.00	2,527.50	100.00	4,825.00
16	1,544.00	800.00	2,696.00	100.00	5,140.00
17	1,640.50	850.00	2,864.50	100.00	5,455.00
18	1,737.00	900.00	3,033.00	100.00	5,770.00
19	1,833.50	950.00	3,201.50	100.00	6,085.00
20	1,930.00	1,000.00	3,370.00	100.00	6,400.00
21	2,026.50	1,050.00	3,538.50	100.00	6,715.00

RELLIS RATES - NonResident

Hours	F60R	T01R	T06R	TDR1	Total
	96.50	458.00	183.00	100.00	837.50
1	96.50	458.00	183.00	100.00	837.50
2	193.00	916.00	366.00	100.00	1,575.00
3	289.50	1,374.00	549.00	100.00	2,312.50
4	386.00	1,832.00	732.00	100.00	3,050.00
5	482.50	2,290.00	915.00	100.00	3,787.50
6	579.00	2,748.00	1,098.00	100.00	4,525.00
7	675.50	3,206.00	1,281.00	100.00	5,262.50
8	772.00	3,664.00	1,464.00	100.00	6,000.00
9	868.50	4,122.00	1,647.00	100.00	6,737.50
10	965.00	4,580.00	1,830.00	100.00	7,475.00
11	1,061.50	5,038.00	2,013.00	100.00	8,212.50
12	1,158.00	5,496.00	2,196.00	100.00	8,950.00
13	1,254.50	5,954.00	2,379.00	100.00	9,687.50
14	1,351.00	6,412.00	2,562.00	100.00	10,425.00
15	1,447.50	6,870.00	2,745.00	100.00	11,162.50
16	1,544.00	7,328.00	2,928.00	100.00	11,900.00
17	1,640.50	7,786.00	3,111.00	100.00	12,637.50
18	1,737.00	8,244.00	3,294.00	100.00	13,375.00
19	1,833.50	8,702.00	3,477.00	100.00	14,112.50
20	1,930.00	9,160.00	3,660.00	100.00	14,850.00
21	2,026.50	9,618.00	3,843.00	100.00	15,587.50

RN to BSN				
Hours	F60N	T30N	T31N	Total
1	83.00	50.00	134.74	267.74
2	166.00	100.00	269.48	535.48
3	249.00	150.00	404.22	803.22
4	332.00	200.00	538.96	1,070.96
5	415.00	250.00	673.70	1,338.70
6	498.00	300.00	808.44	1,606.44
7	581.00	350.00	943.18	1,874.18
8	664.00	400.00	1,077.92	2,141.92
9	747.00	450.00	1,212.66	2,409.66
10	830.00	500.00	1,347.40	2,677.40
11	913.00	550.00	1,482.14	2,945.14
12	996.00	600.00	1,616.88	3,212.88
13	1,079.00	650.00	1,751.62	3,480.62
14	1,162.00	700.00	1,886.36	3,748.36
15	1,245.00	750.00	2,021.10	4,016.10
16	1,328.00	800.00	2,155.84	4,283.84
17	1,411.00	850.00	2,290.58	4,551.58
18	1,494.00	900.00	2,425.32	4,819.32
19	1,577.00	950.00	2,560.06	5,087.06
20	1,660.00	1,000.00	2,694.80	5,354.80
21	1,743.00	1,050.00	2,829.54	5,622.54

2021 Texas Public Higher Education Almanac Data - Average Tuition and Fees by University

4-year public institution	Website	Accountability group	HS/HBCU status*	Average tuition & fees
The University of Texas at Dallas	www.ut	Emerging Research		$14,072
Texas A&M University at Galveston	www.ta	Master's		$12,192
University of North Texas	www.ur	Emerging Research	HS	$11,994
The University of Texas at Arlington	www.ut	Emerging Research	HS	$11,620
Texas Tech University	www.tt	Emerging Research	HS	$11,600
University of Houston	www.uh	Emerging Research	HS	$11,569
Texas State University	www.tx	Emerging Research	HS	$11,540
Texas A&M University	www.ta	Research		$11,404
Prairie View A&M University	www.pv	Comprehensive	HBCU	$11,099
Sam Houston State University	www.sh	Doctoral	HS	$10,756
Stephen F. Austin State University	www.sf	Comprehensive		$10,600
The University of Texas at San Antonio	www.ut	Emerging Research	HS	$10,600
The University of Texas at Austin	www.ut	Research		$10,582
Lamar University	www.la	Comprehensive		$10,463
Texas A&M University–Corpus Christi	www.ta	Doctoral	HS	$9,825
Texas A&M University–Commerce	www.ta	Doctoral		$9,820
Midwestern State University	www.m	Master's		$9,796
Texas A&M University–Kingsville	www.ta	Doctoral	HS	$9,694
Texas Woman's University	www.tw	Doctoral	HS	$9,630
Texas Southern University	www.ts	Doctoral	HBCU	$9,570
Tarleton State University	www.ta	Comprehensive		$9,529
Texas A&M International University	www.ta	Comprehensive	HS	$9,254
University of Houston–Clear Lake	www.uh	Master's	HS	$9,174
The University of Texas at Tyler	www.ut	Master's		$9,146
University of North Texas at Dallas	www.ur	Master's	HS	$9,140
West Texas A&M University	www.w	Comprehensive	HS	$9,040
Angelo State University	www.ar	Master's	HS	$9,010
The University of Texas Rio Grande Valley	www.ut	Doctoral	HS	$8,917
The University of Texas Permian Basin	www.ut	Master's	HS	$8,806
Sul Ross State University	www.su	Master's	HS	$8,776
The University of Texas at El Paso	www.ut	Emerging Research	HS	$8,652
University of Houston–Downtown	www.uh	Master's	HS	$8,604
University of Houston–Victoria	www.uh	Master's	HS	$8,544
Texas A&M University–Texarkana	www.ta	Master's		$8,449
Texas A&M University–San Antonio	www.ta	Master's	HS	$8,442
Texas A&M University–Central Texas	www.ta	Master's	HS	$6,483
Sul Ross State University Rio Grande College	www.su	Master's	HS	$5,833
Statewide				$9,844

* "HS" = Hispanic Serving. HS is defined as institutions with a fall headcount of 25% or more students who are Hispanic.

Fee Type	Statutory Authority	T/F Description	Last Approved by Board	Board Order	Current Rate
Additional Fees	TEC 54.5011	Convenience Fee (For use of Credit Card)	4/19/2011	11-21	2.75% min $3
Additional Fees	TEC 54.504	Distance Learning Fee	4/15/2014	14-22	$33/SCH - Beg 2020, this is reduced from Designated Tuition
Additional Fees	TEC 54.502	General Deposit	Pre-2000	Pre-2000	$100 refundable upon withdrawl or graduation
Additional Fees	TEC 54.503	Individual Instruction Fee	10/28/1986	86-148	Varies by course
Additional Fees	TEC 54.007	Installment Payment Plan Fee	7/20/2010	10-40	$25
Additional Fees	TEC 54.504	Late Add Fee	4/16/2002	02-05	$50 per SCH
Additional Fees	TEC 54.007	Late Installment Fee (renamed Late Payment Fee at July 2022 BOR meeting	7/28/2015	15-42	$25
Additional Fees	TEC 54.504	Late Registration Fee	4/19/2011	11-21	$25
Additional Fees	TEC 54.545	Out-of-State Electronic Fee	10/14/2004	05-05	Reduced tuition fee designed to make SFA's distance ed programs more competitive. $120/SCH
Additional Fees	TEC 54.505	Parking Permit	1/27/2021	21-84	Varies by type of permit
Additional Fees	TEC 54.504	Post Office Box Rental	Pre-2000	Pre-2000	$10/semester
Additional Fees	TEC 54.504	Reinstatement Fee	4/30/2001	01-67	$50 per SCH
Additional Fees	TEC 54.504	Returned Check Fee	7/8/2004	04-58	$30 per item
Additional Fees	TEC 54.504	Student Identification Card	3/20/2018	No Board Order	$6 initial ID; $15 replacement ID
Other Mandatory T/F	TEC 54.014	Excessive Undergraduate Credit Hours	1/31/2017	17-23	$200 per SCH
Other Mandatory T/F	TEC 54.014	3-Peat Tuition	1/31/2017	17-23	$200 per SCH

Exemptions & Waivers

Man/Opt	TEC, Sectin 54.2001	CITATION	TYPE	NAME	Status	Overview of What is Paid OR Exempted	Overview of Eligibility
M	Impacted	TEC 54.351	Exemption	Children of Disabled Firefighters/Law Enforcement Officers (Previously called Orphans of Public Employment)	Active	Tuition and fees (120 attempted hours or until student's 26th birthday)	Letter/certificate from the Coordinatinginating board as evidence to grant the exemption. Children only not spouse TEC 54.351 - maintain GPA, excessive hour limit. Children of eligible persons who have been killed in the line of duty prior to September 1, 2000, or who have been disabled in the line of duty. Apply
M	Impacted	TEC 54.355	Exemption	Children of Nurse Faculty	Active	Tuition and designated tuition - 10 semesters only	Must be 25 years or younger, Texas resident, does not already has degree, enroll at same college the parent is currently employed, letter form HR stating parent is full time employee, register for selective service or be exempt from requirement, parent must have mater's or doctoral and be employed fulltime. student shall maintain GPA, meet excessive hour rule.
M	Impacted	TEC 54.343	Exemption	Children of POWs & MIAs	Not Active	Tuition and fees	Children of POW's
M	Excluded	TEC 54.011	Exemption	Concurrent Enrollment	Not Active	Tuition and fees; less course fees, distance learning and dual credit tuition. This difference between school A and school B	enrolled in classes for which the college receives tax support, meets college's regular requirements, Apply at SFA Admissions office 468-2504. Enrolled at more than one Higher Ed school at the same time
M	Impacted	TEC.54.354	Exemption	Dependents of Deceased Public Servants	Active	Tuition, mandatory fees and textbooks. (200 hours or until bachelors degree) If the student is eligible to live in university housing, the university will also provide the student room and	Full time student, Student must be under 18 year of age at time of parent' s death. Certification from employer stating death in the line of duty and copy of death certificate. The public employee must have died in the performance of his/her duty on or after September 1, 2000 and student is a surviving spouse or
M	Impacted	TEC.54.352	Exemption	Disabled Peace Officers and Firefighters	Not Active	Tuition and required fees	If spaces is available, must be residents of Texas, permanently disabled as a result of injury suffered during performance of duty, no more than 12 semesters in unger grad work - Masters and Doctoral are not eligible.
M	Exempt	TEC.54.342	Exemption	Ex-Prisoners of War	Not Active	"tuition and required fees" includes tuition, service fees, lab fees, building use fees, and all other required fees except room, board, or clothing fees or deposits in the nature of security for the	"tuition and required fees" includes tuition, service fees, lab fees, building use fees, and all other required fees except room, board, or clothing fees or deposits in the nature of security for the return or proper care of property.(b) For each semester or summer session and for a total number of semester credit hours
M	Exempt	TEC 54.366	Exemption	Foster Care Aged Out Exemption	Active	Tuition and fees	Tuition Waiver from Texas Dept. of Family and Protective Services. Were NOT adopted before their 18th birthday
M	Exempt	TEC 54.367	Exemption	Foster Care (Adopted)	Active	Tuition and fees	Tuition Waiver Letter from Texas Dept. of family and protective services. Must maintain GPA and meet excessive hour requirements Adopted before they turned 18
M	Exempt	TEC 54.341 (a-2),(b)(1)	Exemption	Hazlewood - 100% Disabled Veteran-Spouse/Child	Active	Tuition and fees; less student service fee	Veteran must have a Home of Record or Place of Entry in TX, be honorably discharged and 100% disabled due to military conditions. Must be a biological child, adopted child, claimed as a dependent on taxes or be the veterans spouse, a TX resident and not be in excessive hours.

Exemptions & Waivers

Man/Opt	TEC, Sectin 54.2001	CITATION	TYPE	NAME	Status	Overview of What is Paid OR Exempted	Overview of Eligibility
M	Exempt	TEC 54.341 (a-2),(b)(1)	Exemption	Hazlewood - Deceased Veteran-Spouse/Child	Active	Tuition and fees; less student service fee	Veteran must have a Home of Record or Place of Entry in TX, be honorably discharged and deceased due to military conditions. Must be a biological child, adopted child, claimed as a dependent on taxes or be the veterans spouse, a TX resident and not be in excessive hours.
M	Impacted	TEC 54.341,(k)	Exemption	Hazlewood Dependents Legacy	Active	Tuition and fees; less student service fee	Veteran must have a Home of Record or Place of Entry in TX, served at least 181 active duty days, be honorably discharged, and be a TX resident. Must be a biological child, adopted child, or claimed as a dependent on taxes, a TX resident and not be in excessive hours and must have passing GPA.
M	Exempt	TEC 54.341, (a)	Exemption	Hazlewood Veteran	Active	Tuition and fess, less student service fee	Veteran must have a Home of Record or Place of Entry in TX, served at least 181 active duty days, be honorably discharged, and a TX resident, not be in excessive hours and must have passing GPA.
M	Impacted	TEC 54.364	Exemption	Hearing Impaired	Active	Tuition and fees	Must turn in a copy of Certified Disability. Must maintain GPA and meet excessive hour requirements
M	Impacted	TEC.54.345	Exemption	National Guard Waiver (Members of state Military Forces)	Not Active	Tuition up to 12 hours	Military shall certify (never been used)
M	Impacted	TEC 54.3531	Exemption	Peace Officers	Active	Tuition and Lab Fees	Courses for BA Degree only. Employed as a Peace Officer by the state of Texas. Undergraduate student. Enroll Fall 2011 or later. Meet GA requirements. Must apply for exemption at least 1 week before the last day to register. Must meet the excessive hour rule.
M	Impacted	TEC.54.344	Exemption	Performers of "Taps"	Not Active	$25 Exemption	Voucher from Student
M	Impacted	TEC 54.356	Exemption	Preceptor and their Children	Active	$500.00 tuition exemption per semester for 8 hours	Preceptor or Children of Preceptor 25 and under: Resident of Texas, Not have a degree. Meet GPA and excessive hour rule. Copy of parents preceptor agreement. See Business Office for more information on eligibility requirements.
M	Excluded	TEC 54.624	Exemption	Texas Tomorrow Fund Exemption	Active	Tuition and required fees in excess of the weighted average amount of tuition and required fees for all public senior colleges and universities	Student must contact provider to authorize SFA to bill/use their funds and turn in a copy of the card
M	Impacted	TEC 54.364	Exemption	Vision Impaired	Active	Tuition and fees	Must turn in a copy of Certified Disability. Must maintain GPA and meet excessive hour requirements
M	Exempt	TEC 54.233	Waiver	Academic Common Market	Not Active	In State Rate	The governing board of an institutin of higher education shall charge nonresident students participating in the Academic Common Market and enrolled in programs designated under Section 160.07 the same amount charged resident students in such programs.
M	Exempt	TEC 231(g)	Waiver	Border County/Parish	Not Active	In State Rate with governing board approval	With governing board approval, the nonresident tuition fee does not apply to a nonresident student who is a resident of a county or parish of Arkansas, Lousiana, New Mexico, or Oklahoma.

Exemptions & Waivers

Man/Opt	TEC, Sectin 54.2001	CITATION	TYPE	NAME	Status	Overview of What is Paid OR Exempted	Overview of Eligibility
M	Exempt	TEC 54.211	Waiver	College Teachers, Professors (and the spouse and children of such a teacher or professor)	Active	In State Rate	Employed at least hone-half time on a regular monthly salary basis by an institution of higher education.
M	Exempt	TEC.54.222	Waiver	Economic Developments	Not Active	Economic Rules for residency	Meet Economic Rules for residency
M	Exempt	TEC.54.206	Waiver	Foreign Service Officers	Not Active	In State Rate	A foreign service officer employed by the United States Department of State and enrolled in an institution of higher education is entitled to pay the tuition and fees at the rates provided for Texas residents if the person is assigned to an office of the department of state that is located in a foreign
M	Exempt	TEC.54.241,(b,c,f,g) (d,I,k)	Waiver	Military in Texas	Active	In State Rate	A person who is an officer, enlisted person, selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas,
M	Exempt	TEC.54.232	Waiver	NATO Members and Families	Not Active	In state Rate	A nonimmigrant alien who resides in this state in accordance with the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (4 U.S.T. 1792) and the spouse or children of that alien are considered to be residents for tuition and fee purposes under this title.
M	Exempt	TEC.54.212	Waiver	Teaching and Research Assistants	Active	In state Rate	Teaching assistant or research assistant
M	Excluded	TEC 54.621	Waiver	Texas Tomorrow Fund Contract	Active	In state Rate for nonresident child of a parent who is a Texas resident when contract was purchased	Student must contact provider to authorize SFA to bill/use their funds and turn in a copy of the card
M	Impacted	TEC 54.353	Exemption	FireFighters taking Fire Science Courses	Active	Tuition and Lab Fees	Must be employed as a paid Firefighter and provide letter from supervisor, courses must be Fire Science Curriculum, college must receive tax support on the class, maintain GPA, excessive hour limit.
O	Exempt	TEC.54.216 B.O 21-35	Exemption	Dual Credit	Active	Per BO 21-35, Dual Credit Tuition and Fees are exempted except for $50 per semester credit hour for statutory tuition and $36 per semester credit hour for university services fee.	May waive all or part of the tuition and fees charged by the institution for a student enrolled in a course for which the student simultaneously receives credit toward high school requirements and a degree offered by the institution
O	Impacted	TEC.54.331	Exemption	Good Neighbor Program	Active	Tuition and Fees	Up to 235 non-residents from an eligible country, born in and are current residents of a nation of Western hemisphere other than Cuba or the US. Intend to return to country upon completion of program of study, are qualified for admission. Must maintain GPA and meet excessive hour rule. Cannot have another Waiver on account.
O	Impacted	TEC.54.301	Exemption	Highest Ranking HS (Valedictorian)	Active	Tuition during both semesters of the first school year immediately following graduation	Certificate from High School

Exemptions & Waivers

Man/Opt	TEC, Sectin 54.2001	CITATION	TYPE	NAME	Status	Overview of What is Paid OR Exempted	Overview of Eligibility
O	Excluded	TEC.54.0601	Exemption	Hundred (100) Mile	Active	Lower nonresident tuition rate.	Institution within 100 miles from the boundary of this state with another state may set a nonresident tuition rate that is lower than the nonresident tuition rate otherwise charged.
O	Impacted	TEC 54.365, (c)	Exemption	Senior Citizen 65+ for 6 hours free tution	Active	Tuition and designated tuition (6 hours)	Must maintain SAP and meet the excessive hour rule. Must be 65 or older. Student should contact the business office.
O	Exempt	TEC.54.213	Waiver	Competitive Scholarship	Active	In state rate	Nonresident students receiving a $1,000.00 or more in competative scholarships
O	Impacted	TEC.54.2031	Exemption	Combat Exemption	Not Active	Tuition is exempted	Dependent children of residents who are members of the Armed Forces and on combat duty - limit of 150 hours, must not be in default on loan and proof of combat duty
O	Impacted	TEC.54.261	Exemption	Designated Tuition Exemption	Not Active	All or part Tuition	A governing board may waive all or part of the tuition charged to a student under Section 54.0513 if it finds that the payment of such tuition would cause an undue economic hardship on the student.
O	Impacted	TEC.54.218	Exemption	Distance Learning Exemption from Fees	Not Active	Exempts Rec Sports Fee and Student Center	Student is enrolled in only Distance Ed Courses, and meets SB1210 requirements. Study Abroad students enrolled in Summer that last longer than four weeks
O	Impacted	TEC 54.363	Exemption	Educational Aide	Not Active	Tuition and fees other than class or laboratory fees.	Must be a resident of this state; be a school employee serving in any capacity; have worded as an educational aide for at least one school year during the five preceding that term or semester;
O	Impacted	TEC.54.217	Exemption	Fully Funded Courses	Not Active	Tuition and Fees	Students attending courses that are fully funded by federal or other sources
O	Excluded	TEC.54.5035,	Exemption	Governing Board Waivers	Not Active	Waive mandatory and discretionary fees	The governing board of an institution of higher education may waive a mandatory or discretionary fee for a student if the board determines that the student is not reasonably able to participate in or use the activity, service, or facility for which the fee is charged. The governing board must ensure that a waiver under this section does not result in the institution's inability to service a debt to which revenue from the fee is obligated or to support an activity, service, or facility for which the fee is charged.
O	Impacted	TEC.54.368	Exemption	Inter-Institutional Academic Programs	Not Active	Tuition and Fees	(1) "Interinstitutional academic program" means a program under which a student may, in accordance with a written agreement between an institution of higher education and one or more other institutions of higher education or private or independent institutions of higher education, take courses at each institution that is a party to the agreement as necessary to fulfill the program's degree or certificate requirements.
O	Impacted	TEC.54.225	Exemption	Non-Semester-Length Developmental Education Courses	Not Active	Tuition	The governing board of an institution of higher education may exempt from the payment of tuition authorized by this chapter a student who is participating in an approved non-semester-length developmental education intervention (including course-based, non-course-based, alternative-entry/exit, and other intensive developmental education activities).
O	Excluded	TEC.54.5025	Exemption	Prorated Fees for Term Length	Not Active	Prorated amount is set by BOR	Based on the length of the semester or term for which a student is enrolled, the governing board of an institution of higher education may prorate the amount of any fee charged to the student under this chapter.
O	Impacted	TEC 54.365,(b)	Exemption	Senior Citizen 65+ for Audit Hours	Not Active	Tuition and fees	If space is available.

Exemptions & Waivers

Man/Opt	TEC, Sectin 54.2001	CITATION	TYPE	NAME	Status	Overview of What is Paid OR Exempted	Overview of Eligibility
O	Impacted	TEC.54.263	Exemption	Senior Citizen Lowered Tuition 55+	Not Active	All or part Tuition and Fee's	(a) An institution of higher education may charge a student 55 years of age or older tuition and fees at rates that are lower than the rates otherwise provided by this chapter, under the condition that a student under 55 years of age will not be precluded from enrolling in a course for credit toward a degree or certificate. The institution may set additional qualifications that a student must meet to qualify for tuition and fees at rates set under this section and may set different rates for different programs, campuses, or courses. The institution may set rates under this section for resident students, nonresident students, or both, and may set different rates for resident students and nonresident students.
O	Impacted	TEC 54.262	Exemption	Student Services Fee	Not Active	Mandatory Fees	The governing board of an institution of higher education may waive all or part of any cumpulsory fee or fees authorized by Section 54.503 in the case of any student for whom the payment of the fee would cause an undue financial hardship, provided the number of the students to whom the waiver is granted for a semester or term does not exceed 10 percent of the institution's total enrollment for that semester or term. The board may limit accordingly the participation of a studet in the activities financed by the fee so waived.
O	Impacted	TEC.54.361	Exemption	TANF Exemption	Not Active	Tuition and Fees	A student is exempt from the payment of tuition and fees authorized by this chapter for the first academic year in which the student enrolls at an institution of higher education if the student:(1) graduated from a public high school in this state;(2) successfully completed the attendance requirements under Section 25.085;(3) during the student's last year of public high school in this state, was a dependent child receiving financial assistance under Chapter 31, Human Resources Code, for not less than six months;(4) is younger than 22 years of age on the date of enrollment;(5) enrolls at the institution as an undergraduate student not later than the second anniversary of the date of graduation from a public high school in this state;(6) has met the entrance examination requirements of the institution before the date of enrollment; and(7) is classified as a resident under Subchapter B.
O	Excluded	TEC.54.014,(f)	Exemption	Three-peat Penalty Hardship	Not Active	Waive 3-Peat Fee	(f) An institution of higher education may charge a resident undergraduate student tuition at a higher rate than the rate charged to other resident undergraduate students, not to exceed the rate charged to nonresident undergraduate students, for any course in which the student enrolls that is the same as or substantively identical to a course for which the student previously completed. The Texas Higher Education Coordinating Board shall adopt a rule that exempts a resident undergraduate student from this subsection if the student enrolls in a course that is the same as or substantially similar to a course that the student previously completed, solely as a result of a hardship or other good cause.

