



REPORT TO THE BOARD OF REGENTS

April 23-25, 2023
Meeting 362

**STEPHEN F. AUSTIN
STATE UNIVERSITY**

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BOARD OF REGENTS MEETING 362

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Stephen F. Austin State University
Board of Regents
Meeting 362
April 23-25, 2023

OPEN MEETING NOTICE

**Stephen F. Austin State University
Board of Regents Board Meeting and Committee Meetings
Nacogdoches, Texas
April 23-25, 2023
Meeting 362
Austin Building, Room 307**

The Board of Regents of Stephen F. Austin State University will convene a three-day Board Meeting and Committee Meetings on April 23-25, 2023 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, April 23, 2023

1:30 p.m.

CALL TO ORDER IN OPEN SESSION

Welcome and Introductions

RECESS TO EXECUTIVE SESSION

(Scheduled for approximately 1:35 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)

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 women's head basketball coach, director of athletics, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, general counsel, coordinator of board affairs/compliance, chief audit executive, vice presidents and the president. (Texas Government Code, Section 551.074)

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

RECONVENE BOARD MEETING IN OPEN SESSION

(Scheduled for approximately 5:00 p.m.)

The board will recess for the evening at approximately 5:00 p.m. with no further action expected.

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

MONDAY, April 24, 2023

10:00 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 10:35 a.m. or following the previous agenda item)

Report: Title IX Update

Report: UPD Racial Profiling Report

Presentation and Committee Action on Agenda Items 10-14:

10. Extension of Strategic Plan: SFA Envisioned 2023

11. Curriculum Changes 2024

12. CIP Code Change for Master of Science in Kinesiology

13. Extend the Test-Optional Waiver for 2024 and 2025 Terms

14. Academic and Student Affairs Policy Revisions
Title IX 2.13

MEETING OF THE BUILDING AND GROUNDS COMMITTEE

(Scheduled at approximately 11:00 a.m. or following the previous agenda item)

Report: Construction Report

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

MEETING OF THE FINANCE AND AUDIT COMMITTEE

(Scheduled for approximately 1:30 p.m. or following the previous agenda item)

Presentations and Committee Action on Agenda Items 15-25:

15. Acknowledge Receipt of Audit Services Report

Construction Close Out of Basketball Performance Center Audit

Follow-up Audit Report

Safety and Security Follow-up Audit

Higher Education Emergency Relief Funds – Institutional Portion Audit
Risk Assessment
Update on Audit Plan

16. Contract Over \$1 Million – Texas General Land Office Contract
17. Forestry, Agriculture and Interdisciplinary Project Budget
18. Center for Applied Research and Rural Innovation Project Budget and Contract Over \$1 Million
– Contractor Contract
19. Kerr and Griffith Residence Halls Project Budget and Contract Over \$1 Million
20. Steen Hall Fire Alarm System Upgrade Project Budget and Contract Over \$1 Million – Johnson
Controls
21. Dining Hall Project Budget and Contract Over \$1 Million – Amendment to Kingham Dalton
Wilson, LTD Contract
22. Contract Over \$1 Million – Wilton’s Officeworks, LTD Ratification
23. Rescind Board Order 22-41 Approval of Lanana Creek Trail - Advanced Funding Agreement
for the 2019 Safe Routes to School/Transportation Alternatives Grant Program
24. Contract Over \$1 Million – Amendment to Coca-Cola Southwest Beverages Contract
25. Grant Awards

RECESS COMMITTEE MEETINGS
(Scheduled for approximately 4:00 p.m.)

The board will recess for the evening at approximately 4:00 p.m. with no further action expected.

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

TUESDAY, April 25, 2023

8:30 a.m.

RECONVENE BOARD MEETING IN OPEN SESSION

Call to Order

Welcome and Introductions

Pledge and Invocation

Special Recognitions

Board Action on Item 1:

1. Approval of minutes for Board of Regents Meeting January 29-30, 2023, Meeting 360 and special called Board of Regents Meeting, February 20, 2023, Meeting 361

Board Action on Personnel Items 2-9:

2. Approval of Faculty and Staff Appointments
3. Approval of Change of Status
4. Approval of Faculty Development Leave for 2023-2024
5. Approval of Faculty Promotion
6. Approval of Faculty Tenure
7. Approval of Regents Scholar
8. Approval of Retirements
9. Approval of Emeritus (Pending Executive Session)

Committee Reports and Board Action:

Academic and Student Affairs Committee Report and Board Action on Agenda Items 10-14:

10. Approval of Extension of Strategic Plan: SFA Envisioned 2023
11. Approval of Curriculum Changes 2024
12. Approval of CIP Code Change for Master of Science in Kinesiology

13. Approval of Extend the Test-Optional Waiver for 2024 and 2025 Terms

14. Approval of Academic and Student Affairs Policy Revisions
Title IX 2.13

Building and Grounds Committee Report.

Finance and Audit Committee Report and Board Action on Agenda Items 15-25:

15. Acknowledge Receipt of Audit Services Report
Construction Close Out of Basketball Performance Center Audit
Follow-up Audit Report
Safety and Security Follow-up Audit
Higher Education Emergency Relief Funds – Institutional Portion Audit
Risk Assessment
Update on Audit Plan

16. Approval of Contract Over \$1 Million – Texas General Land Office Contract

17. Approval of Forestry, Agriculture and Interdisciplinary Project Budget

18. Approval of Center for Applied Research and Rural Innovation Project Budget and Contract
Over \$1 Million – Contractor Contract

19. Approval of Kerr and Griffith Residence Halls Project Budget and Contract Over \$1 Million

20. Approval of Steen Hall Fire Alarm System Upgrade Project Budget and Contract Over \$1
Million – Johnson Controls

21. Approval of Dining Hall Project Budget and Contract Over \$1 Million – Amendment to
Kingham Dalton Wilson, LTD Contract

22. Approval of Contract Over \$1 Million – Wilton’s Officeworks, LTD Ratification

23. Approval to Rescind Board Order 22-41 Approval of Lanana Creek Trail - Advanced Funding
Agreement for the 2019 Safe Routes to School/Transportation Alternatives Grant Program

24. Approval of Contract Over \$1 Million – Amendment to Coca-Cola Southwest Beverages
Contract

25. Approval of Grant Awards

REPORTS

Faculty Senate Report
Faculty Activities for Spring 2023

Staff Council Report

Spring 2023 Activities
Future Plans and New Staff Council Chair

Student Government Association Report

Introduction of New SGA President and Vice President

Highlights from spring legislation

Summer Planning

Watermelon Bash, Sept. 18 – during 100th birthday party

President Report

Legislative Update

System Transition

Year-end Events

Recap

Board Action on Items 26-28:

26. Transfer Management and Control

27. Temporary Authority of President

28. Waiver of Board Rules and Change in Reporting Structure

Special Recognition

ESTIMATED ADJOURNMENT OF BOARD MEETING

(Approximately 11:30 a.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 362
April 25, 2023**

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
Mike Coffee
Ryan Ivey



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

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, EEOC charges, *Christin Evans v. Sydney Miley, et al*; *Tammy Wheeler v. Board of Regents of Stephen F. Austin State University, et al.*; *Sarah Evans vs. Stephen F. Austin State University, et al.* and *Mark Sanders, Ph.D. and Kimberly Verhines v. SFASU, 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 women's head basketball coach, director of athletics, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, general counsel, coordinator of board affairs/compliance, chief audit executive, vice presidents, and the president. (Texas Government Code, Section 551.074)



Stephen F. Austin State University
Board of Regents
Meeting 362
April 23-25, 2023

**Stephen F. Austin State University
Board of Regents
Meeting 362
April 24, 2023**

ROLL CALL

Regents

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

Administrators

Steve Westbrook
Damon Derrick
Jane Ann Bridges
Carrie Charley
Mike Coffee
Lee Furbeck
Graham Garner
Ryan Ivey
Michara DeLaney-Fields
Gina Oglesbee
Lorenzo Smith
Jill Still
Charlotte Sullivan



Academic and Student Affairs Committee

Chief Executive Officer 2022-2023 Annual Report

TO: Board of Regents
FROM: Dr. Steve Westbrook, Chief Executive Officer
DATE: April 1, 2023
RE: Chief Executive Officer Reporting Requirements under Tex. Educ. Code § 51.253(c)

Under the Texas Education Code (TEC), Section 51.253(c), the institution's Chief Executive Officer is required to submit a report at least once during each fall or spring semester to the institution's governing body and post on the institution's internet website said report concerning the reports received by employees under the TEC, Section 51.252. This report must include the number of reports received of alleged "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the number of investigations conducted as a result of those reports, the number of reports for which the institution determined not to initiate disciplinary process, and any disciplinary actions taken under TEC, Section 51.255.

For the purposes of complying with the Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), the attached summary data report¹ includes all of the required reporting information to the Board of Regents for the time period of April 1, 2022 through March 31, 2023. The summary data report is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received may be applicable in multiple reporting categories, and therefore, the summary data in the categories may not add up to the totals of other categories.

The summary data report is also posted on the institution's website as per the public reporting requirements under TEC, Section 51.253(c) at <https://www.sfasu.edu/titleix/university-reports/tec-section-51.253>.

Note: Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in the Texas Education Code have been omitted for the compliance purposes of this specific report.

¹ When clearly identifiable, duplicate reports were consolidated and counted as one report in the summary data, and confidential employee reporting is noted as a sub-set to the total number of reports received.

CEO Summary Data Report

April 1, 2022 through March 31, 2023

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252	677
Number of confidential reports ² under Section 51.252	27
Number of unique cases created from reports received under Section 51.252	231
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process at this time	
a. Supportive Measures	2
b. Administrative Measures	5
c. Informal Resolution	1
d. Unidentified Complainant	12
e. Complainant Declined Formal Process	45
f. Complainant Did Not Respond to Contact attempts	72
g. Respondent Not Identified	1
h. Witness Report- Complainant nor Respondent Identified	8
i. Determined not to rise to a Violation of 2.13	30
j. No Jurisdiction- Resources Provided	20
k. No Jurisdiction- Interim Measures Provided	0
l. No Jurisdiction- For Informational Purposes	2
SUBTOTAL	198
Number of investigations in progress under Section 51.252	
a. Under review pending Complainant's response	17
b. Investigation under policy 2.13	
• Informal Resolution	0
• Formal Investigation	10
c. Administrative Adjudication	1
d. Hearing or Appeal	3
SUBTOTAL	31
Disposition ³ of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation	1
b. Concluded, with Employee Disciplinary Sanction	0
c. Concluded, with Student Disciplinary Sanction	1
SUBTOTAL	2

Texas Education Code, Section 51.255	
Number of reports received that include allegations of an employee's failure to report or who submits a false report to the institution under Section 51.255(a)	6
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c) :	
a. Employee termination	0
b. Institutional intent to termination, in lieu of employee resignation	0
Disciplinary action or final investigation pending conclusion of formal process	5
Concluded, No Finding of failure to report	1
SUBTOTAL	6

² "Number of confidential reports" is a sub-set of the total number of reports that were received under Section 51.252, by a confidential employee or office (e.g., Counseling Center, Student Health Center, or a Victim Advocate for Students).

³ "Disposition" means "final result under the institution's disciplinary process" as defined in the Texas Higher Education Coordinating Board's (THECB) rules for TEC, Section 51.259 [See 19 Texas Administrative Code, Section 3.6(3) (2019)]; therefore, pending disciplinary processes will not be listed until the final result is rendered.

Racial Profiling Report | Full

Agency Name: STEPHEN F. AUSTIN STATE UNIV.

Reporting Date: 02/24/2023

TCOLE Agency Number: 347005

Chief Administrator: JOHN FIELDS JR.

Agency Contact Information:

Phone: (936) 468-2252

Email: john.fields@sfasu.edu

Mailing Address:

232 E COLLEGE ST

NACOGDOCHES, TX 75965-3574

This Agency filed a full report

STEPHEN F. AUSTIN STATE UNIV has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the STEPHEN F. AUSTIN STATE UNIV. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the STEPHEN F. AUSTIN STATE UNIV. if the individual believes that a peace officer employed by the STEPHEN F. AUSTIN STATE UNIV. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the STEPHEN F. AUSTIN STATE UNIV. who, after an investigation, is shown to have engaged in racial profiling in violation of the STEPHEN F. AUSTIN STATE UNIV. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The STEPHEN F. AUSTIN STATE UNIV. has satisfied the statutory data audit requirements as prescribed in Article

2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: Amanda Kennedy
Lieutenant

Date: 02/24/2023

Motor Vehicle Racial Profiling Information

Total stops: 548

Street address or approximate location of the stop

City street	545
US highway	0
County road	0
State highway	0
Private property or other	3

Was race or ethnicity known prior to stop?

Yes	30
No	518

Race / Ethnicity

Alaska Native / American Indian	0
Asian / Pacific Islander	16
Black	149
White	311
Hispanic / Latino	72

Gender

Female	264
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Alaska Native / American Indian	0
Asian / Pacific Islander	8
Black	60
White	162
Hispanic / Latino	34

Male	284
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Alaska Native / American Indian	0
Asian / Pacific Islander	8
Black	89
White	149
Hispanic / Latino	38

Reason for stop?

Violation of law	20
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Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	7
White	8

Hispanic / Latino	5
Preexisting knowledge	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	0
Moving traffic violation	205
Alaska Native / American Indian	0
Asian / Pacific Islander	3
Black	58
White	116
Hispanic / Latino	28
Vehicle traffic violation	321
Alaska Native / American Indian	0
Asian / Pacific Islander	13
Black	84
White	185
Hispanic / Latino	39
Was a search conducted?	
Yes	19
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	12
White	3
Hispanic / Latino	4
No	529
Alaska Native / American Indian	0
Asian / Pacific Islander	16
Black	137
White	308
Hispanic / Latino	68
Reason for Search?	
Consent	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2

Hispanic / Latino	0		
Contraband	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Probable	16		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	11		
White	1		
Hispanic / Latino	4		
Inventory	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Incident to arrest	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Was Contraband discovered?			
Yes	11	Did the finding result in arrest?	
		(total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	7	Yes 3	No 4
White	1	Yes 0	No 1
Hispanic / Latino	3	Yes 0	No 3
No	8		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	5		
White	2		
Hispanic / Latino	1		

Description of contraband

Drugs	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	0
Hispanic / Latino	0
Weapons	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	8
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	1
Hispanic / Latino	3

Result of the stop

Verbal warning	425
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Alaska Native / American Indian	0
Asian / Pacific Islander	12
Black	114
White	244
Hispanic / Latino	55
Written warning	24
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	4
White	17
Hispanic / Latino	2
Citation	93
Alaska Native / American Indian	0
Asian / Pacific Islander	3
Black	25
White	50
Hispanic / Latino	15
Written warning and arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Citation and arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	0
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	3
White	0
Hispanic / Latino	0
Violation of Traffic Law	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	0
Hispanic / Latino	0
Was physical force resulting in bodily injury used during stop?	
Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	548
Alaska Native / American Indian	0
Asian / Pacific Islander	16
Black	149
White	311
Hispanic / Latino	72

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	<input checked="" type="checkbox"/>
Use Department's submitted analysis	<input type="checkbox"/>

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

EXTENSION OF STRATEGIC PLAN: SFA ENVISIONED 2023

Explanation:

It is expected by most of our accrediting agencies, including the Southern Association of Colleges and Schools Commission on Colleges, that Stephen F. Austin State University be guided in planning and decision-making by a strategic plan. Required assessments and outcomes must be tracked back to such a document.

The development of the next strategic plan should be led by the next university president. Since the current strategic plan expires in 2023 and the new plan may not be prepared and approved until a later date, it is necessary to take official action that will cover the interim period.

Recommendation:

The administration recommends that the Board of Regents extend the effective date of *Strategic Plan: SFA Envisioned 2023* until the adoption of a new plan.

CURRICULUM CHANGES FOR 2023-2024

Explanation:

Changes in curriculum originate in the departments and are reviewed by the colleges and university curriculum committees, the graduate council, the appropriate dean and the provost and vice president for academic affairs. After approval by the Board of Regents curriculum changes are submitted to the Texas Higher Education Coordinating Board.

Recommendation:

It is recommended by the administration that the Board of Regents approve the undergraduate and graduate curriculum changes as presented to be effective fall 2023.

UNDERGRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM ADDITIONS	
Department	Course/Program
College of Business	
Management & Marketing	MKTG 3372
College of Education	
Human Sciences	CMGT 1105
Human Sciences	CMGT 1205
Human Sciences	CMGT 3115
Human Sciences	CMGT 3215
Human Sciences	CMGT 3310
Human Sciences	CMGT 3317
Human Sciences	INDS 3114
Human Sciences	INDS 3214
Human Sciences	INDS 4213
Human Sciences	Culinary Arts Minor
College of Fine Arts	
Music	Composition Minor
Music	Music Industry, BA
Music	MUAP 3358
Music	MUAP 4358
Music	MUST 1310
Music	MUST 3350
Music	MUST 3360
Music	MUST 4265
Music	MUTC 3350
Music	MUTC 3355
Music	MUTC 3356
Theatre	Technical Direction Minor
Theatre	DANC 3200
Theatre	DANC 4244
Theatre	DANC 4247
Theatre	DANC 4250
Theatre	DRAM 2335
Theatre	DRAM 3120
Theatre	DRAM 4335
College of Forestry & Agriculture	
Forestry	FORS 4365
College of Liberal & Applied Arts	
Government	GOVT 3339
College of Sciences & Mathematics	
College of Sciences & Math	Bioinformatics Minor
Biology	BIOL 3323
CoSM Dean's Office	JTCH 2051
Geology	GEOL 4028

Geology	GEOL 4328
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3/16/2023

UNDERGRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM DELETIONS	
Department	Course/Program
College of Education	
Human Sciences	INDS 2103
Human Sciences	INDS 4100
Human Sciences	MRCH 3323
Human Sciences	MRCH 4319
Human Services	Pre-Audiology, BS
College of Fine Arts	
Music	Music Ed (Non-Cert), Piano/Instrumental, BM
Music	MUST 2211
Music	MUST 3211
College of Forestry & Agriculture	
Forestry	FORS 4041
College Liberal & Applied Arts	
Government	Public Administration, BA/BS

3/16/2023

UNDERGRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM MODIFICATIONS	
Department	Course/Program
College of Business	
Accounting	Accounting, BBA
Accounting	Professional Accountancy, BBA/MPACY
Business Com & Legal Studies	General Business, BBA
Business Com & Legal Studies	Gen Business Tech Applications Minor
Business Com & Legal Studies	Legal Studies Minor
Economics & Finance	Finance, BBA
Economics & Finance	Finance Minor for BBA Candidate
Economics & Finance	Finance Minor for non-BBA Candidate
Management & Marketing	Sports Business, BBA
Management & Marketing	Sports Business Minor
College of Education	
Education Studies	Interdisciplinary Studies, BSIS
Education Studies	Secondary Education Minor
Education Studies	SEED 4350
Human Sciences	AVSC 3204
Human Sciences	Aviation, BS
Human Sciences	Construction Management, BS
Human Sciences	Construction Management Minor
Human Sciences	Construction Management Certificate
Human Sciences	CMGT 3114
Human Sciences	CMGT 3214
Human Sciences	Interior Design, BS
Human Sciences	Interior Design Minor
Human Sciences	Interior Design Certificate
Human Sciences	INDS 4113
Human Sciences	Dietetics & Nutritional Sciences, BS
Human Sciences	NUTR 3339
Human Sciences	Family Sciences, BS
Human Sciences	Hospitality Administration, BS
Human Sciences	HAMG 4100
Human Services	Communication Sciences & Disorders, BS
Human Services	Deaf & Hard of Hearing, BS
Human Services	CSDS 2300
Human Services	CSDS 2310
Human Services	CSDS 2320
Human Services	CSDS 2330
Human Services	CSDS 2340
Human Services	CSDS 3300
Human Services	CSDS 3310
Human Services	CSDS 3320

Human Services	CSDS 3330
Human Services	CSDS 4300
Human Services	CSDS 4310
Human Services	CSDS 4320
Human Services	CSDS 4330
Human Services	CSDS 4340
Kinesiology	All-level Teaching Concentration for Physical Education Teacher Ed EC-12
College of Fine Arts	
Music	Music Composition, BM
Music	Music Ed, Woodwinds/Brass/Percussion, BM
Music	Music Ed (Non-Cert), Woodwinds/Brass/Percussion, BM
Music	Music Ed: Voice, BM
Music	Music Ed (Non-Cert): Voice, BM
Music	Music, Sound Recording Tech, BM
Music	MUST 1415
Music	MUST 2320
Music	MUAP 3357
Music	MUAP 4357
Music	MUST 1410
Music	MUST 2325
Music	MUST 3335
Music	MUST 4160
Music	MUST 4350
Music	MUTC 3358
Theatre	DANC 1241
Theatre	DANC 1244
Theatre	DANC 1247
Theatre	DANC 2200
Theatre	DANC 3221
Theatre	DANC 3222
Theatre	DANC 3249
Theatre	DANC 3323
Theatre	DANC 3324
Theatre	DRAM 4380
College of Forestry & Agriculture	
Agriculture	ANSC 4386
Forestry	Forestry, BSF
Forestry	FORS 2240
Forestry	FORS 2323
Forestry	FORS 4341
College of Liberal & Applied Arts	
AGS	Sustainability, BA

AGS	SUST 4300
English & Creative Writing	ENGL 4378
Government	Criminal Justice Minor
Government	CRIJ 3303
Government	CRIJ 3305
Government	CRIJ 3306
History	Public History, Minor
History	HIST 3312
Languages, Cultures, & Cmmn	Modern Languages, BA
Languages, Cultures, & Cmmn	Linguistics Minor
Languages, Cultures, & Cmmn	INCM 1305
Military Science	MILS 1201
Military Science	MILS 1202
Military Science	MILS 2201
Military Science	MILS 2202
Military Science	MILS 3301
Military Science	MILS 3302
Military Science	MILS 4301
Military Science	MILS 4302
MDP	BAAS
College of Sciences & Mathematics	
Biology	Biology, BS
Chemistry	CHEM 3336
Computer Science	Computer Information Systems, BS
Computer Science	Computer Science, BS
Computer Science	Data Analytics, BS
Computer Science	Information Technology, BA
Computer Science	COSC 1301
Computer Science	CSCI 4270
Computer Science	CSCI 4362
Computer Science	CSCI 4365
CoSM Dean's Office	JTCH 1203
CoSM Dean's Office	JTCH 3361
CoSM Dean's Office	JTCH 4351
CoSM Dean's Office	JTCH 4901
Computer Science	CSIT 3340
Computer Science	CSIT 4333
Geology	GEOL 4032
Geology	GEOL 4310
Geology	GEOL 4332
Geology	GEOL 4335
Math	Mathematics, BS
Math	MATH 3180
Math	MATH 4180

Nursing	Nursing, BSN
Nursing	NURS 4343
Nursing	NURS 4344
Nursing	NURS 4345
Physics-Engr-Astronomy	Electrical Engineering, BS
Physics-Engr-Astronomy	Mechanical Engineering, BS
Physics-Engr-Astronomy	ENGR 3345
Physics-Engr-Astronomy	ENGR 3370
Physics-Engr-Astronomy	PHYS 1105
Physics-Engr-Astronomy	PHYS 1107
Physics-Engr-Astronomy	PHYS 1305
Physics-Engr-Astronomy	PHYS 1307

3/16/2023

GRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM ADDITIONS	
Department	Course/Program
College of Business	
Deans Office RCOB	Business Analytics Certificate
Deans Office RCOB	Organizational Leadership Certificate
College of Education	
Human Sciences	Nutrition & Integrative Health, MS
Human Sciences	NUTR 5349
College of Fine Arts	
Music	MUMH 5301
Music	MUMH 5302
Music	MUMH 5304
Music	MUMH 5305
Music	MUMH 5306
Music	MUSI 5201
Music	MUSI 5373
College of Forestry & Agriculture	
Forestry	Forestry Minor
College of Liberal & Applied Arts	
Government	NISS 5333
History	HIST 6101
Multidisciplinary Programs	PUBL 5177
College of Sciences & Mathematics	
Computer Science	CSCI 5185
Geology	GEOL 5028
Geology	GEOL 5328
Nursing	NURS 5310

3/16/2023

GRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM DELETIONS	
Department	Course/Program
College of Education	
Human Sciences	HUSC 5176
Human Services/Ed L	Applied Ed Psychology, MA
Human Services/Ed L	EDLE 6303
Human Services/Ed L	EDLE 6304
Human Services/Ed L	EDLE 6310
Human Services/Ed L	EDLE 6312
Human Services/Ed L	EDLE 6330
Human Services/Ed L	EDLE 6334
Human Services/Ed L	EDLE 6335
Human Services/Ed L	EDLE 6336
Human Services/Ed L	EDLE 6337
Human Services/Ed L	EDLE 6350
Human Services/Ed L	EDLE 6352
Human Services/Ed L	EDLE 6376
Human Services/Ed L	EDLE 6379
Human Services/Ed L	EDLE 6386
Kinesiology	ATTR 5138

3/16/2023

GRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM MODIFICATIONS	
Department	Course/Program
College of Business	
Deans Office RCOB	MBA
Management & Marketing	MGMT 5377
Management & Marketing	MGMT 5381
College of Education	
Education Studies	Curriculum & Instruction, MEd
Education Studies	Teaching & Learning, MEd
Education Studies	SEED 5314
Human Services/Ed L	EDLE 6199
Human Services/Ed L	School Psychology, MA
Human Services/Ed L	Speech Language Pathology, MS
Kinesiology	Athletic Training MS
Kinesiology	ATTR 5335
College of Fine Arts	
Music	Music, Master of Music
Music	Performing Artist Certificate
Music	MUMH 5303
Music	MUMH 5374
College of Forestry & Agriculture	
Forestry	Forestry, Ph.D.
College of Liberal & Applied Arts	
History	History, MA
History	HIST 5378
History	HIST 5380
Languages, Cultures, & Cmmn	HSPN 5190
Multidisciplinary Programs	Publishing, MA
Multidisciplinary Programs	PUBL 5370
Multidisciplinary Programs	PUBL 5371
Psychology	Psychology, MA
Psychology	Psychology, Non-thesis, MA
Psychology	Teaching College Social Sciences, MA
Psychology	PSYC 5328
College of Sciences & Mathematics	
Computer Science	Cyber Security, Major
Computer Science	CSCI 5180
Geology	GEOL 5035
Geology	GEOL 5335
Geology	GEOL 5388
Nursing	Family Nurse Practitioner, MSN
Nursing	Nursing Education, MSN
Nursing	NURS 5322

CIP CODE CHANGE FOR MASTER OF SCIENCE IN KINESIOLOGY

Explanation:

The Department of Kinesiology and Health Science requests to change the Classification of Instructional Programs (CIP) code for the Master of Science in Kinesiology. 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.

In 2005, the MS in Kinesiology was designated by CIP code 31.0505. (CIP codes beginning with 31 designate programs falling under the broad category of Parks, Recreation, and Leisure Studies.) In 2005, the program was well served by this CIP code as the curriculum at that time focused on pedagogical techniques and motor development. Over the past ten years, however, we have redesigned the MS in Kinesiology to transform it into a STEM program, aligning it with curricular trends in our field in order to help students earning the degree to be more competitive for positions in the clinical and private sectors. These changes make CIP code 26.0908 more appropriate for the current degree.

Currently, there are 12 universities across Texas (including such UT system schools as UT San Antonio and UT Arlington) that use CIP code 26.0908 to designate degree programs similar to our MS in Kinesiology. Kinesiology programs classified as STEM programs can attract more international students and are competitive for more grant funding opportunities.

Recommendation:

It is recommended by the administration that the Board of Regents approve the change of the CIP code for MS in Kinesiology from 31.0505 to 26.0908 to be effective in Fall 2023.

EXTEND THE TEST-OPTIONAL WAIVER FOR 2024 AND 2025 TERMS

Explanation:

Policy 6.20 requires first-year applicants to submit official test results from either the ACT or SAT. If an applicant does not submit an official ACT or SAT score, the application is considered incomplete and cannot be reviewed for admission.

Beginning in 2020, the SAT/ACT requirement for first-year applicants has been waived on an annual basis. The waiving of the ACT/SAT test requirement was initially done under the authority of the University President to modify policies during the impact period of COVID. More recently, it has been brought to the Board of Regents.

During COVID, ACT/SAT test administrations were challenged by limited seats at test sites and lack of test sites. While availability has improved, testing has not rebounded to pre-pandemic levels. ACT and SAT testing requirements paused during the pandemic have become permanent at many colleges and universities.

To maintain similar admission requirements with peer institutions, we are recommending that SFA extend our test-optional admission practice through 2025. The reason for this two-year request is the necessity to communicate our requirements well in advance of a student's application so they and their families are aware of our status.

Applicants who submit all other required application materials, excluding ACT or SAT test scores, will continue to be reviewed holistically via individual file review with an emphasis on academic performance in high school.

Recommendation:

The administration recommends the SAT and ACT test requirements in University Policy 6.20 continue to be waived for all 2024 and 2025 terms.

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:

Title IX 2.13



Title IX

Purpose

As further defined below, this policy addresses Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking regardless of where it occurs, including both on and off university property, if it potentially affects the alleged complainant's educational program, activities, or employment. This policy complies with governing laws, regulations, and guidance.

Persons Affected

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.

Definitions

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.

Quid Pro Quo Sexual Harassment: occurs when an employee of the University conditions the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

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.

Sexual Assault: includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.¹

- (a) Rape: 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.
- (b) Sodomy: 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.
- (c) Sexual Assault with an Object: 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

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.



incapacity.

- (d) Fondling: 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 age or because of his/her temporary or permanent mental or physical incapacity.
- (e) Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Texas law.
- (f) Statutory Rape: sexual intercourse with a person who is under the statutory age of consent as defined by Texas law.

Domestic (Family) Violence: felony or misdemeanor crimes 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 Texas², 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) A current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- (b) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (c) With whom the victim shares a child in common; or
- (d) 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 include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control.

Dating Violence³: violence committed by a person:

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 or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or 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.

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



- (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) Fear for their safety or the safety of others; or
- (b) Suffer substantial emotional distress.

For the purposes of this definition:

- (a) *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.
- (b) *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.
- (c) *Substantial Emotional Distress:* Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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:

- (a) Restrict a person's access to money, assets, credit, or financial information;
- (b) Unfairly use a person's personal economic resources, including money, assets, and

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- (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).



- credit, for one's own advantage; or
- (c) 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.

Technological Abuse: 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 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.

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".

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:
 - a. They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - b. 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).

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.

Consent: a clear voluntary, ongoing, mutual understanding among all participants that clearly indicates a willingness, through words or 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:

- (a) 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.
- (b) Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated.
- (c) Consent to one act does not imply consent to another; past consent does not imply future consent.
- (d) Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- (e) Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.
- (f) 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 other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual activity.
- (g) A current or previous dating or sexual relationship 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.
- (h) An individual's manner of dress does not, by itself, constitute Consent to engage in sexual conduct and/or activity.

Incapacitated: 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

⁴ *Intimidation* means intentional behavior that would cause a reasonable person to fear injury or harm.



have conscious awareness or the capacity to consent.

Coercion: 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.

Retaliation: 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.

Complainant: the individual(s) who is alleged to have been impacted by a violation of this Policy.⁵

Respondent: the individual(s) who is alleged to have violated this Policy.

Formal Complaint: 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.

Supportive Measures: 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.

⁵ A Complainant and Respondent are each individually a "Party" and collectively the "Parties" with respect to a Formal Complaint filed under this Policy.



Education Programs and Activities: 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.

Policy

Stephen F. Austin State University (the "university") is committed to providing an educational and employment environment free of unlawful sex discrimination. Consistent with the 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 Campus Sexual Violence Elimination Act ("SaVE Act"), Violence Against Women Act ("VAWA"), and Clery Act, the university prohibits Sexual Harassment that occurs within its Education Programs and Activities.

As further defined below, this policy addresses Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking regardless of where it occurs, including both on and off university property, if it potentially affects the alleged complainant's educational program, activities, or employment. This policy complies with governing laws, regulations, and guidance.

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.

Procedures

A. Understanding Hostile Environment Sexual Harassment

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:

1. Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
2. Unwelcome kissing, hugging, or massaging;
3. Sexual innuendos, jokes, or humor;
4. Displaying sexual graffiti, pictures, videos, or posters;
5. Using sexually explicit profanity;
6. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
7. E-mail and Internet use that violates this policy;
8. Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
9. Sending sexually explicit emails, text messages, or social media posts;
10. Commenting on a person's dress in a sexual manner;
11. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; or
12. Insulting, demeaning, or degrading another person based on gender or gender stereotypes.

B. Reporting Sexual Harassment

1. 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.

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.


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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

2. *Mandatory Reporting Requirement for University Employees*

Under Texas law, all University employees, with the exception of Confidential Employees, who:

- in the course and scope of their employment⁶
- witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment⁷, Sexual Assault, Dating Violence, or Stalking, which
- 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.

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.

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' mandatory reporting requirement only, "Sexual Harassment" 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.



Privacy vs. Confidentiality. 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, or for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean University officials and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the 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:

- a. Individuals who are themselves the victims of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking incident that is being reported;
- b. 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
- c. Employees designated as Confidential Employees.
- d. 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 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).

3. *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

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).



Confidential Employees⁹ 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)

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.

4. *Reports to Law Enforcement*

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.

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.



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.

5. *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.

6. *Anonymous Reports*

Anyone, not designated as a Mandatory Reporter, can make an anonymous report by submitting information through the Online Reporting Form found at <http://www.sfasu.edu/lumberjacks-care>.

C. 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.

D. 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:

1. The availability of Supportive Measures with or without filing a Formal Complaint;
2. The Complainant's wishes with respect to such Supportive Measures;
3. The process for filing and pursuing a Formal Complaint;



4. The importance of going to a hospital for treatment and preservation of evidence as soon as practicable after the incident, if applicable;
5. The right to report the incident to the institution and to receive a prompt and equitable resolution of the report;
6. 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
7. Information about resources that are available on campus and in the community.