Exemptions & Waivers

Man/Opt	TEC, Sectin 54.2001	CITATION	TYPE	NAME	Status	Overview of What is Paid OR Exempted	Overview of Eligibility
O	Excluded	TEC.54.010	Exemption	Tuition Reduction for 15+ Hours	Not Active	Reduction in Tuition (set by BOR)	(1) offers the tuition reduction to the student as part of an institutional policy adopted by the board to:(A) increase the average semester credit hour course load of students enrolled at the institution; or(B) improve the retention and graduation rate of students enrolled at the institution; and(2) determines that the student is:(A) enrolled in, and making satisfactory progress toward completion of, a degree program offered at the institution; and (B) enrolled in at least 15 semester credit hours at the institution during the semester or term for which the reduction is offered.(b) The governing board may offer a tuition reduction under this section in a fixed dollar amount, a percentage amount, or any other manner that the board considers appropriate.(c) The amount of tuition reduction offered to a student under this section for a semester or term may not exceed the amount of tuition that would have been charged to the student under this chapter for enrollment in three semester credit hours during that semester or term.(d) For a tuition reduction offered to a student under this section, the governing board may prorate the amount of the reduction based on:(1) the number of semester credit hours in which the student is enrolled; or (2) the length of the semester or term for which the student is enrolled. (e) The governing board is not required to offer a tuition reduction under this section to all institutions of higher education under its governance or to all degree programs offered at an institution of higher education under its governance.
O	Exempt	TEC.54.251	Waiver	Nursing Graduate Students Planning to Teach	Not Active	In State Tuition	An institution of higher education may permit a registered nurse authorized to practice professional nursing in Texas to register by paying the tuition fees and other fees or charges required for Texas residents under Section 54.051, without regard to the length of time the registered nurse has resided in Texas, if the registered nurse:(1) is enrolled in a program designed to lead to a master's degree or other higher degree in nursing; and(2) intends to teach in a program in Texas designed to prepare students for licensure as registered nurses.
SFA		B.O. 16-28	Exemption	Educational Leadership	Active	Reduced Rate by waiving all fees and not charging the board designated graduate tuition.	Students enrolled in this program who met all entrance requirements would only be charged statutory tuition, designated tuition and course fees.
SFA		Policy 12.5	Exemption	LEAP - Employees	Active	Designated tuition and mandatory fees are exempted for eligible participants.	Lumberjack Educational Assistance Program
SFA		Policy 12.5	Exemption	LEAP - GRA and GTAs	Not Active	Designated tuition and mandatory fees are exempted for eligible participants.	Will be replaced FY2023 with scholarship program
SFA		Policy 12.5	Exemption	LEAP - Spouse/Dependents	Active	Designated tuition and mandatory fees are exempted for eligible participants.	Lumberjack Educational Assistance Program
SFA		-	Exemption	LEAP Retiree Employee	Active	Designated tuition and mandatory fees are exempted for eligible participants.	Lumberjack Educational Assistance Program
SFA		-	Exemption	LEAP Retiree Spouse/Dep	Active	Designated tuition and mandatory fees are exempted for eligible participants.	Lumberjack Educational Assistance Program

M Mandatory
O Optional

Report to the Board of Regents – July 2022
Grants[1] awarded between and March 15, 2022 and June 30, 2022

Fiscal Year 2022 – *as of June 30, 2022*

Amounts allocable to FY22 (detailed in this report)	
Federal funds (direct and pass-through)	$ 300,000
State Funds (direct and pass-through)	$ 121,457
Private and Local Government	$ 88,000
TOTAL	**$ 509,457**
New awards, FY22 (detailed in this report, all project years)	**$ 648,085**
Cumulative amount allocable to FY22	**$ 28,629,387**
Cumulative award total FY22, all project years	**$ 82,279,669**
Federal Financial Aid Funds *(not included in ORGS totals)*	*$ 15,300,163*

Federal Financial Aid Funds ***(not included in ORGS totals)***

Agency: Department of Education
Manager*:* Rachele Garrett, Financial Aid

SEOG	FY23 Funds	$ 430,577
FWS	FY23 Funds	$ 586,747
Direct Loans	FY23 Funds	$14,282,839

***New, Additional, or Previously Unreported Grant Awards for* FY22**

Federal Funds (direct and pass-throughs)

Title **** Texas Transfer Grant***
Sponsor: THECB, Governors Emergency Education Relief Fund through from US Department of Education
Award Term: April 11, 2022 to October 10, 2022
PI/PD: Rachele' Garrett, Financial Aid
Total Award: $200,000 **Amount Allocable to FY22**: $200,000
Student aid for select students vertically transferring to SFASU.

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – July 2022
Grants[1] awarded between and March 15, 2022 and June 30, 2022

Title **** SFA Summer STEM Camps FY22 – Investigations in Math and Science (iMAS) Academy***
Sponsor: Texas Workforce Commission (prime - US Department of Health and Human Services)
Award Term: March 14, 2022 to August 31, 2022
PI/PD: Dr. Jana Redfield, STEM Center
Total Award: $100,000 **Amount Allocable to FY22**: $100,000
Funds will provide summer camps with hands-on learning activities, field work opportunities, and industry field trips. The goal is to help increase the number of students interested in STEM careers.

***Subtotal Federal Amounts Allocable to* FY22 *(this report)* = $ 300,000**
***Subtotal New Federal Awards* (*total award*) = $ 300,000**

State Funds (direct and pass-through)

Title **** Population Assessment of Smalleye and Sharpone Shiners in the Brazos River***
Sponsor: University of North Texas (prime - Texas Comptroller of Public Accounts)
Award Term: February 4, 2022 to December 31, 2022
PI/PD: Dr. Carmen Montana-Schalk, Biology
Total Award: $97,911 **Amount Allocable to FY22**: $26,453
Research project to study federally endangered species populations in the Brazos River.

Title **** East Texas Adventurers Girls Environmental Science Academy***
Sponsor: Texas Parks and Wildlife
Award Term: March 1 2022 to September 1, 2023
PI/PD: Dr. Tonya Jeffery, Education Studies
Total Award: $57,674 **Amount Allocable to FY22**: $28,837
Science academy for 6th to 8th grade female students to provide transformational experiences to youth in rural east Texas.

Previously Described Awards:
2021-2023 ESSER Supplemental Grant Program
Lysa Hagan, Charter School
Award Total: $135,042 **Amount allocable to FY22:** $66,167

***Subtotal State Amounts Allocable to* FY22 *(this report)* = $121,457**
***Subtotal New State Awards (total award)* = $290,627**

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – July 2022
Grants[1] awarded between and March 15, 2022 and June 30, 2022

Private Entity and Local Government Awards

Title **** Early Childhood Brain Development***
Sponsor: Angelina County & Cities Health District
Award Term: May 1, 2022 to August 31, 2022
PI/PD: Dr. Emmerentie Oliphant, School of Social Work
Total Award: $142,500 **Amount Allocable to FY22**: $38,000
Research project to develop an Early Childhood Brain Development growth strategic plan and form a community coalition for implementation for Angelina County.

Previously Described Awards:
****Department Research Grant: Basic Chemical Research, FY22-25***
Dr. Odutayo Odunuga, Chemistry
Award Total: $150,000 ***Amount allocable to FY22:** $50,000

***Subtotal Private and Local Amounts Allocable to* FY22 *(this report)* = $ 88,000**
***Subtotal New Private and Local Awards (total award)* = $292,500**

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

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

TEXPOOL
AN INVESTMENT SERVICE FOR PUBLIC FUNDS

Resolution Amending Authorized Representatives

Please complete this form to amend or designate Authorized Representatives. *This document supersedes all prior Authorized Representative forms.*

*** Required Fields**

1. Resolution

WHEREAS,

Stephen F. Austin State University — Participant Name*

7 8 0 5 0 — Location Number*

("**Participant**") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("**TexPool / Texpool Prime**"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and

C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representative(s) of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Michaelyn Greene — Name; Director of Treasury & Student Business Services — Title
   9 3 6 4 6 8 3 0 0 5 — Phone; 9 3 6 4 6 8 7 0 2 7 — Fax; greenemf@sfasu.edu — Email
   Signature

2. Jacob Seamans — Name; Director of Financial Reporting — Title
   9 3 6 4 6 8 2 3 5 4 — Phone; 9 3 6 4 6 8 7 0 2 7 — Fax; seamansjacob@sfasu.edu — Email
   Signature

3. Steffany Newsome — Name; Assistant Director of Financial Reporting — Title
   9 3 6 4 6 8 2 7 2 2 — Phone; 9 3 6 4 6 8 7 0 2 7 — Fax; newsomess@sfasu.edu — Email
   Signature

Form Continues on Next Page

TEXPOOL
AN INVESTMENT SERVICE FOR PUBLIC FUNDS

Resolution Amending Authorized Representatives

Please complete this form to amend or designate Authorized Representatives. *This document supersedes all prior Authorized Representative forms.*

*** Required Fields**

1. Resolution

WHEREAS,

Stephen F. Austin State University — Participant Name*

7 8 0 5 0 — Location Number*

("**Participant**") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("**TexPool / Texpool Prime**"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and

C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representative(s) of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Steve Westbrook — Name; Interim President — Title
   9 3 6 4 6 8 2 2 0 1 — Phone; 9 3 6 4 6 8 2 2 0 2 — Fax; swestbrook@sfasu.edu — Email
   Signature

2. Gina Oglesbee — Name; Vice President for Finance and Administration — Title
   9 3 6 4 6 8 2 3 5 0 — Phone; 9 3 6 4 6 8 7 0 2 7 — Fax; oglesbeegs@sfasu.edu — Email
   Signature

3. Judith Kruwell — Name; Associate VP for Finance and Administration — Title
   9 3 6 4 6 8 4 5 4 1 — Phone; 9 3 6 4 6 8 7 0 2 7 — Fax; kruwelljf@sfasu.edu — Email
   Signature

Form Continues on Next Page

1. Resolution (continued)

4. Hillary Parrish
Name

Treasury Analyst
Title

9 3 6 4 6 8 4 2 9 0
Phone

9 3 6 4 6 8 7 2 1 3
Fax

hparrish@sfasu.edu
Email

Signature

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Gina Oglesbee
Name

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. *This limited representative cannot perform transactions.* If the Participant desires to designate a representative with inquiry rights only, complete the following information.

Amy Mooneyham
Name

Assistant Director of Student Business Services
Title

9 3 6 4 6 8 2 1 1 5
Phone

9 3 6 4 6 8 7 2 1 3
Fax

ammooneyham@sfasu.edu
Email

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the 2 6 day of July , 2 0 2 2 .

Note: Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

Name of Participant*

SIGNED

Signature*

Karen G. Gantt
Printed Name*

Board of Regents Chair
Title*

ATTEST

Signature*

Jennifer Winston
Printed Name*

Board of Regents Secretary
Title*

2. Delivery Instructions

Please return this document to **TexPool Participant Services**:

Email: texpool@dstsystems.com

Fax: 866-839-3291

1-866-TEXPOOL (839-7665) • TexPool.com
© 2022 Federated Hermes, Inc.
G45340-17 (3/22)

Managed and Serviced by Federated Hermes

FACULTY AND STAFF APPOINTMENTS

Explanation:

Faculty appointments are recommended by the department chair and approved by the appropriate dean, provost/vice president for academic affairs and the president. Each appointment states salary and percentage of time employed, designates the semester or academic year (September through May) and states the effective date of employment. In addition, last degree and granting institution are included for first-time appointments.

Staff appointments are recommended by the department chair or director and approved by the appropriate dean (if applicable), vice president and/or president. Each appointment states salary, percentage of time employed, and designates the effective date of employment.

Recommendation:

It is recommended by the administration that the faculty and staff appointments be approved as presented.

FACULTY AND STAFF APPOINTMENTS

Type (Faculty/ Staff)	Employee Name	New Department and Title	New Salary, term length and FTE	Effective Date
Staff	Evan Hoefelmeyer	Agriculture - Beef Farm Supervisor	$44,498/Annual - 100%	8/1/2022
Staff	Eric Stephens	Athletics - Football Assistant Coach	$55,000/Annual - 100%	6/1/2022
Staff	Kwajual Jones	Athletics - Men's Basketball Operations Coordinator	$50,000/Annual - 100%	6/13/2022
Staff	Allison Ray	Athletics - Women's Basketball Operations Coordinator	$44,000/Annual - 100%	6/27/2022
Staff	Christine Wakefield	Athletics - Women's Soccer Assistant Coach	$35,000/Annual - 100%	7/1/2022
Staff	Brynn Baca	Athletics - Softball Assistant Coach	$35,000/Annual - 100%	8/8/2022
Staff	Richard Bruister	Athletics - Softball Head Coach	$75,000/Annual - 100%	7/1/2022
Staff	Christina May	Athletics - Softball Assistant Coach	$50,000/Annual - 100%	7/11/2022
Staff	Hunter Overholt	Athletics - Social Digital Media Program Director	$36,000/Annual - 100%	7/23/2022
Staff	Amanda Paver	Athletics - Strategic Communications Assistant Director	$36,000/Annual - 100%	7/1/2022
Staff	Mary Ann Rojas	Center for Applied Research & Rural Innovation - Executive Director	$121,000/Annual - 100%	7/1/2022
Staff	Tyler Tucker	Charter School - Teacher	$44,500/10 months - 100%	8/5/2022
Staff	Dustin Knepp	College of Liberal and Applied Arts - Dean	$170,000/Annual - 100%	8/1/2022
Staff	Rachel McCorry	Counseling Services - Counselor	$55,400/Annual - 100%	6/1/2022
Staff	Heather Jones	Disability Services - Assistant Director	$50,000/Annual - 100%	7/25/2022
Staff	Morgan Pulliam	Office of Student Engagement - Assistant Director	$45,000/Annual - 100%	7/18/2022
Staff	Dakota Steele	Residence Life - Area Coordinator	$45,000/Annual - 100%	8/1/2022
Staff	Corina Rivera	STEM Research and Learning Center - Outreach Coordinator	$55,400/Annual - 100%	6/1/2022
Staff	Gregory Condon	Theatre - Technical Director	$45,000/Annual - 100%	7/1/2022
Faculty	Jannah Nerren	Education Studies - Chair/Professor	$135,000/Annual - 100%	7/1/2022
Faculty	Brittany McCreary	Human Services and Educational Leadership - Clinical Instructor/Training Director School of Psychology	$72,000/11 months - 100%	6/17/2022
Faculty	Rickey McDaniel	Physics, Engineering and Astronomy - Chair/Professor	$130,000/Annual - 100%	6/13/2022

Time Period Reporting: 6/1/22 - 8/31/22

CHANGES OF STATUS

Explanation:

Changes of status include changes in appointment, percentage of time, salary or semesters. These changes are initiated by the department chair or director and routed through administrative channels for approval.

Recommendation:

It is recommended by the administration that the changes of status be approved as presented.

CHANGE OF STATUS - FACULTY AND STAFF

Type (Faculty/ Staff)	Employee Name	Previous Department and Title	Previous SFA Salary, Term Length (Academic/Annual), and FTE	New Department and Title	New SFA Salary, Term Length (Academic/Annual), and FTE	Effective Date
Staff	H. Rachele Garrett	Office of Financial Aid and Scholarships - Director	$95,920/Annual - 100%	Admissions - Enrollment Management - Interim Executive Director	$95,920/Annual - 100% with monthly stipend of $2,000.00/month/12 months	6/1/2022
Staff	Hadrien Choukroun	Athletics - Track & Field - Assistant Coach	$62,000/Annual - 100%	Athletics - Track & Field/Cross Country - Co-Head Coach	$80,000/Annual - 100%	8/1/2022
Staff	John Faulkner	Athletics - Compliance Coordinator	$42,000/Annual - 100%	Athletics - Compliance & Risk Mitigation - Program Director	$42,000/Annual - 100%	6/1/2022
Staff	Robert Hansen	Athletics - Cross Country - Head Coach	$63,000/Annual - 100%	Athletics - Track & Field/Cross Country - Co-Head Coach	$80,000/Annual - 100%	8/1/2022
Staff	April Place	Center for Career and Professional Development - Coordinator	$36,000/Annual - 100%	Center for Career and Professional Development - Assistant Director	$45,000/Annual - 100%	6/1/2022
Staff	Andrew Campbell	ITS - Telecommunication & Networking - Private-Branch Exchange Technician	$35,568/Annual - 49%	ITS - Academic Support - Private-Branch Exchange (PBX) Technician	$57,000/Annual - 100%	6/1/2022
Staff	Toni Wagar	ITS - Telecommunication & Networking - Technology Support Specialist II	$45,200/Annual - 100%	ITS - Telecommunication & Networking - Systems Programmer I	$50,000/Annual - 100%	7/1/2022
Staff	Veronica Beavers	Multicultural Affairs - Director	$73,027/Annual - 100%	Office of Diversity, Equity and Inclusion - Deputy Chief Diversity Officer	$78,527/Annual - 100%	8/1/2022
Staff	Rebekah Raney	International Programs - Admissions Coordinator	$36,500/Annual - 100%	Office of Research and Graduate Studies - Compliance Coordinator	$58,799/Annual - 100%	6/6/2022
Staff	Susan Morris	Charter School - Secretary	$27,000/11 months - 100%	Procurement & Business Services - Interior Designer	$55,400/Annual - 100%	6/6/2022
Staff	Kimberly Lee	Student Center - Events Services Coordinator	$45,000/Annual - 100%	Student Center - Conferences & Events - Assistant Director	$51,500/Annual - 100%	8/1/2022
Faculty	Leslie Cecil	Anthropology, Geography and Sociology - Professor	$79,074/Academic - 100%	Office of Research and Graduate Studies - Interim Associate Dean	$79,074/Academic - 100% with monthly stipend of $2,965.25/month/12 months	8/1/2022
Faculty	Sheryll Jerez	Forestry -Professor	$78,743/Academic - 100%	Office of Research and Graduate Studies - Interim Dean	$78,743/Academic - 100% with monthly stipend of $4,265.25/month/12 months	8/1/2022
Faculty	Matthew Beauregard	Mathematics & Statistics - Professor	$78,424/Academic - 100%	Computer Science - Chair	$140,000/Annual - 100%	6/1/2022
Faculty	Alyssa Landreneaux	Charter School - Teacher	$46,450/10 months - 100%	Education Studies - Lecturer/Assessment Coordinator	$56,000/Annual - 100%	8/15/2022
Faculty	Nathan Nabb	School of Music - Professor	$73,968/Academic - 100%	School of Music - Director	$125,000/Annual - 100%	7/1/2022
Faculty	Chay Runnels	Human Sciences - Professor	$78,075/Academic - 100%	Human Sciences - Chair	$135,000/Annual - 100%	6/1/2022

Time Period Reporting: 6/1/22 - 8/31/22

CHANGE OF STATUS - STAFF

Employee Name	
Ryan Ivey	Director of Athletics The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review from legal form and sufficiency by the Office of the General Counsel.

FACULTY TENURE

Explanation:

Tenure is awarded by the Board of Regents to those faculty members who are recommended by the president. Applications of individuals recommended for tenure are reviewed by departmental and college committees and by a department chair, dean and provost/vice president of academic affairs, prior to recommendation to the president.

Recommendation:

It is recommended by the administration that academic tenure be awarded to the following individuals, effective immediately.

Dr. Jannah Nerren, College of Education

Dr. Rickey McDaniel, College of Sciences and Mathematics

Dr. Dustin Knepp, College of Liberal and Applied Arts

RETIREMENTS

Explanation:

Retirements include the listing of personnel that have selected to retire from SFA.

Recommendation:

It is recommended by the administration that the attached retirements be approved as presented.

RETIREMENTS

Type (Faculty/Staff)	Employee Name	Current Department	Current Title	Effective Date	Years of Service at SFA
Staff	Deborah Allen	Library	Business Manager	8/31/2022	23
Faculty	Sara Bishop	School of Nursing	Associate Professor	8/31/2022	27
Faculty	Sylvia Middlebrook	Psychology	Associate Professor	8/31/2022	9

Time Period Reporting: 6/1/22 - 8/31/22

Academic and Student Affairs Committee

DEPARTMENT NAME CHANGE FOR DEPARTMENT OF GEOLOGY IN THE COLLEGE OF SCIENCES AND MATHEMATICS

Explanation:

The College of Sciences and Mathematics recommends a name change for the Department of Geology to the Department of Earth Sciences and Geological Resources. The department believes this name change will better reflect the disciplines within that department and bring the department more in line with current professional and academic trends impacting those disciplines.

Recommendation:

The administration recommends approval of the name change from Department of Geology to Department of Earth Sciences and Geological Resources.

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

Explanation:

The *Board Rules and Regulations* state that the Academic and Student Affairs Committee will consider: the curricula of the various colleges and departments of the university with any other matters dealing with academic programs and the progress thereof; the research programs within the university and their relationship to all graduate education; student affairs within the university; and personnel matters within the university.

The following policies are necessary to incorporate organizational, job title, and regulatory changes and to improve the flow of information in the above areas of responsibility. The general counsel has reviewed the proposed revisions.

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented:

Academic Unit Head –Responsibilities, Selection, and Evaluation 4.4
Accessibility of Electronic Information Resources 16.9
Continuing Education 5.3
Credit and Contact Hours 5.4
Designation of School Status 4.5
Discipline and Discharge 11.4
Emeritus 7.12
Faculty Search 7.12
Faculty Workload 7.13
Guest Lecturers 7.15
Library Faculty 7.17
Misconduct in Federally Funded Research 8.7
Moving Expenses 3.23
Performance Evaluation of Faculty 7.22
Performance Management Plan 11.20
Prohibition of Enrollment Inducement of Military Service Members 6.23
Public Health 13.16
Reasonable Workplace Accommodations for Disabilities 11.22*
Regents Scholar 7.24
Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities 13.18
Selection of Academic Deans 4.9
Staff Employment 11.5
Timely Warning 13.22
University Closure for Inclement Weather and Other Emergencies 13.12

*Note: Policy New Name
6.23 – Prohibition of Enrollment Inducement of Students Utilizing Military Benefits
11.22 – Reasonable Workplace Accomdation

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic Unit Head-Responsibilites, Selection, and Evaluation

Policy Number: 4.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy outlines the roles of the unit head of the academic department/division/school.

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 <u>each</u> substantive revision: Text clarification and minor updates.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affair Policy Committee
Faculty Senate
Chairs Forum
Deans Council
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Academic Unit Head—Responsibilities, Selection, and Evaluation

Original Implementation: March 7, 1978
Last Revision: ~~October 28, 2019~~*October 31, 2022*

Purpose

The purpose of this policy is to outline the roles of the unit head of an academic department/division/school.

Definition

The unit head is the chief executive of an academic department/division/school (hereafter referred to as "academic unit" or "unit").

Responsibilities of the Unit Head

The primary responsibilities of the unit head are to establish and maintain a climate conducive to the pursuit of knowledge. The decisions of the unit head should be made and implemented in the context of collegiality and regular communication. More specifically, the administrative responsibilities of a unit head include, but are not limited to, the following:

- Provide leadership in the establishment of a visionary direction and the maintenance of standards for the academic unit, consistent with college and university missions;
- Serve as the principal advocate for the unit and as an advocate for the college and university missions;
- Ensure quality through evaluation, modification, and development of academic programs;
- Respond to the needs of students, faculty, administration, the public, and others;
- *Develop~~s~~ and manage~~s~~ course schedules for each semester/parts of term;*
- *Assign~~s~~ and manage~~s~~ faculty workload*
- Manage and allocate fiscal and physical resources of the unit;
- Establish, maintain, and communicate effective personnel management procedures and processes; and
- Promote the academic unit externally.

Selection of the Academic Unit Head

A search and screening committee will be used in each search for an academic unit head. The dean of the college will meet with the faculty of the academic unit prior to the selection of the screening committee and will determine whether a search should be open or closed to outside candidates.

1. The committee will be formed by the dean of the college in consultation with the faculty of the academic unit and with the approval of the provost and *executive* vice president for academic affairs. The committee will have an odd number of members, with at least five

members. The committee may be larger depending on the size and complexity of the unit's programs.

2. Every committee will have representation from outside the academic unit and at least one member with appropriate administrative experience. Outside representatives will be appointed by the dean after considering recommendations by the faculty.
3. Once the size of the committee is established, the faculty will elect its specified number of representatives to the committee. Faculty members eligible to vote will hold faculty rank of instructor, assistant professor, associate professor, professor, or librarian I-IV in the academic unit. When possible, all tenure-track ranks will be represented on the committee. In all cases, the faculty will elect a majority of the committee. *Changes to the composition of the search committee may be considered with the approval of the dean and the provost and executive vice president.*
4. The dean will convene the committee for its organizational meeting at which time the committee will elect its chair and other officers. *Guidelines for the logistics of the search will be provided by the dean, in accordance with any requirements of the Department of Human Resources.* The committee chair will inform the faculty of the names of the committee members.
5. Candidates ~~-~~invited to campus for interviews will be provided ample opportunity to meet faculty, students, *the* dean of the college, *the* provost and *executive* vice-president for academic affairs and the committee, *as well as other individuals and groups, as appropriate*.
6. Following the interviews, the committee will invite comments from all faculty, staff, ~~and~~ students, *and other individuals and groups, as appropriate*, who were involved in the campus visits. The committee will forward *strengths and concerns for each finalist and/or* a recommendation to the dean along with a summary of comments. The dean, in turn, will forward *strengths and concerns and/or* a recommendation to the provost and *executive* vice president for academic affairs that is accompanied by all previous recommendations and summaries.
7. The provost and *executive* vice president for academic affairs, *or designee,* will make the appointment for an indeterminate term, subject to approval by the president and the Board of Regents.

Academic Unit Head Appointments

Academic unit heads may be hired under either an eleven-month or twelve-month contract.

Academic unit heads under an eleven-month contract are expected to be on duty each workday within the contract period when classes are in session. It is the responsibility of academic unit heads to ensure that ongoing academic unit obligations are met during their absence. Vacation time is not accrued under an eleven-month appointment. Sick leave is earned according to the schedule for Texas state employees. Academic unit heads under an eleven-month contract are also subject to being called upon to address a task or issue outside the normal workday when it is determined by the dean to be in the best interest of the university. Academic unit heads who are appointed for eleven months should have no university duties during the equivalent of one calendar month (twenty-one workdays throughout the year). The twenty-one days will be logged in the academic unit office and approved by the respective dean prior to *unit heads* taking leave from duties.

Academic unit heads under a twelve-month contract are expected to be on duty each workday. Vacation and sick leave are earned according to the schedule for Texas state employees. Academic unit heads are subject to being called upon to address a task or issue outside the normal workday when it is determined by the dean to be in the best interest of the university.

Evaluation of the Academic Unit Head

The evaluation of the academic unit heads is designed to promote academic excellence throughout the university. This process takes two forms: periodic reviews by the academic unit faculty, and annual *administrative evaluation* ~~reviews~~ by the dean. The annual *administrative evaluation* ~~review~~ provides the basis upon which to award merit to unit heads.

1. The unit head will be evaluated annually by the dean of the college. In making an evaluation, the dean will consider the responsibilities of the unit head as stated above, while any additional criteria will be communicated to the unit heads in advance of the evaluation period.
2. ~~After the completion of the first year and at least once every three years thereafter~~*After the completion of the first year and every third year thereafter,* the ~~unit head's performance will be evaluated by the faculty of the academic unit~~*faculty of the academic unit will evaluate the unit head's performance*. A summation of the faculty's evaluations of the unit head will be included as a component of the final evaluation report. Following the faculty's evaluation, the dean will meet with the unit *faculty* to discuss the unit head's performance. *In the event the dean does not provide feedback in a timely fashion, the unit faculty may request a meeting regarding the matter.*
3. The evaluation of a unit head may be initiated at any time by a majority of ~~the~~ *all full-time* faculty or at the call of the unit head, dean, provost and *executive* vice president of academic affairs, or president. Comments which may have been received relative to the unit head's performance and the advisability of retention should be carefully weighed for both the annual and triennial reviews. Exceptions to the evaluation timeline require approval of the dean in consultation with the provost and executive vice president of academic affairs *and would reset the triennial cycle*.
4. The dean will review with the unit head the results of each evaluation. A report of the evaluation and any recommendations will be submitted to the provost and *executive* vice president for academic affairs.
5. The unit head will have ten (10) working days from the date of the review to submit to the provost and *executive* vice president for academic affairs a written response to the dean's report.

Merit for Academic Unit Heads

Merit pay for unit heads will be based on the annual ~~performance~~*administrative* evaluation conducted by the dean. The dean will submit a recommendation on each unit head in the college to the provost and *executive* vice president for academic affairs for merit consideration.

Teaching Load for Academic Unit Heads

The teaching load of academic unit heads is determined annually by the college dean in consultation with the academic unit head based on the changing needs and objectives of the unit. Factors such as number of faculty (full-time equivalent [FTE]), number of majors, and complexity of the unit are considered in determining the teaching load of the unit head for the full contract year (September 1 through August 31).

Cross Reference: Faculty Handbook, Faculty Merit Pay (7.6); Faculty Workload (7.13); Sick Leave (12.18)

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

Contact for Revision: Provost and Vice President for Academic Affairs

Forms: Department Chair Administrative Effectiveness Appraisal

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
January 31, 2017
July 29, 2014
July 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Accessibility of Electronic Information Resources

Policy Number: 16.9

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/26/2022

Unit(s) Responsible for Policy Implementation: Chief Information Officer

Purpose of Policy (what does it do): Establishes standards for electronic and information resources (EIR) including: software applications and operating systems; telecommunication products; video and multimedia products; self-contained closed products; desktop and portable computers; and procurement of these products as required by DIR.

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 <u>each</u> substantive revision: Revised to allow for a designee to approve Electronic Accessibility Exception Request Forms on behalf of the President. Additional Information and Resources will be referenced on accessibility website and updated as needed.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Anthony Espinoza, Chief Information Officer
Damon Derrick, General Counsel

Accessibility of Electronic Information Resources

Original Implementation: October 18, 2010

Last Revision: ~~July 26,~~*October 31,* 2022

Stephen F. Austin State University is committed to making electronic information resources accessible to all users. Chapter 213 of the Texas Administrative Code (TAC) establishes standards for electronic and information resources (EIR) *developed, procured, or changed* including: software applications and operating systems; telecommunication products; video and multimedia products; self-contained closed products; desktop and portable computers.~~; and procurement of these products.~~

In order for EIR products or service to be considered accessible, the product should offer an alternate format or method for providing information, including product documentation, to people with disabilities. Additionally, it should work with assistive technology commonly used to increase, maintain, or improve functional capabilities for individuals with disabilities.

Electronic Accessibility Coordinator (EAC)

The university president or university information resource manager (IRM) shall designate an Electronic Accessibility Coordinator to develop, support, and maintain EIR accessibility rules, standards, and procedures, and assist university personnel with relevant training information for EIR accessibility. The coordinator will chair the Electronic Accessibility Team (EAT) and may be contacted at accessibility@sfasu.edu. The IRM may appoint a temporary Electronic Accessibility Coordinator in the event the Electronic Accessibility Coordinator vacates the role until a permanent Electronic Accessibility Coordinator is appointed. The temporary appointment may not exceed 30 days.

Compliance

For compliance review purposes, all EIR vendors/companies must provide accessibility information in accordance with state law.

Web Accessibility

All official and affiliated university Web pages intended for public viewing shall be accessible to, and usable by, all users and compliant with TAC Chapter 206.70, unless an exception is approved by the president, *or his/her designee,* or an exemption has been made.

Web developers shall follow guidelines established by Chapter 206 of the TAC, Section 508 of the Rehabilitation Act, as amended, to the extent required under law, and criteria established by university procedures to improve the accessibility of all university websites.

Web Accessibility Link

Each university website that provides entry to members of the public must contain a "Web Accessibility" link to the Electronic Accessibility Site. This site contains the university's Web accessibility policy and contact information for the university's EAC.

Suggestions and Concerns

Existing website compliance issues can be addressed to the EAC by sending name, contact information, the nature of the accessibility problem, and the website address or specific Web page of concern to accessibility@sfasu.edu.

Grievances

If a user has a complaint about the accessibility of Stephen F. Austin State University websites, or access to other electronic equipment, he/she should notify the EAC at accessibility@sfasu.edu. The EAC, or designee, will contact the complainant regarding the issue and attempt to resolve the complaint. The complainant is expected to cooperate with the EAC and appropriate university personnel in the process of determining a resolution. The EAC will make recommendations to the relevant university departments and officials responsible for making electronic and information resources accessible.

~~**Additional Information and Resources**~~

~~Additional information about accessibility programs in Texas is available from the Governor's Committee on People with Disabilities, Information Technology Industry Council (ITI).~~

~~EIR Category~~	~~Technical Accessibility Standards~~
~~Software Applications and Operating Systems~~	~~1 TAC §213.30~~
~~Websites~~	~~1 TAC §206.70 Web Content Accessibility Guidelines (WCAG) 2.0, Level AA~~
~~Telecommunications Products~~	~~1 TAC §213.31~~
~~Video and Multimedia Products~~	~~1 TAC §213.32~~
~~Hardware~~	~~1 TAC §213.33~~
~~Functional Performance Criteria~~	~~1 TAC §213.35~~
~~Support Documentation and Services~~	~~1 TAC §213.36~~
~~Compliance Exceptions and Exemptions~~	~~1 TAC §213.37~~
~~Procurements~~	~~1 TAC §213.38~~
~~Accessibility Training and Technical Assistance~~	~~1 TAC §213.39~~
~~Accessibility Survey and Reporting Requirements~~	~~1 TAC §213.40~~
~~EIR Accessibility Policy and Coordinator~~	~~1 TAC §213.41~~

Cross Reference: Procurement of Electronic and Information Resources (17.16); University Website (15.10); 1 Tex. Admin. Code ~~§§~~ 206~~.1 .2, .70 .75~~; 1 Tex. Admin. Code ~~§§~~ 213~~.1 .2, .30 .41~~; Tex. Gov't Code §§ 2054.451-.465; Section 508 of the Rehabilitation Act, as amended, 29 U.S.C. § 794d; 36 C.F.R. 1194

Responsible for Implementation: Chief Information Officer

Contact for Revision: Electronic Accessibility Coordinator

Forms: Electronic Accessibility Exception Request Form, Voluntary Product Accessibility Template (VPAT ®)

Board Committee Assignment: Academic and Student Affairs

Revision History: July 26, 2022
July 23, 2019
July 26, 2016
October 21, 2013

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Continuing Education

Policy Number: 5.3

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/29/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Supports the public service and outreach responsibilities of SFA.

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 <u>each</u> substantive revision: Minor edits

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committeent
Student Affairs Policy Committee
Brandon Frye, Vice President Student Affairs
Gina Oglesbee, Vice President for Finance and Administration
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Continuing Education

Original Implementation: March 9, 1978
Last Revision: ~~January 29, 2019~~*October 31, 2022*

Purpose

~~The purpose of c~~*C*ontinuing education and community/public service activities ~~is to~~ support the public service and outreach responsibilities of Stephen F. Austin State University.

Definitions

Continuing education activities are defined as organized public activities sponsored by the university, or a constituent unit of the university, that provide participants some type of non-academic credit, continuing education credit or certification. Continuing education activities may include short courses, seminars, workshops, training sessions, conferences~~,~~ or institutes. *University facilities policies may apply (16.33).*

Community/public service activities are organized public educational activities, sponsored by the university or a constituent unit of the university, that do not offer any type of credit or certification. Community/public service activities may include camps, speaker series, travel experiences, or leisure learning.

Class projects/assignments, internships/practicums, class guest lectures, individual faculty presentations for community organizations, student activity programs, or student organization service projects are not covered by this policy.

Responsibility

Units offering continuing education and community/public service activities will have administrative, assessment and programming responsibilities. All activities must be submitted by the administrator to the appropriate *continuing education* supervisor for approval and must include appropriate documentation from the *pertinent* oversight agency allowing/accepting the non-academic credits when relevant.

A reasonable fee may be charged for continuing education and community/public service activities.

To bear the name of the university or any of its units, fees must be received and accounted for in accordance with university accounting procedures as outlined in Receipts and Deposits (3.26).

Facilities for continuing education and community/public service activities must be reserved in

accordance with university policies covering Use of University Facilities (16.33) and Academic Facilities for Non-Academic Activities (16.1). Academic programs will always be given priority for ~~the~~ use of university facilities.

Oversight

Direct oversight of continuing education and community/public service activities is the responsibility of the units offering the activity. Deans/non-academic directors must approve continuing education and community/public service activities before these activities are conducted. The Continuing Education and Community/Public Service Activities Approval form is posted at the Academic Affairs website; this form should be submitted to the appropriate dean or non-academic director's office at least two weeks *prior to*~~before~~ the activity ~~occurs~~. Deans/non-academic directors are responsible for collecting copies of the records of continuing education and community/public service activities offered within their areas of responsibility and for submitting these records annually to the office of the vice president to whom they report. The appropriate vice president will ensure ~~that~~ all ongoing continuing education and community/public service activities are assessed on a regular basis and ~~that~~ assessment results are used to improve the programs.

Awarding Continuing Education Units

When activities result in the awarding of non-academic credit, such as Continuing Education Units, it is the responsibility of the unit offering the continuing education activity to meet the guidelines established by the Texas Higher Education Coordinating Board *(THECB)* and the Southern Association of Colleges and Schools *Commission on Colleges (SACSCOC)*. It is the responsibility of the unit awarding the non-~~-~~academic credit to establish a transcript and *maintain*~~keep the~~ records ~~on file~~.

Cross Reference: Use of University Facilities (16.33); Academic Facilities for Non-Academic Activities (16.1); Receipts and Deposits (3.26); Tex. Educ. Code § 54.545

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

Contact for Revision: Provost and *Executive* Vice President for Academic Affairs; Vice President of *Student Affairs* ~~for University Affairs~~; Vice President for Finance and Administration

Forms: Continuing Education and Community/Public Service Activities Approval

Board Committee Assignment: Academic and Student Affairs

Revision History: January 29, 2019
November 2, 2015
October 22, 2012
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Credit and Contact Hours

Policy Number: 5.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: President, Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides the expectations on the credit and contact hours for all courses at all levels.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor Revisions

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Credit and Contact Hours

Original Implementation: February 4, 1986
Last Revision: ~~October 28, 2019~~*October 31, 2022*

This policy applies to all courses at all levels (undergraduate and graduate) that award academic credit (i.e., any course that appears on an official transcript issued by the university) regardless of the mode of delivery, including but not limited to, self-paced, online, hybrid, lecture, seminar, and laboratory. Academic units are responsible for ensuring that credit hours are awarded only for work that meets the requirements outlined in this policy.

Contact hours of courses offered for degree credit will conform to the rules of the Texas Higher Education Coordinating Board. The university adheres to the Carnegie unit for contact time (750 minutes for each credit awarded).

The expectation of contact time is the same in all formats of a course whether delivered fully online, hybrid, or face-to-face. Courses that have less structured classroom schedules, such as seminars, independent studies, internships, practica, studio work, or any other academic work leading to the award of credit hours, at a minimum, should state comparable learning objectives, expected outcomes, and workload expectations.

Permission to offer a course in a shortened format is required by the academic unit head, academic dean, and the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs. The instruction and content of the material must be appropriate for a shortened duration, and the quality of learning must be at least equal to a course offered in a regular format. Students enrolled in a shortened course must meet the university's regular admission requirements.

Credit Hour

The federal definition of a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates:

1. Not less than one hour of classroom or direct faculty instruction and a minimum of two hours out-of-class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or 10 to 12 weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time, or;

2. At least an equivalent amount of work as outlined in item 1 above for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

Cross Reference: 19 Tex. Admin. Code § 4.6 (2003); 34 CFR § 600.2; Southern Association of Colleges and Schools, "Credit Hours Policy Statement"

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
April 15, 2014
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Designation of School Status

Policy Number: 4.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for a program to switch to school status.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Designation of School Status

Original Implementation: February 3, 2005
Last Revision: ~~October 28, 2019~~ *October 31, 2022*

I. Introduction

Stephen F. Austin State University is subdivided into colleges for the purpose of accommodating broad program areas with common academic interests. The colleges are further subdivided into academic units designated as departments or divisions to enable smaller scholarly communities to devote attention to specific degree programs.

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

- The unit should offer primarily professional programs and degrees;
- The programs of the unit should have professional accreditation;
- The unit should have a total enrollment of at least 150 students majoring in its programs;
- The unit may have been the recipient of a substantial endowment or gift.

II. Proposal Review and Approval

An academic unit seeking "school" status should develop a proposal that provides qualitative and quantitative justifications for acquiring the designation. The proposal, endorsed by a two-thirds vote of tenured and tenure-track faculty members within the unit, should include the elements listed below.

- A concise statement should outline the rationale for the request. This statement should address the distinctiveness of the discipline and the advantages of school status to future graduates of the program. A clear discussion should demonstrate how the request addresses the university's guidelines for awarding designation as a school.
- The impact of the change on staffing (faculty and administrative) and resources should be examined in detail. If available, peer programs at other universities should be presented for comparison purposes. Recommendations and/or letters of support from professionals or practitioners in the field should be attached and referenced in the discussion.
- A quality enhancement plan should describe how school status will be leveraged over the next five-year period to improve academic programs.
- A discipline-specific self-study completed within the last five years (with appropriate updates) should accompany the proposal. Copies of visitors' reports and annual assessment documents should be included, if available.

Upon endorsement by the faculty of the academic unit, the proposal will be forwarded to the college's dean. If recommended by the dean, the proposal will be reviewed by the Deans Council and the *P*~~p~~provost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs. If recommended, the proposal will be forwarded to the ~~p~~*P*resident, who may present it to the Board of Regents for consideration. ~~For final approval, a~~*A* request will be forwarded to the Texas Higher Education Coordinating Board *for approval*.

Cross Reference: None

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
January 28, 2014
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Discipline and Discharge

Policy Number: 11.4

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/31/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes the requirements for disciplining and discharging staff employees.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Discipline and Discharge

Original Implementation: December 6, 1983
Last Revision: October ~~28~~*31*, 20~~19~~*22*

Purpose

This policy establishes the requirements for disciplining and discharging staff employees.

Definitions

Minor Rule Violations may have little or no effect on the continuity, efficiency, and safety of university work, but will not be tolerated. The following are examples of minor rule violations, which may result in either oral or written warnings for entry into an employee's record. Continual violations may result in stronger disciplinary action up to and including discharge. Minor rule violations include but are not limited to:

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

Major Rule Violations are any act or omissions in violation of university policies or rules to such a degree that further employment of the offending individual may not be desirable for the university. The following are examples of some offenses which subject an employee to a written warning, suspension, or discharge. Major rule violations include but are not limited to:

1. Any act which might endanger the safety or lives of others.
2. Refusal to properly perform work assigned by a supervisor.
3. Violation of university safety rules.
4. Falsifying any university records.
5. Clocking in or out for another employee or allowing one's time to be entered by another employee.
6. Leaving university premises during working hours without permission from the supervisor.
7. Abusing, destroying, damaging, or defacing university property, tools, equipment, or the property of others on university premises.
8. Gambling on university premises.
9. Delaying or restricting work, or inciting others to delay or restrict work.
10. Fighting on university premises.
11. Carrying firearms or other dangerous weapons on university premises in violation of law or university policy.
12. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.
13. Disclosure of confidential university information to unauthorized persons.
14. Theft, misappropriation or unauthorized use of university funds or property, or other dishonest actions.
15. Continued unsatisfactory work performance.
16. Unauthorized, unexplained, or inexcusable leave for three or more days.
17. Excessive absences or tardiness.
~~18. Physical, mental or emotional inabilityto perform the job satisfactorily.~~
~~19.~~*18.* Major violation of an internal department work rule or university policy or procedure.
~~20.~~*19.* Insubordination.
~~21.~~*20.* Abusive or unruly conduct.
~~22.~~*21.* Unprofessional conduct; that is, behavior that a reasonable person in a professional office setting would find inappropriate, rude, disorderly, or offensive, and that is persistent, destructive and/or intimidating.
~~23.~~*22.* Indecent or obscene conduct.
~~24.~~*23.* Conviction of a felony or of a misdemeanor involving moral turpitude by a trial court.
~~25.~~*24.* Flagrant or repeated minor rule violations.
~~26.~~*25.* Sexual misconduct or sexual harassment of any person by an employee.
~~27.~~*26.* Unlawful discrimination.
~~28.~~*27.* Bringing or consuming any liquor, marijuana, or narcotics on university premises,

in violation of applicable university policy (this rule applies to any habit-forming or disabling substance not prescribed by a physician).

~~29.~~*28.* Reporting for duty under the influence of liquor, marijuana, or narcotics (applies to any habit forming or disabling substance not prescribed by a physician).

~~30.~~*29.* Accepting any gifts or favors, which influence or tend to influence the performance of duties or the granting of service or favors to other university personnel, applicants, clients, or other persons.

~~31.~~*30.* Refusal to attend state and university mandated trainings within the appropriate timeframe including but not limited to EEO training and Performance Management Plan training.

~~32.~~*31.* Any act that would unduly interfere with the expressive activities of others on campus.

32. Failure to report information that the employee witnesses or receives regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence or stalking that is alleged to have been committed by a student or an employee.

General

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

Supervisory efforts should be concentrated on preventing serious personnel concerns rather than on disciplining employees for misconduct. However, supervisors have the right to discipline or summarily discharge an employee for cause. It is essential that each concern be investigated, *and documentation of performance required,* so that the facts of the situation are known before the discipline measures have been determined.

An employee being disciplined should be told what they have done wrong and should be clearly instructed on what is expected of them. Any discharge must first be reviewed by the director of human resources.

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

Corrective Disciplinary Actions

For repeated but relatively minor incidents of substandard performance, misconduct, or rule

violations, discipline should be progressive. The normal sequence of action is: (1) Oral Warning; (2) Written Reprimand; (3) Disciplinary probation (4) Suspension; (5) Demotion; (6) Discharge. Depending on the severity of the case, the action may begin at any of these steps. *Any action above the level of oral warning must first be reviewed by the director of human resources, or their designee, for EEO and policy compliance.* Any action involving suspension, demotion, or discharge must have prior review from the director of human resources.

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

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

Written Reprimand: Reprimand involves both a formal interview with the employee and an official memorandum emphasizing the negative effect of the employee's conduct or work performance on their record and opportunities for advancement. If the immediate supervisor does not have the authority to discharge the employee, then the interview should be conducted by the department official who does have discharge authority. A written reprimand should include: the names of everyone involved, dates, a description of the incident or unsatisfactory performance, witnesses (if any), and the action taken. Use the Employee Counseling/Discipline Record for this purpose.

Reference should also be made to the dates and results of prior oral warning(s), or other written reprimand(s). It should also bear the employee's comments, if any, and the employee's signature. The employee should be informed that their signature indicates they have received a copy of the reprimand, but not necessarily that they agree with its contents. If the employee refuses to sign the reprimand, a witness, preferably another supervisor, should verify that the employee has read the reprimand and refused to sign an acknowledgement. A copy of the reprimand should be sent to the director of human resources to be filed in the employee's permanent file.

Disciplinary Probation: This disciplinary action places an employee on a probation period, up to six months, in 30-day increments, to improve inadequate performance and/or conduct before additional disciplinary action is taken. Disciplinary probation may also be used in conjunction with other disciplinary actions. During the probationary period, the employee will receive a specific performance improvement plan and/or instructions to improve his or her behavior and/or performance. To place an employee on disciplinary probation, the supervisor should:

- present the employee with a completed Employee Counseling/Discipline Record indicating disciplinary probation, the period of disciplinary probation, the reasons for the disciplinary probation and attach a performance improvement plan and/or instructions to improve their behavior and/or performance, and;

- forward a copy of the Employee Counseling/Discipline Record to Human Resources for inclusion in the employee's permanent file.

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

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

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

Demotion: The supervisory official with the authority to discharge an employee also has the authority to demote an employee. An employee who cannot or will not carry out efficiently and effectively the duties of the job for which they are hired or promoted, may be demoted to a job more commensurate with their abilities, skills, and experience or job performance. The immediate supervisor recommending demotion will first review the demotion with the director of human resources. The director of human resources will ensure that the employee has received proper

counseling and an adequate trial period for improvement of performance prior to the approval of any recommendation for demotion. Demotion should be considered a last alternative in lieu of termination and may only be considered when a lower job assignment is available in the department in which the employee works.

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

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

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

Involuntary Terminations Other Than Discharge: It is not the intent of this policy to prohibit, or in any way restrict, the university and its administrative officials from the right to terminate any employee for any non-disciplinary reason if it is in the best interest of the university to do so. An employee so terminated shall not have recourse through this policy or the Grievance and Appeals procedure. Examples of termination for non-disciplinary reasons include, but are not limited to, terminations due to lack of work or funds (reduction in force), the redesigning of jobs, the

termination of grant funding which eliminates positions, termination of a temporary position, and changes in the organizational structure in compliance with university policies and rules, i.e., retirement, nepotism, etc.

Employees who are terminated for non-disciplinary reasons may appeal through the supervisory chain up to the vice president *or cabinet level administrator* for the area involved only on grounds of alleged constitutional violations or other legal rights which may have been abridged.

Cross Reference: Performance Management Plan; U.S. Const. amend. V, XIV; Tex. Const. art. I, § 19.

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Employee counseling/discipline form (available in Human Resources); Notice of Suspension (available in Human Resources); Notice of Discharge (available in Human Resources); Leave Without Pay form (available on-line)

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
July 24, 2018
July 25, 2017
January 27, 2015
January 31, 2012

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Emeritus

Policy Number: 7.10

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for emeritus appointments for faculty and librarians

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor Revisions

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Emeritus

Original Implementation: Unpublished
Last Revision: ~~July 23, 2019~~*October 31, 2022*

The title of *E*~~e~~meritus is a position of great honor conferred only on retirees who have a record of distinguished service to Stephen F. Austin State University (SFA). The title is not automatic upon retirement.

Emeritus Appointments for Faculty and Librarians

A. Eligibility

To be eligible for an appointment as emeritus, an individual will meet the following requirements:

1. Provide extended service, generally at least 10 years of employment at SFA;
2. Earn a rank of associate professor, professor, librarian III, or librarian IV;
3. Demonstrate distinction in teaching, research/scholarly/creative accomplishments, and service to the university and the profession. Distinguished service could include honors such as Regents *Scholar* ~~Professor~~, SFA Alumni Distinguished Professor Award, SFASU Foundation Faculty Achievement Awards, SFA Teaching Excellence Award, *an award for grantsmanship,* or comparable state and/or national professional recognition and/*or* distinction related to external funding.

B. Procedure

A tenured member of the academic unit may submit a letter of nomination to the academic unit head supporting the candidate's eligibility. The nominated faculty member or librarian will submit evidence supporting eligibility per academic unit procedures, such as providing a current curriculum vitae. Although the emeritus title is an honor, not a promotion, the process will follow unit promotion procedures, but may occur at any time. The appropriate dean will then forward a recommendation to the provost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs who will, in turn, submit a recommendation to the university's president. The Board of Regents confers emeritus status.

C. Privileges and Responsibilities

An emeritus professor will have the following privileges and responsibilities:
1. Name listed as an emeritus in the university's General Bulletin.
2. Recognition at the commencement ceremony following the granting of the emeritus title.
3. A place of honor in any academic procession.

4. Right to use the title of emeritus in professional endeavors.
5. Opportunity to audit courses with fees waived, subject to the availability of space and with the consent of the instructor.
6. Office space, laboratory space, a telephone, and a computer, subject to available space and approval of the academic unit head, the dean, and *Executive P*~~p~~rovost and *V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs.
7. Email privileges, a faculty I.D. card, and university business cards.
8. Use of the Ralph W. Steen Library.
9. Access to university parking, and health and wellness privileges.
10. Opportunity to represent the university at community or professional meetings and serve on committees, upon university request.

Administrative Official Eligibility

The title *E*~~e~~meritus may be given by the *P*~~p~~resident to a retired administrative official to recognize meritorious service. Privileges and qualifications that accompany the title shall be determined by the *P*~~p~~resident. The conferring of this title is not automatic upon retirement.

Cross Reference: None

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 26, 2016
April 23, 2013
July 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Faculty Search

Policy Number: 7.12

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides the procedures and responsibilities for the selection of full-time faculty with continuing appointments

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: N/A

Specific rationale for each substantive revision: Minor Revisions

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Faculty Search

Original Implementation: Unpublished
Last Revision: ~~October 28, 2019~~*October 31, 2022*

This policy outlines search procedures and responsibilities for the selection of full-time faculty with continuing appointments.

All hiring decisions are made based on lawful, job-related, and non-discriminatory criteria and in keeping with Policy 2.11, Nondiscrimination, which prohibits unlawful discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, citizenship, and veteran status.

Position Request: The academic unit head will submit a position request with justification to the appropriate dean. Upon the dean's approval of the request, it will be forwarded to the ~~p~~*P*rovost and *Executive V*~~v~~ice *P*~~p~~resident of *A*~~a~~cademic *A*~~a~~ffairs for consideration. Once fully approved, the academic unit head posts the position on the human resources website, and a formal search may begin.

Selection of the Search Committee: The academic unit head guides the search process by establishing a search committee and ensuring that committee activities adhere to university policy and procedures. The appointment of search committees may vary among academic units. The committee will contact human resources for mandatory training and for assistance as needed.

Search Committee Responsibilities: The search committee coordinates the recruitment process while working with the academic unit head. The committee is responsible for developing a position description, advertising the position, screening candidates, ~~and~~ arranging candidate interviews*, and submitting the search file to human resources for an EEO compliance review prior to making* ~~*offering*~~ *a conditional employment offer to the selected candidate.* ~~*.*~~*Additionally, there are resources for developing selection matrices, interview questions, and hiring files in the hiring manager's toolkit on the human resources website.*

Funds for Recruitment: Expenses incurred during the search are generally borne by the academic unit conducting the search with possible additional funds from other sources.