E. 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>.

With regard to an allegation of sexual harassment of an employee, the university and the supervisor of the respondent-employee will take immediate and appropriate corrective action appropriate to the circumstances of the allegation, while affording the necessary due process rights to the respondent-employee.

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.



F. 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 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 emergency removal, the Title IX Coordinator must offer to meet with the Respondent within 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.

G. Formal Complaint

1. 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):

- a. 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 poses a risk of recurrence;
- b. whether the institution has received other reports of Sexual Harassment committed by the Respondent;
- c. whether the alleged incident poses a risk of harm to others; and
- d. 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.

2. *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.

3. *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:

- a. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- b. 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).
- c. 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.

4. *Notice of Formal Complaint*

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. A physical copy of or hyperlink to this Policy;
- b. 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);
- c. 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;
- d. Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;



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- e. Notifying the Complainant and Respondent of their right to inspect and review evidence;
- f. Notifying the Complainant and Respondent of the University's prohibitions on retaliation and false statements; and
- g. 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.

5. *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.

H. Investigation

1. *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 100 university business days of the transmittal of the written notice of Formal Complaint.

2. *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 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.

3. *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 be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

4. *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.

5. *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.

I. *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 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.

J. Adjudication

1. *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' 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.

a. Hearing Panel

After selection of the hearing process as the form of 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.

b. 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. The hearing may not 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:

- i. To the extent the Party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- ii. Any argument that evidence should be excluded from consideration at the hearing based on relevancy;
- iii. 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;
- iv. A list of any witnesses that the Party intends to bring to the hearing without an attendance notice issued by the hearing officer;



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- v. Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- vi. Any other accommodations that the Party seeks with respect to the pre-hearing conference and/or hearing;
- vii. The name and contact information of the advisor who will accompany the Party at the pre-hearing conference and hearing; and
- viii. 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:

- i. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- ii. Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment;
- iii. Relevant evidence which was not included in the investigation report due to mistake, inadvertence, surprise or excusable neglect;
- iv. 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
- v. Concerns of bias or conflict of interest which may exist between a party and a member or members of the hearing panel.

c. 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 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 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 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.



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d. 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 is not obligated to issue a notice of attendance to any witness who is not an employee or a student.

e. 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:

- i. Opportunity for each Party to address the hearing panel directly and to respond to questions posed by the hearing chair;
- ii. 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;
- iii. 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;
- iv. 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;
- v. Opportunity for each Party to make a brief closing argument.



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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 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.

f. 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 whether given during the investigation or during the hearing, 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.

In applying this Section, the hearing panel will not draw an inference about the determination 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.

g. 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 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



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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.

h. 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:

- i. the student becomes eligible to reenroll at the University; or
- ii. 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.

i. 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:

- i. Identification of the allegations potentially constituting covered Sexual Harassment made in the Formal Complaint;
- ii. A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written 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;
- iii. Findings of fact, made under a preponderance of the evidence standard, that support the determination;
- iv. 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;
- v. The discipline determined by the appropriate University official;
- vi. Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and



- vii. 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.

2. *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:

- i. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- ii. 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;
- iii. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- iv. 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 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.

K. 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:

1. 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);
2. The Respondent is no longer enrolled or employed by the University; or
3. 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.

L. Appeal

1. 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:



- a. A procedural irregularity affected the outcome;
- b. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- c. 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.

2. *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>.

3. *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.

M. Informal Resolution

The University may, in the Title IX Coordinator's discretion, facilitate an Informal Resolution in accordance with the protocol outlined below.

1. 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 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.

2. Availability of Information 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 Informal Resolution include, but are not limited to:

- a. The nature and severity of the conduct, including whether the use of force or a weapon was involved;
- b. the Respondent's prior known disciplinary or criminal conduct, including whether the University has received other reports of Prohibited Conduct committed by the Respondent;
- c. whether the alleged incident poses a risk of harm to other individuals or the community;
- d. the dynamics of power or control commonly associated with the alleged conduct or the nature of the parties' relationship;
- e. whether multiple parties are affected or involved;
- f. any admissions of responsibility by the Respondent; and
- g. 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:

- a. The Respondent is a non-student employee accused of committing Sexual Harassment against a student;
- b. The allegations include Sexual Assault;
- c. The allegations include ongoing Dating and/or Domestic Violence, or
- d. 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.

3. *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:

- a. Describes the parameters and requirements of the informal resolution process to be utilized;
- b. Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-Party);
- c. 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
- d. 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 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 pursuant to this Section are not subject to appeal.

4. *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.

5. *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.

6. *Deadlines for Informal Resolution*

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within 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.

N. Other Investigation and Adjudication Considerations



1. *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.

2. *Conflict 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.

3. *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.

4. *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. 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

- b. 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.

5. *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.

6. *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.

7. *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.

O. Sanctions

1. 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.
2. 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.
3. 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.

4. 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 significant mitigating factors.
5. 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.
6. 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.
7. 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).

P. Additional Policy Violations

1. Retaliation

Any person who retaliates against (a) anyone filing a report of Sexual Misconduct or Formal Complaint, (b) the parties or any other participants (including any witnesses or any University employee) in a Grievance Process relating to a Formal Complaint, (c) any person who refuses to participate in a Grievance Process, or (d) any person who under this Policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in a Grievance Process believes they have been subject to Retaliation (as defined in this Policy), they should immediately report the alleged retaliatory conduct to the Title IX Coordinator.

2. Bad Faith Complaints and False Information

Any person, who in bad faith, knowingly files a false complaint under this Policy or provides materially false or frivolous information is subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply a report, Formal Complaint, or information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

3. Interference with the Grievance Process

Any person who interferes with the Grievance Process (outlined in Section 6 of this Policy) is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to:

- a. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;



- b. Removing, destroying, or altering documentation relevant to the Grievance Process; or
- c. Knowingly providing false or misleading information to the Title IX Coordinator, investigator or hearing officer, or encouraging others to do so.

4. *Failure to Report for Responsible Employees*

If a Responsible Employee knowingly fails to report within the aforementioned guidelines to the Title IX Coordinator all information concerning an incident the employee reasonably believes constitutes Sexual Misconduct (including stalking, dating violence, sexual assault, or sexual harassment) committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

The duty to report acts reasonably believed to be stalking, dating violence, sexual assault, and sexual harassment arises from state law. The University goes further and requires Responsible Employees to report all acts reasonably believed to be any type of Sexual Misconduct, as defined in this Policy. It is important to note that for purposes of Failure to Report, the definition of sexual harassment, as defined under state law, is broader than the definition of sexual harassment under this Policy and is defined as: 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 educational programs or activities at a postsecondary institution.

5. *Investigative Process for Allegations under Additional Policy Violations*

When a complaint is received under this section and the alleged conduct, if true, rises to a potential violation of this policy, an investigator will be assigned by the Title IX Coordinator. The university reserves the right to appoint an external investigator or investigator from a different division in its sole discretion. The investigation shall normally be conducted within 30 business days from when the investigator is appointed. Case complexity will vary and the resolution of the Complaint will depend on case circumstances; however, the investigation will conclude under normal circumstances within 30 business days. It is incumbent upon the investigator to document a reasonable justification for extending an investigation beyond 30 business days.

The investigator will interview Complainant and persons who are considered to have pertinent factual information related to the complaint. The investigator will also gather and examine documents relevant to the complaint. Facts will be considered through the Reasonable Person standard. Findings will be based on the totality of circumstances surrounding the conduct complained of. The investigator conducting the investigation may also consult with appropriate management personnel, including the director of human resources, the Title IX Coordinator, and/or legal counsel for advice and guidance as applicable.

The University reserves the right to take such action as may be reasonably appropriate upon receipt of a Complaint to protect Complainant or the university community



pending outcome of the investigation, including interim suspension with pay of an employee, or interim suspension of a student.

- a. Notification of the Respondent(s): After investigating the allegations, the investigator will meet with Respondent(s), provide them with information regarding the complaint, and give them an opportunity to respond. Respondent(s) may, but is not required to, submit a written response to the allegations in the time prescribed by the investigator.
- b. Report of Findings and Recommendations: The investigator is responsible for preparing a report responding to each allegation subject to this Policy. This report should describe the investigator's findings and conclusions to each allegation.

There are two possible findings based on a preponderance of the evidence standard: (1) Substantiated: there is sufficient evidence that it is more likely than not that the Policy has been violated, based on the evidence reviewed; or (2) Unsubstantiated: there is insufficient evidence to prove or disprove that the Policy has been violated, based on the evidence reviewed. The report should also include a brief overview of the investigative process including the category and number of individuals interviewed, timelines, and a summary of each allegation. Finally, the report should contain the investigator's recommendations, if any, for resolution of the matter. This report should be addressed to the appropriate university administrator with the authority to impose sanctions if warranted.

The appropriate university administrator shall review the findings and recommendations of the investigator and take such action deemed appropriate. Such action shall be communicated in a letter to Complainant and Respondent(s) with copies to the general counsel, director of human resources, and the Title IX Coordinator, as applicable, within ten (10) business days of receipt from the investigator.

6. *Appeal Process*

A Complainant or Respondent may request a review of the findings and conclusions by the appropriate vice president (or President if the recipient of the investigative report was a vice president). A request for review must be submitted to the reviewing official within five (5) business days from the date of the prior university administrator's notification. The appeal process is not a re-investigation of the original complaint, but is an opportunity for the appealing party to request a review based on one or more of the following grounds for appeal: (1) a procedural error on the part of the investigator that unfairly and materially affected the outcome of the case; or (2) material evidence has been discovered that was not reasonably available at the time of the investigation. A complete request for review will include the basis for the request and how this affected the investigator's determination in the case. Incomplete requests will not be considered. The decision of the reviewing official regarding the finding and determination is final.

7. *Sanctions for Additional Policy Violations*

- a. University employees
 - i. University sanctions for violations of this section may include any disciplinary action, up to and including termination of employment for



STEPHEN F. AUSTIN STATE UNIVERSITY

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faculty or staff. Such activities may be viewed as constituting a violation of the Faculty Code of Conduct (7.11) policy and grounds for termination under the Tenure and Continued Employment (7.29) policy, and a major work rule violation under the Discipline and Discharge (11.4) policy.

- ii. The employment of individuals found responsible for a failure to report under this Policy will be terminated as required by law.

- b. Students

- i. Students are subject to the spectrum of sanctions as defined in this Policy.

8. *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.

Q. 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.

R. Discretion in Application

1. *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.

2. *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.

3. *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.

4. *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. 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.

5. *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.

S. 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.

Related Statutes or Regulations, Rules, Policies, or Standards

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

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)

Responsible Executive



**STEPHEN F. AUSTIN
STATE UNIVERSITY**

Handbook of
Operating Procedures

Policy Number: 2.13
Last Revised: April 25, 2023

Title IX Coordinator

Forms

Sexual Misconduct Reporting Form, Sexual Misconduct Appeal of Investigation Findings Form,
Mandatory Reporter- Title IX Reporting Form

Revision History

July 26, 2022
July 27, 2021
July 21, 2020
July 23, 2019
July 24, 2018
July 25, 2017
July 26, 2016



Building and Grounds Committee



CONSTRUCTION UPDATE

Stephen F. Austin State University

**Board of Regents
Building and Grounds Committee**

April 24, 2023



Construction Update

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Fine Arts Expansion	2
Basketball Practice Facility	3
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Dining Hall	5

April 24, 2023

Construction Summary

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Project status current as of March 31, 2023.

Project	Const Start Date	Fund Source	Board Approved Budget	Expenditures	Encumbered	Total Cost to Date	Available Balance	Const % Complete	Const Complete Date
College of Fine Arts Expansion	Dec '20	Revenue Financing Bonds	\$ 53,000,000	\$ 41,438,493	\$ 7,860,405	\$ 49,298,897	\$ 3,701,103	97%	May '23
Basketball Practice Facility	Jul '19	Revenue Financing Bonds	\$ 28,532,845	\$ 28,453,706	\$ 29,099	\$ 28,482,805	\$ 50,040	100%	Oct '21
Residence Halls and Auxiliary Deferred Maintenance and Improvements	TBD	Revenue Financing Bonds	\$ 20,401,518	\$ 1,137,546	\$ 920,566	\$ 2,058,112	\$ 18,343,406	N/A	UNK
Dining Hall	TBD	Revenue Financing Bonds	\$ 16,333,833	\$ 289,740	\$ 1,493,573	\$ 1,783,313	\$ 14,550,520	0%	TBD
Totals			\$ 118,268,196	\$ 71,319,485	\$ 10,303,642	\$ 81,623,127	\$ 36,645,069		

April 24, 2023

Construction Summary

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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: \$53,000,000
 Increased from \$37,000,000 to \$50,000,000 *Board Order 20-09*
 Increased from \$50,000,000 to \$53,000,000 *Board Order 23-14*

Construction Details

Notice to Proceed: Dec-2020
 Percent Complete: 97%
 Substantial Completion: May-2023
 Guaranteed Max Price: \$42,799,654.00
 \$779,838.65 Phase I: Demolition & Abatement
 \$42,019,815.35 Phase II: Building Construction

Transition to Operations: Apr-2023
 Building Occupancy: Aug-2023

Project Update

- Procurement of furniture, fixtures, & equipment ongoing
- Theatrical rigging, lighting, sound and visual installation ongoing
- Landscaping is nearing completion
- Classroom technology is in coordination with the contractor

Cost Analysis

<u>Project Budget</u>	<u>Expenditures</u>	<u>Encumbered</u>	<u>Total to Date</u>	<u>Avail Balance</u>
53,000,000.00	41,438,492.76	7,860,404.58	49,298,897.34	3,701,102.66

April 24, 2023

Construction Summary

Page 3

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	<i>Board Order 19-38</i>
Project Approval:	Jul-2019	
Project Budget:	\$28,532,845	
	Increased from \$26,000,000 to \$28,500,000	<i>Board Order 20-22</i>
	Increased from \$28,500,000 to \$29,232,845	<i>Board Order 21-27</i>

Construction Details

Notice to Proceed:	Jul-2019
Percent Complete:	100%
Substantial Completion:	Oct-2021
Guaranteed Max Price:	\$25,462,604.00
	<u>\$1,237,057.20 Phase I: Tunnel</u>
	\$24,225,546.80 Phase II: Building Construction

Transition to Operations:	Oct-2021
Building Occupancy:	Sep-2021

Project Update

- External audit completed

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
28,532,845.00	28,453,706.04	29,098.50	28,482,804.54	50,040.46

April 24, 2023

Construction Summary

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Residence Halls and Auxiliary Deferred Maintenance and Improvements**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: \$20,401,518 *Board Order 22-63*

Construction Details

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

Project Update

- Board Order 22-63, transferred out \$158,000 for Campus Electrical Study, \$500,000 for Music Roof Replacement, \$1,400,000 for Upper and Lower Arts HVAC Upgrades, \$670,000 for Health Clinic HVAC Upgrades, \$1,300,000 for Hall 16 Abatement and Demolition, \$479,031 for Griffith and Kerr Hall HVAC Upgrades, \$19,000 for Mays Hall & Hall 10 demolition plans, and \$199,850 for the Campus Assessment

The Administration has identified needs for the remaining use of the bond proceeds that include:

- Kerr Hall and Griffith Hall Mechanical-Electrical Upgrades
- Demolition of East College Cafeteria once the new Dining Hall is completed (\$1,500,000)
- Demolition of Mays Hall (\$300,000)
- Demolition of Hall 10 (\$600,000)
- Improvements to Steen Hall front entrance and lobby
- Fire system upgrades at Steen

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
20,401,518.35	1,137,546.22	920,566.05	2,058,112.27	18,343,406.08

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Construction Summary

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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	<i>Board Order 19-38</i>
Project Approval:	Oct-2018	
Project Budget:	\$16,333,383	
	Increased from \$15,800,000 to \$16,333,833	<i>Board Order 22-62</i>

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 complete
- Design work for new Dining Hall ongoing
- Sitework expected to begin soon

Cost Analysis

Project Budget	Expenditures	Encumbered	Total to Date	Avail Balance
16,333,832.78	289,740.01	1,493,572.71	1,783,312.72	14,550,520.06



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:

- Construction Close Out of Basketball Performance Center Audit
- Follow-up Audit Report
- Safety and Security Follow-up Audit
- Higher Education Emergency Relief Funds – Institutional Portion Audit
- Risk Assessment
- Update on Audit Plan

Recommendation:

Acknowledge receipt of the audit services report pending consideration by the Finance and Audit Committee.

CONTRACT OVER \$1 MILLION – TEXAS GENERAL LAND OFFICE CONTRACT

Explanation:

The university currently purchases natural gas through a contract with the Texas General Land Office. The current contract ends on August 31, 2023. The university has evaluated the current contract and determined that the best value to the university is to extend the current contract for an additional two-year period from September 1, 2023 through August 31, 2025. The total estimated cost for natural gas through the General Land Office for the two-year period is approximately \$1,523,350 which is greater than \$1 million. This estimated cost includes the fixed rate of \$4.00 per MMBTU and associated contract maintenance and distribution fees which total approximately \$0.43 per MMBTU.