Cross Reference: Human Resources Selection Procedures for Faculty and Staff; Employee Affirmative Action/Recruitment Plan (11.9); Affirmative Action (11.1)*; Hiring Manager's Toolkit*

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

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

Forms: See Human Resources for Selection Procedures for Faculty and Staff

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
July 29, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Faculty Workload

Policy Number: 7.13

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 11/2/2015

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Policy is meant to help balance interests across campus in an equitable manner.

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 <u>each</u> substantive revision: clarified language; explicitly stated the basic workload policy and the option for college-specific guidelines with approval from the provost; removed the workload example table from policy and recommend placing it on the provost website and/or Institutional Research website; faculty senate and chairs forum reviewed

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Faculty Workload

Original Implementation: November 4, 1977
Last Revision: ~~November 2, 2015~~*October 31, 2022*

I. General Policy

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

The normal faculty workload assumes the performance of teaching, research/scholarly/creative, and service activities. The distribution of effort among these three categories is reviewed on an annual basis by the ~~department~~*academic unit* ~~/school/division (hereafter referred to as "departmentacademic unit") chair/director (hereafter referred to as "chair")~~*head*. In all cases, student instructional needs shall be the determining factor in arranging workload~~schedules~~. Faculty must fulfill ~~department~~*academic unit*~~al~~ expectations in all categories.

Each college faculty, in consultation with the dean, ~~will~~*may develop and adopt a college workload* ~~*policy*~~*procedure, as a supplement to this policy, in order to provide guidance on matters best defined at the college level. A college's workload policy must be approved by the provost and executive vice president for academic affairs. In the event of conflict, this policy* ~~*controls*~~*supersedes*. The provost and *executive* vice president for academic affairs may allow departures from workload standards when in the interest of the university. *Approved college workload procedures must be posted and should be reviewed periodically.*

II. Workload Allocations

A. The standard full-time teaching load is 24 Teaching Load Credits (TLC) for the combined fall and spring semesters. ~~*The 24 TLC workload will be the equivalent of four three- SCH course per fall/spring semester teaching load.*~~ Additionally, faculty members are expected to engage in research/scholarly/creative and service activities at levels ~~that are~~ appropriate to their rank and ~~department~~*academic unit*~~al~~ tenure/merit criteria. ~~By agreement with *the* chair*academic unit head* and dean, non-tenure-track faculty members may add 3 TLCs per semester in lieu of research/scholarly/creative activities.~~ *The standard full-time teaching load for non-tenure track faculty members is 30 TLCs. By agreement with the academic unit head and dean, research/scholarly/creative activities or significant service commitments may reduce the teaching load of non-tenure track faculty by 3 TLCs per semester.*

When summer teaching load assignments are made (see university policy 7.28, Summer Teaching Appointments), the standard summer full-time teaching load is typically 6 TLC for

one term or 12 TLC for both summer terms combined. Variation from this standard will be made under the same guidelines that apply to fall and spring terms.

B. Within reasonable limits, certain ~~supplemental~~ instructional activities ~~— such as independent studies, supervision of internships advising, and thesis/dissertation supervision —~~are also considered part of ~~a regular~~ *the* workload *and generate TLCs* or equivalents. *When applicable, teaching load credits will be defined in each college's workload ~~policy~~procedure regarding: ~~–~~1) Lecture, S~~s~~eminar, and L~~l~~aboratory courses, 2) Practicum and Internship courses, 3) Private Lessons, 4) Thesis and D~~d~~issertations, 5) Variable credit courses, 6) Cross-listed or composite courses, and 7) Independent study courses.~~, 8) Other college-specific instructional activities.~~*

C. Faculty members are ~~also~~required to maintain at least five office hours per week, during which they will be available for meetings with students. ~~and faculty and staff colleagues. For faculty members whose teaching assignment includes online delivery, o~~*O*ffice hours may be adjusted appropriately by agreement with *the* ~~chair~~*academic unit head* and dean.

~~A. *D.*~~

~~B.~~

~~—~~Any work that substantially exceeds normal expectations in the categories of

~~C.~~ research/scholarly/creative accomplishment and service constitutes an opportunity to request a course load reassignment *from*~~with~~ the ~~department chair~~*academic unit head*. Reassignment is not automatic, but depends upon student,~~ and~~ ~~departmental~~*academic unit, and college* needs. Each reassignment, whether for a single semester or an academic year, must be approved by the appropriate dean and the provost and *executive* vice president for academic affairs. The written request for reassignment must identify the work that shall be produced and demonstrate ~~that~~ an amount of work equivalent to the instruction of ~~a three~~*the number of* credit hours *requested* ~~courses~~hall be performed. A faculty member is not limited to a single reassignment request per semester if adequate justification exists.

~~D.~~

D. A dean may also propose a ~~reduction in teaching load~~*course load reassignment* for a faculty member in other circumstances~~, including: *when approved by the provost and executive vice president for academic affairs.*~~.

~~▪ for chairing an academic department or division;~~

~~▪ for performing administrative duties in support of a department/college/university;~~

~~▪ for preparing course material during the first semester and/or year when included as part of the initial tenure-track contract.~~

~~All teaching load reductions must be approved by the provost and vice president for academic affairs.~~

E. The instruction of a course overload for the academic year, when at the ~~invitation~~ *request* of a*n* ~~department~~*academic unit*~~/division~~ ~~chair~~*head*, may qualify a faculty member for additional compensation~~ if the overload is equivalent to at least 0.25 FTE~~ ~~–~~during a semester. An

individual who accepts an overload assignment will fulfill the responsibility beyond normal contractual workload.

~~III.~~ **~~Teaching Load Credit Equivalencies~~**

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

~~When the semester credit hour (SCH) value of the course is equal to or more than the contact hour value, undergraduate courses generate 1 TLC per SCH; 500- level courses generate 1.5 TLC per SCH; and 600- level courses generate 2 TLC per SCH.~~

~~When the contact hour value of the course exceeds the SCH value, contact hours are used for the calculation of TLC. Undergraduate lecture or seminar courses in this category generate .667 TLC per contact hour; graduate lecture or seminar courses generate 1 TLC per contact hour. Laboratory courses generate 1 TLC per contact hour.~~

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

~~B. Practicum course types~~

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

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

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

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

~~C. Private lesson course types~~

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

~~D. Thesis and dissertation course types~~

~~Masters' level thesis courses generate TLC at a rate of 0.667 TLC per student enrolled. The maximum TLC for these course types is 3 TLC per semester. For a specific masters~~

requirement, a single student may count no more than twice (one time in two separate enrollment periods) toward a faculty member's teaching load. Undergraduate thesis courses generate TLC at the rate of .333 TLC per student enrolled.

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

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

E. Variable credit courses

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

F. Cross-listed or composite courses

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

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

G. Independent study

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

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

H. Summer teaching

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

~~IV.~~*III.* Compliance

A. ~~Department~~*Academic unit heads* ~~chairs~~ are responsible for assigning faculty workloads according to student instructional needs and for verifying the accuracy of workload reports for each faculty member in the ~~department~~*academic unit*.~~SFP~~

B. Deans monitor and approve faculty workloads under their authority and review workload reports submitted by ~~chair~~*academic unit head*s, and may require ~~department~~*academic unit* offices to input and update faculty workload data in the university's administrative software system.

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

D. A workload report summary is submitted as required by ~~*See*~~ *Tex. Educ. Code § 51.402(c).*

Cross Reference: Tex. Educ. Code § 51.402; Summer Teaching Appointments (7.28); Academic Unit Head ~~Appointments~~ *Responsibilities, Selection, and Evaluation* (4.~~2~~4); ~~and Salary Supplements; Stipends and~~ Additional Compensation (12.16)*; Teaching Load Credit Calculation Reference*

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: November 2, 2015
January 27, 2015
April 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Guest Lecturers

Policy Number: 7.15

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for faculty who bring guest lecturers on campus.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Guest Lecturers

Original Implementation: October 1, 1980
Last Revision: ~~October 28, 2019~~ *October 31, 2022*

When guest lecturers are utilized in a course, the instructor-of-record will ensure that the principles of academic responsibility are upheld. Except when officially absent from class, the instructor-of-record will be present during the delivery of a guest lecture.

Cross Reference: ~~Faculty Handbook;~~ Academic Freedom and Responsibility (7.3)

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
January 28, 2014
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Library Faculty

Policy Number: 7.17

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/28/2020

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Guidelines for library faculty rank, criteria for appointment, promotion eligiblity, annual evaluation and compensation, work load, rights and responsibilities; and Library Academic Advisory Council

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 <u>each</u> substantive revision: Signification revisions with the reorganization of the library, this policy required substantial revisions to reflect the new vision of the library.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Jonathan Helmke, Library Director
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Library Faculty

Original Implementation: 1970
Last Revision: ~~January 31, 2017~~*October 31, 2022*

Purpose

This policy provides guidelines for library faculty rank, criteria for appointment, promotion eligibility, annual evaluation and compensation, workload, rights and responsibilities, and Library Academic Advisory Council.

~~Stephen F. Austin State University (SFA) provides for advancement based on a librarian's or an archivist's academic credentials and experience, job performance, professional engagement, and service to the university, profession, and the general community, as appropriate.~~

General

Members of the SFA faculty holding the rank of librarian I, II, III, or IV are considered part of the library faculty. Library faculty have the same rights and responsibilities as all other SFA faculty, and all SFA policies that reference faculty apply equally to the library faculty, excluding the exceptions specified in this policy.

~~**Rank**~~

~~The ranks consist of Librarian I, II, III, and IV, and Archivist I, II, III, and IV, with IV being the highest. These ranks do not apply to administrative positions.~~

~~**Criteria for Appointment**~~

~~A master's degree in library science from a school accredited by the American Library Association is required for appointment as a librarian. The Master of Library Science and Master of Library Information Science are the terminal degrees for librarians.~~

~~A master's degree in library science from a school accredited by the American Library Association with specialization in archival studies or a master's degree in public history with specialization in archival studies is required for appointment as an archivist.~~

Promotion Eligibility

~~ns and archivists are both eligible for promotion; however, only librarians are eligible for tenure (see policy 7.29).~~

~~To be promoted to the rank of Librarian II or Archivist II, an individual must have a proven record of effective and productive performance. Individuals can apply for the rank of Librarian II or Archivist II without being at the rank of Librarian I or Archivist I for a specified period of time.~~

~~To be promoted to the rank of Librarian III or Archivist III, an individual must have a proven record~~

~~of effective and productive performance. The individual must also have significant professional contributions to the academic and general communities through presentations at professional meetings, professional publications, or service to organizations. A Librarian II or Archivist II must hold that rank for at least three years before applying for promotion. Exceptions must be approved by the library director and the provost and vice president for academic affairs. The circumstances warranting early application must be exceptional.~~

~~To be promoted to the rank of Librarian IV or Archivist IV, an individual must have a proven record of substantial contributions to the profession recognized at the state and national levels. A Librarian III or Archivist III must hold that rank for at least five years before applying for promotion. Additionally, to be promoted to Archivist IV the individual must have successfully passed the Academy of Certified Archivist Examination. Exceptions must be approved by the library director and the provost and vice president for academic affairs. The circumstances warranting early application must be exceptional.~~

Academic promotion is awarded to library faculty in accordance with the general provisions, promotion policy principles, and procedures established in policy 7.4, Academic Promotion of Full-Time Faculty.

Promotion eligibility requirements for the librarian I, II, III, and IV ranks (policy 7.2, Academic Appointments and Titles) are established as follows.

I. *Candidates for Librarian II will meet or exceed the standards for teaching, research/scholarly/creative accomplishments, and service established by the library. Application for Librarian II may occur without holding the rank of Librarian I for a specified period of time. The promotion review portfolio will document all years in service at SFA at the rank of Librarian I.*

II. *Candidates for Librarian III will meet or exceed the standards for teaching, research/scholarly/creative accomplishments, and service established by the library. Generally, application for Librarian III may occur after holding the rank of Librarian II for at least three years. Exceptions must be approved by the library director* and *the provost and executive vice president~~, and vice president for academic affairs~~. The circumstances warranting early application must be exceptional. The promotion review portfolio will document all years in service at SFA at the rank of Librarian II.*

III. *Candidates for Librarian IV will exceed the standards for teaching, research/scholarly/creative accomplishments, and service established by the library. Application for Librarian IV may occur after holding the rank of Librarian III for at least five years. Exceptions must be approved by the library director* and *the provost and executive vice president~~, and vice president for academic affairs~~. The circumstances warranting early application must be exceptional. The promotion review portfolio will document all years in service at SFA at the rank of Librarian III.*

~~**Annual Evaluation and Compensation**~~

~~Librarians and archivists will be evaluated annually according to university policies and procedures. These evaluations will constitute the basis for merit pay consideration, when available. Librarians and archivists accrue vacation and compensatory time.~~

Work Load

Librarians ~~and archivists~~ receive twelve-month contracts. *Exceptions may be negotiated with individual faculty members at the discretion of the provost and executive vice president.*

Library faculty workload expectations will be established by the library and, when applicable their external supervisor, and assignments will be reviewed annually by the library director, in consultation with their external designated supervisor.

Salary and Compensation

Though members of the SFA faculty, library faculty on twelve-month contracts accrue vacation leave and may accumulate compensatory time (policy 12.14, Overtime and Compensatory Time).

The Institutional Base Salary will be established according to policy 12.6, Faculty Compensation.

The base salary period for library faculty appointments is the fiscal year. Summer months and periods of time during the academic year when the university is not in session, e.g., weekends, holidays, semester breaks, are included in the base salary period ~~(policy 12.16)~~.

Compensation from grants paid to library faculty as a portion of their institutional base salary (IBS) will be proportional to the effort expended during their twelve-month contract (policy 12.1, *Compensation from Grants, Contracts and Other Sponsored Agreements*). Any special allowances for summer assignments do not apply to library faculty.

~~**Library Academic Advisory Council**~~

~~The Library Academic Advisory Council (LAAC) advises the director of libraries on matters regarding librarians and archivists. The LAAC is composed of five librarians/archivists, each with at least two years of service at SFA. Members are elected in September by all librarians and archivists and serve two-year staggered terms. The individual serving as the Faculty Senate representative is an ex-officio member of the LAAC if not an elected member. The LAAC elects a chair who is responsible for calling at least one meeting each regular semester.~~

~~**Rights and Responsibilities**~~

~~Librarians and archivists have the same rights and responsibilities as academic faculty. They are eligible for service on the Faculty Senate and university committees and are eligible for faculty development leave. Librarians and archivists may also apply for grants, fellowships, and research funds.~~

Cross Reference: ~~Faculty Handbook;~~ Academic Promotion *of Full-Time Faculty* (7.4); Tenure and Continued Employment (7.29); ~~Performance Review of Officers Reporting to the Provost and Vice President for Academic Affairs (4.8);~~ Academic Appointments and Titles (7.2) *; Faculty Workload (7.13); Compensation from Grants, Contracts and Other Sponsored Agreements (12.1); Faculty Compensation (12.6); Overtime and Compensatory Time (12.14); Additional Compensation (12.16)*

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: January 28, 2020
January 31, 2017
July 29, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Misconduct in Federally Funded Research

Policy Number: 8.7

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/30/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Acacdemic Affairs

Purpose of Policy (what does it do): Explanation of ethical standards at SFA for scientific research.

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 <u>each</u> substantive revision: Text clarification; revised section on Research Integrity Officer to reflect current practice.

Specific rationale for deletion of policy:

Additional Comments:

Reviewed with 7.19

Reviewers:

Academic Affairs Policy Committee
Office of Research and Graduate Studies
Lorenzo Smith, Provost and Executive Vice President for Acacdemic Affairs
Damon Derrick, General Counsel

Misconduct in Federally Funded Research

Original Implementation: April 27, 1994
Last Revision: ~~April 30, 2019~~*October 31, 2022*

I. Introduction

1. Policy Statement

Stephen F. Austin ~~F. Austin~~ State University (SFA) strives to create a climate that promotes faithful adherence to high ethical standards in the conduct of scientific research without inhibiting the productivity and creativity of the academic community.

Misconduct in research is a major breach of the relationship between a faculty or staff member and the university and is defined as the fabrication, falsification or plagiarism in proposing, performing or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research records. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

A finding of research misconduct requires three criteria to be met:
1. a significant departure from accepted practices of the relevant research community;
2. intentional, knowing or reckless misconduct; and
3. proof by a preponderance of the evidence.

Research misconduct does not include honest error or differences of opinion.

This policy applies to any person paid by and/or subject to the rules and policies of SFA, including faculty, research scientists, trainees, technicians and other staff members, students and visiting professors.

In order to maintain the integrity of research projects, every investigator should keep an auditable record of experimental protocols, data, and findings. Co-principal investigators and/or co-authors on research reports of any type must have a bona fide role in the research and must accept responsibility for the quality of the work reported.

Any inquiry or investigation of allegations of misconduct in research must proceed promptly and with due regard for the reputation and rights of all involved. The university will take all reasonable steps to assure ~~that~~ the persons involved in the evaluation of the allegations and evidence have appropriate expertise and that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest.

Allegations of misconduct based on events that occurred six or more years ~~ago~~*previous* are not subject to review under this policy, unless otherwise determined by the deciding official (DO) as defined in Section III.D.

2. Scope

This policy applies to all federally funded research conducted at the university. Procedures set forth in this policy address the Requirements for Institutional Policies and Procedures as detailed in 42 C.F.R. § 93.304 for Public Health Service (PHS) supported research, which includes agencies such as the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration and the Health Resources and Services Administration.

The university hereby exercises the option to adopt internal standards of conduct that differ from the PHS standards; therefore, the policy identifies PHS provisions that may apply, in whole or in part, only to PHS supported research. When an allegation falls within PHS definitions and jurisdiction, the university will conduct an institutional inquiry pursuant to the PHS regulations. Additionally, the university will comply with applicable regulations of other federal agencies for the investigation of allegations of misconduct in research that they support.

This policy and its procedures will apply when a university official receives an allegation of possible misconduct in federally funded research. Circumstances in individual cases may require variation from normal procedure to meet the best interest of the university or the sponsor.

Deviation from the normal procedures must ensure fair treatment of the subject of the allegation. Any significant variation should be approved in advance by the university's research integrity officer (RIO), *who is the dean of research and graduate studies unless otherwise assigned by the president*, and for PHS supported research, the Office of Research Integrity (ORI) of the U.S. Department of Health and Human Services~~.~~ *(see III.A below).*

Possible scholarly misconduct not specifically covered by this policy may be covered by other university policies and procedures, including Misconduct in Scholarly or Creative Activities (7.19).

II. Definitions

A. Allegation: disclosure through any means of communication of possible research misconduct.

~~B.~~ Complainant: a person who in good faith makes an allegation of research misconduct.

~~C.~~

~~D.~~ Good faith: having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research or scholarly misconduct proceeding is not in good faith if it is made with knowing or reckless disregard for information that would negate the allegation or testimony. For PHS supported research, good faith as applied to a committee member means cooperating with the purpose of helping an institution meet its responsibilities under 42 C.F.R. Part 93. A committee member does not act in good faith if his/her acts or omissions on the committee

~~E.~~*B.* are dishonest or influenced by personal, professional or financial conflicts of interest with those involved in the misconduct proceeding.

~~F.~~*C.* Inquiry: preliminary information gathering and preliminary fact-finding.

~~G.~~*D.* Investigation: formal development of a factual record and the examination of that record leading to a decision. The decision may be to not make a finding of research misconduct or to recommend a finding of research misconduct.

~~H.~~*E.* Preponderance of the evidence: proof by information that leads to the conclusion that the fact at issue is more probably true than not.

~~I.~~*F.* PHS support: PHS funding, or applications or proposals for biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or training, that may be provided through: PHS grants, cooperative agreements, or contracts or subgrants or subcontracts under those PHS funding instrument, or salary or other payments under PHS grants, cooperative agreements or contracts.

~~J.~~*G.* Records of research misconduct proceedings (records): research records and other evidence secured for the misconduct proceeding pursuant to this policy and applicable federal regulations, except to the extent the RIO determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that have been retained; the inquiry report and final documents produced in the course of preparing that report, including the documentation of any decision not to investigate, as required by 42 C.F.R. § 93.309(c) for PHS supported research misconduct; the investigation report and all records in support of the report, including the recordings or transcripts of each interview conducted; and the complete record of any appeal to university officials from the finding of misconduct.

~~K.~~*H.* Research record: the record of data or results that embody the facts resulting from scholarly activity and scientific inquiry, including but not limited to: research proposals, laboratory records~~,~~ *(*physical and electronic*)*, progress reports, abstracts, theses, oral presentations, internal reports, journal articles or other forms of scholarly works, reports or publications and any documents and materials provided to a federal agency or a university official by a respondent in the course of the research misconduct proceeding.

~~L.~~*I.* Respondent: the person against whom an allegation of research misconduct is directed or who is the subject of a misconduct proceeding.

~~M.~~*J.* Retaliation: an adverse action taken against a complainant, witness, committee member, the RIO or DO by the university or one of its employees in response to: (1) a good faith allegation or research or scholarly misconduct; or (2) good faith cooperation with a misconduct proceeding.

III. Rights and Responsibilities

A. Research Integrity Officer (RIO)

The research integrity officer (RIO) is the institutional official responsible for assessing allegations of federally funded research misconduct and overseeing inquiries and investigations. ~~The RIO for the university is the *Dean* director of research and *graduate studies*sponsored programs unless otherwise assigned by the president.~~ Responsibilities of the RIO include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct and provide confidentiality to those involved in the research misconduct proceeding as required by 42 C.F.R. § 93.108, other applicable law and institutional policy.
- Receive allegations of research misconduct.
- Inform the university's general counsel of allegations of research misconduct and seek advice at appropriate junctures in the process.
- Assess each allegation of research misconduct in accordance with Section V.A of this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry.
- Determine if the research in question was supported by a PHS sponsor and, as necessary, take interim action and notify the ORI of special circumstances with regard to PHS supported research, in accordance with Section IV.F of this policy.
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with Section V.C of this policy and maintain it securely in accordance with this policy and applicable law and regulation.
- Notify the respondent and provide opportunities for him/her to *r*~~r~~eview/comment/respond to allegations, evidence, and committee reports in accordance with Section III.C of this policy.
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding.
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence.
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding.
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses and committee members and counter potential or actual retaliation against them by respondents or other institutional members.
- Keep the DO and others who need to know apprised of the progress of the review of the allegation of research misconduct.
- For PHS supported research, notify and make reports to the ORI as required by 42 C.F.R. Part 93.
- Ensure that administrative actions taken by the institution and the ORI, as applicable to PHS supported research, are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies and licensing boards of those actions.

- Maintain records of the research misconduct proceeding and for PHS supported research, make them available to the ORI in accordance with Section VIII.F of this policy.

B. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. The complainant must be interviewed during an investigation and be given the transcript or recording of the interview for correction.

C. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- a good faith effort from the RIO to notify the respondent in writing at the time or before beginning an inquiry;
- an opportunity to comment on the inquiry report and have comments attached to the report;
- notification of the outcome of the inquiry and receipt of a copy of the inquiry report that includes a copy of, or refers to, 42 C.F.R. Part 93 (if applicable to PHS supported research) and the institution's policies and procedures on research misconduct;
- notification in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 calendar days after the university decides to begin an investigation), and notification in writing of any new allegations not addressed in the inquiry or in the initial notice of investigation within a reasonable time after the determination to pursue those allegations;
- an interview during the investigation, an opportunity to correct the recording or transcript and inclusion of the corrected recording or transcript in the record of the investigation;
- an opportunity during the investigation to interview any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, to have the recording or transcript provided to the witness for correction and to have the corrected recording or transcript included in the record of investigation; and
- receipt of a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based, and notification that any comments must be submitted within thirty (30) calendar days of the date on which the copy was received and that the comments will be considered by the university and addressed in the final report.

- The respondent will be given the opportunity to admit that the research misconduct occurred. With the advice of the RIO and the university's general counsel, the DO may terminate the institution's review of an allegation that has been admitted if the institution's acceptance of the admission and any proposed settlement is approved by the ORI as applicable for PHS supported research misconduct.

Additionally, the respondent will have the opportunity to request an institutional appeal in accordance with Section VIII.D of this policy.

D. Deciding Official

The deciding official (DO) is an institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The DO for the university is the provost and vice president for academic affairs. For any matter involving a vice president, the president will be the DO. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents will be the DO.

The DO will receive the inquiry report and after consulting with the RIO, decide whether an investigation is warranted for research misconduct, and for PHS supported research, whether an investigation is warranted under the criteria in 42 C.F.R. § 93.307(d). Any finding that an investigation is warranted must be made in writing by the DO and for PHS supported research must also be provided to the ORI, together with a copy of the inquiry report meeting the requirements of 42 C.F.R. § 93.309, within thirty (30) calendar days of the finding.

The DO will receive the investigation report and, after consulting with the RIO and other appropriate officials, decide the extent to which the university accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate. The DO will ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative action are provided to the ORI for PHS supported research, as required by 42 C.F.R. § 93.315.

~~III.~~*IV.* General Policies and Principles

A. Responsibilities to Report Misconduct

All university employees will report observed, suspected or apparent research misconduct with federal funds to the RIO, and any official who receives an allegation of research misconduct must report it immediately to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the

individual or allegation to other university offices or officials with responsibility for resolving the problem.

At any time, a university employee may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

B. Cooperation with Misconduct Proceedings

University employees will cooperate with the RIO and other university officials in the review of allegations and the conduct of inquiries and investigations. Employees, including respondents, have an obligation to provide evidence relevant to misconduct allegations to the RIO or other university officials.

C. Confidentiality

The RIO will, as required by university policy and 42 C.F.R. § 93.108: (1) limit disclosure of the identity of respondents, complainants and witnesses to those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO will use written confidentiality agreements or other mechanisms to ensure confidentiality.