Recommendation:

The administration recommends authorization to extend the current natural gas contract with the Texas General Land Office for a two-year period from September 1, 2023 through August 31, 2025 at an approximate aggregate contract amount of \$1,523,350. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

FORESTRY, AGRICULTURE AND INTERDISCIPLINARY PROJECT BUDGET

Explanation:

The 87th Texas Legislature approved funding for a Capital Construction Assistance Project (CCAP) for Stephen F. Austin State University in the amount of \$44,922,833. The SFASU Board of Regents or its successor plans to issue debt at a future date. To qualify CCAP project expenditures for reimbursement, the administration submitted a reimbursement resolution to the Board of Regents at its January 2023 quarterly meeting, board order 23-18, "relating to establishing the Board's intention to reimburse the expenditure of funds relating to the acquiring, purchasing, constructing, improving, renovating, enlarging or equipping property and facilities, including roads and related infrastructure for an interdisciplinary and applied sciences building approved by the 87th Texas Legislature from the proceeds of tax-exempt obligations to be issued at a later date; authorizing other matters incident and related thereto." Administration would like authority to establish an initial project budget for the Forestry, Agriculture, and Interdisciplinary project to begin the pre-construction phase including planning and design services.

Recommendation:

The administration recommends approval of the initial project budget for the CCAP funded Forestry, Agriculture, and Interdisciplinary project in the amount of \$44,922,833 in accordance with policy 1.4, Items Requiring Board of Regents Approval.

CENTER FOR APPLIED RESEARCH AND RURAL INNOVATION GRANT PROJECT
BUDGET AND CONTRACT OVER \$1 MILLION – CONTRACTOR CONTRACT

Explanation:

In Board order 21-12, the board of regents approved the Economic Development Administration Grant with required institutional match dollars. The grant includes total federal share cost of \$2,500,000 and institutional match share cost of \$892,895. These grant funds are for the design and construction of the Center for Applied Research and Rural Innovation project ("CARRI"). The administration seeks approval to establish a CARRI grant project budget in the amount of \$3,392,895.

The University plans to issue an Invitation to Bid for selection of a contractor for this project. Administration seeks approval for the president to select the contractor and award the contract by August 31, 2023 for an initial amount not to exceed \$2,847,934, which is an exception to policy 1.4, Items Requiring Board of Regents Approval, which requires the board of regents to approve construction projects greater than \$1 million.

Recommendation:

The administration recommends approval of the Center for Applied Research and Rural Innovation grant project budget in the amount of \$3,392,895.

The administration also requests the board of regents approve an exception to policy 1.4, Items Requiring Board of Regents Approval, and authorize the president to select a contractor for the Center for Applied Research and Rural Innovation project and award the contract by August 31, 2023 for an initial amount not to exceed \$2,847,934. The administration also recommends authorization for an exception to policy 1.4, Items Requiring Board of Regents Approval, for the president to sign purchase orders, contracts and amendments, and associated documents, as necessary.

KERR AND GRIFFITH RESIDENCE HALLS PROJECT BUDGET AND CONTRACTS
OVER \$1 MILLION

Explanation:

In the July 2022 Board of Regents meeting in board order 22-63, the Board of Regents approved \$20,401,518.35 from the 2019A bond proceeds and interest for Residence Halls and Auxiliary Deferred Maintenance and Improvements. As part of the residence halls analysis, the mechanical and electrical systems in Kerr Hall and Griffith Hall were identified as outdated but beneficial to the university to continue to provide housing to students. Significant upgrades are necessary to prolong the useful life of the residence halls. The administration seeks approval to establish a Kerr and Griffith Residence Halls project budget as an allocation of \$7,082,602 from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget and interest earnings of \$560,422 for a total project budget of \$7,643,024.

To begin the project, the university issued a Request for Proposal (RFP) for mechanical-electrical contractor services associated with electrical, heating, ventilation and air conditioning system (HVAC) renovations to Kerr and Griffith Residence Halls and the related Power Plant on campus. There were three (3) respondents to the RFP that were evaluated and ranked by a review committee. The administration seeks approval to contract with the selected respondent for mechanical-electrical contractor services with TDR Contractors, Inc. for the amount of \$5,038,024, which is greater than \$1 million.

In addition, the university is able to purchase the HVAC equipment for the project from Texas Air, Inc. through The Interlocal Purchasing System (TIPS) for an amount not to exceed \$1,925,000, which is greater than \$1 million.

Recommendation:

The administration recommends approval of a Kerr and Griffith Residence Halls project budget in the amount of \$7,643,024 as an allocation of \$7,082,602 from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget and interest earnings of \$560,422.

The administration also recommends approval of a contract with TDR Contractors, Inc. for the amount of \$5,038,024 for mechanical-electrical contractor services associated with electrical and HVAC renovations to the Kerr and Griffith Residence Halls and the related Power Plant on campus. In

addition, the administration recommends approval of a contract greater than \$1 million with Texas Air, Inc. through TIPS for an amount not to exceed \$1,925,000.

The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents, as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

STEEN HALL FIRE ALARM SYSTEM UPGRADE PROJECT BUDGET AND
CONTRACT OVER \$1 MILLION – JOHNSON CONTROLS

Explanation:

In the July 2022 Board of Regents meeting in board order 22-63, the Board of Regents approved \$20,401,518.35 from the 2019A bond proceeds and interest for Residence Halls and Auxiliary Deferred Maintenance and Improvements. As part of the residence halls analysis, the fire alarm system in Steen Hall is outmoded and needs replacement. The administration seeks approval to establish a Steen Hall Fire System Upgrade project budget from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget in the amount of \$1,632,620.

In addition, the university wishes to contract with Johnson Controls, Inc. for installation of the new fire alarm system at an amount not to exceed \$1,532,620 through Sourcewell cooperative purchasing for an amount which is greater than \$1 million.

Recommendation:

The administration recommends approval of a Steen Hall Fire System Upgrade project budget from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget in the amount of \$1,632,620.

In addition, the university recommends contracting with Johnson Controls, Inc. for installation of the new fire alarm system at an amount not to exceed \$1,532,620 through Sourcewell cooperative purchasing for an amount which is greater than \$1 million.

The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents, as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

DINING HALL PROJECT BUDGET AND CONTRACT OVER \$1 MILLION –
AMENDMENT TO KINGHAM DALTON WILSON, LTD CONTRACT

Explanation:

In Board orders 22-05 and 22-62, the Board of Regents approved a project budget for Dining Hall totaling \$16,333,832.78 from the Taxable Series 2019B bond proceeds and interest earnings.

The university's Dining Services Agreement with Compass Group USA, Inc. (Chartwells) provides for funding in the amount of \$6,355,000 to be used for Dining Facilities, which was not included in the initial project budget. In the July 2022 Board of Regents meeting in board order 22-63, the Board of Regents approved \$20,401,518.35 from the 2019A bond proceeds and interest for Residence Halls and Auxiliary Deferred Maintenance and Improvements of which the administration plans to utilize \$7,000,000 for a common pavilion for student, academic, and university activities and events. Additional interest earnings of \$390,313 have been earned through March 31, 2023. These amounts of \$6,355,000, \$7,000,000, and \$390,313 provide a total of \$13,745,313 available for the Dining Facilities additional project budget.

The administration seeks approval for an additional Dining Hall project budget in the amount of \$13,745,313 for a revised total Dining Hall project budget of \$30,079,145.78.

In addition, the contract with the construction manager at risk (CMAR), Kingham Dalton Wilson, Ltd.(KDW), authorizes preconstruction project expenditures. To begin actual construction activity for the dining hall project, the administration seeks Board of Regents approval for an amendment for the Guaranteed Maximum Price (GMP) not to exceed \$25,000,000 for project construction expenditures which is greater than \$1 million.

Recommendation:

The administration recommends approval of the Dining Facilities additional project budget in the amount of \$13,745,313 for a total revised project budget of \$30,079,145.78.

The administration also recommends approval of a Dining Hall CMAR contract amendment with KDW for the GMP not to exceed \$25,000,000. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents, as

necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

CONTRACT OVER \$1 MILLION–WILTON’S OFFICEWORKS,LTD. RATIFICATION

Explanation:

The Fine Arts Expansion project budget includes funds allocated for Fixtures, Furniture and Equipment (FF&E). The university issued a Request for Proposal (RFP) for the purchase of furniture to be delivered and installed at the newly renovated Griffith Fine Arts Building. The RFP included two (2) bid packages with various manufacturer brands requested for this project and provided an option to award up to two (2) vendors. There were four (4) respondents to the RFP that were evaluated and ranked by a review committee. The scores were based on a weighted value of averaged scores representing the best value to the university. The committee recommended awarding both bid packages to one respondent, Wilton’s OfficeWorks, Ltd as the best value proposal to the university which makes the contract greater than \$1 million.

Recommendation:

The administration recommends ratification of a contract with Wilton’s OfficeWorks, Ltd for a not to exceed contract amount of \$1,085,369.60 for the purchase of furniture to be delivered and installed at the newly renovated Griffith Fine Arts Building. The funding source is from Higher Education Funds (HEF) as part of the Fine Arts Expansion project budget. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

RESCIND BOARD ORDER 22-41 APPROVAL OF LANANA CREEK TRAIL –
ADVANCED FUNDING AGREEMENT FOR THE 2019 SAFE ROUTES TO
SCHOOL/TRANSPORTATION ALTERNATIVES GRANT PROGRAM

Explanation:

At the April 2022 meeting, the Board of Regents approved through Board Order 22-41 the authorization to execute an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT). The AFA is a contract that outlines the specific terms and conditions of the grant-funded project. The grant requires a twenty percent match of \$362,255. TxDOT is contributing \$217,000 towards the local match, leaving the university to contribute the remaining \$145,255 to complete the twenty percent match. Upon review by the university, the AFA further states that the university is responsible for all non-reimbursable project costs and 100% of construction overruns, of which the university has little or no control, making the total agreement more than the \$145,255 as agreed. The administration wishes to discontinue the project based on the terms as stated and seeks authorization to rescind Board Order 22-41 and withdraw the Advanced Funding Agreement.

Recommendation:

The administration recommends the rescension of Board Order 22-41 and authorization for the university to notify TxDOT of its intention to withdraw from the Lanana Creek Trail – Advanced Funding Agreement for the 2019 Safe Routes to School/Transportation Alternatives Grant Program.

CONTRACT OVER \$1 MILLION - AMENDMENT TO COCA-COLA SOUTHWEST BEVERAGES CONTRACT

Explanation:

In the April 23, 2013 Board of Regents meeting in board order 13-26, the Board of Regents approved an exclusive beverage agreement with Coca-Cola. This agreement was for a ten-year period which expires May 31, 2023. The agreement provides for annual sales commission payments, fixed cash elements, and non-cash marketing elements, resulting in a revenue contract greater than \$1 million. The administration would like approval to amend the agreement with Coca-Cola Southwest Beverages to extend for a period of one year based on a negotiated proposal.

Recommendation:

The administration recommends approval of a contract amendment to the university's current agreement with Coca-Cola Southwest Beverages to extend for a period of one year through May 31, 2024. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

GRANT AWARDS

Explanation:

In fiscal year 2023, the multi-year grant award total is currently \$46,450,234. Of this total, grant awards allocable to fiscal year 2023 are currently \$8,240,994, an increase of \$1,097,483 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.

Recommendation:

The administration recommends approval and ratification of the additional fiscal year 2023 grant awards that total \$1,097,483. The grant awards are detailed as presented.

Report to the Board of Regents – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

Fiscal Year 2023 – as of March 31, 2023

Amounts allocable to FY23 (detailed in this report)

Federal funds (direct and pass-through)	\$ 733,053
State Funds (direct and pass-through)	\$ 108,239
Private and Local Government	\$ 256,191
TOTAL	\$ 1,097,483

New awards, FY23 (detailed in this report, all project years)	\$ 1,602,288
Cumulative amount allocable to FY23	\$ 8,240,994
Cumulative award total FY23, all project years	\$46,450,234

New, Additional, or Previously Unreported Awards for FY 2023

Federal Funds (direct and pass-throughs)

Title * *Population Viability and Trophic Ecology of Alligator Snapping Turtles along a Fishing Pressure Gradient*

Sponsor: Texas Parks and Wildlife (prime - Fish & Wildlife Service, US Dept of the Interior)

Award Term: January 4, 2023 – August 31, 2025

PI/PD: Dr. Jessica Glasscock, Forestry

Total Award: \$190,406 **Amount Allocable to FY23:** \$60,576

Research grant to examine the alligator snapping turtles population structure. Funds will provide for one graduate research assistantship for three years.

Title * *2022-23 edTPA Pilot Teacher Candidate Support Grant*

Sponsor: Texas Education Agency (prime sponsor - US Department of Education)

Award Term: January 11, 2023 – August 31, 2023

PI/PD: Dr. Christina Sinclair, College of Education

Total Award: \$151,740 **Amount Allocable to FY23:** \$151,740

Funds to purchase up to 491 test vouchers for edTPA registration fees for teacher candidates.

Title * *GEER II - Nursing Shortage Reduction Program Grant*

Sponsor: Texas Higher Education Coordinating Board (prime – US Department of Education)

Award Term: December 19, 2022 to September 30, 2023

PI/PD: Dr. Tamara Harris, School of Nursing

Total Award: \$104,550 **Amount Allocable to FY23:** \$104,550

Grant funds to help recruit new students in the nursing program to alleviate nursing shortages in the state of Texas.

**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 – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

Title ** Conservation Status and Life History of Imperiled Fish Species in East Texas Streams*

Sponsor: Texas Parks and Wildlife (prime - Fish & Wildlife Service, US Dept of the Interior)

Award Term: September 1, 2022 to December 31, 2024

PI/PD: Dr. Carmen Montana-Schalk, Biology

Total Award: \$85,404 **Amount Allocable to FY23:** \$53,112

Research grant to conduct geospatial analysis on historical and current distribution of imperiled fish species in the Neches, Sabine, and Cypress systems. Funds will provide for one graduate research assistantship for two years.

Title ** GEER II - Texas Transfer Grant FY23*

Sponsor: Texas Higher Education Coordinating Board (prime – US Department of Education)

Award Term: January 6, 2023 to June 9, 2023

PI/PD: H. Rachele Garrett, Financial Aid

Total Award: \$70,000 **Amount Allocable to FY23:** \$70,000

Financial aid for vertical transfer students.

Previously Described Awards:

**GEER - Student Success Acceleration Program Implementation Grant (Phase 2), SFA Lumberjack Wellness Network*
Andrew Dies, Student Affairs
Award Total: \$180,000 **Amount allocable to FY 2023:** \$180,000

** SFA Summer STEM Camps FY23 - Investigations in Math and Science (iMAS) Academy*
Dr. Jana Redfield, STEM Center
Award Total: \$100,000 **Amount allocable to FY 2023:** \$100,000

**Collaborative Conference: Texas Undergraduate Mathematics Conference 2023-2024*
Dr. Nicholas Long, Mathematics and Statistics
Award Total: \$13,075 **Amount allocable to FY 2023:** \$13,075

Subtotal Federal Amounts Allocable to FY 2023 (this report) = \$733,053
Subtotal New Federal Awards (total award) = \$895,175

**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 – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

State Funds (direct and pass-through)

Title * *2022-2025 School Safety Standards Grant*
Sponsor: Texas Education Agency
Award Term: February 17, 2023 – April 30, 2025
PI/PD: Lysa Hagan, Charter School
Total Award: \$200,000 **Amount Allocable to FY23:** \$100,000
Funds will assist in enhancing safety measures at the Charter School.

Title * *Temple Foundation Project*
Sponsor: UT Dana Center at The University of Texas Austin
Award Term: January 1, 2023 – March 31, 2023
PI/PD: Dr. Lesa Beverly, Mathematics & Statistics
Total Award: \$5,000 **Amount Allocable to FY23:** \$5,000
Research will focus on increasing student access for equitable math pathways.

Title * *2022-024 Silent Panic Alert Grant*
Sponsor: Texas Education Agency
Award Term: November 29, 2022 – June 30, 2024
PI/PD: Lysa Hagan, Charter School
Total Award: \$1,905 **Amount Allocable to FY23:** \$1,905
Funds will assist in enhancing safety measures at the Charter School.

Title **Performance Grant Support: Don't Let the Pigeon Drive the Bus*
Sponsor: Texas Commission on the Arts
Award Term: December 9, 2022 – April 1, 2023
PI/PD: Diane Peterson, College of Fine Arts
Total Award: \$1,334 **Amount Allocable to FY23:** \$1,334
Funds for three performances for the Children's Performance Arts Series. This series seeks to bring regional, national, and internally renowned professional performing arts programs to pre-K through 12th grade students in East Texas.

Subtotal State Amounts Allocable to FY 2023 (this report) = \$108,239
Subtotal New State Awards (total award) = \$208,239

^{*}New awards or additional funds added to a current award

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

Private Entity and Local Government Awards

Title * *Impact of Tree Planting in Detention Basins on Water Infiltration*
Sponsor: Harris County Flood Control District
Award Term: January 1, 2023 – August 31, 2026
PI/PD: Dr. Jeremy Stovall, Forestry
Total Award: \$448,174 **Amount Allocable to FY23:** \$53,323
Study of the 2000 tree planting program at stormwater detention basins and other flood control facilities. Funds will provide for graduate research assistantships for three students over the grant term.