D. Protecting Complainants, Witnesses and Committee Members

University employees may not retaliate in any way against complainants, witnesses or inquiry committee members. Employees should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO who will review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protecting the Respondent

As ~~requested~~*requested*, and as appropriate, the RIO and other university officials will make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research or scholarly misconduct when no finding of misconduct is made.

During the misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 C.F.R. Part 93, as applicable to PHS supported research and the policies and procedures of the university. Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case for personal advisement. University counsel must be present in any meeting where other counsel is present.

F. Interim Administrative Actions and Notifying the ORI of Special Circumstances

Throughout research misconduct proceedings, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the research process, and, for PHS supported research, will notify the ORI immediately of such threats.

In the event of such threats, the RIO, ~~will,~~ in consultation with other university officials and the ORI as appropriate, *will* take appropriate interim action including additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication.

Such potential threats where interim action should be taken include:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
- Public resources or interests are threatened.
- Research activities should be suspended.
- There is a reasonable indication of possible violations of civil or criminal law.
- Federal action is required to protect the interests of those involved in the research misconduct proceeding.
- The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved.
- The research community or public should be informed.

~~IV.~~*V.* Stage 1 – Conducting the Assessment and Inquiry

A. Assessment of Allegations

Upon receiving an allegation of misconduct in research with federal funds, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of misconduct may be identified and whether it is within the jurisdictional criteria of 42 C.F.R. § 93.102(b) and 93.103. An inquiry must be conducted if the required criteria for research misconduct are met.

The assessment period should be concluded within five (5) working days of receipt of an allegation. In conducting the assessment, the RIO need not interview the complainant, respondent or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified. The RIO will, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all records and evidence needed to conduct the misconduct proceeding, as provided in paragraph C of this section.

~~B.~~

~~C.~~*B.* Initiation and Purpose of the Inquiry

If the RIO determines ~~that~~ the criteria for an inquiry are met, the inquiry process will be immediately initiated. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to ~~conduct an investigation~~*investigate*. An inquiry does not require a full review of all the evidence related to the allegation.

~~D.~~*C.* Notice to Respondent; Sequestration of Research Records

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, a good faith effort must be made to notify them in writing. On or before the date on which the respondent is notified or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the records and evidence needed to conduct the misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner, except ~~that~~ where the research records or evidence encompass*es* scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. For PHS supported research, the RIO may consult with the ORI for advice and assistance in this regard.

~~E.~~*D.* Appointment of the Inquiry Committee

The RIO, in consultation with other university officials as appropriate, will appoint an inquiry committee and committee chair within ten (10) working days of the initiation of the inquiry or as soon thereafter as practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

The RIO will prepare a written charge for the inquiry committee that:

- sets forth the time for completion of the inquiry, unless extenuating circumstances require an extension of time;
- describes the allegations and any related issues identified during the allegation assessment;
- states that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
- states that an investigation is warranted if the committee determines if the allegation may have substance based on the committee's review and, in the case of PHS supported research, there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 C.F.R. § 102(b); and
- informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that, in the case of PHS supported research

misconduct, meets the requirements of this policy and 42 C.F.R. § 93.309(a).

At the committee's first meeting, the RIO will review the charge, discuss the allegation and any related issues, the appropriate procedures for conducting the inquiry, assist with organizing plans for the inquiry, and answer any questions. The RIO will be available throughout the inquiry to advise the committee as needed.

~~F.~~*E.* Inquiry Process

The inquiry committee will normally interview the complainant, the respondent and key witnesses, as well as examin~~ing~~ relevant research records and materials. Then, ~~the~~ the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and 42 C.F.R. § 93.307(d), as applicable to the allegation. The scope of the inquiry is not required to include, and does not normally include, deciding whether misconduct definitely occurred, determining definitely who committed the misconduct or conducting exhaustive interviews and analyses.
However, if a legally sufficient admission of misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, for instances of PHS supported research misconduct, the university will promptly consult with the ORI to determine the next steps that should be taken.

~~G.~~*F*. Time for Completion

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within sixty (60) calendar days of initiation of the inquiry, unless *the RIO*, at his/her discretion, ~~the RIO~~ determines ~~that~~ circumstances clearly warrant a longer period. In the case of an extension, the inquiry record must include documentation of the reasons for exceeding the ~~60 day~~*60-day* period.

~~V.~~*VI.* The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following information, as applicable to the allegation: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the federal support including, for example, grant numbers, grant applications, contracts and publications listing federal support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; and
(5) any comments on the draft report by the respondent or complainant.

The university's general counsel will review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee. The inquiry report will include: (1) the names and titles of the committee members and experts

who conducted the inquiry; (2) a summary of the inquiry process used; (3) a list of the research records reviewed; (4) summaries of any interviews; and (5) any other actions that should be taken if an investigation is not recommended.

B. Notification and Opportunity to Comment

The RIO will notify both the respondent and the complainant within ten (10) working days of completion of the draft inquiry report whether the inquiry found an investigation to be warranted, provide a copy of the draft report for comment and the university's policies and procedures on misconduct, and for PHS supported research, a copy of or reference to 42 C.F.R. Part 93. A confidentiality agreement will be a condition for access to the report by the respondent and complainant.

Any comments that are submitted will be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

C. Institutional Decision and Notification

1. Decision by Deciding Official

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

2. Notification to the ORI

For allegations of research misconduct with PHS funded research, within thirty (30) calendar days of the DO's decision that an investigation is warranted, the RIO will provide the ORI with the DO's written decision and a copy of the inquiry report. The RIO will also notify those university officials who need to know of the DO's decision. The RIO must provide the following information to the ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews and copies of all relevant documents; and (3) the charges to be considered in the investigation.

3. Documentation of Decision Not to Investigate

If it is found ~~that~~ an investigation is not warranted, the DO and the RIO will ensure for PHS supported research that detailed documentation of the inquiry is retained as detailed in Section VIII.F.

~~VI.~~*VII.* Stage 2 – Conducting the Investigation

A. Initiation and Purpose

The investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to ~~recommended~~ *a determination of* finding*s* on whether misconduct has been committed, by whom and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged research misconduct involves potential harm to human subjects or the general public, or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

B. Notifying the ORI and Respondent; Sequestration of Research Records

The RIO must notify the respondent in writing of the allegations to be investigated and give the respondent written notice of any new allegations of misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

For allegations of research misconduct with PHS funded research, on or before the date on which the investigation into research misconduct begins, the RIO must notify the ORI director of the decision to begin the investigation and provide the ORI a copy of the inquiry report.

In all instances, the RIO, ~~will,~~ prior to notifying the respondent of the allegations, *will* take all reasonable and practical steps to obtain custody of and sequester in a secure manner all scholarly records, research records and evidence needed to conduct the misconduct proceeding that were not previously sequestered during the assessment inquiry. Where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the assessment inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

C. Appointment of the Investigation Committee

The RIO, in consultation with other university officials, as appropriate, will appoint an investigation committee and committee chair within ten (10) working days of the beginning of the investigation or as soon thereafter as practical. The investigation committee must consist of individuals who do not have unresolved personal, professional or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation.

Individuals appointed to the investigation committee may also have served on the inquiry committee.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee

The RIO will define the subject matter of the investigation in a written charge to the committee that:

- describes the allegations and related issues identified during the inquiry;
- identifies the respondent;
- informs the committee that it must conduct the investigation as prescribed in paragraph E of this section;
- defines research misconduct;
- informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, the type and extent of it and who was responsible;
- informs the committee that in order to determine that the respondent committed misconduct it must find a preponderance of the evidence establishes that: (1) misconduct, as defined in this policy, occurred (the respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) there is a significant departure from accepted practices of the relevant research/scholarly community; and (3) the respondent committed the misconduct intentionally and/or knowingly or recklessly; and,
- informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and
- 42 C.F.R. § 93.313, as applicable to the allegation.

2. First Meeting

The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and, for allegation of misconduct with PHS supported research, with a copy of 42 C.F.R. Part 93. The RIO will be present or available throughout the investigation to advise the committee as needed.

E. Investigation Process

The investigation committee and the RIO must:

- *use* to ensure that the investigation is thorough and sufficiently documented and includes examination of all records and evidence relevant to reaching a decision on the merits of each allegation;

- take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- interview each respondent, complainant and any other available person who has been reasonably identified as having infor*m*~~m~~ation regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of investigation; and
- pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible misconduct, and continue the investigation to completion.

F. Time for Completion

This investigative stage is to be completed within 120 calendar days, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to the ORI as required for PHS supported research. However, if the RIO determines that the research misconduct investigation will not be completed within this 120-day period, a written request for an extension will be submitted to the ORI or other federal agencies as applicable, setting forth the reasons for the delay. If the ORI grants an extension, it may direct the filing of periodic progress reports (42 C.F.R. § 93.314).

~~VII.~~*VIII.* The Investigation Report

A. Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

- describes the nature of the allegation of misconduct, including identification of the respondent;
- describes and documents the federal support, including, for example, the numbers of any grants that are involved, grant applications, contracts and publications listing federal support;
- describes the specific allegations of misconduct considered in the investigation;
- includes the institutional policies and procedures under which the investigation was conducted, unless, in the case of research misconduct proceedings for allegations of research in PHS supported research, those policies and procedures were provided to the ORI previously;
- identifies and summarizes the records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and,
- includes a statement of findings for each allegation of misconduct identified during the investigation. Each statement of findings of misconduct must: (1) identify whether the misconduct was falsification, fabrication or plagiarism and whether it was committed

- intentionally, knowingly or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by the respondent to establish a preponderance of the evidence that he or she did not engage in misconduct because of honest error or a difference of opinion; (3) identify the specific federal support; (4) identify whether any publications need correction or retraction; (5) identify and the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with federal agencies.

B. Comments on the Draft Report and Access to Evidence

1. Respondent

The RIO must give the respondent a copy of the draft investigation report for comment and concurrently a copy of, or supervised access to, the evidence on which the report is based. The respondent will be allowed thirty (30) calendar days from the date the draft report is received to submit comments to the RIO. The respondent's comments must be included and considered in the final report.

2. Complainant

On a case-by-case basis within the university's discretion, the university may provide the complainant a copy of the draft investigation report, or relevant portions of it, for comment. The complaint's comments must be submitted within thirty (30) calendar days of the date on which the draft report is received, and the comments must be included and considered in the final report. For allegations of misconduct for PHS supported research, see §§ 93.312(b) and 93.313(g).

C. Decision by Deciding Official

The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's and complainant's comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing whether the university accepts the investigation report, its findings and any recommended institutional actions in response to accepted findings of research misconduct. If the determination by the DO varies from the findings of the investigation committee, the DO will, as part of the written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. The DO may return the report to the investigation committee with a request for further fact- finding or analysis.

When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. In the case of PHS supported research, the DO will inform the ORI. The DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work,

or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of other sponsoring federal agencies.

D. Appeals

Respondents and complainants may submit a written appeal on the judgment of the investigating committee, the DO and/or the sanction to the DO within thirty (30) calendar days of written notification of the sanctions. The DO will forward the appeal to the president for consideration. For matters concerning the vice president for academic affairs, the appeal will be forwarded to the chair of the Board of Regents. In any matter involving the president or other staff reporting to the regents, the chair of the Board of Regents will also serve as the appeal officer. Grounds for appeal include, but are not limited to, previously unconsidered material evidence, sanctions not commensurate with the finding, and failure to follow the prescribed process. Upon receipt of the appeal, the appeal officer will evaluate the evidence and make a determination. The appeal officer may consult with the DO, RIO or other individuals as appropriate. The appeal officer will reopen the investigation if the previously unconsidered material evidence so warrants and may reopen the investigation if circumstances so dictate. The appeal officer's decision will be conveyed to all involved in a timely ~~fashion, but~~*fashion but* must be conveyed within thirty (30) calendar days. In the case of termination, the appropriate university policies on termination for cause will be followed.

Unless an extension has been granted, the appeal process must be completed within 120 calendar days of its filing. Similarly, but without external review, an extension of time may be granted for good cause by the university or as directed by the sponsoring agency for completion of the appeal process in non-PHS supported research misconduct cases.

E. Notice to the ORI of Institutional Findings and Actions

For cases involving PHS supported research, unless an extension has been granted by ORI, the RIO must, within the 120-day period for completing the investigation or the 120-day period for completion of any appeal, submit the following to ORI: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the institution accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

F. Maintaining Records for Review by the ORI

For cases involving PHS supported research, the RIO must maintain and provide to the ORI upon request "records of research misconduct proceedings" as defined by 42 C.F.R. § 93.317. The RIO is also responsible for providing any information,

documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

Unless custody has been transferred to HHS or the ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings will be retained in a secure manner for seven (7) years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation.

~~VIII.~~*IX.* Completion of Cases: Reporting Premature Closures to the ORI

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. For cases involving PHS supported research, the RIO must notify the ORI in advance if there are plans to close a case at the inquiry, investigation or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except

(1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or

~~(1)~~*(2)* ~~(2)~~ a finding of no misconduct at the investigation stage, which must be reported to the ORI as prescribed in this policy and 42 C.F.R. § 93.315.

~~IX.~~*X.* Institutional Administrative Actions

If the DO determines that research misconduct is substantiated by the evidence, he/she will decide on the appropriate actions to be taken, after consultation with the RIO. The administrative actions may include:

- withdrawal or correction of all pending or published abstracts and papers emanating from the research where misconduct was found;
- removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction or initiation of steps leading to possible rank reduction or termination of employment;
- restitution of funds to the grantor agency as appropriate; and
- other action appropriate to the misconduct.

~~X.~~*XI.* Other Considerations

A. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities, including those under 42 C.F.R. Part 93 for cases involving PHS supported research.

If the respondent, without admitting to research misconduct, elects to resign after the institution receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation as appropriate, based on the outcome of

the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and the effect on the evidence.

B. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including the ORI concurrence if required by 42 C.F.R. Part 93, the RIO will, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider (1) notifying those individuals aware of or involved in the investigation of the final outcome, (2) publicizing the final outcome in any forum in which the allegation of misconduct was previously publicized, and (3) expunging all reference to the misconduct allegation from the respondent's personnel file (to the extent permitted by law). Any institutional actions to restore the respondent's reputation should first be approved by the DO.

C. Protection of the Complainant, Witnesses and Committee Members

During the misconduct proceeding and upon its completion, regardless of whether the institution or the ORI determines that research misconduct occurred, the RIO will undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps that the DO approves.

D. Allegations Not Made in Good Faith

If relevant, the DO will determine whether the complainant's allegations of misconduct were made in good faith, or whether a witness or committee members acted in good faith. If the DO determines ~~that~~ there was an absence of good faith, he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

Cross Reference: 42 C.F.R. Part 93; Misconduct in Scholarly or Creative Activities (7.19)

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

Contact for Revision: Director, Office of Research and Sponsored Programs

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: April 30, 2019
July 28, 2015
July 17, 2012
July 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Moving Expenses

Policy Number: 3.23

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 11/1/2021

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes the guidelines whereby Stephen F. Austin State University may pay moving expenses for a newly hired faculty or staff member.

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: N/A

Specific rationale for <u>each</u> substantive revision: Text clarification.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Moving Expenses

Original Implementation: December 1988
Last Revision: ~~November 1, 2021~~*October 31, 2022*

Purpose

This policy establishes the guidelines whereby Stephen F. Austin State University may pay moving expenses for a newly hired faculty or staff member.

General

The university may pay reasonable moving expenses for a newly hired faculty or staff member. However, payment of moving expenses is not an entitlement. It is an option, with terms to be agreed upon between the university and the prospective employee in advance. Prior approval of the vice president *for finance and administration and the* ~~or~~ head of the division (cabinet level) as appropriate is required.

Moving related expenses are those incurred between the employee's prior home location and his or her new home location. These expenses will be treated as taxable income to the employee. Common moving expenses include:

- *transportation of household goods*
- airfare *or mileage*
- *lodging*
- *meals*
- *pre-move house hunting*
- *temporary housing*
- *short-term storage*

Other moving expenses are less common, but can still be paid as taxable if approved in advance.

Departments may negotiate with the new employee to pay full or partial moving expenses. Payments must be made from non-appropriated funds, provided the funds are available in the department's budget. *Moving expense payments will be treated as taxable income to the employee for the actual moving expense less applicable tax withholdings.* Moving expenses can be paid by either of two methods:

- Direct payment to vendor (preferred method; requires an approved purchase order and invoice)
- Reimbursement to new employee (Receipts documenting moving expenses must be attached

to the Moving Expenses Payment/Reimbursement Form and submitted to the payroll office. Only actual documented expenses will be reimbursed.)

~~The~~ *Payroll Services and/or Procurement and Business Services* ~~controller's office~~ will coordinate all payments for moving expenses, and the required information must be submitted before any moving expense can be processed for payment. The taxability of moving expenses will be determined by Internal Revenue Service (IRS) guidelines. Any taxable amount, whether paid directly to the vendor or reimbursed to the employee, will be included in taxable wages on the employee's Form W-2 and subject to federal income tax and FICA (social security) withholdings. Any mileage reimbursements will be paid at the IRS rate in effect for moving expenses on the date of the move unless a lower rate is negotiated by the department.

Cross Reference: Electronic Personnel Action Form (11.8); Internal Revenue Service website

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: ~~Controller~~ *Director of Financial Reporting; Executive Director of Finance and Administrative Services*

Forms: Electronic Personnel Action Form (EPAF) (available through Self Service Banner); Moving Expenses Payment/Reimbursement Form (available online)

Board Committee Assignment: Academic and Student Affairs

Revision History: November 1, 2021
April 30, 2019
January 29, 2019
January 26, 2016
April 15, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Performance Evaluation of Faculty

Policy Number: 7.22

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Acacdemic Affairs

Purpose of Policy (what does it do):

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 <u>each</u> substantive revision: Text clarification.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Acacdemic Affairs
Damon Derrick, General Counsel

Performance Evaluation of Faculty

Original Implementation: August 26, 1997
Last Revision: October ~~28, 2019~~*31, 2022*

To ensure continued excellence in faculty performance and pursuant to Section 51.942 of the Texas Education Code, Stephen F. Austin State University (SFA) regularly evaluates the performance of faculty. The evaluation process focuses on improving faculty performance and incorporates commonly recognized academic due process rights, including notice of the manner of scope of the evaluation and the opportunity to provide documentation during the evaluation process.

The process of evaluating faculty at SFA includes several basic components:

a. an annual administration evaluation of faculty performance;
b. a comprehensive performance evaluation of all tenured faculty at least once every six years; and,
c. a plan for assisted faculty development prompted by deficiencies identified in the annual administrative evaluation or comprehensive performance evaluation.

STANDARDS FOR PERFORMANCE EVALUATION OF FACULTY

Rigorous standards to determine what constitutes appropriate minimum performance must be developed by members of the academic unit holding faculty rank. These standards will ~~be in keeping with~~*align with* the mission of the university, the mission and goals of the college, and the mission and goals of the academic unit. They are to be based on, but need not be limited to, the professional responsibilities of the faculty member in teaching, scholarship, research and creative activity, and service. "Rigorous standards" are ~~a set of~~ verifiable standards ~~that are~~ developed by tenured faculty in the academic unit. The standards should recognize the need to allow for legitimate variation in the development of faculty careers. A copy of these standards will be forwarded to the college dean and the provost and executive vice president for academic affairs for review and approval.

The standards will be subject to periodic review by the academic unit at least every five years, unless requested earlier by the academic unit head or dean. Any modifications are subject to review and approval by the appropriate academic dean and by the provost and *executive* vice president for academic affairs.

THE ANNUAL ADMINISTRATIVE EVALUATION

Each faculty member will prepare and submit to the academic unit head an annual report of the professional activities and performance during the previous calendar year. As part of this report, academic units may require a self-evaluation that includes statements identifying an individual's strengths and weaknesses and specifying plans for the upcoming academic year aimed at strengthening the faculty member's performance. The college dean may meet with the academic

unit head to review faculty evaluations prior to or following a face-to-face evaluation meeting. During a face-to-face evaluation meeting with the faculty member, the academic unit head will provide the written administrative evaluation of faculty performance. Upon receipt from the academic unit head, the dean will forward the administrative evaluation and any supporting documentation to the provost and *executive* vice president for academic affairs. Faculty who receive two unsatisfactory annual evaluations in any three-year period will be subject to~~the~~ procedures outlined in the plan for assisted development (PAD).

THE PERIODIC COMPREHENSIVE PERFORMANCE EVALUATION OF TENURED FACULTY

Every tenured faculty member with less than a 0.5 FTE administrative appointment will undergo a comprehensive performance evaluation every sixth year after receiving tenure, returning to a faculty position following an administrative assignment, or after a previous comprehensive performance evaluation (including promotion or successful completion of a plan for assisted faculty development). Failure to submit a post-tenure review portfolio automatically leads to a plan for assisted development.

~~With approval from the dean and the provost and *executive* vice president for academic affairs,~~ *T*~~t~~he post-tenure review clock is suspended for faculty holding administrative positions within the academic unit (e.g., academic unit heads) or holding at least a 0.5 FTE administrative position. *Post-tenure review is due in the sixth year upon return to a faculty position of greater than 0.5 FTE.*

Each college and its academic units will establish a post-tenure review process that is approved by the dean and the provost and *executive* vice president for academic affairs. The approved process will include the following:

a. Each tenured faculty member will be reviewed by the tenured faculty in his/her academic unit, the academic unit head, and the dean.
b. Academic unit review committees must be comprised of a minimum of three tenured faculty members. In academic units with three or fewer tenured faculty, the dean of the college, in consultation with the academic unit head, will appoint tenured faculty members from other academic units.
c. Academic unit heads and deans with supervisory authority for faculty under review cannot be included in the academic unit review committee.
d. Recommendations and decisions on the comprehensive performance evaluation will not discriminate on any basis prohibited by law or policy.
e. The review committee must consistently follow the comprehensive performance evaluation procedures when evaluating all tenured faculty within an academic unit.
f. This review will make use of annual administrative evaluations of the faculty activities and performance for the five most recent years.
g. Each critical area—teaching, research/scholarly/creative accomplishment, and service—must be evaluated and rated separately and will include criteria addressing collegiality. An overall comprehensive performance evaluation rating must also be provided.

h. At a minimum, the rating system must include two levels—satisfactory/meets expectations and unsatisfactory/does not meet expectations.
i. Within the academic unit review, a simple majority of the voting faculty will determine the tenured faculty committee recommendation that the faculty member meets or does not meet the adopted standards of the unit.
j. Academic unit heads and deans may consider other pertinent information during the review process.
k. Each faculty member will be notified in writing within five (5) class days after the academic unit head completes all recommendations regarding the comprehensive performance evaluation. Within five (5) class days of reviewing the written recommendations and supporting comments, the tenured faculty members may attach a letter of response addressing errors of fact in the decision. Such a notification and any subsequent response by the tenured faculty will become part of the faculty's periodic comprehensive evaluation materials.
l. Each faculty member will be notified in writing within five (5) class days after the dean completes all recommendations regarding the comprehensive performance evaluation.
m. Each faculty member determined as meeting standards at the academic unit and at the dean's level will require no further action.
n. Each faculty member determined as not meeting standards at the academic unit or dean's level will be subject to the procedures outlined in the plan for assisted development.

PLAN FOR ASSISTED DEVELOPMENT

The plan for assisted development (PAD) will incorporate a significant peer component and will have as its main intention professional growth, personal reflection, and performance improvement.

a. A committee will be appointed by the academic unit head in consultation with the faculty member and subject to approval by the dean. ~~It is T~~*T*~~t~~he task of this committee, in consultation with the academic unit head and the faculty member, *is* to formulate a PAD to remediate any performance deficiencies identified in the comprehensive performance evaluation. A timeline for remediation not to exceed 24 calendar months with tangible benchmarks of progress will be established at this time.
b. The annual evaluation process is suspended while a faculty member is under a PAD.
c. The PAD will be signed by the faculty member, the academic unit head, and the dean to indicate their agreement with the terms of the plan. If the academic unit head, faculty member, and peer evaluation committee members are unable to come to agreement on a suitable PAD, then the faculty member will be required to adhere to the PAD as formulated by the dean, academic head, and committee. A copy of the plan will be sent to the provost and *executive* vice president for academic affairs.
d. After the PAD has been created, the peer committee will remain in place and will meet at appropriate intervals with the academic unit head to review progress in meeting benchmark goals. The academic unit head will then hold meetings with the faculty member to assess progress. Failure to meet benchmark goals may result in an immediate determination that the faculty member has failed to satisfy the PAD, regardless of how

much time remains in the PAD timeline.

e. Upon completion of the PAD term, there are three possible outcomes:
   (1) When, with the recommendation of the peer committee and in the determination of the academic unit head, the faculty member has succeeded in restoring his/her performance to an acceptable level by meeting the goals of the PAD in a timely manner, the academic unit head will notify in writing the faculty member, peer committee, and the dean.
   (2) The academic unit head may recommend extending the time for completion of the PAD for a maximum of one academic year. The dean of the college will choose to allow or deny the extension and will communicate this decision in writing to the academic unit head and faculty member within seven (7) calendar days of receiving the recommendation.
   (3) If, after seeking the opinions of the faculty peer committee, it is the judgment of the academic unit head that the faculty member has failed to satisfy the PAD, then the academic unit head will so inform the dean, the peer committee, and the affected faculty member in writing.

Upon receipt of the determination from the academic unit head, the dean will review the report of the academic unit head. The dean will personally confer with the faculty member regarding his/her performance under the PAD, with the appropriate academic unit head, and, if necessary, with the peer evaluation committee members. Following the review, the dean will forward a recommendation to the provost and *executive* vice president for academic affairs. The dean may recommend to the provost and *executive* vice president of academic affairs any of several actions, including, but not limited to:

a. restoring the faculty member to ~~a~~ regular status (the faculty member then becomes subject to the standard periodic comprehensive performance evaluation process);
b. requiring another PAD be formulated, with a different peer committee; or
c. instituting dismissal proceedings or other appropriate action in accordance with SFA policy. A faculty member subject to dismissal on the basis of evaluations conducted under this policy will receive specific written reasons for the dismissal and have the opportunity for referral of the matter to a non-binding alternative dispute resolution process as described in Chapter 154, Civil Practices and Remedies Code. The opportunity for non-binding alternative dispute resolution will be available only after all internal procedures are exhausted.

Cross Reference: Tex. Educ. Code § 51.942; Tex. Civ. Prac. & Rem. Code Ch. 154; Faculty Handbook; Academic Freedom and Responsibility (7.3); Academic Appointments and Titles (7.2); and Tenure and Continued Employment (7.29).

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
July 23, 2019
July 26, 2016
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Performance Management Plan

Policy Number: 11.20

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/20/2020

Unit(s) Responsible for Policy Implementation: Director of Human Resources

Purpose of Policy (what does it do): This policy establishes that the university will utilize a performance management plan to evaluate employee work efforts annually for non-faculty employees.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Performance Management Plan

Original Implementation: July 14, 1998
Last Revision: *October* ~~April~~ *31*~~20~~, 20*22*~~21~~

Purpose

This policy establishes that the university will utilize a performance management plan to evaluate employee work efforts annually.

This policy applies to all non-faculty employees at Stephen F. Austin State University that have completed their initial employment probation prior to the beginning of the annual evaluation period. Positions that are excluded include academic department chairs, deans, library director, charter school teachers, ~~and~~ all coaches, *and positions reporting directly to the Board of Regents*. However, all categories listed as an exemption shall have some form of evaluation system, but are not governed by this policy. This policy also does not apply to positions which require student status, casual employees, or employees working less than 50% FTE.

General

The goal of the performance management plan is to maximize employee work efforts to achieve university, organizational and individual objectives through active participation in the goal-setting process; to ensure that all employees receive a timely and objective review of their job performance each year; to identify employees whose job-related performance and conduct does not meet established objectives or contribute effectively to the university; and to ensure that job performance is measured effectively for compensation purposes.

Human Resources (HR) oversees the performance management plan ~~to~~ includ*ing*~~e~~ development of applicable forms, retention of completed evaluation plans and establishing guidelines for evaluating employees' performance.

Documentation

The review plan for each employee should be free from discrimination including race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, citizenship, or veteran status. Supervisors may not consider the employee's use of federally protected leaves, such as Family Medical Leave, against the employee during the evaluation. For further clarification, please contact human resources. Each supervisor will be held responsible for ensuring the review is fair, objective, accurate, and honest and discussed with the employee. Supervisors are also responsible for ensuring consistency of application within their

departments. Reviewing supervisors are responsible for ensuring compliance with EEO law. *The reviewing supervisor should complete their review prior to the supervisor meeting with the employee being reviewed.*

Compensation Actions

Employees must be evaluated to be eligible for merit increases. Merit pay increases, general pay increases, and all other compensation actions are to be consistent with the level of an employee's actual job performance. Merit increases are to be withheld for employees who had an overall rating of less than acceptable and therefore are not fully effective in their job performance. Administrative leave is to be withheld for employees who receive a rating of less than acceptable in any evaluation factor.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Performance Management Plan and Review (Available on the Internet)

Board Committee Assignment: Academic and Student Affairs

Revision History: April 20, 2021
January 30, 2018
January 27, 2015
July 17, 2012
April 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Prohibition of Enrollment Inducement of Students Utilizing Military Benefits

Policy Number: 6.23

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Executive Director of Enrollment Management

Purpose of Policy (what does it do): Policy to explain military benefits at SFA.

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: Minor edits.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Rachele' Garrett, Interim Executive Director of Enrollment Management
Damon Derrick, General Counsel

Prohibition of Enrollment Inducement of ~~Military Service Members~~*Students Utilizing Military Benefits*

Original Implementation: July 16, 2013
Last Revision: ~~July 23, 2019~~*October 31, 2022*

Stephen F. Austin State University prohibits inducements (including any gratuity, favor, discount, entertainment, hospitality, loan, transportation, lodging, meals, or other items having a monetary value of more than a de minimus amount) *with the exception of scholarships, grants and tuition reductions provided by the educational institution* to any individual or entity (other than salaries paid to employees or fees paid to contractors in conformity with all applicable laws) for the purpose of securing enrollments of ~~military service members or obtaining access to tuition assistance (TA) funds~~ *students using any form of Veterans Administration (VA) education benefits or tuition assistance (TA) funds*. This includes:

- Refraining from ~~high pressure~~ *deceptive or persistent* recruitment ~~tactics~~ *techniques, ~~including on~~including on military installations that may include* ~~such as~~ *misrepresentation or payment of incentive compensation, ~~making three~~making three or more unsolicited contacts to ~~a covered~~such an individual during a 1-month period (including contacts by phone, email or in-person) or engaging in same day recruitment and registration.*~~making multiple unsolicited phone calls to military service members for the purpose of securing their enrollment.~~

- Refraining from providing any commission, bonus, or other incentive payment based directly or indirectly on securing enrollments or federal financial aid (including TA funds) to any persons or entities engaged in any student recruiting, admission activities, or making decisions regarding the award of student financial assistance.

Fraud or ethics concerns should be reported to Audit Services at www.sfasu.edu/audit/fraudreport.asp.

Cross Reference: None

Responsible for Implementation: ~~Provost and *Executive* Vice President for Academic Affairs~~*Executive Director of Enrollment Management*

Contact for Revision: ~~Provost and *Executive* Vice President for Academic Affairs~~*Executive Director of Enrollment Management*

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: July 23, 2019
January 26, 2016

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Public Health

Policy Number: 13.16

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/21/2020

Unit(s) Responsible for Policy Implementation: Vice President for Student Affairs

Purpose of Policy (what does it do): Outlines the university's response to public health emergencies.

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 <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Student Affairs Policy Committee
Brandon Frye, Vice President of Student Affairs
Damon Derrick, General Counsel

Public Health

Original Implementation: February 29, 1988
Last Revision: ~~July 21, 2020~~*October 31, 2022*

Stephen F. Austin State University recognizes an obligation to promote public health on campus by ~~taking action~~*acting* to protect students, faculty, and staff from the spread of contagious and infectious diseases. An effective and responsible approach to safeguarding public health on campus requires that legitimate concerns about the potential for transmission of diseases in university settings neither be sensationalized nor minimized, but that university officials work closely with other interested parties to establish policies and procedures that inhibit the likelihood of contagion while promoting an educational environment characterized by safety, continuity, and calm.

When circumstances arise that require review, the vice president *of*~~for~~ ~~university~~ *student* affairs *or their designee* will convene a Public~~/Student~~ Health Committee, consisting of appropriate faculty and staff members. This committee will assist the vice president in coordinating the university's efforts to fulfill its responsibility concerning public health. In carrying out its tasks, the committee will review the guidelines of recognized authorities including the *World Health Organization, the* National Centers for Disease Control, and the Texas Department of *State* Health Services.

Based on the severity of the public health issue being addressed, the Public Health Committee may make recommendations to the president that certain policies, *plans, and/or protocols* be initiated, suspended or modified on an emergency basis, as needed.

In the event of public inquiry concerning university policy on public health or health-related matters at SFA, the ~~executive director~~*chief marketing and communications officer* ~~of university marketing communications~~, or their designee, will serve as the official spokesperson for the university. Medical records of individuals shall remain confidential, but public information will be disclosed upon request in accordance with the Texas Public Information Act and the Family Educational Rights and Privacy Act. Requests for such information should be referred to the university's general counsel.

If a public health issue arises that could involve the continuity of business and academic functions of the university, other ad hoc committees may be impaneled as needed to address those particular issues.

Cross Reference: Tex. Health & Safety Code Ch. 81, 181; Tex. Gov't Code Ch. 552; Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g

Responsible for Implementation: Vice President *of*~~for~~ ~~University~~ *Student* Affairs

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: July 21, 2020
April 25, 2017
July 29, 2014
July 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Reasonable Workplace Accommodation for Disabilities

Policy Number: 11.22

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/26/2022

Unit(s) Responsible for Policy Implementation: Director of Human Resources

Purpose of Policy (what does it do): Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations, which does not constitute an undue hardship to the university.

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: N/A

Specific rationale for <u>each</u> substantive revision: Name change & addition of information related to Pregnancy Discrimination Act of 1978 and the Fair Labor Standards Action, Section 7(r).

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Reasonable Workplace Accommodation~~s for Disabilities~~

Original Implementation: April 20, 2004
Last Revision: ~~July 26, 2022~~*October 31, 2022*

Purpose

Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations, which does not constitute an undue hardship to the university.

Stephen F. Austin State University shall make reasonable workplace accommodations for employees with sincerely held religious beliefs in accordance with the Texas Labor Code, and/or for employees who qualify under the Pregnancy Discrimination Act of 1978 and Section 7(r) of the Fair Labor Standards Act, if the requested accommodation does not constitute an undue hardship.

Definitions

Disability - a physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having such impairment.

Qualified individual with a disability - an individual who meets all the skills, experience, knowledge, educational and other job requirements of the position. In addition, the individual can perform the essential functions of the position with or without reasonable accommodation.

Reasonable accommodations - modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable SFA's employees with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Undue hardship - incurred when an accommodation request impacts the operations or business through the cost factors involved, or the effect on the safety of the requestor or other individuals, or due to the impact on the university's ability to conduct business.

General

Job postings will include a statement that all responsible workplace accommodations are requested by calling the human resources department. The director of human resources or his/her designee will be responsible for overseeing the reasonable workplace accommodation policy and the procedures to ensure compliance.

Any employee requiring an accommodation shall notify his/her immediate supervisor as soon as practical, informing the supervisor of the nature of the disability *or other reason for accommodation*. Any supervisor notified of a disability *or receiving a workplace accommodation request* shall immediately report it to the director of human resources or his/her designee.

The employee shall provide to the director of human resources or his/her designee the following within a reasonable time from the date of notification~~, not to exceed fourteen (14) calendar days~~:

- A copy of all documentation relevant to making a decision about reasonable accommodation. Relevant documents may include, but are not limited to, medical records.
- *For disability requests,* ~~A~~*a* letter from an appropriate healthcare or rehabilitation professional. The letter shall contain a diagnosis, prognosis, and an evaluation as to the effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position.
- ~~A copy of all documentation relevant to making a decision about reasonable accommodation. Relevant documents may include, but are not limited to, medical records.~~

The director of human resources or his/her designee may request a letter from the employee *requesting disability accommodation* that includes:

- The nature and extent of the physical or mental impairment;
- A complete medical diagnosis by a qualified professional, including the results of any tests conducted to verify the extent of the condition;
- Which, if any, of the major life functions are substantially limited as a result of the employee's condition;
- A prognosis, including the permanent or temporary nature of the condition and a list of all job functions or tasks the employee cannot perform but can perform if reasonable accommodation is provided; and
- Recommendations for appropriate accommodations based on the job description and current duties, if applicable, including the source and type of any special equipment that may be needed.

The director of human resources of his/her designee may request a letter from the employee requesting religious accommodation that includes:

- *The religious belief, practice, or observation obligation that is the basis of the accommodation request.*
- *The work requirement that conflicts with the religious belief, practice, or observation obligation and an explanation of the nature of the conflict.*
- *Recommendations for appropriate accommodations based on the job description and current duties, if applicable.*

The director of human resources or his/her designee shall confer with the employee to ascertain the employee's requirements and input on a reasonable accommodation.

Before making a decision regarding the accommodation, the director of human resources or his/her designee may submit the employee's request for accommodation, accompanying documentation and medical records to an appropriate health care professional or a disability committee of appropriate university employees familiar with determining disability status for evaluation and recommendations at the university's expense. All information will be kept confidential by the expert or committee and all documentation provided to the expert/committee will be returned to the university by the expert/committee.

Based on the relevant information provided, the director of human resources or his/her designee shall determine what, if any, reasonable accommodation will be made and shall convey it to the employee and management. If accommodation would constitute undue hardship on the university, supporting documentation will state the reasons. An undue hardship determination will conform to definitions provided by the courts, ADA Amendments Act of 2008, and state regulations. Factors that may affect an accommodation decision should include, but are not limited to, the availability of funding, the amount of disruption of work of other employees, and the impact on the university's ability to conduct business.

Reasonable workplace accommodations taken may include making existing facilities readily available; modifications or adjustments to the work environment or manner or circumstances under which the position's essential functions are customarily performed; modifications or adjustments that enable the individual with the disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities; and other appropriate adjustment to the work environment of a qualified individual with a disability *or sincerely held religious belief.*

Unless extenuating circumstances exist, the review process should ~~not exceed a period of thirty (30) calendar days~~*occur promptly without unreasonable delay*.

The director of human resources or his/her designee shall periodically confer with the employee with the disability to determine continuance of the workplace accommodation and shall notify the appropriate university personnel regarding the continuation or discontinuation of the workplace

accommodation.

In addition to ADA information, all medical information concerning the employee requesting an accommodation shall remain confidential and separate from personnel files. This includes any doctor's statements, leave forms, or any other information that pertains to the medical condition or medical history of the employee. This pertains not only to all records kept by the human resources department, but extends to any records kept in the departmental offices.

The president or his/her appointed representative shall periodically review and update this policy and procedures to ensure compliance with EEO laws.

Cross Reference: Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. § 793, 34 C.F.R. § 104, 41 C.F.R. § 60-741; the Americans with Disabilities Act of 1990, Pub. L. No. 110-325, 42 U.S.C. §§ 12101-12213 as amended by the American with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553; ~~and the~~ Tex. Lab. Code §§ 21.051-129*; -Pregnancy Discrimination Act of 1978; Fair Labor Standards Act, Section 7(r)*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: July 26, 2022
July 23, 2019
July 26, 2016
July 16, 2013
July 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Regents Scholar

Policy Number: 7.24

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): Explains what the Regents Scholar is and how one obtains this high honor.

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 <u>each</u> substantive revision: Text clarification; revised eligiblity to nominate; revised the review panel membership

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affair Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Regents Scholar

Original Implementation: October, 1979
Last Revision: ~~July 23, 2019~~*October 31, 2022*

The title of Regents Scholar is the highest honor that the university may bestow upon a member of the faculty. The honor is reserved for faculty members who are exemplary role models to the university community. The title of Regents Scholar is not an academic rank, but an honorary title held for the duration of the recipient's service to the university.

1. Only tenured full professors *and librarian IV* are eligible for nomination. They must have served a minimum of five years at Stephen F. Austin State University and remain on active service during the academic year of the award. Previous recipients of the award are ineligible.

2. Faculty members are nominated on the basis of extraordinary merit in teaching, research/scholarly/creative accomplishment, and service. Evidence of exceptional performance must exist in each category.

3. A nomination may be submitted by any ~~tenured~~ *full-time faculty member*~~. member of the university faculty~~. The nomination must be seconded by another *full-time faculty member*~~tenured member of the faculty~~. The nomination and second are submitted by letters through the relevant academic unit leader and dean, then to the provost and *executive* vice president for academic affairs.

4. Upon acceptance of a nomination, the nominator and second will assist the nominee in preparing a dossier. The instructions for preparing and submitting the dossier can be found on the "Regents Scholar Award" page of the Academic Affairs website.

5. ~~*A committee* The provost and executive vice president for academic affairs appoints a review panel of six from the ranks of former Regents Scholars (formerly titled Regents Professors) and deans, with attention to disciplinary balance. The review panel *consisting of seven elected, full-time tenured faculty members who hold the rank of associate professor or above (one from each academic college and one from the library) will* will *be convened. Elections for these positions will be held within each college.* examine the dossiers independently *In addition, the provost will appoint one former Regents Professor / Scholar to serve as an ex officio member of the committee.*~~*The provost and executive vice president for academic affairs appoints a review panel of six, with four from the ranks of former Regents Scholars (formerly titled Regents Professors) and deans, and with one full professor serving as an academic unit head, and one full professor serving as a faculty senator. The panel will reflect disciplinary balance. –If qualified full professors are unavailable or unwilling, exceptions to the panel composition may be made by the provost and executive vice*

president.

~~5.~~*6. The* ~~*committee*~~*panel will review the dossiers and* ~~and~~ vote by anonymous ballot.

~~6.~~*7.* The provost and *executive* vice president for academic affairs will receive the ballots from the panel and, on the basis of the input, decide whether to recommend a nominee to the Board of Regents, through the president. The applications of nominees not selected will remain in the pool for two additional years.

~~7.~~*8.* The designation as Regents Scholar may be made only by the Board of Regents.
~~8.~~
9. The recipient is awarded a Regents Scholar medallion, a framed certificate, and a one-time stipend.

~~9.~~*10.* The recipient will be recognized by the Board of Regents at the fall board meeting. The recipient will have the opportunity to participate as a member of the platform party during commencement ceremonies throughout the academic year *of the award recognition*.

Cross Reference: None

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

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

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: July 23, 2019
November 2, 2015
January 29, 2013
October 12, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities

Policy Number: 13.18

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): To comply with state law that requires the reporting of abuse, exploitation, or neglect of elderly or disabled persons.

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 <u>each</u> substantive revision: No changes.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Tiffany Rivers, Director of Disability Services
Michara DeLaney-Fields, Chief Diversity Officer
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Reporting of Abuse, Exploitation or Neglect of Elderly Persons or Persons with Disabilities

Original Implementation: August 1, 2000
Last Revision: October ~~28, 2019~~*31, 2022*

Purpose

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 Section 48.002 of the Human Resources Code.

Reporting

Unless otherwise required by law, 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 person or person with a disability has been abused, exploited or neglected within the university and its programs. Failure to report may subject the employee or student to university and/or criminal penalties. 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 person with a disability, 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 Texas Workforce Commission shall be reported to the commission-assigned liaison or client's sponsoring vocational rehabilitation 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 person or person with a disability 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 person or person with a disability, 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. “Exploitation” means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person’s social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person.

3. "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.

Cross Reference: Tex. Hum. Res. Code Ch. 48

Responsible for Implementation: President

Contact for Revision: Director of Disability Services, General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Selection of Academic Deans

Policy Number: 4.9

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines on the process of selecting an academic dean with regards to the selection and responsibilty of the search committee.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor Revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Selection of Academic Deans

Original Implementation: Unpublished
Last Revision: ~~October 28, 2019~~*October 31, 2022*

The academic dean is the chief executive of the college and is responsible for fostering excellence in teaching, research/scholarship/creative activity, and service. Reporting directly to the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs, the academic dean has a major role in developing and interpreting university policy.

This policy outlines search procedures and responsibilities for the selection of an academic dean.

Selection of the Search Committee: The search process begins with the establishment of a search committee. After consulting with college faculty and academic unit heads, the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs determines the search committee size and composition, and appoints an academic dean (outside the college) to serve as chair. Ideally, the committee will be composed of an odd number of members (elected or appointed) consisting of at least one representative from each of the academic units of the college and having a balanced mix of tenured or tenure-track faculty and academic unit heads. Additionally, students and outside representatives may be elected or appointed to serve as non-voting ex-officio members of the committee.

If a fully open search is not viable, a decision limiting the scope of the search should be made prior to the selection of the search committee. Such a decision will be made by the ~~p~~*P*rovost and *Executive V*~~v~~ice *P*~~p~~resident for ~~a~~*A*cademic *A*~~a~~ffairs in consultation with the academic unit heads and college faculty.

The *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for ~~a~~*A*cademic ~~a~~*A*ffairs will convene the committee for its organizational meeting. The committee may choose to elect other committee officers. The chair may designate a committee member from the respective college as a contact for external inquiries.

Search Committee Responsibilities: The search committee coordinates the recruitment process, working closely with the *P*~~p~~rovost and *Executive V*~~v~~ice *P*~~p~~resident for *A*~~a~~cademic *A*~~a~~ffairs. The committee is responsible for developing a position description, advertising the position, screening candidates, and arranging candidate interviews. Each search will be conducted without prejudice for internal or external candidates. The committee will contact human resources for mandatory training and for assistance as needed.

Ordinarily, at least two candidates recommended by the committee will be interviewed on campus. The itinerary for the interviews will provide ample opportunity for candidates to meet college faculty, students, academic unit heads, other deans, vice-presidents, and the president. After

interviewing candidates, the committee will make its recommendation to the ~~p~~*P*rovost and *Executive V*~~v~~ice *P*~~p~~resident for ~~a~~*A*cademic ~~a~~*A*ffairs. Appointment is by the president and requires approval of the Board of Regents.

Funds for Recruitment: Expenses incurred during the search are generally borne by the college with the vacancy with possible additional funds from other sources.

Cross Reference: Faculty Handbook, Human Resources Selection Procedures for Faculty and Staff; Employee Affirmative Action/Recruitment Plan (11.9); Affirmative Action (11.1)

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

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

Forms: Human Resources hiring forms

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 31, 2017
July 29, 2014
April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Staff Employment

Policy Number: 11.5

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/26/2020

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes SFA's employment process for staff, including those paid with grant and contract funds. It also establishes that the Department of Human Resources is responsible for developing staff employment policies and procedures. This policy does not include student or temporary staff employment.

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: N/A

Specific rationale for <u>each</u> substantive revision: Multiple edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Human Resources Director
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Staff Employment

Original Implementation: October 26, 2020
Last Revision: *October 31, 2022*~~None~~

Purpose

This policy establishes SFA's employment process for staff, including those paid with grant and contract funds. It also establishes that the Department of Human Resources is responsible for developing staff employment policies and procedures. This policy does not include student *(including graduate assistant)* or temporary staff employment.

Background

This policy describes employment practices and ensures that each employment action conforms to state statutes, university policies, fund availability, and university goals. All hiring decisions for vacant positions are made based on lawful, job-related, and non-discriminatory criteria and in keeping with Policy 2.11, Nondiscrimination, which prohibits unlawful discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, citizenship, and veteran status.

Departments may choose initially any of the following three options to fill a position vacancy~~Staff positions may be filled~~*: internal promotion within a department, campus-wide recruitment using an internal posting, or external recruitment through a public posting.*~~ either by promoting or transferring a current employee or by hiring from outside the university.~~

Internal promotions within a department require a review of all current employees to determine those who are qualified for promotion. All selected candidates must meet the minimum education and experience requirements stated on the official university job description for the position. Before extending an offer of promotion, a department should contact Human Resources to verify that the candidate meets the stated qualifications.

Campus-wide recruitment may be used when only current university employees are to be considered to fill the vacancy. External recruitment provides for a public posting of the vacancy, open to all qualified applicants. Both campus-wide recruitment and external recruitment postings must remain active for applications for a minimum of five business days.

The hiring process *for recruited vacancies* consists of identifying the vacancy and evaluating the need for the position; revising the job description as necessary; selecting a search committee; posting the vacant position; reviewing and screening applicants; conducting interviews; selecting a candidate; and finalizing the employment offer. For a general overview of the hiring process, see the human resources website.

Posting Vacant Positions

Vacant staff positions, *except for positions to be filled by promotion,* must be posted on the SFA careers website. ~~assistant and casual (sporadic or short-term) positions do not have to be posted unless so desired.~~ Positions are posted for at least the minimum number of days based on position and/or posting type as established by the Department of Human Resources. All staff postings that are posted externally are advertised on the jobs website hosted by the Texas Workforce Commission. Staff postings may be advertised on HigherEdJobs.com at the discretion of the hiring department. Advertisements in other locations are determined by the hiring department with the approval of human resources and university marketing communications.

Human resources maintains a bank of job posting templates that include each position's description. Departments may request updates to job descriptions and posting templates prior to creating a posting, using a process determined by human resources. Hiring departments must provide position--specific information that is required by human resources before a position is approved to be posted. To help develop a viable candidate pool, the university may enter a contract with a hiring firm to fill positions, in which case applicants may be directed to apply for the position through other methods.

Training

Part of the posting creation process is the designation of a search committee to contribute to the hiring decision. Search committee training is required every two years for search committee members. Training information is contained in the learning management system. *Additionally, there are resources for developing selection matrices, interview questions, and hiring files in the hiring manager's toolkit on the human resources website.*

Screening Candidates

A screening matrix is required for all *posted* staff ~~positions~~*vacancies*. The hiring department is required to submit the screening matrix to human resources for approval prior to screening applicants. The matrix is designed to document justification for selecting applicants for an interview and all qualified applicants are to be included on the approved matrix. A sample screening matrix is available on the human resources website. If search committee members discover that a relationship with an applicant exists as defined by Policy 11.16, Nepotism, they must notify the search committee chair immediately.

Veteran's Preference

In accordance with state law, an individual who qualifies for a veteran's employment preference is entitled to a preference in employment with or appointment to a state agency over other applicants for the same position who do not have a greater qualification.

Former Foster Child Preference

In accordance with state law, an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday

is entitled to a preference in employment with a state agency over other applicants for the same position who do not have a greater qualification.

Interviewing

The hiring department is required to submit interview questions to human resources for approval prior to conducting interviews. Sample interview questions are available on the human resources website. All interview questions asked throughout the hiring process, to include phone and/or video interviews, must be job-related and approved by human resources.

Hiring of New Staff

The hiring department will submit the search file to human resources for an EEO compliance review prior to offering a conditional employment offer to the selected candidate. The hiring department will *then* submit a hiring proposal to hire the selected candidate through the SFA careers website. *The hiring proposal should contain all documents and records related to the search including, but not limited to, the job posting, initial screening matrix, interview notes, and a selection justification for the selected candidate. The hiring proposal and any search documents should be kept for two years following the date of hire of the selected candidate*. Information on completing the required steps to submit a hiring proposal is available on the human resources website. The hiring department has full discretion for placing a new employee's pay up to the midpoint of the salary grade. Hiring rates above the midpoint require approval by human resources before the verbal offer is extended to the candidate in accordance with Policy 12.2, Staff Compensation and Classification.

Accepted Employment Offer

~~U~~*U*pon the candidate's acceptance of an employment offer, human resources conducts a background check for all new staff employees and former employees with a break in service. After the background check is completed successfully, the hiring department should submit the appropriate electronic personnel action form (EPAF) to start the employee's job assignment. An EPAF submission is required before a new employee is permitted to start work.