Title * *Beluga Acoustics Research at the Georgia Aquarium*
Sponsor: Georgia Aquarium, Inc.
Award Term: January 1, 2023 – December 31, 2023
PI/PD: Dr. Jason Bruck, Biology
Total Award: \$40,000 **Amount Allocable to FY23:** \$40,000
Research to develop a repertoire of beluga vocals at the aquarium and research response of acoustic playbacks.

Title * *Lumberjack Food Pantry Refrigeration*
Sponsor: Swipe Out Hunger
Award Term: January 6, 2023 – August 31, 2023
PI/PD: Andrew Dies, Student Affairs
Total Award: \$700 **Amount Allocable to FY23:** \$700
Funds will aid in the purchase of a refrigerator and the donations of two for the student food pantry.

Previously Described Awards

Better Together (Nacogdoches County Community Collaborative) phase 2
 Dr. Freddie Avant, School of Social Work
Award Total: \$750,000 **Amount allocable to FY23:** \$152,168

Career Exploration FY21

Brent McLemore, Center for Career and Professional Development
Award Total: \$13,000 **Amount allocable to FY23:** *\$10,000

Subtotal Private Amounts Allocable to FY 2023 (this report) = \$256,191

Subtotal New Private Awards (total award) = \$498,874

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

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.



Stephen F. Austin State University
Board of Regents
Meeting 362
April 23-25, 2023

**Stephen F. Austin State University
Board of Regents
Meeting 362
April 25, 2023**

ROLL CALL

Regents

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

Administrators

Steve Westbrook
Damon Derrick
Jane Ann Bridges
Carrie Charley
Mike Coffee
Lee Furbeck
Graham Garner
Ryan Ivey
Michara DeLaney-Fields
Gina Oglesbee
Lorenzo Smith
Jill Still
Charlotte Sullivan

ROTC CADET – CARLOS DIAZ

Cadet Carlos Diaz is a senior in SFA's Lumberjack Army ROTC Battalion and a Criminal Justice Major from Tomball, Texas. He is the son of Cynthia and Carlos Diaz and a recipient of a U.S. Army ROTC, 3-year National scholarship. Carlos has been a member of the Program's Ranger Challenge Team for the last three years, and integral in the Team being ranked the #1 team in the State of Texas the last 3x years. He was recently selected to serve as the Lumberjack Cadet Battalion Commander for Fall 2023. In December 2023, Cadet Diaz will graduate with his Bachelor's degree and aspires to serve as a Second Lieutenant of Armor.

PRESIDENTS AWARD – SPECIAL RECOGNITION

- 4 Recipients

ACADEMIC AFFAIRS – SPECIAL RECOGNITION

- Faculty Promotion and Tenure
- Regents Scholar

FINANCE AND ADMINISTRATION – RECOGNITIONS

- Emergency Management
- Parking

STUDENT AFFAIRS – SPECIAL RECOGNITION

- 2023 Lumberjack Achievement Award Recipients
- Orientation – Destination SFA Program
- Dance Marathon
- The Big Event
- Student Publications

ARTHUR TEMPLE COLLEGE OF FORESTRY – SPECIAL RECOGNITION

- Sylvans
- Tree Campus

SFA/UT SYSTEM TRANSITION – SPECIAL RECOGNITION

Steering Committee: Gina Oglesbee and Lorenzo Smith

Core Transition Committee: Gina Oglesbee
Marc Guidry
Judi Kruwell
Jill Still
Damon Derrick
Charlotte Sullivan
Graham Garner
Mike Coffee

ATHLETICS – SPECIAL RECOGNITION

- Track
- Ladyjack Basketball
- Volleyball
- SFA Dance

MINUTES OF JANUARY 29-30, 2023 (360) BOARD OF REGENTS MEETING
AND SPECIAL CALLED MEETING FEBRUARY 20, 2023 (361)

Explanation:

The minutes of the January 29-30, 2023 regular meeting of the Board of Regents (Meeting 360) and Special Called Board of Regents meeting minutes February 20, 2023 (Meeting 361) is included in this report.

Recommendation:

It is recommended by the administration that the minutes of the January 29-30, 2023 (Meeting 360) and February 20, 2023 (Meeting 361) be approved as presented.

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



**Nacogdoches, Texas
January 29-30, 2023
Volume 360**

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Appendix 7 – Reimbursement Resolution

**Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
January 29-30, 2023
Austin Building, Room 307
Meeting 360**

Sunday, January 29, 2023

The meeting of the Board of Regents was called to order in open session at 2:32 p.m. by chair Karen Gantt.

PRESENT:

Board Members: Mrs. Karen Gantt, Chair
 Mrs. Jennifer Winston, Secretary
 Mr. David Alders
 Mr. Robert Flores
 Mrs. Brigettee Henderson
 Mrs. Judy Olson
 Dr. Laura Rectenwald
 Ms. Nancy Windham
 Ms. Paige Vadnais, Student Regent

Interim President: Dr. Steve Westbrook
General Counsel: Mr. Damon Derrick
Chief Audit Exec.: Mrs. Jane Ann Bridges
Cabinet Member: Mr. Mike Coffee
 Dr. Michara DeLaney-Fields
 Mrs. Rachele' Garrett
 Mr. Graham Garner
 Mr. Ryan Ivey
 Mrs. Gina Oglesbee
 Dr. Lorenzo Smith
 Mrs. Jill Still
 Dr. Charlotte Sullivan

Regent Tom Mason, Vice Chair, was unable to attend. Other SFA administrators and staff were in attendance.

Board Order 23-01

Upon motion by Regent Henderson, seconded by all board members, and with all members voting aye, it was ordered that the following item be approved.

NAMING OF SOLE FINALIST FOR THE PRESIDENCY

WHEREAS, the board members considered: Prior to his retirement, Dr. Steve Westbrook served

Stephen F. Austin State University with distinction in various capacities, including as Vice President for University Affairs, Acting President, and Interim President. On April 20, 2021, the Board of Regents recognized his unwavering commitment to the university and named Dr. Westbrook as Vice President for University Affairs Emeritus. His dedication to Stephen F. Austin State University continued in retirement and he graciously agreed to return to the university on April 10, 2022 to once again serve as Interim President. Dr. Westbrook has stated unequivocally that he will serve through May 31, 2023 and that he will not be a candidate for President. The Board of Regents is grateful to Dr. Westbrook for his two-time service as Interim President and desires to honor Dr. Westbrook by removing "Interim" from his title and naming him as the tenth President of Stephen F. Austin State University. The Board of Regents suspended its rules on November 29, 2022 in order for the search for a President of Stephen F. Austin State University to be conducted by The University of Texas Board of Regents. That search will take place and will conclude with the naming of the eleventh President of Stephen F. Austin State University.

In accordance with the Texas Education Code, the Board of Regents Rules and Regulations require that the board announce the name, background, and qualifications of the finalist for president at least twenty-one (21) days prior to the meeting at which board action is to be taken on the employment of the individual.

THEREFORE, the Board of Regents hereby names Dr. Steve Westbrook as sole finalist to serve as the tenth President of Stephen F. Austin State University. Dr. Westbrook holds bachelor and master degrees from Stephen F. Austin State University and a doctor of education degree from Texas A&M University-Commerce. He has been employed by Stephen F. Austin State University in various capacities since 1981, most recently serving as Interim President. This does not affect Board Order 22-85, Suspension of Board Rules and Authorization to Conduct Presidential Search, issued on November 29, 2022.

Board Order 23-02

Upon motion by Regent Alders, seconded by Regent Flores, with all members voting aye, it was ordered that the following item be approved.

RESOLUTION OF CONGRATULATIONS FOR MARGARET AND JIM PERKINS

WHEREAS, Margaret and Jim Perkins are champions of education across Texas, with visionary leadership and personal care and love for students and strong support for institutions of higher learning, including junior/community colleges, public universities and private institutions;

WHEREAS, In 1969, Mr. James I. (Jim) Perkins was appointed by Governor Preston Smith to be an original member of the Stephen F. Austin State University Board of Regents, was reappointed in 1975 and served that board with distinction as its chairman in 1977-78;

WHEREAS, Throughout the twelve years of Mr. Perkins's service as a Regent, Stephen F. Austin State University experienced extraordinary growth in its physical plant, student enrollment and academic reputation;

WHEREAS, Following his term as a member of the Board of Regents, Mr. Perkins continued his service to Stephen F. Austin State University as one of the founders of the SFASU Foundation, as a member of that body's Board of Trustees from 1975 until 1993 and as its chairman from 1990

until 1993;

WHEREAS, In 2007, in recognition of Mr. Perkins's generous philanthropy, many years of service to the university and exemplary leadership in the field of education throughout East Texas, the Stephen F. Austin State University Board of Regents named its College of Education the James I. Perkins College of Education;

WHEREAS, Over the past thirteen years, Margaret and Jim Perkins, through the Perkins Professional Development Travel Fund, have provided financial support to faculty of the James I. Perkins College of Education to travel to and make presentations at more than 850 national and international conferences;

WHEREAS, Through the James I. Perkins Family Foundation and the Perkins family-owned Citizens 1st Bank, Jim and Margaret also have contributed to SFA's JacksTeach program designed to assist STEM students in obtaining secondary STEM teaching certificates while earning degrees in their chosen disciplines;

WHEREAS, Margaret and Jim Perkins and the Citizens 1st Bank have served as lead partners of the Nacogdoches County Chamber of Commerce's NOBLE (Nacogdoches County's Opportunity for a Better Learning Experience) program since 2000, through which twenty Nacogdoches County youth are annually awarded scholarships to attend SFA;

WHEREAS, Over half of the employees of the Perkins's bank, Citizens 1st Bank, are graduates of or current students at Stephen F. Austin State University and are encouraged by management to follow the Perkins's example in contributing to their communities;

WHEREAS, Margaret Perkins is a former classroom teacher and school board member and continues to serve on numerous non-profit boards, including those of the Texas State History Museum Foundation and the Literacy Council of Tyler;

WHEREAS, The philanthropy of Margaret and Jim Perkins and the James I. Perkins Family Foundation has provided for thousands of scholarships, endowments, teachers' professional grants and support for endeavors directly related to teaching, training, research and development at Tyler Junior College, Stephen F. Austin State University, the University of Texas at Tyler, the University of Texas Law School, East Texas Communities Foundation, Northeast Texas Health Center, East Texas Black Nurses Association, Regents Academy of Nacogdoches, Grace Community School of Tyler and Nacogdoches ISD Education Foundation;

WHEREAS, Margaret and Jim Perkins were recently awarded the Texas Higher Education Distinguished Service Award by the Council of Public University Presidents and Chancellors, the Texas Association of Community Colleges, and the Independent Colleges and Universities of Texas; therefore, be it

RESOLVED, That the Board of Regents of Stephen F. Austin State University commends Margaret and James I. Perkins and expresses its deep admiration and appreciation for their lifelong commitment, exemplary service and prodigious gifts to build East Texas communities through excellence in education and especially to promote and enhance transformative educational experiences at Stephen F. Austin State University through their investments in its faculty and student

body.

At 3:03 p.m., 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.*; *Tammy Wheeler v. Board of Regents of Stephen F. Austin State University, et al.*; *Sarah Evans vs. Stephen F. Austin State University, et al.*; and *Mark Sanders, Ph.D. and Kimberly Verhines v. SFASU, 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, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, vice presidents and the president. (Texas Government Code, Section 551.074)

The executive session ended and the Board of Regents meeting returned to open session at 5:45 p.m.

The meeting of the Board of Regents adjourned by Chair Gantt at 5:46 p.m.

Monday, January 30, 2023

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
 Mrs. Jennifer Winston, Secretary
 Mr. David Alders
 Mr. Robert Flores
 Mrs. Brigettee Henderson
 Mrs. Judy Olson
 Dr. Laura Rectenwald
 Ms. Nancy Windham
 Ms. Paige Vadnais, Student Regent

Interim President: Dr. Steve Westbrook
General Counsel: Mr. Damon Derrick
Chief Audit Exec.: Mrs. Jane Ann Bridges

Cabinet Member: Mr. Mike Coffee
Dr. Michara DeLaney-Fields
Mrs. Rachele' Garrett
Mr. Graham Garner
Mr. Ryan Ivey
Mrs. Gina Oglesbee
Dr. Lorenzo Smith
Mrs. Jill Still
Dr. Charlotte Sullivan

Regent Tom Mason, Vice Chair, was unable to attend. Other SFA administrators and staff were in attendance.

The board recessed to committee meetings.

The Academic and Student Affairs Committee was called to order by committee chair Laura Rectenwald at 8:33 a.m.

Committee Members: Dr. Laura Rectenwald, Chair
Mrs. Brigettee Henderson
Mrs. Jennifer Winston
Ms. Paige Vadnais, Student Regent
Mrs. Karen Gantt, ex officio

The committee members heard presentations, discussed and agreed to recommend the following agenda items.

6. Department Name Change for Department of Earth Sciences and Geological Resources in in the College of Sciences and Mathematics

7. Academic and Student Affairs Policy Revisions

Academic Appointments and Titles 7.2

Academic and Professional Qualifications 7.1

Academic Probation, Suspension, and Reinstatement for Undergraduates 6.4

Academic Program Review 5.1

AIDS and HIV 13.1

Annual Disclosure of Crime Statistics 13.3

Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities 6.6

Distinguished Guests 2.16

Doctoral Students: Allowable Credit Hours and Completion Times 6.11

Faculty Development Leaves 12.7

Faculty Disagreements 7.25

Faculty Merit Pay 7.6

Graduate Student Advising 6.13

Lumberjack Education Assistance Program 12.5

Misconduct in Scholarly or Creative Activities 7.19

Oral English Proficiency Program 5.14

Performance Review of Officers Reporting to the Provost and Vice President for
Academic Affairs 4.8
Stone Fort Museum Collections 5.17
Student Academic Dishonesty 4.1
Student Media 10.8
Student Organization Risk Management Training 10.10
Student Travel 10.12
Substantive Change 4.10
Summer Teaching Appointments 7.28
Tenure and Continued Employment 7.29
Title IX 2.13

The Academic and Student Affairs Committee was adjourned by committee chair Laura Rectenwald. The Finance and Audit Committee Meeting was called to order by acting committee chair Judy Olson at 8:35 a.m.

Committee Members: Mrs. Judy Olson, Acting Chair
Mr. Robert Flores
Mrs. Karen Gantt, ex officio

Committee member and chair, Tom Mason was unable to attend.

The committee members heard presentations, discussed and agreed to recommend the following agenda items.

9. Acknowledge Receipt of Audit Services Report
 - Charter School Annual Financial Report Audit
 - Agreed Upon Procedures Report for the NCAA Financial Statement
 - Construction Close Out of Basketball Performance Center Audit
 - Office of Provost Departmental Audit
 - University Marketing Communications Departmental Audit
 - Athletic Ticket Office
 - Internal Projects / Investigations
 - Update on Audit Plan

The Construction Close Out of Basketball Performance Center Audit is being moved to the next board meeting and will not be reviewed or approved during this meeting.

10. Resolution to Acknowledge Review of the Investment Policy and Strategy

11. Resolution to Approve Qualified Financial Institutions and Investment Brokers

Regents Alders, Winston, and Henderson will refrain from the vote for this item.

12. Tuition, Fees, Exemptions and Waivers for FY2023-2024

13. FY2024 Room and Board Rates

14. Acknowledge Receipt of Contract Monitoring Report
15. Acknowledge Receipt of 2021-2022 Annual Financial Report
16. Grant Awards
17. Contract over \$1 Million - Vintage King Audio for Sound Recording Technology Studio
18. Adoption of a Reimbursement Resolution for the Expenditure of Funds for an Interdisciplinary and Applied Sciences Building and Infrastructure Capital Construction Assistance Project
19. Employee Compensation
20. Amendment to Bank Depository Contracts

Regents Alders, Winston, and Henderson will refrain from the vote for this item.

21. Finance and Audit Policy Revisions
 - Central Receiving 17.2
 - Check Cashing 3.7
 - Investments 3.21
 - Investments – Endowment Funds 3.20
 - Prompt Payment to Vendors 17.13
 - Property Liability 16.22
 - Purchase of Surplus Property 17.17
 - Receipts and Deposits 3.26
 - Safe and Vault Combinations 14.9
 - Student Fiscal Appeals 6.19
 - Student and Non-Student Accounts Receivable 3.28

The Finance and Audit Committee was adjourned by acting committee chair Judy Olson. The meeting of the Building and Grounds Committee was called to order in open session at 9:37 a.m. by committee chair, David Alders.

Committee Members: Mr. David Alders, Chair
Mrs. Jennifer Winston
Ms. Nancy Windham
Mrs. Karen Gantt, ex officio

The committee members heard presentations, discussed and agreed to recommend the following agenda items.

Report: Construction Report

Report: Planned Maintenance Report

8. Building and Grounds Policy Revisions
 - Austin Building Conference Rooms 16.5

Homer Bryce Stadium and William R. Johnson Coliseum 16.13
Use of University Facilities 16.33

The board toured the Griffith Fine Arts Building Renovation Construction site.

The Building and Grounds Committee adjourned at 12:00 p.m. and Committee Meetings recessed.