Appointment of full-time exempt administrative/professional staff~~,~~ *and* changes in position status of full- time exempt administrative/professional staff~~, and temporary staff services~~ are subject to the approval of the SFA Board of Regents as stated in Policy 1.4, Items Requiring Board of Regents Approval. Human resources provides new appointments and appointment changes to the coordinator of board affairs/compliance before each board meeting.

Cross Reference: Items Requiring Board of Regents Approval (1.4); Compliance with the Americans with Disabilities Act and the ADA Amendments Act (2.5); Nondiscrimination (2.11); Affirmative Action (11.1); Electronic Personnel Action Form (11.8); Employment of Persons with Criminal History (11.12); Fair Labor Standards (11.14); Nepotism (11.16); Reasonable Workplace Accommodation for Disabilities (11.22); Security-Sensitive Positions (11.25); Staff Compensation and Classification (12.2); Tex. Gov. Code Ch. 657

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Human Resources

Forms: Departmental Checklist for Recruiting, Interviewing, and Hiring; *Hiring Manager's Toolkit;* Job Analysis Questionnaire (JAQ) form; Human Resources website

Board Committee Assignment: Academic and Student Affairs

Revision History: None

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Timely Warning

Policy Number: 13.22

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): A Campus Crime Alert/Timely Warning (A/TW) is designed to provide students, faculty and staff with timely notification of significant events that represent a serious and/or continuing threat to the campus community. The alert issued relative to a crime and/or suspect may seek information that will help lead to the arrest and conviction of an offender.

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: N/A

Specific rationale for <u>each</u> substantive revision: The Emergeny Management Coordinator has been added as the secondary approver for Timely Warning notification approver.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Fields, Chief of Police
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Timely Warning

Original Implementation: October 30, 2007
Last Revision: ~~*November 7*~~ *October 31, 2022*~~October 28, 2019~~

Purpose

A Campus Crime Alert/Timely Warning (A/TW) is designed to provide students, faculty and staff with timely notification of significant events that represent a serious and/or continuing threat to the campus community. The alert issued relative to a crime and/or suspect may seek information that will help lead to the arrest and conviction of an offender.

~~**Timely Warning Procedure**~~***General***

The Stephen F. Austin State University Police Department (UPD) is responsible for determining if an emergency exists, then preparing and issuing Alerts/Timely Warnings. As no two incidents are alike, the decision to issue an A/TW will be made on a case-by-case basis, considering the facts surrounding an event and the perceived continuing danger to the campus community. Upon learning of an incident that could potentially require issuing an alert, the UPD supervisor on duty will brief the chief ~~or assistant chief of police~~*and* ~~or~~ the emergency management *coordinator*~~director~~, who will make a determination regarding issuance of an A/TW. Should the chief and *emergency management coordinator*~~assistant chief~~ be unavailable, the supervisor on duty should brief an available *highest ranking UPD supervisor*~~lieutenant~~ who will make the issuance decision. Should contact not be possible with any of the police officials described above, the vice president for *finance and administration* ~~university affairs~~ may be contacted to make the issuance decision. An A/TW may be reasonably delayed if law enforcement officials determine that such an alert would risk or compromise law enforcement efforts to deal with the emergency or rescue a victim.

Information may originate with law enforcement agencies or law enforcement officers other than UPD that may require an A/TW. Such information may indicate an incident has occurred, or is likely to occur, that represents a serious or continuing threat to campus safety. When notified by an external agency, the decision to issue an A/TW will be made in the same process described above.

Information included in Campus Crime Alerts will include the following, at minimum, unless it is determined by law enforcement that such information would compromise law enforcement efforts to deal with the emergency or rescue a victim:

1. A concise description of the incident and type of crime, including location, date and time of

occurrence
2. A physical description of the suspect, including gender and race
3. Composite drawing of the suspect, or photograph, if available
4. Apparent connection to previous incidents, if applicable
5. Race of the victim, but only if there were an apparent bias motive
6. Sex of the victim, if relevant
7. Injury sustained by the victim
8. Date and time the campus alert was released
9. A notice to the campus community to exercise caution

The name of the victim is confidential and will not be released in Campus Crime Alerts. Alerts/Timely Warnings may be delivered using one or more of the following systems:

1. Outdoor alert system
2. Mobile alert system (Jack Alert Emergency Notification System)
3. E-mail to students' and employees' campus accounts
4. Web page banners on all pages hosted on the primary SFA Web server, linked to the campus alert Web site
5. Social media (Facebook, Twitter)
6. Television alert broadcast (television connected to the campus cable TV provider)
7. Public address speaker from a marked university police vehicle

Information included for a severe weather or significant emergency A/TW will include the following:

1. Type of weather event or emergency
2. Safety precautions persons should take

Alternative methods for distributing Campus Crime Alerts/Timely Warnings may include, but are not limited to, media releases, campus newspaper, flyers posted in university buildings and phone message boards.

Any or all methods may be activated depending on the emergency and its circumstances.

Cancellation Procedure

When the incident causing the A/TW to be issued no longer poses an imminent threat to the campus community, the alert may be terminated by the chief of police. ~~or the assistant chief~~ *In the absence of the chief of police, the emergency management coordinator or the deputy chief of*

police can terminate the notification alert. Should these positions be unavailable, the alert may be terminated by an available ~~lieutenant~~ *supervisor* or the vice president ~~of~~*for* ~~–~~ *finance and administration*~~university affairs~~. Upon termination of an alert, an "All Clear" message will be transmitted to the campus community.

Cross Reference: 20 U.S.C. § 1092(f); Annual Disclosure of Crime Statistics (13.3)

Responsible for Implementation: Vice President for *Finance and Administration* ~~University Affairs~~

Contact for Revision: Executive Director of Public Safety/Chief of University Police

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: University Closure for Inclement Weather and Other Emergencies

Policy Number: 13.12

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration/Vice President of Student Affairs

Purpose of Policy (what does it do): This policy establishes procedures for the university in the event of inclement weather or other emergencies.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Student Affairs Policy Review Committee
Brandon Frye, Vice President of Student Affairs
Damon Derrick, General Counsel

University Closure for Inclement Weather and Other Emergencies

Original Implementation: June 1, 1990
Last Revision: October *31*~~28~~, 20~~19~~*22*

Purpose

This policy establishes procedures for the university in the event of inclement weather or other emergencies.

General

In the event inclement weather or other conditions impede the normal operations of the university, the president may declare an emergency, cancel/delay classes, and close university offices for an appropriate period. The president's decision may be provided to the news media by the University Marketing Communications office and broadcast by the University Police Department via the JackAlert Campus Notification System. In the absence of a specific announcement otherwise, faculty, staff and students should assume normal operation of the university.

If the president declares an emergency, cancels/delays classes, and/or closes university offices, certain critical areas shall be required to continue operations. These are:

1. University Police Department - Employees designated by the executive director/chief of police.
2. Physical Plant - Employees designated by the director of the physical plant department.
3. ~~3.~~ Residence Life and *Student Center* - Employees designated by the ~~director of residence life~~*Executive Director of Campus Living, Dining, and Auxiliary Enterprises*.
4. ~~4.~~*3.* ~~Student Center – Employees designated by the director of student services~~*the Baker Pattillo Student Center*~~.~~
5. ~~5.~~*4.* Any other area deemed critical by an appropriate vice president *or president's cabinet member*.

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.

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: Vice President *of* ~~for~~ ~~University~~ *Student* Affairs, *Vice President for* ~~of~~ *Finance and Administration*

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

Building and Grounds Committee

ONCOR TRANSFER OF EQUIPMENT AND FACILITIES BILL OF SALE AND ASSIGNMENT AND ASSUMPTION AGREEMENT

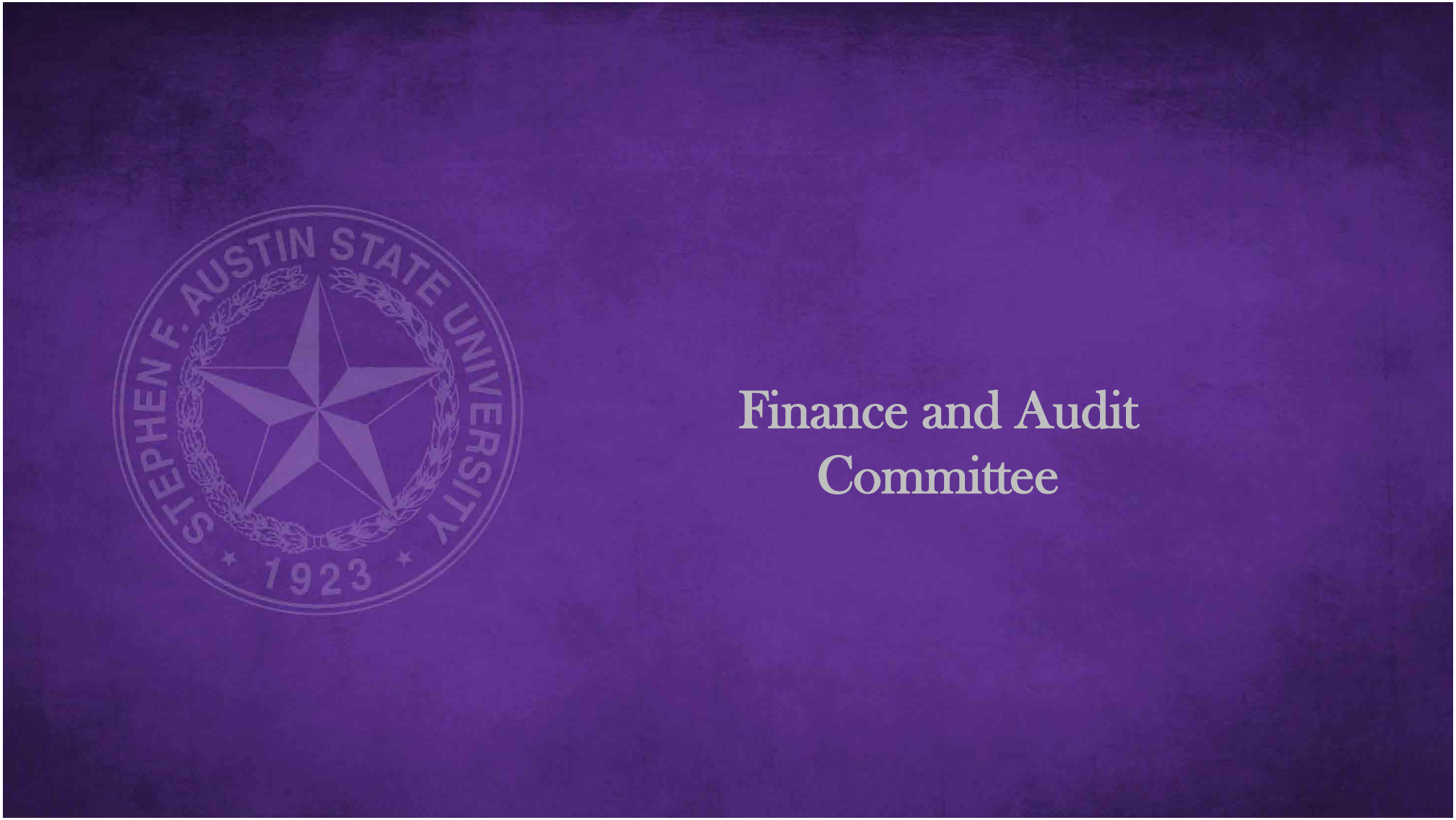
Explanation:

Oncor Electric Delivery Company, LLC currently owns and maintains a portion of an electrical substation on the SFA campus ("SFA Substation"), located on East College Street adjacent to the Physical Plant Department and the SFA Arboretum. Within the confines of the substation, SFA currently owns three (3) breakers which feed electricity to the majority of the SFA main campus. The SFA Physical Plant Department is responsible for the maintenance, repair and replacement of the three breakers.

SFA seeks to transfer sole ownership of the equipment, fixtures, facilities, and all associated appurtenances to Oncor Electric Delivery, which would result in future maintenance and cost savings.

Recommendation:

The administration recommends the approval of the presented resolution that provides authorization to transfer equipment and facilities located at SFA Substation and designates the vice president for finance and administration as the authorized signatory on all associated contracts and documents.


STEPHEN F. AUSTIN STATE UNIVERSITY
1923
Finance and Audit
Committee

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

Explanation:

The *Board Rules and Regulations* state that the chief audit executive shall assist the board in carrying out its oversight responsibilities as they relate to the university's a) financial and other reporting practices, b) internal control, and c) compliance with laws, regulations and ethics. The chief audit executive reports to the Board of Regents on the status of the annual audit plan, internal and external reports, risk assessment and audit/compliance issues.

The audit services report as presented includes the following:

Endowment Audit
Higher Education Emergency Relief Funds Audit
Annual Inventory
Internal Projects / Investigations
Update on Audit Plan

Recommendation:

Acknowledge receipt of the audit services report pending consideration by the Finance and Audit Committee.

ANNUAL AUDIT REPORT AND AUDIT CHARTER

Explanation:

According to the Rules and Regulations of the Board of Regents, the chief audit executive shall submit an annual report as required by Art. 6252-5d, V.T.C.S., recodified at Government Code, Chapter 2101. The annual report shall be submitted to the president and the board for review prior to public dissemination. In addition, the Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing (the standards) require the internal audit charter to be approved periodically. The internal audit charter provides the purpose, authority, responsibility, and position of the internal audit department. The charter is included in the annual audit report.

Recommendation:

Approval of the annual audit report and audit charter pending approval of the Finance and Audit Committee.

RATIFICATION OF THE 2024-25 LEGISLATIVE APPROPRIATIONS REQUEST

Explanation:

The 88th Legislative session will begin in January 2023 to determine appropriations for the 2024-2025 biennium. Agencies and institutions of higher education submitted a Legislative Appropriations Request (LAR) to the Legislative Budget Board (LBB) in August and a revision in October 2022 to request appropriated funds for fiscal years 2024 and 2025.

The revised LAR contained the following exceptional item requests: $130 million for Campus Capital Renewal & Modernization; $23.4 million for additional Institutional Enhancement funds for Salary Equity; $2 million for First-Generation Student Support; $1.7 million for STEM Teacher Preparation Program; and $1.07 million for the SFA Center for Entrepreneurship.

In addition to the exceptional item requests, the university requested continued funding of non-formula support items, including debt service.

The LAR is posted on the SFA Budget Office website.

Recommendation:

The administration recommends ratification of the 2024-25 Legislative Appropriations Request as submitted.

CONTRACT OVER $1 MILLION – AMENDMENT TO KDW CONTRACT FOR DEMOLITION OF HALL 16

Explanation:

In October 2018 Board Order 19-07, the Board of Regents selected Kingham Dalton Wilson (KDW) as the construction manager-at-risk (CMR) for the construction of a new dining hall, residence hall, and other projects. The university entered into a master agreement to provide these services. In July 2022, the Board of Regents authorized approval of the Residence Halls and Auxiliary Deferred Maintenance and Improvements project budget in the amount of $20,401,518.35. Utilizing funds from the project budget, the administration seeks approval to amend KDW's master agreement to a not-to-exceed total of $1,123,291 for asbestos abatement and demolition of Residence Hall 16, including debris removal and site preparations to make way for a new campus dining hall.

Recommendation:

The administration recommends approval of an amendment to the master agreement with KDW for an amendment amount not to exceed $1,123,291 that includes asbestos abatement, demolition of Residence Hall 16, debris removal and site preparations to make way for a new campus dining hall. The administration further recommends authorization for the president to sign associated purchase orders, contracts and amendments as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

ACKNOWLEDGE RECEIPT OF CONTRACT MONITORING REPORT

Explanation:

In accordance with Texas Government Code 2261.253-255, the following contract monitoring report includes information on identified contracts that require enhanced contract or performance monitoring for reporting to the Board of Regents.

The contract monitoring report as presented includes the following contracts:

Netsync Network Solutions, Inc.-Switch support
Netsync Network Solutions, Inc.-Wireless access points
Direct Energy Business, LLC

Recommendation:

Approve and acknowledge receipt of the contract monitoring report

Stephen F. Austin State University
Board of Regents – Finance Committee
Texas Government Code Contract Reporting
October 31, 2022

TABLE OF CONTENTS

Texas Government Code Contract Reporting	**1**
Netsync Network Solutions, Inc.	**2**
Netsync Network Solutions, Inc.	**3**
Direct Energy Business, LLC	**4**
Summary of Contracts	**5-6**

Texas Government Code Contract Reporting

In accordance with Texas Government Code 2261.253-255, the following contract monitoring report includes information on identified contracts that require enhanced or performance monitoring for reporting to the Board of Regents.

Vendor contract: *Netsync Network Solutions, Inc.*

Description of Contract: Network hardware including switch support and licensing for five years to support the residential wireless network. Actual support starts when all deliveries are shipped.

Vendor Awarded Contract: Netsync Network Solutions, Inc.

Procurement Method: DIR-TSO-4167

Department Responsible for Contract: Information Technology Services

Serious issue or risk with contract: None

Total Current Fiscal Year Amount: $0.00

Total Estimated Aggregate Amount: $1,913,290.10

Contract Period: 01/16/2023-01/15/2027 (estimated start date)

Board Approved: July 2022

Director Certification: Not Applicable

President Attestation: Not Applicable

Statutory Reporting Requirement: Government Code 2261.253, 2261.254

Vendor contract: *Netsync Network Solutions, Inc.*

Description of Contract: Licensing agreement for wireless access points for a five-year period in accordance with signed Software as a Service (SaaS) agreement on 8/1/2022. Actual support starts when all deliveries are shipped.

Vendor Awarded Contract: Netsync Network Solutions, Inc.

Procurement Method: DIR-TSO-4167

Department Responsible for Contract: Information Technology Services

Serious issue or risk with contract: None

Total Current Fiscal Year Amount: $0.00

Total Estimated Aggregate Amount: $1,243,026.72

Contract Period: 08/01/2023-07/31/2028 (estimated start date)

Board Approved: July 2022

Director Certification: Not Applicable

President Attestation: Not Applicable

Statutory Reporting Requirement: Government Code 2261.253, 2261.254

Vendor contract: *Direct Energy Business, LLC. (through the Texas A & M System Consortium)*

Description of Contract: Electricity in accordance with participation in an electricity contract with members of the Texas A&M system consortium representing the best value to the University by achieving a competitive electricity rate.

Vendor Awarded Contract: Direct Energy Business, LLC. through the Texas A & M university system consortium.

Procurement Method: Other State Agency Contract (Aggregated solicitation and contract process by Texas A&M system)

Department Responsible for Contract: Physical Plant

Serious issue or risk with contract: None

Total Current Fiscal Year Amount: $0.00

Total Estimated Aggregate Amount: $5,997,129.35

Contract Period: 1/1/2024 - 5/31/2025

Board Approved: July 2022

Director Certification: Completed

President Attestation: Not Applicable

Statutory Reporting Requirement: Government Code 2261.253, 2261.254, 2261.255

Summary of Contracts

Stephen F. Austin State University

Summary of Contracts

Summary of Goods and Services Contracts Greater than $1Million(including Construction)

Finance Committee -October 31, 2022

Description of contract	Vendor Awarded Contract	Procurement method	Department responsible for Contract	Serious issue or risk with contract	Total Current Fiscal Year Amount	Total Estimated Aggregate Amount	Contract period	Board Approved
PeopleAdmin update								
Network hardware including switch support and licensing for five years to support the residential wireless network. Purchase order issued 8/04/2022. Actual support starts when all deliveries are shipped.	Netsync Network Solutions, Inc.	Department of Information Resources (DIR) state contract	Information Technology Services	None	$ -	$ 1,913,290.10	01/16/2023 - 01/15/2027 estimated start date	July 2022
Licensing agreement for wireless access points for a five year period in accordance with signed Software as a Service (SaaS) agreement on 8/1/2022. Actual support starts when all deliveries are shipped.	Netsync Network Solutions, Inc.	Department of Information Resources (DIR) state contract	Information Technology Services	None	$ -	$ 1,243,026.72	08/01/2023 - 07/31/2028 estimated start date	July 2022
Electricity in accordance with participation in an electricity contract with members of the Texas A&M system consortium representing the best value to the University by achieving a competitive electricity rate.	Direct Energy Business, LLC through the Texas A&M system consortium	Other State Agency Contract	Physical Plant	None	$ -	$ 5,997,129.35	01/01/2024 - 05/31/2025	July 2022

COLLEGE OF FINE ARTS EXPANSION PROJECT BUDGET INCREASE AND GMP AMENDMENT

Explanation:

In October 2019 Board Order 20-09, the Board of Regents approved combining the gross bond proceeds of $13 million for the Welcome Center with the gross bond proceeds of $27 million for the Fine Arts Expansion resulting in a revised Fine Arts Expansion project budget of $50,000,000.

Since the project was originally budgeted in 2019, cost escalation due to inflation has affected the Fixtures, Furniture and Equipment (FF&E) budget by an increase of approximately 40%. An additional $1,300,000 is needed for FF&E, along with a contingency of $857,271 to complete the project. Furthermore, changes in on-site field conditions have resulted in the need for a roof replacement of the existing building; additional floor repair throughout the renovated spaces; mechanical, electrical, and plumbing (MEP) adjustments; a patron drop-off on East College Street; alterations to the rigging system in Turner Auditorium; and other on-site modifications and user changes. An increase in the Guaranteed Maximum Price (GMP) by $842,729 is needed for these changes. The FF&E increase, contingency, and GMP increase result in an additional project budget need of $3,000,000.

In July 2021 Board Order 21-77, the Board of Regents ratified a total GMP of $41,956,925 for the College of Fine Arts Expansion project. The increase in GMP of $842,729 results in a revised College of Fine Arts Expansion project GMP of $42,799,654. The increase in the GMP will result in an amendment to the construction manager at risk (CMR) contract with Kingham Dalton Wilson.

The administration seeks to fund the project budget increase of $3,000,000 through interest earnings and Higher Education Funds (HEF).

During the term of the project, bond proceeds were invested. Using current interest rates, total interest earnings are expected to be approximately $2,022,303.45 through August 31, 2023. In addition, $115,018.55 of interest earnings net of expenditures from the closed Welcome Center project is available. Thus, the administration seeks to utilize the projected interest earnings $2,022,303.45 plus the transfer of $115,018.55 from the closed Welcome Center project for a total of $2,137,322 of interest earnings.

In July 2018 Board Order 18-32, the Board of Regents approved the fiscal year 2018-19 Capital Plan that allocated Higher Education Funds (HEF) for Campus Space Realignment and Renovations to be prioritized based on institutional need and available resources. The administration seeks to utilize,

if needed, up to $862,678 in Campus Realignment and Renovation HEF to fund the project budget.

These changes result in a revised overall College of Fine Arts Expansion Project Budget of $53,000,000.

Recommendation:

The administration recommends increasing the overall College of Fine Arts Expansion project budget to $53,000,000 by utilizing interest earnings of $2,137,322 and Campus Realignment and Renovation HEF of $862,678.

The administration also recommends approval of an amendment to the GMP for CMR services for Kingham Dalton Wilson by a total of $842,729 resulting in a new GMP to $42,799,654.

The administration further recommends authorization for the president to sign associated purchase orders, contracts and amendments as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

CAMPUS SPACE REALIGNMENT AND RENOVATION PROJECT BUDGET – STEEN LIBRARY RENOVATIONS

Explanation:

In July 2018 Board Order 18-32, the Board of Regents approved the fiscal year 2018-19 Capital Plan that allocated Higher Education Funds (HEF) for Campus Space Realignment and Renovations to be prioritized based on institutional need and available resources.

To advance experiential learning and academic support initiatives, the administration wishes to renovate specific portions of the first floor of Steen Library to 1) create a dedicated makerspace that provides for the open, safe use of maker technologies (e.g. 3d printers, laser cutters, etc.); 2) relocate the Office of International Programs from the fourth floor of Liberal Arts North to the first floor of the Library; 3) complete the relocation of the Student Success Center from the second floor of the Library to the first floor; and 4) purchase new physical and digital signage to direct students to resources within the Library.

The administration seeks to use Campus Space Realignment and Renovation HEF to renovate and equip the spaces. The project budget is $1,500,000 which requires Board of Regents approval.

Recommendation:

The administration seeks approval to renovate and equip portions of the first floor of Steen Library for academic support initiatives and establish a project budget of $1,500,000 using funds from the Campus Space Realignment and Renovation HEF. The administration further recommends authorization for the president to sign associated purchase orders, contracts and amendments as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

GRANT AWARDS

Explanation:

In fiscal year 2022, the University received multi-year grant awards totaling $83,308,293. Of that total, grants awarded allocable to fiscal year 2022 were $28,801,699, an increase of $172,312 since the last report.

For fiscal year 2023, the multi-year grant award total is currently $41,284,982. Of this total, grant awards allocable to fiscal year 2023 are currently $6,533,749.