The board broke for lunch at 12:02 p.m.

At 1:31 p.m. The invocation was provided by Regent Alders and the pledges were led by ROTC Cadet, Trevor Melton.

SPECIAL RECOGNITION

Provost and Executive Vice President for Academic Affairs, Dr. Lorenzo Smith, recognized individuals for their hard work and dedication to the success of the university. President Steve Westbrook presented the Centennial Committee members to the board. The Centennial Committee Chair, Mr. John Branch, shared with the board the upcoming plans and activities surrounding SFA's 100th anniversary. Staff Council Chair, Alison Reed recognized the four most recent President's Award Recipients.

MINUTES

Board Order 23-03

Upon motion by Regent Olson, seconded by Regent Flores, with all members voting aye, it was ordered that the minutes of Meeting 358, October 30-31, 2022 and Special Called Meeting 359, November 29, 2022 be approved as presented.

PERSONNEL

Board Order 23-04

Upon motion by Regent Winston, seconded by Regent Henderson, with all members voting aye, it was ordered that the following personnel items be approved as listed in Appendix 1.

FACULTY AND STAFF APPOINTMENTS

WHEREAS, the board members considered: 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.

THEREFORE, it was ordered that the faculty and staff appointments be approved as listed in Appendix 1.

CHANGES OF STATUS

WHEREAS, the board members considered: 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.

THEREFORE, it was ordered that the changes of status be approved as listed in Appendix 1.

ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Board Order 23-05

Upon motion by Regent Rectenwald, seconded by Regent Alders, with all members voting aye, it was ordered that the following academic and student affairs item be approved.

DEPARTMENT NAME CHANGE FOR DEPARTMENT OF EARTH SCIENCES AND GEOLOGICAL RESOURCES

WHEREAS, the board members considered: The College of Sciences and Mathematics recommended a name change for the Department of Geology, which was approved at the October 2022 board meeting, with Board Order 22-73. The name was incorrectly listed as the Department of Earth Sciences and Geological Resources. The correct new name for the department is Department of Earth Sciences and Geologic Resources.

THEREFORE, it was ordered that the department name be changed to the Department of Earth Sciences and Geologic Resources.

Board Order 23-06

Upon motion by Regent Rectenwald, seconded by Regent Windham, 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 2.

Academic Appointments and Titles 7.2

Academic and Professional Qualifications 7.1

Academic Probation, Suspension, and Reinstatement for Undergraduates 6.4

Academic Program Review 5.1

AIDS and HIV 13.1

Annual Disclosure of Crime Statistics 13.3

Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities 6.6

Distinguished Guests 2.16

Doctoral Students: Allowable Credit Hours and Completion Times 6.11
Faculty Development Leaves 12.7
Faculty Disagreements 7.25
Faculty Merit Pay 7.6
Graduate Student Advising 6.13
Lumberjack Education Assistance Program 12.5
Misconduct in Scholarly or Creative Activities 7.19
Oral English Proficiency Program 5.14
Performance Review of Officers Reporting to the Provost and Vice President for
Academic Affairs 4.8
Stone Fort Museum Collections 5.17
Student Academic Dishonesty 4.1
Student Media 10.8
Student Organization Risk Management Training 10.10
Student Travel 10.12
Substantive Change 4.10
Summer Teaching Appointments 7.28
Tenure and Continued Employment 7.29
Title IX 2.13

BUILDING AND GROUNDS COMMITTEE

Board Order 23-07

Upon motion by Regent Alders, seconded by Regent Olson, 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 2.

Austin Building Conference Rooms 16.5
Homer Bryce Stadium and William R. Johnson Coliseum 16.13
Use of University Facilities 16.33

Board Order 23-08

Upon motion by Regent Alders, seconded by Regent Winston, with all members voting aye, it was ordered that the following building and grounds item be approved.

NAMING OF HUDDLE SPACES AND CONFERENCE ROOM IN THE ED AND GWEN COLE STEM BUILDING

WHEREAS, the board members considered: In accordance with Board Rules and Regulations and University Policy 1.5, Naming Guidelines, buildings and other facilities may be named for persons, both living and deceased, who make a significant donation to the university. The board will consider the appropriate naming of two huddle spaces and a conference room located on the second floor of the Ed and Gwen Cole Science, Technology, Engineering and Mathematics (STEM) Building located at 1720 Clark Boulevard, which houses the College of Sciences and Mathematics STEM

programs on the campus of Stephen F. Austin State University. The use of the spaces' approved names in marketing and promotional pieces will follow current identity standard guidelines.

THEREFORE, it was ordered that the two huddle spaces (Rooms 204 and 205) and a conference room (Room 203C) located on the second floor of the Ed and Gwen Cole STEM Building on the campus of Stephen F. Austin State University be named in honor of Dr. Harry Downing contingent upon complete satisfaction of executed agreement terms and conditions. The following resolution is adopted:

WHEREAS, Dr. Harry Downing is a 48-year tenured faculty member and was for 31 years the Chair of the Department of Physics, Engineering and Astronomy at Stephen F. Austin State University; and

WHEREAS, during his years as an undergraduate student, Harry appreciated having a dedicated space (a "cubby" or "huddle" space) close to faculty offices where he could study. It is his desire to provide such a dedicated huddle space for engineering and physics students at the university; and

WHEREAS, Harry and his late wife, Carolyn Downing, established the Carolyn and Harry Downing Nursing Scholarship, the Harry and Carolyn Downing Physics Scholarship, the Harry and Carolyn Downing Engineering Scholarship and contributed to the Dr. Morrow-Dr. Downing Scholarship for Physics or Engineering majors; and

WHEREAS, Dr. Downing has faithfully served Stephen F. Austin State University with distinction and honor as a dedicated faculty member and true friend of students; and

WHEREAS, Dr. Downing has set an outstanding example for SFA students and faculty as a devoted scientist and teacher and generous supporter of the university;

NOW, THEREFORE, LET IT BE RESOLVED, the Stephen F. Austin State University Board of Regents expresses its admiration, gratitude and high regard for Dr. Harry Downing by naming Rooms 204, 205 and 203C situated on the second floor of the Ed and Gwen Cole STEM Building the Dr. Harry Downing Huddle Spaces and Dr. Harry Downing Conference Room.

Board Order 23-09

Upon motion by Regent Alders, seconded by Regent Windham, with all members voting aye, it was ordered that the following building and grounds item be approved.

NAMING OF ART GALLERY IN GRIFFITH FINE ARTS BUILDING

WHEREAS, the board members considered: In accordance with Board Rules and Regulations and university policy 1.5, Naming Guidelines, buildings and other facilities may be named for persons, both living and deceased, who make a significant donation to the university. The board will consider the appropriate naming of the art gallery located in the Griffith Fine Arts Building located at 2222 Alumni Drive North, which houses the Micky Elliott College of Fine Arts programs on the campus of Stephen F. Austin State University. The use of the gallery's approved name in marketing and promotional pieces will follow current identity standard guidelines.

THEREFORE, it was ordered that the art gallery located in the Griffith Fine Arts Building on the

campus of Stephen F. Austin State University be named in honor of Teresa Jill Adams. The following resolution is adopted:

WHEREAS, Teresa Jill Adams came to Stephen F. Austin State University from Knott, Texas, as a passionate young artist in the spring of 1977 and received her Bachelor of Fine Arts in 1979; and

WHEREAS, during her time as a student, her original passion for illustration and painting evolved to encompass studies in lithography, silk screening and printmaking; and

WHEREAS, she obtained a master's degree in elementary education with specialization in reading and taught general education, reading, and fine arts to elementary students for more than 30 years; and

WHEREAS, Teresa Jill Adams's love for art and art education has been expressed in her involvement in numerous school art programs and particularly in her establishment of the Teresa Jill Adams Foundation, which primarily supports art education and other charitable organizations she holds dear; and

WHEREAS, Teresa Jill Adams has set an outstanding example for SFA students and alumni through her career achievements, her generosity and her manifest dedication and loyalty to Stephen F. Austin State University;

NOW, THEREFORE, LET IT BE RESOLVED, the Board of Regents expresses its admiration, gratitude and high regard for Teresa Jill Adams by naming the art gallery in the Griffith Fine Arts Building the Teresa Jill Adams Art Gallery.

FINANCE AND AUDIT COMMITTEE

Board Order 23-10

Upon motion by Regent Olson, seconded by Regent Flores, 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:

- Charter School Annual Financial Report Audit
- Agreed Upon Procedures Report for the NCAA Financial Statement
- Office of Provost Departmental Audit
- University Marketing Communications Departmental Audit
- Athletic Ticket Office
- Internal Projects / Investigations
- Update on Audit Plan

Board Order 23-11

Upon motion by Regent Olson, seconded by Regent Henderson, with all members voting aye, it was ordered that the following finance and audit item be approved.

RESOLUTION TO ACKNOWLEDGE REVIEW OF INVESTMENT POLICY AND STRATEGY

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

THEREFORE, it was ordered the approval of the Resolution to Acknowledge Review of Investment Policy and Strategy as presented in Appendix 3.

Board Order 23-12

Upon motion by Regent Olson, seconded by Regent Windham, with all members voting aye, it was ordered that the following finance and audit item be approved. Regents Alders, Winston, and Henderson abstained from the vote.

RESOLUTION TO APPROVE QUALIFIED FINANCIAL INSTITUTIONS AND INVESTMENT BROKERS

WHEREAS, the board members considered: Chapter 2256 of the Texas Government Code requires the university to adopt a resolution by the governing body of the institution that approves qualified investment brokers. The financial institutions and brokers/investment managers are listed in the following resolution.

THEREFORE, it was ordered the approval of the financial institutions, investment managers and brokers presented in Appendix 4.

Board Order 23-13

Upon motion by Regent Olson, seconded by Regent Rectenwald, with all members voting aye, it was ordered that the following finance and audit item be approved.

TUITION, FEES, EXEMPTIONS, AND WAIVERS FOR FY 2023-2024

WHEREAS, the board members considered: 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 are included. 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 (F RTP)
for the FY2019 continuing cohort
- g) Texas Resident Undergraduate Fixed Rate Tuition Plan (F RTP)
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 FY2024.

Also included is the 2022 Texas Public Higher Education almanac data of average tuition and fees by University; lists 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 that the university implement the mandatory and optional exemptions and waivers for the fiscal year 2023-2024.

Board Order 23-14

Upon motion by Regent Olson, seconded by Regent Windham, with all members voting aye, it was ordered that the following finance and audit item be approved.

FY2024 ROOM AND BOARD RATES

WHEREAS, the board members considered: Projected on-campus student housing and food service operating costs support the need for revised room and board rates for fiscal year (FY) 2024 (24).

Pursuant to the relevant provisions of our current food service contract, the administration and Chartwells, our food service provider, annually negotiate necessary rate increases for the upcoming fiscal year.

A fair market research assessment that focused on trends, the Consumer Price Index (CPI) [Food Away from Home South Region], the Employment Cost Index (ECI), and benchmark comparisons to similar institutions was completed to determine if board rate increases were warranted.

During the past year CPI has increased 8.4% and the ECI (wages and salary accommodation and food service) has increased 7.7%. Thus, a decision was made to increase board rates.

The proposed board rates for FY24, reflect an 8.0% increase, excluding dining dollars.

The administration reviewed the FY24 housing budget proforma, current debt coverage needs, the CPI, and benchmark comparisons to similar institutions. In order to cover debt coverage demands, CPI increases, and best meet budget obligations, a room rate increase is being recommended.

The proposed on-campus room rates for FY2024, reflect an 8.0% increase.

These revised rates will become effective for the fall semester of 2023.

THEREFORE, it was ordered that the approval of an 8.0% increase for board rates and an 8.0% increase for room rates for FY2024 as presented in Appendix 5.

Board Order 23-15

Upon motion by Regent Olson, seconded by Regent Windham, with all members voting aye, it was ordered that the following finance and audit item be approved.

ACKNOWLEDGE RECEIPT OF CONTRACT MONITORING REPORT

WHEREAS, the board members considered the following: 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:

D2L, Ltd (Desire2Learn)
Kirksey Architects, Inc.
Kingham Dalton Wilson, Ltd

Board Order 23-16

Upon motion by Regent Olson, 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: In fiscal year 2023, the multi-year grant award total is currently \$44,094,946. Of this total, grant awards allocable to fiscal year 2023 are currently \$7,143,511, an increase of \$609,762 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 the approval and ratification of the additional fiscal year 2023 grant awards that total \$609,762. The grant awards are detailed as presented in Appendix 6.

Board Order 23-17

Upon motion by Regent Olson, seconded by Regent Windham, with all members voting aye, it

was ordered that the following finance and audit item be approved.

CONTRACT OVER \$1 MILLION - VINTAGE KING AUDIO FOR SOUND RECORDING TECHNOLOGY STUDIO

WHEREAS, the board members considered: The Fine Arts Expansion project budget includes funds allocated for Furniture, Fixtures, and Equipment (FF&E). The university issued a Request for Proposal (RFP) for a turn-key sound recording technology studio to include equipment and installation for the newly renovated Griffith Fine Arts Building. Respondents were requested to furnish and install equipment to include a complete patch bay system including design, labeling cabling, commissioning, testing and training. There were three (3) respondents to the RFP that were evaluated and ranked by a review committee.

THEREFORE, it was ordered that the contract with Vintage King Audio for a not to exceed contract amount of \$1,200,000 for a turn-key sound recording technology studio including equipment and installation for the newly renovated Griffith Fine Arts Building be approved. The funding source is from the Fine Arts Expansion Project budget. 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.

Board Order 23-18

Upon motion by Regent Olson, seconded by Regent Winston, with all members voting aye, it was ordered that the following finance and audit item be approved.

ADOPTION OF A REIMBURSEMENT RESOLUTION FOR THE EXPENDITURE OF FUNDS FOR AN INTERDISCIPLINARY AND APPLIED SCIENCES BUILDING AND INFRASTRUCTURE CAPITAL CONSTRUCTION ASSISTANCE PROJECT

WHEREAS, the board members considered: The 87th Texas Legislature approved funding for a Capital Construction Assistance Project for Stephen F. Austin State University of \$44,922,833. The university plans to issue bonds at a future date but wants to begin the pre-construction phase of the project including planning and design.

To qualify expenditures for reimbursement, the administration submits a resolution relating to establishing the Board's intention to reimburse the expenditure of funds relating to the acquiring, purchasing, constructing, improving, renovating, enlarging or equipping property and facilities, including roads and related infrastructure for an interdisciplinary and applied sciences building approved by the 87th Texas Legislature from the proceeds of tax-exempt obligations to be issued by the board; authorizing other matters incident and related thereto; and providing an effective date as shown in Appendix 7

THEREFORE, it was ordered the adoption of the reimbursement resolution as presented in Appendix 7.

Board Order 23-19

Upon motion by Regent Olson, seconded by all board members, with all members voting aye, it was ordered that the following finance and audit item be approved.

EMPLOYEE COMPENSATION

WHEREAS, the board members considered: Our faculty and staff are the university's greatest assets. They engage our students in high impact practices that provide them with transformational experiences. To successfully fulfill our mission, SFA must attract and retain highly qualified faculty and staff. We experience challenges with employee recruitment and retention due to current compensation levels. It is important that our employee compensation be more closely aligned with that offered by peer institutions across the state.

As a step toward this goal, the administration proposes an increase of 6-percent to the base salaries of eligible faculty and staff to be effective February 1, 2023 and paid starting with the March 1, 2023 payroll. This increase will be applied as a "cost-of-living" base adjustment.

This compensation increase will require the use of up to \$3.5 million of fund balance/net position in the current fiscal year through August 2023 and will be incorporated into the FY2024 operating budget.

THEREFORE, it was ordered that the base salaries of eligible employees be increased by 6-percent effective February 1, 2023 and paid starting with the March 1, 2023 payroll. It is also approved that up to \$3.5 million of fund balance/net position be used to fund this salary increase during the current fiscal year.

Board Order 23-20

Upon motion by Regent Olson, seconded by Regent Flores, with all members voting aye, it was ordered that the following finance and audit item be approved. Regents Alders, Winston, and Henderson abstained from the vote.

AMENDMENT TO BANK DEPOSITORY CONTRACTS

WHEREAS, the board members considered: In January 2013, Board Order 13-18 approved several banks as the university's depository banks. The current depository contracts are set to expire in the upcoming months and we are recommending to amend the bank depository contracts to extend for a period of one year with BancorpSouth Bank (Cadence Bank), Citizens 1st Bank, Commercial Bank of Texas, N.A., and Regions Bank.

THEREFORE, it was ordered the approval of amending the university's current depository bank contracts to extend for a period of one year with Cadence Bank(formerly BancorpSouth Bank), Citizens 1st Bank, Commercial Bank of Texas, N.A. and Regions Bank. The president is authorized to sign the amendments and all associated documents as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

Board Order 23-21

Upon motion by Regent Olson, seconded by Regent Flores, 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 2.