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

Recommendation:

The administration recommends approval and ratification of the additional fiscal year 2022 grant awards that total $172,312 and grant awards for fiscal year 2023 that total $6,533,749. The grant awards are detailed as presented.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Summary Report – Fiscal Year 2022

Amounts allocable to FY22 (detailed in this report)	
Federal funds (direct and pass-through)	$23,357,732
State Funds (direct and pass-through)	$3,272,932
Private and Local Government	$306,401
TOTAL	**$**
New awards, FY22 (detailed in this report, all project years)	**$24,030,866**
Cumulative amount allocable to FY22	**$26,937,065**
Cumulative award total FY22, all project years	**$76,821,287**
Federal Financial Aid Funds *(not included in ORGS totals)*	*$*

New, Additional, or Previously Unreported Awards for FY 2022

Federal Funds (direct and pass-throughs)

Previously Described Awards:

Collaborative Research: Investigating STEM Teacher Preparation and Rural Teacher Persistence and Retention (TPR2)
Dr. Keith Hubbard, Mathematics & Statistics
Award Total: $30,622 **Amount allocable to FY 2022:** *$30,622

SFA Prescribed Fire Monitoring Assistance, FY18-23
Dr. Brian Oswald, Forestry
Award Total: $10,000 **Amount allocable to FY 2022:** *$10,000

****SFA Prescribed Fire Assistance FY18-23***
Dr. Brian Oswald, Forestry
Award Total: $5,000 **Amount allocable to FY 2022:** *$5,000

***Subtotal Federal Amounts Allocable to FY 2022 (this report)* = $45,622**
***Subtotal New Federal Awards* (*total award*) = $45622**

Federal Financial Aid Funds (not included in ORGS totals)
~~**Agency**: Department of Education~~
~~**Manager:** Rachele Garrett, Financial Aid~~
~~PELL FY22 $8,987,986~~

State Funds (direct and pass-through)

Previously Described Awards:

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

The Survivability and Habitat use of Alligator Snapping Turtles via Radiotelemetry
Dr. Jessica Glasscock, Forestry
Award Total: $72,992 **Amount allocable to FY 2022:** $72,992

A Survey of the Bees of East Texas, with a Focus on Floral Interactions and Conservation Status of Bumble Bees
Dr. Daniel Bennett, Biology
Award Total: $47,558 **Amount allocable to FY 2022:** $47,558

***Subtotal State Amounts Allocable to FY 2022 (this report)* = $120,550**
***Subtotal New State Awards* (*total award*) = $120,550**

Private Entity and Local Government Awards

Previously Described Awards:
Economics Reading Group
Dr. Ryan Phelps, Economics &Finance
Award Total: $6,140 **Amount allocable to FY 2022:** $6,140

***Subtotal Private and Local Amounts Allocable to FY2022 (this report)* = $6,140**
***Subtotal New Private and Local Awards (total award)* = $6,140**

**New awards or additional funds added to a current award*
[1]*For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.*

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Fiscal Year 2023 – *as of September 30, 2022*

Amounts allocable to FY23 (detailed in this report)	
Federal funds (direct and pass-through)	$6,754,996
State Funds (direct and pass-through)	$294,148
Private and Local Government	$27,858
TOTAL	**$**
New awards, FY23 (detailed in this report, all project years)	**$2,295,454**
Cumulative amount allocable to FY23	**$2,620,051**
Cumulative award total FY23, all project years	**$3,921,355**

New, Additional, or Previously Unreported Awards for FY 2023

Federal Funds (direct and pass-throughs)

Title **** ARP- At-Risk Students at Comprehensive Regional Universities***
Sponsor: Texas Higher Education Coordinating Board
Award # 27150
Award Term: July 20, 2022 to November 7, 2023
PI/PD: Gina Oglesbee, Finance and Administration
Total Award: $948,659 **Amount Allocable to FY 2023**: $948,659

Title **** ARP – 2022 Child Care Relief Fund (CCRF)***
Sponsor: US Department of Health & Human Services
Award #
Award Term: September 1, 2022 to May 31, 2023
PI/PD: Crystal Adams, Education Studies
Total Award: $650,827 **Amount Allocable to FY 2023**: $650,827
.

Title **** Collaborative Research: IRES Sites: Student Research in Freshwater Ecosystems at the Epicenter of Neotropical Biology***
Sponsor: National Science Foundation
Award #2153452
Award Term: September 1, 2022 to July August 31, 2025
PI/PD: Dr. Carmen Montana-Schalk, Biology
Total Award: $144,526 **Amount Allocable to FY 2023**: $67,860
.

Title **** GEER – SFA Educator Preparation Planning for Innovative Partnerships with Local Education Agencies (K-12 School Districts)***

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Sponsor: US Department of Education
Award #27424
Award Term: August 25, 2022 to September 30, 2022
PI/PD: Dr. Judy Abbott, Education
Total Award: $50,000 **Amount Allocable to FY 2023**: $50,000
.

Previously Described Awards:
McIntire-Stennis Cooperative Forestry Research Program FY22
Dr. Hans Williams, Forestry
Award Total: $496,454 **Amount allocable to FY 2023:** *$496,454

Expanding Opportunities in Agriculture for Under Represented Populations
Dr. Candis Carraway, Agriculture
Award Total: $32,483 **Amount allocable to FY 2023:** *$32,483

***Subtotal Federal Amounts Allocable to FY 2023 (this report)* = $528,937**
***Subtotal New Federal Awards* (*total award*) = $528,937**

State Funds (direct and pass-through)

Previously Described Awards
****Disability Services-Interpreter Services FY23-24***
Tiffany Rivers, Disability Services
Award Total: $100,000 **Amount allocable to FY 2023:** $100,000

A Survey of the Bees of East Texas, with a Focus on floral Interactions and conservation Status of Bumble Bees
Dr. Daniel Bennett, Biology
Award Total: $209,230,265 **Amount allocable to FY 2023:** $63,598

Texas State Parks Visitor Market Analysis
Dr. Pat Stephens-Williams, Forestry
Award Total: $127,000 **Amount allocable to FY 2023:** $10,000

***Subtotal State Amounts Allocable to FY 2023 (this report)* = $173,598**
***Subtotal New State Awards (total award)* = $436265**

Private Entity and Local Government Awards

Previously Described Awards:

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – October 2022
Grants[1] awarded between and July 1, 2022 and September 30, 2022

Identifying Salt Suture Zones and Lithological Changes of the Louann Salt across the Gulf of Mexico Basin, TX
Dr. Julie Bloxson, Geology
Award Total: $55,000 **Amount allocable to FY 2023:** $ 27,858

***Subtotal Private Amounts Allocable to FY 2023 (this report)* = $27,858**
***Subtotal New Private Awards* (*total award*) = $55,000**

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

**New awards or additional funds added to a current award*
[1]For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

FINANCIAL AFFAIRS POLICY REVISIONS

Explanation:

The *Board Rules and Regulations* state that the Finance and Audit Committee will consider: budgeting and appropriations request processes; all requests for appropriations and budgets covering expenditures of educational and general funds and auxiliary programs including, but not limited to, student housing and the athletic department; handling of university funds, depositories, etc., whether from appropriated or contributed funds; and the auditing function of the university including, but not limited to, annual audit plan, internal and external audit reports, risk assessment, and audit/compliance issues.

The following policies are necessary to incorporate organizational, job title, and regulatory changes and to improve the flow of information in the above areas of responsibility. The general counsel has reviewed the proposed revisions.

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented:

Contracting Authority 1.3
Food Purchases 17.6
Institutional Reserves 3.19
Procurement of Electronic and Information Resources 17.16
Working Hours and Holidays 12.24

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Contracting Authority

Policy Number: 1.3

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 2/22/2021

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): This policy governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State University.

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: N/A

Specific rationale for each substantive revision: Amount increased to one million.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Gina Oglesbee, Vice President for Finance and Administration
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Contracting Authority

Original Implementation: July 18, 1988
Last Revision: ~~February 2, 2021~~ *October 31, 2022*

This policy governs the authority to enter and make contracts, purchases, and agreements of any character on behalf of Stephen F. Austin State University.

I. No member of the Board of Regents shall enter into the discussion, make motions, or vote on a contract, purchase, or agreement of any character in which the member or member's family directly or indirectly has pecuniary or substantial interest unless the general counsel has advised that there is a legally permitted exception to this rule with the regent making the appropriate public disclosures.

II. The following items shall be submitted to the Board of Regents for approval at either a regular board meeting or a special called board meeting. Each item shall be presented to the board for consideration.
   a. Contracts, purchases, or agreements in the amount of $*1,0*~~5~~00,000 or more, whether the amount is income or expenditure, for items identified in Section A of Policy 1.4, Items Requiring Board of Regents Approval.

III. The president shall be delegated the responsibility and authority to enter into contracts, purchases, and agreements for sums less than $*1,0*~~5~~00,000, or amounts over $*1,0*~~5~~00,000 to the extent authorized in Section B of Policy 1.4, Items Requiring Board of Regents Approval, whether the amount is income or expenditure, and to enter into all grants and agreements funded by private individuals, governmental agencies, and foundations without regard to the amount, unless otherwise limited by the Board. At the option of the president, contracts, purchases, and agreements for sums less than $*1,0*~~5~~00,000 may be submitted to the Board of Regents for approval.

IV. The general counsel's office shall review all contracts and agreements prior to signature, except those that the general counsel has exempted from legal review.

V. The president may delegate to other employees of the university power to contract, purchase, or enter into agreements delegated to the president in Section III of this policy. The president will remain responsible for all contracts, purchases, and agreements so delegated, and for the proper administration of all grants and agreements funded by private individuals, governmental agencies, and foundations, regardless of delegation of power to contract, purchase, or enter into agreements.
   a. In the absence of the president, or at such time as the president is unavailable to sign a document by a required deadline, the following individuals are authorized to sign on his behalf: (listed in order of priority) provost and *executive* vice president for academic affairs, vice president for finance and administration, vice president for ~~university~~ *student* affairs, *associate vice president for finance and administration*, associate vice president for academic affairs. All other delegations must be specific

and in writing to be effective.

b. All delegations of contracting authority to persons other than those listed above which were made by a previous president shall be void once a new president assumes office.

VI. The department responsible for originating the contract is responsible for maintaining it for the applicable records retention period, either in their own files or by ensuring it has been loaded in the university's contract management system.

Cross Reference: Items Requiring Board of Regents Approval (1.4)

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Finance and Audit Committee

Revision History: February 2, 2021
July 23, 2019
October 29, 2018
July 28, 2015
July 16, 2013
July 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Food Purchases

Policy Number: 17.6

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy pertains to all food and beverage purchases other than business meals and travel. Business meal limits and restrictions are outlined in the Guidelines for Expenditures from University Funds, and food purchases related to travel are addressed in the Travel Guidelines. Both of these documents are on the office of financial reporting's website.

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: N/A

Specific rationale for <u>each</u> substantive revision: Addition of exceptions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Food Purchases

Original Implementation: April 13, 1988
Last Revision: ~~*November 7*~~ *October 31, 2022*~~October 28, 2019~~

Purpose

This policy pertains to ~~all~~*all* ~~-~~food and beverage purchases *by officers and employees, except for the president and board of regents who are excluded.*~~ other than business meals and travel.~~ Business meal limits and restrictions are outlined in the Guidelines for Expenditures from University Funds, and food purchases related to travel are addressed in the Travel Guidelines. ~~Both of these documents are on the controller~~'s *financial reporting* office*'s* ~~website.~~

General

Only Auxiliary, Designated, or Restricted Funds may be used for food and/or beverage purchases. Funds generated from gifts or grants may be used if specifically allowed by the donor or granting agency. Food and/or beverage purchases from all these funds must serve a legitimate public purpose or must further the mission of the university.

Payments for food and/or beverages can be made on a university Procurement Card (P-Card),~~ or with~~ a Purchase Requisition*, or through the employee reimbursement process.*~~.~~ Refer to the P-Card Program Guide or Procurement Manual for the proper procedures to be followed when purchasing food and/or beverages, including alcohol.

All purchases of alcoholic beverages must be made from discretionary funds. State statute and the general appropriations act will guide the eligibility of alcoholic beverage purchases with funds under the control of the intercollegiate athletics department. Any purchase of alcoholic beverages must *have* ~~*written*~~ *documented approval* ~~be approved~~ in advance *of the purchase or event* by the appropriate vice president or president.

Food and beverages catered on campus must be prepared by the university's food service contractor. The requirement to use the university's food service contractor does not apply to food and beverages provided by persons or groups for their own consumption on the university campus. This also does not apply to food and beverages dispensed from vending machines, food served at locations away from the main university campus, concessions served at athletic events or the student center theater or food served at retail locations on campus. In instances when the university's food service contractor is used, the charge is normally paid by the department through an interdepartmental transfer (IDT).

Regardless of the method of purchase, documentation is required to support the business nature of all food and/or beverage expenses. Documentation requirements are listed in the Guidelines for Expenditures from University Funds. The department must keep this supporting documentation in accordance with university record retention requirements.

Exceptions and Limitations

Any expenditure~~s that do not comply with~~ exceptions to ~~-~~this policy or supporting guidelines and procedures, regardless of funding source, must have ~~written~~documented approval from the Vice President for Finance and Administration or designee. Approval documentation must be submitted along with the requisition for vendor payment, reimbursement, P-card reconciliation, and/or travel expense report.

Cross Reference: ~~Purchase Requisition (17.19);~~ Procurement Card (17.11); Records Management (2.9); *Direct Pay Disbursements (17.20);* Guidelines for Expenditures from University Funds; Travel Guidelines

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Director of Financial Reporting*~~Controller~~, *Executive* Director of *Finance and Administrative Services*~~Procurement and Property Services/HUB Coordinator~~

Forms: None

Board Committee Assignment: Finance and Audit

Revision History: October 28, 2019
November 7, 2016
October 21, 2013
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Institutional Reserves

Policy Number: 3.19

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/31/2022

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes guidelines for the university's institutional reserves. Appropriate institutional reserves help maintain financial strength, provide the foundation for debt management and issuance, protect against volatility in revenue and expenditures, and allow flexibility in planning for the needs of the university.

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: n/a

Specific rationale for <u>each</u> substantive revision: Revision to correct and appropriately reflect the calculation of the primary reserve ratio using the actual operating expenditures in the annual financial report, not the operating expenses in the budget.

Specific rationale for deletion of policy: n/a

Additional Comments:

Reviewers:

Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Institutional Reserves

Original Implementation: July 13, 2006
Last Revision: *October* ~~April 31~~1, 2022

Purpose

This policy establishes guidelines for the university's institutional reserves. Appropriate institutional reserves help maintain financial strength, provide the foundation for debt management and issuance, protect against volatility in revenue and expenditures, and allow flexibility in planning for the needs of the university.

Definitions

Institutional reserves ~~refers to~~*are* resources that *are* ~~are not allocated to any specific unit of the university, but are~~ held centrally within the university's financial system. Additions to institutional reserves include revenues that exceed expenditures. Deductions include the use of reserves to fund items not included in the operating budget; planned uses of reserves for the operating budget; and unanticipated institutional requirements. Institutional reserves are represented in the Statement of Net Position as Unrestricted Net Position (UNP).

General

The purpose of institutional reserves is to provide contingent support for potential significant financial occurrences, including:

- strategic capital projects,
- unanticipated or uninsured catastrophic events,
- temporary institutional revenue shortfalls or expenditure gaps,
- unforeseen legal obligations and costs,
- failures in central infrastructure,
- failures of major business systems.

Institutional Reserves Budgeting

The university may augment institutional reserves as a budget practice during periods of revenue growth and stability. During periods when revenue support is needed, the university may utilize institutional reserves.

Institutional Reserves Target

The university utilizes the primary reserve ratio to target the amount of reserves that should be

maintained. The ratio is calculated according to higher education industry standards and the target benchmark is 40% of its annual operating ~~budget~~*expenditures as reflected in the university's annual financial report*, thus providing approximately five months of operational capacity.

At the end of each fiscal year, the primary reserve ratio calculation will be used to evaluate the institutional reserves, and information will be reported to the Board of Regents with the Annual Financial Report.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit

Revision History: April 11, 2022
April 30, 2019
July 24, 2018
July 28, 2015
July 17, 2012
July 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Procurement of Electronic and Information Resources

Policy Number: 17.16

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 2/2/2021

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy affirms that electronic and information resources (EIR) developed, procured, or changed by the university shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of Title 1 of the Texas Administrative Code (TAC), Part 10 unless an exception is approved by the university president in accordance with Section 213.37.

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: N/A

Specific rationale for <u>each</u> substantive revision: Revised to allow for a designee to approve Electronic Accessibility Exception Request Forms on behalf of the President.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Kay Johnson, Director of Procurement and Property Services/HUB Coordinator
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Procurement of Electronic and Information Resources

Original Implementation: July 21, 2009
Last Revision: ~~February 2, 2021~~*October 31, 2022*

Purpose

This policy establishes guidelines for university purchases and contracts in its compliance with accessibility rules in accordance with Texas Administrative Code (TAC), Title 1, Chapters 206 and Chapter 213. This policy sets forth guidance with regard to the accessibility of all electronic and information resources (EIR) developed, procured, or changed by users including but not limited to:

- Software applications and operating systems
- Telecommunications products
- Video and multimedia products
- Self-contained closed products
- Desktop and portable computers

~~The specific technical standards for each of the above categories of EIR are referenced in Accessibility of Electronic Information Resources (16.9).~~

Definitions

Electronic and information resources (EIR) as used in this policy refers to the definition in 1 TAC 213.1(9) and includes software applications and operating systems, telecommunications products, video and multimedia products, self-contained closed products, and desktop and portable computers described in 1 TAC 213.30 through 213.33. The term does not include equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation.

Legacy EIR - Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213, and the user interface has not been altered on or after April 18, 2020.

General

All EIR products developed, procured, or materially changed through a procured services contract, and all EIR services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206, State Websites, and Chapter 213, Electronic and Information Resources, of the TAC, as applicable unless such requirement imposes significant difficulty or expense, as determined and exempted by the university in accordance with Texas Government Code 2054.460

and 1 TAC 213.37.

The procurement of any EIR shall include the requirement to secure documentation as required by 1 TAC 213.38(b) from the vendor providing accessibility information and/or credible evidence of the vendor's capability or ability to produce accessible EIR products or services, where applicable, under consideration using one of the following methods:

- Voluntary Product Accessibility Template (VPAT);
- Other electronic documents/forms that addresses the same accessibility criteria in substantively the same format as the VPAT. Such evidence may include, but not limited to, a vendor's internal accessibility policy documents, accessibility testing documents.
- URL to a web page which explains how to request a completed VPAT for any products under contract; or
- If credible accessibility documentation cannot be provided, then EIR shall be considered noncompliant.

Additionally, for purchases with development costs exceeding $500,000, accessibility testing may be required.

The degree of the accessibility of a given product should be determined by the procuring department. The Electronic Accessibility Coordinator (EAC) is available to assist departments and areas in making this determination.

Departments shall coordinate purchases of EIR with Procurement and the EAC to ensure compliance with the TAC and this policy.

If a vendor cannot provide the required documentation and no other vendor is available to provide the EIR, and the department has a need that cannot be met with a different EIR, or alternative EIR can only be acquired with significant difficulty or expense, upon the review and approval by the EAC an Electronic Accessibility Exception Request Form can be requested and approved by the President, *or his/her designee*. Reference Accessibility of Electronic Information Resources (16.9). Any approved exception will contain the information required in 1 TAC § 213.37(3) and processed by the EAC.

Cross Reference: Tex. Gov't Code §§ 2054.451-465; 1 Tex. Admin. Code Ch. 206; 1 Tex. Admin. Code Ch. 213; Accessibility of Electronic Information Resources (16.9)

Responsible for Implementation: Chief Information Officer

Contact for Revision: Electronic Accessibility Coordinator, *Executive* Director ~~of Procurement and Property Services/HUB Coordinator~~*of Finance and Administrative Services*

Forms: Electronic Accessibility Exception Request Form Voluntary Product Accessibility Template (VPAT)

Board Committee Assignment: Finance and Audit

Revision History: February 2, 2021
January 30, 2018
January 27, 2015
January 28, 2014
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Working Hours and Holidays

Policy Number: 12.24

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 10/28/2019

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): This policy establishes official university hours of operation and normal university work schedules. It also describes the establishment of holidays and those eligible for holiday pay.

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: N/A

Specific rationale for <u>each</u> substantive revision: Minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Director of Human Resources
Judith Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Working Hours and Holidays

Original Implementation: Unpublished
Last Revision: *October 31, 2022*~~October 28, 2019~~

Purpose

This policy establishes official university hours of operation and normal university work schedules. It also describes the establishment of holidays and those eligible for holiday pay.

Definition

A **regular employee** is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition of employment.

General

Non-academic offices and departments shall be open during the hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except university holidays. University offices and departments may open for extended hours to address specific operational needs. Full-time university employees shall work *not less than*~~a minimum of~~ forty (40) hours per week. University holidays, paid time off and sick leave taken may substitute for hours worked. Changes to the normal university work schedule may be made by the president of the university when such changes are in the best interest of the university.

To support operational efficacy, department heads may approve the use of alternative work schedules such as compressed work weeks, flexible schedules, and staggered work hours.

Instructional personnel shall be exempt from standard hours and shall, in turn, function as necessary to meet classes and maintain related academic duties.

Employees must, during normal working hours, conduct university business only at their regular or assigned temporary duty point unless they are on travel status or have received prior authorization. An employee's home may not be considered his/her regular or assigned place of business without appropriate administrative approval.

Holidays shall be those established by the Board of Regents of the university, in accordance with state law. For purposes of this policy, a holiday cannot exceed 8 hours per day. Only regular employees shall be eligible for paid holidays.

Cross Reference: Tex. Gov't Code Ch. 658, §§ 662.001-.022; Tex. Atty. Gen. Op. M-1058 (1972)~~;~~ Overtime and Compensatory Time (12.14); Telecommuting *Arrangements for Staff Employees* (11.27).

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: *Flexible Time or Staggered Work Hours Request*; *Compressed*~~Alternative~~ Work Schedule *Request (available on Human Resources website);*~~Form,~~ *Time Record (available on Payroll website); Vacation/Sick Leave Request*; *Staff* Telecommuting Request and Agreement Form (*a*~~A~~vailable *i*~~o~~n *mySFA*~~Human Resources website~~)

Board Committee Assignment: Finance and Audit

Revision History: October 28, 2019
November 7, 2016
January 28, 2014
January 25, 2011


STEPHEN F. AUSTIN STATE UNIVERSITY
1923
Reports
- President
- Faculty Senate
- Staff Council
- Student Government Association

FACULTY SENATE CHAIR – DR. CHRIS MCKENNA

Christopher J. McKenna is an Associate Professor in the Department of Business Communication and Legal Studies at Stephen F. Austin State University. He has been awarded PhD and Master's degrees in English from the University of North Carolina at Chapel Hill and a BA in English and Economics from the University of Virginia. In addition to his academic career, Dr. McKenna spent over two decades as a financial-technology programmer, analyst, and manager at several world-class banks, broker-dealers, consulting firms, and hedge funds both domestically and abroad.

FACULTY SENATE REPORT

Presenter: Chris McKenna, Faculty Senate Chair

Report Topic:

Review of current Faculty Senate Focal Points

STAFF COUNCIL – ALISON REED, CHAIR

Alison Reed serves as the Interim Director of the Center for Teaching & Learning (CTL) and the 2022-2023 Chair of Staff Council.

Alison joined the CTL team in January of 2019. In her role as interim director, she is responsible for the long-term planning for and day-to-day administration of the Center. Alison concurrently serves as the Learning Experience Design Coordinator for the Center. In this role, she is responsible for overseeing and supporting learning experiences in face-to-face and distance education, as well as coordinating distance education activities for the university.

Prior to becoming the LxD Coordinator, Alison served as the CTL's Distance Education Coordinator for two years. Over the last decade, Alison has worn many hats at SFA. She has worked with SFA's international students by assisting in admissions and immigration support in the Office of International Programs. After completing her degree at SFA, Alison fell in love with early childhood education, and began teaching at the SFA Early Childhood Lab in the Pre-K I classroom. She later joined the Human Resources Department, where she implemented online training reconciliation and outlined compliance reporting procedures as well as providing compensation and classification support.

Alison holds a Master of Education in Teaching and Learning with a focus in Online Teaching and Technology and a B.S. in Child and Family Development with a minor in Early Childhood Education from Stephen F. Austin State University.

Staff Council Report

Monday, October 31, 2022

Who We Are

25 elected representatives from across campus.

Staff Council



Alison Reed
Center for Teaching & Learning



Grace Romero
Campus Recreation



Meredith Baily
ITS



Lissy Turner
Title IX



Travis Killen
ITS



Ashley Ward
Health Services



Brandon Stringfield
ITS



Nadia Sifuentes
Physical Plant



Ken Morton
Campus Recreation



Jordan Riley
Physical Plant



Sabrina Delaney
Registrar



Emily Keller
Advising - COB



Veronica Beavers
Diversity, Equity, and Inclusion



Rebecca Galatas
Registrar



Angela Harless
Physical Plant



Choya Coleman
ITS



Brandi Bryant
Athletics



Gina Ajero
Liberal and Applied Arts



Courtney Beavers
Fine Arts



Sharon Brewer
Office of EVPAA



Jennifer Crenshaw
School of Honors



Veronica Herrera
Physical Plant



Amanda Kennedy
UPD



Surrey Consford
Physical Plant



Brittany Beck
Orientation Programs



Agatha Moreland
Physical Plant

Who We Represent

A diverse collection of experience, talent, and expertise.

Staff Council

Our Role

Staff Council advises university leadership, ensures the effective contributions of staff members' expertise toward university goals, and acts as a liaison between the president and staff members.

Staff Council

Our Accomplishments

In the past two months, Staff Council representatives have...

Staff Council

system affiliation analysis

expanded staff recognition efforts

annual strategic planning workshop

bylaws amendments

established two new standing committees

participated in discussions across campus to share staff input

Our Next Steps

What to expect from Staff Council in the coming months...

Staff Council



Listen to the needs of our constituents.



Increase visibility, presence, and involvement opportunities.



Advocate for change and the improvement of staff work-life.

SGA CHIEF JUSTICE – CAYENNE ALEXANDER

Cayenne Alexander is the Chief Justice for the Student Government Association here at SFA. She grew up in Plantersville Texas, home to the Texas Renaissance Festival. She is working on getting her masters in accounting and a minor in legal studies. Her end goal is to work as a corporate attorney perhaps in the oil and gas industry. She also is involved in Axeperince, and is the campus ambassador for Becker, which is a CPA and CMA review company.

STUDENT GOVERNMENT ASSOCIATION REPORT

Presenter: Cayenne Alexander

Report Topics:

Tailgating Wars
Mental Health Awareness Week
Student Leader Advisory Board (SLAB)
SGA presence at Faculty Senate and Alumni Association Meetings
Academic Calendar

PRESIDENT'S REPORT

Presenter: Steve Westbrook, Interim University President

Report Topics:

- Summer Commencement
- New degree programs
- Legislative Appropriation Request
- Executive Director of Enrollment Management Search
- 99th Birthday
- Homecoming