- Central Receiving 17.2
- Check Cashing 3.7
- Investments 3.21
- Investments – Endowment Funds 3.20
- Prompt Payment to Vendors 17.13
- Property Liability 16.22
- Purchase of Surplus Property 17.17
- Receipts and Deposits 3.26
- Safe and Vault Combinations 14.9
- Student Fiscal Appeals 6.19
- Student and Non-Student Accounts Receivable 3.28

Board Order 23-22

Upon motion by Regent Olson, seconded by Regent Flores, with all members voting aye, it was ordered that the following finance and audit items be approved.

ACKNOWLEDGE RECEIPT OF 2021-2022 ANNUAL FINANCIAL REPORT

WHEREAS, the board members considered: As required by Texas Government Code, Section 2101.011, Stephen F. Austin State University submitted the Fiscal Year 2021-22 Annual Financial Report to the Office of the Governor, Comptroller of Public Accounts, Legislative Budget Board, Legislative Reference Library, and the Texas State Auditor's Office. The report reflected the university's financial activities for the period September 1, 2021 through August 31, 2022.

Additionally, as required by university policy 3.19 Institutional Reserves Fund, the administration reports the primary reserve ratio information to the Board of Regents with the Annual Financial Report.

THEREFORE, the Board of Regents acknowledge receipt of the Stephen F. Austin State University Fiscal Year 2021-22 Annual Financial Report and primary reserve ratio information.

REPORTS

Faculty Senate Chair, Chris McKenna reported on the topic of Student Recognition.

Staff Council Chair, Alison Reed presented on the following topics.

- Fall 2022 Activities
- Spring 2023 Initiatives

Student Government Association President, Madison Gartman discussed the following topics.

- Passed Legislation
- SGA Weeks
- Chamber Days in Austin
- Community Service
- Senatorial Elections and Upcoming Presidential Elections

President Report

Vice President for Enrollment Management
Vice President for Student Affairs
Legislative Session Update
Purple Promise
Affiliation Transition
Capital Campaign

Board Order 23-23

Upon motion by Regent Alders, seconded by Regent Henderson, with all members voting aye, it was ordered that the following item be approved.

ELECTION OF BOARD OFFICERS

WHEREAS, the Nominating Committee that consisted of Regent Alders to serving as chair, and Regents Henderson and Olson, nominated that the current Board Officers slate to remain as; Karen Gantt as Chair, Tom Mason as Vice Chair, and Jenn Winston as Secretary.

THEREFORE, it was ordered that the following Board Officers be re-elected:

Karen Gantt, Chair
Tom Mason, Vice Chair
Jenn Winston, Secretary

The meeting of the Board of Regents adjourned by Chair Gantt at 3:45 p.m.

FACULTY AND STAFF APPOINTMENTS

Appendix 1

Type	Employee Name, Last Degree (Education)	New Department and Title	New Salary, Term Length and FTE	Effective Date
Staff	George Brandon	Athletics - Assistant Director - Broadcast Technology and Marketing Operations	\$45,000/Annual - 100%	9/5/2022
Staff	Kasey Fisette	Athletics - Athletic Trainer	\$45,000/Annual - 100%	9/1/2022
Staff	Matthew Pawlik	Athletics - Athletic Trainer	\$38,000/Annual - 100%	9/19/2022
Staff	Sarah Williams	Athletics - Program Director - Creative Video Services	\$36,000/Annual - 100%	9/1/2022
Staff	Hannah Patrick	Athletics - Cheer & Dance Teams - Coach	\$32,000/Annual - 100%	11/1/2022
Staff	William Patrick	Athletics - Cheer & Dance Teams - Coach	\$32,000/Annual - 100%	11/1/2022
Staff	Allen Lyons	Audit Services - Auditor II	\$68,300/Annual - 100%	10/3/2022
Staff	Sydnee Seeton	Center for Career and Professional Development - Career Coordinator	\$36,000/Annual - 100%	11/28/2022
Staff	Will Chancey	Development - Development Officer I	\$45,000/Annual - 100%	10/20/2022
Staff	William Richardson	Physical Plant - Assistant Director - Construction	\$75,000/Annual - 100%	11/14/2022
Staff	Connor Temple	Residence Life - Area Coordinator	\$45,000/Annual - 100%	10/3/2022
Faculty	John Freeman	Business Communication and Legal Studies - Lecturer	\$49,000/Academic - 100%	9/1/2022
Faculty	Suhjung Lee, MA (Hangyang University)	Business Communication and Legal Studies - Assistant Professor	\$78,000/Academic - 100%	9/1/2022
Faculty	Wenqing Gao	Economics and Finance - Assistant Professor	\$130,000/Academic - 100%	9/1/2022
Faculty	Derek Walton, MS (Ohio State University)	Management and Marketing - Assistant Professor	\$105,000/Academic - 100%	9/1/2022
Faculty	Yang Xu, Ph.D. (Florida State University)	Management and Marketing - Assistant Professor	\$105,000/Academic - 100%	9/1/2022
Faculty	Charles Oberweiser	Accounting - Assistant Professor	\$135,000/Academic - 100%	9/1/2022
Faculty	James Throckmorton, MPA (Stephen F. Austin State University)	Accounting - Lecturer	\$65,000/Academic - 100%	9/1/2022
Faculty	Nghia Neal Nguyen	Education Studies - Associate Professor	\$71,000/Academic - 100%	9/1/2022
Faculty	Nicole Letchworth, Ed.D. (University of Southern Mississippi)	Education Studies - Assistant Professor	\$63,000/Academic - 100%	9/1/2022

Time Period Reporting: 9/1/22 - 11/30/22

FACULTY AND STAFF APPOINTMENTS

Appendix 1

Type	Employee Name, Last Degree (Education)	New Department and Title	New Salary, Term Length and FTE	Effective Date
Faculty	Nandhakumar Radhakrishnan, Ph.D. (Bowling Green University)	Human Services and Educational Leadership - Associate Professor	\$83,000/Academic - 100%	9/1/2022
Faculty	Andrew Southerland	Human Services and Educational Leadership - Assistant Professor	\$64,500/Academic - 100%	9/1/2022
Faculty	Amber Chelette, Ph.D. (University of Houston)	Kinesiology and Health Science - Visiting Assistant Professor	\$57,000/Academic - 100%	9/1/2022
Faculty	Lindsey Creel, MM (Rice University)	School of Art - Assistant Professor	\$50,000/Academic - 100%	9/1/2022
Faculty	Margaret Hinchliffe	School of Music - Accompanist	\$40,000/Academic - 100%	9/1/2022
Faculty	Cody Hunter , DMA (University of Memphis)	School of Music - Assistant Professor	\$50,000/Academic - 100%	9/1/2022
Faculty	Benjamin Morris, MFA (Stephen F. Ausitn State University)	School of Music - Assistant Professor	\$50,000/Academic - 100%	9/1/2022
Faculty	Jessica Thomas	School of Theatre and Dance - Visiting Assistant Professor	\$50,000/Academic - 100%	9/1/2022
Faculty	Haley Jameson, MFA (Texas Women's University)	Theatre - Assistant Professor	\$55,000/Academic - 100%	9/1/2022
Faculty	Lauren Sullivan, MFA (Northern Arizona University)	English and Creative Writing - Lecturer	\$40,000/Academic - 100%	9/1/2022
Faculty	Ghanem Elhersh, Ph.D. (Ohio State University)	Mass Communications - Assistant Professor	\$55,000/Academic - 100%	9/1/2022
Faculty	Cassandra Hayes, Ph.D. (University of Central Arkansas)	Mass Communications - Assistant Professor	\$55,000/Academic - 100%	9/1/2022
Faculty	Lillian Touchstone	Psychology - Visiting Lecturer	\$41,500/Academic - 100%	9/1/2022
Faculty	Cherhonda Brown	School of Social Work - Assistant Professor	\$57,500/Academic - 100%	9/1/2022
Faculty	Mohammad Khan, MS (Dhaka University)	School of Social Work - Assistant Professor	\$60,000/Academic - 100%	9/1/2022
Faculty	Cord Eversole, Ph.D. (Texas A&M University)	Forestry - Assistant Professor	\$60,000/Academic - 100%	9/1/2022
Faculty	Alexandria Bryant	Biology - Lab Coordinator	\$38,500/Academic - 100%	9/1/2022
Faculty	Cassey Edwards	Biology - Lab Coordinator	\$38,500/Academic - 100%	9/1/2022

Time Period Reporting: 9/1/22 - 11/30/22

FACULTY AND STAFF APPOINTMENTS

Appendix 1

Type	Employee Name, Last Degree (Education)	New Department and Title	New Salary, Term Length and FTE	Effective Date
Faculty	Rashid Mia, Ph.D. (University of Southern Mississippi)	Chemistry - Assistant Professor	\$61,000/Academic - 100%	9/1/2022
Faculty	Zachariah Fleming	Earth Sciences and Geologic Resources - Assistant Professor	\$64,000/Academic - 100%	9/1/2022
Faculty	Nurul Raihen, Ph.D. (Wayne State University)	Mathematics & Statistics - Visiting Assistant Professor	\$60,000/Academic - 100%	9/1/2022
Faculty	Dylan Rambow, Ph.D.	Mathematics & Statistics - Visiting Assistant Professor	\$60,000/Academic - 100%	9/1/2022
Faculty	Sarah Davis	School of Nursing - Clinical Instructor	\$57,000/Academic - 100%	9/1/2022
Faculty	Megan Nichols	School of Nursing - Clinical Instructor	\$45,000/Academic - 100%	9/1/2022
Faculty	Rebekah Wagoner	School of Nursing - Clinical Instructor	\$56,000/Academic - 100%	9/1/2022
Faculty	Jennifer Young	School of Nursing - Clinical Instructor	\$55,000/Academic - 100%	9/1/2022

Time Period Reporting: 9/1/22 - 11/30/22

**FACULTY AND STAFF
CHANGE OF STATUS**

Appendix 1

Type (Faculty/ Staff)	Employee Name	Previous Department and Title	Previous SFA Salary, Term Length, and FTE	New Department and Title	New SFA Salary, Term Length, and FTE	Effective Date
Staff	Robert Hansen	Athletics - Track & Field/Cross Country - Co-Head Coach Cross Country	\$44,345/Annual - 100%	Athletics - Track & Field/Cross Country - Head Coach	\$95,000/Annual - 100%	11/1/2022
Staff	Carrie Charley	Campus Living, Dining and Auxiliary Enterprises - Executive Director	\$115,000/Annual - 100%	Campus Living, Dining and Auxiliary Enterprises - Assistant Vice President	\$120,000/Annual - 100%	11/1/2022
Staff	Steven Whitman	Campus Recreation - Assistant Director	\$44,345/Annual - 100%	Campus Recreation - Interim Assistant Director of Aquatics, Safety and Outdoors	\$44,345/Annual - 100% with monthly stipend of \$800/month/1 month	9/1/2022
Staff	Steven Whitman	Campus Recreation - Assistant Director	\$44,345/Annual - 100%	Campus Recreation - Associate Director	\$57,000/Annual - 100%	10/1/2022
Staff	Alison Reed	Center for Teaching and Learning - Learning Experience Design Coordinator	\$60,000/Annual - 100%	Center for Teaching and Learning - Interim Director	\$60,000/Annual - 100% with monthly stipend of \$1,000/month/12 months	9/1/2022
Staff	Javier Vega	Center for Teaching and Learning - Learning Experience Design Specialist I	\$49,000/Annual - 100%	Center for Teaching and Learning - Learning Experience Design Specialist II	\$57,062/Annual - 100%	10/1/2022
Staff	Jennifer Goddard	Academic Advisor II - College of Business	\$39,775/Annual - 100%	College of Business - Office of Student Services - Advising Director	\$55,000/Annual - 100%	9/1/2022
Staff	Stephen Bacarisse	Technical Director - College of Fine Arts	\$46,296/Annual - 100%	College of Fine Arts - Technical Director	\$48,611/Annual - 100%	11/1/2022
Staff	Lauren Suggs	Early Childhood Laboratory - Assistant Teacher	\$24,958/Annual - 100%	Early Childhood Laboratory - Interim Lead Teacher	\$36,000/Annual - 100%	10/10/2022
Staff	John Wyatt	Human Resources - Associate Director	\$85,000/Annual - 100%	Human Resources - Interim Director	\$85,000/Annual - 100% with monthly stipend of \$2,083/month/6 months	9/1/2022
Staff	Will Honea	Library - Coordinator (Record Management & Publication)	\$52,835/Annual - 100%	Library - Coordinator (Digital Initiatives & Records Management)	\$58,000/Annual - 100%	11/1/2022
Staff	Megan Weatherly	Center for Teaching and Learning - Director	\$85,000/Annual - 100%	Lumberjack Learning Commons - Executive Director	\$115,000/Annual - 100%	9/1/2022
Staff	John Branch	Physical Plant - Associate Director	\$85,925/Annual - 100%	Physical Plant - Interim Director	\$85,925/Annual - 100% with monthly stipend of \$2,006/month/6 months	9/1/2022
Staff	Perry Brown	Physical Plant - Automotive Services Technician III	\$45,798/Annual - 100%	Physical Plant - Transportation & Special Services Manager	\$62,000/Annual - 100%	9/1/2022
Staff	Allyson Bryce	Physical Plant - Accountant II	\$50,985/Annual - 100%	Physical Plant - Accountant III	\$62,000/Annual - 100%	11/1/2022
Staff	Mark Scott	Physical Plant - Transportation & Special Services Manager	\$68,646/Annual - 100%	Physical Plant - Assistant Director	\$75,000/Annual - 100%	9/1/2022

Time Period Reporting: 9/1/22 - 11/30/22

**FACULTY AND STAFF
CHANGE OF STATUS**

Appendix 1

Type (Faculty/ Staff)	Employee Name	Previous Department and Title	Previous SFA Salary, Term Length, and FTE	New Department and Title	New SFA Salary, Term Length, and FTE	Effective Date
Staff	Mickie Gunter	Office of Research and Graduate Studies - Program Coordinator (Graduate Studies)	\$48,645/Annual - 100%	Office of Research and Graduate Studies - Program Director (Graduate Studies)	\$58,860/Annual - 100%	11/1/2022
Staff	Jennifer Hanlon Patterson	Office of Research and Graduate Studies - Assistant Director	\$81,748/Annual - 100%	Office of Research and Graduate Studies - Director	\$85,840/Annual - 100%	11/1/2022
Staff	Kathleen Thompson	Development Office - Annual Giving Coordinator	\$41,000/Annual - 100%	Student Success Center - Student Success Coordinator	\$41,000/Annual - 100%	9/1/2022
Faculty	Laurie Rogers	Business Communication and Legal Studies - Lecturer	\$49,320/Academic - 100%	College of Business - Office of Student Services - Assistant Dean for Academic and Career Success	\$85,000/Annual - 100%	9/1/2022
Faculty	Carol Wright	Business Communication and Legal Studies - Associate Professor	\$87,423/Academic - 100%	Business Communication and Legal Studies - Chair	\$130,000/11 months - 100%	9/1/2022
Faculty	J. Kevin Langford	Biology - Associate Professor/Pre-Health Professions Program Director	\$74,838/Academic - 100%	Biology - Interim Chair	\$74,838/Academic - 100% with monthly stipend of \$1,000/month/12 months	9/1/2022
Faculty	Odotayo Odunuga	Chemistry and Biochemistry - Professor	\$81,419/Academic - 100%	Chemistry and Biochemistry - Interim Chair	\$81,419/Academic - 100% with monthly stipend of \$1,000/month/12 months	9/1/2022
Faculty	Ronda McClain	Education Studies - Lecturer	\$66,339/Annual - 100%	Education Studies - Assistant Professor	\$62,000/Academic - 100%	9/1/2022
Faculty	Andrew Lannen	History - Associate Professor	\$67,000/Academic - 100%	History - Interim Chair	\$67,000/Academic - 100% with monthly stipend of \$1,000/month/12 months	9/1/2022
Faculty	Michael Walker	Psychology - Associate Professor	\$67,000/Academic - 100%	Human Services and Educational Leadership - Interim Chair	\$67,000/Academic - 100% with monthly stipend of \$1,000/month/12 months	9/1/2022
Faculty	Robert Crocker	Management and Marketing - College of Business	\$172,022/Annual - 100%	Management and Marketing - Professor	\$120,000/Academic - 100%	9/1/2022

Time Period Reporting: 9/1/22 - 11/30/22

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Appendix 2

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STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic and Professional Qualifications

Policy Number: 7.1

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 qualifications for academic and professional teaching roles.

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 edits.

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

Academic and Professional Qualifications

Original Implementation: April 20, 1999

Last Revision: ~~October 28, 2019~~ January 30, 2023

The selection, development, and retention of competent faculty are essential to providing students a ~~high-quality~~ high-quality education. Stephen F. Austin State University will follow requirements established by accrediting bodies and state agencies.

Full-time and part-time faculty members teaching credit-earning courses leading toward the baccalaureate degree, other than activity courses, normally must have completed at least 18 graduate semester hours in the content discipline and, at a minimum, hold a master's degree from an accredited institution.

Qualifications for Clinical Teaching Field Supervisors must meet the standards outlined in Texas Administrative Code Chapter 228, Requirements for Educator Preparation Programs.

Each faculty member teaching courses at the master's degree level normally must hold a terminal degree from an accredited institution, usually the earned doctorate, in the content or related discipline. A master's degree in the content discipline coupled with a doctoral degree in a related discipline may be appropriate. It is the responsibility of the academic unit head to justify the master's degree, or master's degree in the content discipline coupled with a related doctorate, as the terminal degree for faculty members teaching in those disciplines. All faculty members teaching courses at the doctoral degree level normally must hold a terminal degree from an accredited institution in the content or related discipline. Outstanding professional experience and demonstrated contributions to the content discipline may be presented in lieu of formal academic qualifications. In rare cases, graduate faculty who have demonstrated exceptional scholarly or creative activity, or professional experience, but who may not possess the required academic credentials may be considered.

Graduate teaching assistants who have primary responsibility for teaching a course for credit and for assigning final grades must have earned at least 18 graduate semester hours in the content discipline, be under the direct supervision of a faculty member experienced in the content discipline, and be evaluated periodically within the academic unit.

Appropriate documentation and justifications must be provided by the academic unit head. Appropriate documentation includes official transcripts and, if applicable for demonstrating competence, official documentation of professional and work experience, technical and performance competency, records of publications, certifications, and other qualifications. Appropriate documentation must be kept current and on file in the Office of the Provost and Executive Vice President for Academic Affairs.

Cross Reference: ~~Faculty Handbook~~; Southern Association of Colleges and Schools; Graduate Assistantships (6.12); Academic Appointments and Titles (7.2); Terminal Degrees (7.30); 19 Tex. Admin. Code § ~~Ch. 228.2(16)~~.

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

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

Forms: Faculty Credential Certification

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: October 28, 2019
 April 12, 2016
 April 23, 2013
 April 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic Appointments and Titles

Policy Number: 7.2

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 academic appointments and titles

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 edits.

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

Academic Appointments and Titles

Original Implementation: September 6, 1979

Last Revision: ~~October 28, 2019~~ January 30, 2023

The ~~P~~provost and *Executive* ~~V~~ice ~~p~~President for ~~a~~Academic ~~a~~Affairs is responsible for the allocation of positions and appointments based on recommendations from colleges and academic units.

All conditions of appointment will be in writing at the time of appointment.

The rank of initial appointment is based upon the qualifications of the appointee. In order to be appointed to a tenure-track position, individuals are expected to have completed the terminal degree in the discipline of the appointment. All appointees should meet the qualifications as prescribed by SFA policies and the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

In exceptional circumstances, special training in recognized institutions, e.g., conservatories or research institutes, or the attainment of nationally recognized licenses or certificates, may be judged to satisfy the requirement for advanced degrees. Practical experience and/or demonstrable expertise and performance in activities related directly to one's faculty appointment may be judged to satisfy the requirement for advanced degrees and/or years of experience. Exceptions may be granted by the ~~p~~Provost and *Executive* ~~V~~ice ~~P~~resident for ~~a~~Academic ~~A~~ffairs.

The titles of instructor, assistant professor, associate professor and full professor, or librarian I, II, III and IV are used for full-time, tenure-track appointments. These positions are subject to the terms and conditions of the policy on Tenure and Continued Employment (7.29). All other appointments are not on tenure-track. Generally, service in non-tenure track ranks is not applicable toward tenure and not subject to the terms and conditions of the tenure policy.

An interim appointment may occur when there is a vacancy in an administrative position. The interim administrator has full authority until a person is named to the respective position. Interim appointments of administrative positions are made by the supervising administrator and are subject to approval by the Board of Regents.

Assistant/Associate administrative appointments may occur when there is a need for additional support to the academic unit head, dean, or provost. Assistant/Associate administrators are appointed by the supervising administrator and are subject to approval by the Board of Regents.

Tenure-track Ranks

Faculty

The rank of **Instructor** may be held by an individual without a terminal degree but with contract provisions specifying a completion date of the terminal degree. The minimum criterion on

appointment to the rank of instructor at Stephen F. Austin State University is a master's degree in the field in which the individual will be teaching.

The rank of **Assistant Professor** is held by an individual with a terminal degree who demonstrates the capability to produce research/scholarly/creative accomplishments, teach effectively, and provide service to the academic and general communities.

The rank of **Associate Professor** is held by an individual with a terminal degree, proven record of research/scholarly/creative accomplishments, and effective teaching, and service to the academic and general communities.

The rank of **Professor** is held by an individual with a terminal degree who has a sustained record of research/scholarly/creative accomplishments, effective teaching, and service to the academic and general communities, and whose contributions to the profession or field are substantial and are recognized beyond the campus.

Librarian

The rank of **Librarian I** is held by an individual who has a master's degree in library science from a school accredited by the American Library Association.

The rank of **Librarian II** is held by an individual who has demonstrated capabilities to be an effective and productive librarian and a contributing member of the academic and general communities.

The rank of **Librarian III** is held by an individual who has a proven record of effective and productive librarianship and has made numerous professional contributions to the academic and general communities through presentations at professional meetings, professional publications, and service to library organizations.

The rank of **Librarian IV** is held by an individual whose contributions to the profession of librarianship are substantial and are recognized at the state and national levels to be of high quality. The applicant's professional contributions to the academic and general communities should be significant as evidenced by exceptional records of accomplishment in the lower ranks.

Non-tenure Track Ranks

Service in the following ranks is not applicable toward tenure.

Archivist

~~The rank of **Archivist I** is held by an individual with a Master of Arts degree in public history with an archival studies concentration.~~

~~The rank of **Archivist II** is held by an individual who has a proven record of effective and productive performance.~~

~~The rank of **Archivist III** is held by an individual who has a proven record of effective and productive performance. The individual shall also have made significant professional contributions to the academic and general communities through presentations at professional meetings, professional publications and service to library organizations.~~

~~The rank of **Archivist IV** is held by an individual who has a proven record of substantial contributions to the profession recognized at the state and national levels. Additionally, the individual holding this rank must have successfully passed the Academy of Certified Archivist Examination.~~

Other Faculty

***Clinical Instructor I** is a full-time, nine-month appointment. Entry level appointment. Faculty in this classification are those with expertise in professional practice disciplines where instruction does not necessarily take place in the traditional academic setting (e.g. nursing, hospitality, etc.)*

***Clinical Instructor II** is a full-time, nine-month appointment. Must have a proven record of performance at all appropriate levels and evidence of contributions to the profession as defined by the candidate's academic department.*

Clinical Instructor III is a full-time, nine-month appointment. Must have a proven record of performance at all appropriate levels and evidence of substantial contributions to the profession as defined by the candidate's academic department.

~~**Clinical Instructor II** is a full time, nine month appointment. Must have a proven record of performance at all appropriate levels and evidence of contributions to the profession as defined by the candidate's academic department.~~

~~**Clinical Instructor I** is a full time, nine month appointment. Entry level appointment. Faculty in this classification are those with expertise in professional practice disciplines where instruction does not necessarily take place in the traditional academic setting (e.g. nursing, hospitality, etc.)~~

***Lecturer I** is a full-time, nine-month appointment to an on-going position. Master's degree minimum.*

***Lecturer II** is a full-time, nine-month appointment. Must have a proven record of performance at all appropriate levels and evidence of contributions to the profession as defined by the candidate's academic department.*

Senior Lecturer is a full-time, nine-month appointment requiring a terminal degree (or the equivalent in professional experience or credentials). Must have a proven record of performance at all appropriate levels and evidence of substantial contributions to the profession as defined by the candidate's academic department.

~~**Lecturer II** is a full-time, nine-month appointment. Must have a proven record of performance at all appropriate levels and evidence of contributions to the profession as defined by the candidate's academic department.~~

~~**Lecturer I** is a full-time, nine-month appointment to an on-going position. Master's degree minimum.~~

Adjunct, whether part-time or full-time, is intended to be temporary, with appointments made on a semester-by-semester basis as required to fill instructional needs beyond those that can be covered by current faculty. Reoccurring full-time adjunct appointments should be considered as evidence for the necessity of an additional lecturer/tenure-track position.

Visiting (Rank): Professor, Associate Professor, Assistant Professor, or Instructor

Visiting faculty rank is determined by degree, experience, and/or current rank at another institution. These positions are full-time, nine-month, or semester appointments depending on the circumstances.

Special Designated Titles

~~**Special Designated Titles** This category isare used for part-time and/or full-time appointments. Appointees may carry specially designated titles assigned by the appropriate academic dean in consultation with the Provost and Executive Vice President for Academic Affairs. The designated title should reflect the appointee's assignment. Designations such as the following are examples: -clinical instructor, artist-in-residence, director of bands, or research associate.~~

Cross Reference: *Graduate Assistantships (6.12); Academic and Professional Qualifications (7.1); Academic Promotion of Full Time Faculty (7.4); Administrative Evaluation of Adjunct Faculty Performance Evaluation (7.5); Faculty Workload (7.13); Library Faculty (7.17); Part-time Faculty (7.21); Performance Evaluation of Faculty (7.22); Tenure and Continued Employment (7.29); Library Faculty (7.17); Graduate Assistantships (6.12); Terminal Degrees (7.30)*

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: October 28, 2019
 January 31, 2017
 July 29, 2014
 April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic Probation, Suspension, and Reinstatement for Undergraduates

Policy Number: 6.4

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 provides guidelines to determine a student's academic status and the steps of reinstatement if applicable.

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
Damon Derrick, General Counsel

Academic Probation, Suspension, and Reinstatement for Undergraduates

Original Implementation: January 30, 1981

Last Revision: ~~October 28, 2019~~ January 30, 2023

Good Standing

An undergraduate student must maintain a minimum cumulative grade point average of 2.0 to remain in good academic standing.

Academic Probation

An undergraduate student is placed on academic probation after the first regular semester in which the cumulative GPA falls below 2.0. Undergraduate students on academic probation whose semester GPA is 2.0 or higher will be allowed to continue in the university on academic probation until the cumulative GPA is 2.0 or higher. Academic probation will continue until the student achieves good standing or is placed on academic suspension.

Academic Suspension

An undergraduate student on academic probation will be placed on academic suspension if the student's semester GPA is below 2.0.

Reinstatement

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

- Meet conditions established by the student's dean; or
- *After the first academic suspension, attend summer school at Stephen F. Austin State University and either raise the cumulative GPA to 2.0 or above or obtain a GPA of 2.0 or above for at least nine (9) semester credit hours in courses specified by the student's dean; or*
- Be readmitted provisionally automatically after one regular semester's absence from the university. Following a second or subsequent academic suspension and absence from the university for two regular semesters, be readmitted automatically. Summer terms are exempt from periods of academic suspension. Automatic readmission will not occur if the student takes courses elsewhere and fails to attain a GPA of 2.0 for those courses. ~~or,~~
- ~~After the first academic suspension, attend summer school at Stephen F. Austin State University and either raise the cumulative GPA to 2.0 or above or obtain a GPA of 2.0 or above for at least nine (9) semester credit hours in courses specified by the student's dean.~~

Change of Major

Undergraduate students on academic probation or suspension may change majors with approval from their current and receiving deans.

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

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: October 28, 2019
 January 31, 2017
 April 15, 2014
 April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic Program Review

Policy Number: 5.1

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 academic program reviews.

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: Significant revision to reflect change in procedure of APR for undergraduate and graduate programs.

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

Academic Program Review

Original Implementation: April 28, 2005

Last Revision: ~~October 28, 2019~~ January 30, 2023

Academic Program Review (APR) is driven by the university's mission statement and strategic plan. *The APR* ~~and~~ enhances the quality of all academic programs and ensures the ongoing support necessary for continuation, modification, and development of programs. All undergraduate and graduate degree programs fall within this policy. APR encourages self-study and planning within programs and aligns the strategic plans of the program, the college, and the university. APR provides information for curricular and budgetary planning decisions at each administrative level. In turn, the resources needed for growth, continuation, or modification of programs can be included in planning processes. *Faculty involvement in the APR process is critical and required.*

~~The normal cycle for APR is every 10 years. All undergraduate and graduate degree programs ms undergraduate and graduate, including certificates and minors must undergo APR annually. The procedure for annual APR may be found A timeline for program review may be found on the website for the provost and vice president for academic affairs. All programs including certificates and minors, in addition to degree programs, in an academic unit should be reviewed at the same time.~~

~~Additionally, Aall graduate degree programs, including locally awarded certificates, must undergo a comprehensive decennial APR. If one program in an academic unit is governed by a discipline specific accrediting agency, all programs in the academic unit will be reviewed concurrently and in the same cycle as the accredited review. If accreditation by a discipline-specific accrediting agency is on a cycle of less than 10 years, that cycle will be followed. If the cycle is 10 years or more, a program review will be required in the interim. Academic units with multiple accrediting agencies should follow the cycle of the accrediting agency most appropriate to the program unit. Notwithstanding accreditation requirements, at a minimum all master's and doctoral degree programs will be reviewed at least once every 10 years.~~

~~The decennial APR template guides procedures and requirements are detailed in the APR Handbook the development of the self-study report (see APR Handbook). The Provost and Eexecutive Vice Ppresident for Aacademic Affairs must approve in advance a deviation from the template published procedures. Accreditation reports may will substitute for the external program review report required by this policy if approved. However, any information required by the APR appendices Handbook but and not already included in the accreditation review must be added submitted to the Pprovost and Eexecutive Vice Ppresident for Aacademic Affairs with the external accreditation report.~~

In conjunction with the Texas Higher Education Coordinating Board, the Provost and Executive Vice President for Academic Affairs establishes a decennial schedule of programs to be reviewed along with deadlines for completing each task. The Texas Higher Education Coordinating Board required academic program review schedule must be coordinated to ensure compliance.

The following definitions are relevant to the APR process:

- ~~An academic program is a structured grouping of course work designed to meet educational objectives leading to a baccalaureate degree, graduate degree, certificate, or teaching credential.~~
- ~~An academic unit (e.g., department, division, school) manages one or more academic programs.~~
- ~~Unit Outcomes are the measureable benefits of the services provided by an academic unit.~~
- ~~Program Learning Outcomes (PLOs) are the knowledge, skills, and abilities students are expected to demonstrate upon completion of an academic program/major.~~
- ~~Student Learning Outcomes (SLOs) define the knowledge, skills and abilities students are expected to demonstrate upon completion of a particular course.~~
- ~~Core Objectives (COs), as prescribed by the Texas Higher Education Coordinating Board (THECB), are critical thinking skills, communication skills, empirical and quantitative skills, teamwork, personal responsibility and social responsibility.~~

Process

Processes identified in the APR Handbook are required and fulfill:

1. ~~The annual APR process adheres to the standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); and the THECB. Academic units are required to evaluate their effectiveness in achieving unit outcomes and learning outcomes to accomplish college and university goals (i.e., mission statements and strategic plans). Faculty teaching in a program must be actively involved in the review.~~
- 1.
2. ~~Requirements overseen/managed by the Texas Higher Education Coordinating Board for compliance with Texas Administrative Code.~~

Academic units with core curriculum courses must conduct an assessment of core objectives (COs). SFA must submit a Texas Core Curriculum report to the THECB every ten years, based on annual assessment of student learning regarding COs. Instructions for core assessment may be found on the Office of Institutional Effectiveness's Core Objective Assessment webpage.

The decennial APR consists of an Internal Program Review or self-study (including assessment of unit outcomes), an External Program Review, and a Program Improvement Plan. All master's and doctoral program reviews are submitted to THECB according to its established schedule. Master's and doctoral programs in the same discipline are reviewed simultaneously using the

same self-study materials and reviewers.

~~Academic units must be engaged in the ongoing assessment of their unit outcomes and program learning outcomes. Academic units with core curriculum courses must conduct an assessment of COs.~~

~~The provost and vice president for academic affairs establishes a schedule of programs to be reviewed along with deadlines for completing each task. The self study is developed by a committee composed of faculty within the academic unit appointed by the academic unit head. The report must adhere to the APR template (see APR Handbook).~~

~~The self study includes the following: (1) program overview and unit effectiveness; (2) curriculum and student learning (PLOs and COs); (3) faculty characteristics and qualifications; and (4) summary conclusions. All required data must be completed even if an accrediting report is submitted in lieu of the APR report.~~

~~All graduate programs are subject to external review. Reviewers must have subject matter expertise, employment at an institution of higher education outside Texas and faculty status in a program nationally recognized for excellence in the discipline. External reviewers cannot have a conflict of interest that could influence their judgment (e.g., SFA alumni, former students or employees of the university, or formal collaborators with faculty in the unit under review) or employment at institutions within Texas. Faculty members of the academic unit nominate three individuals from comparable institutions of higher education to serve as possible external reviewers. The dean of the college selects at least one person from the three nominated. Preference is given to nominees from colleges and universities accredited by SACSCOC. Doctoral programs must have at least two external reviewers who conduct an on-site visit (see APR Handbook to obtain guidelines for selection of external reviewers). Upon completion of the external review, the faculty members of the academic unit consider the recommendations. A final report is prepared that includes the self study (Internal Program Review), the External Program Review and the Program Improvement Plan that describes the actions taken or to be taken to improve the performance of the academic unit. All documentation is sent to the dean for comment. The dean forwards all materials to the provost and vice president for academic affairs for review and feedback.~~

Cross Reference: 19 Tex. Admin. Code §§ 4.30, 5.52 ; ~~Schedule of Formal Academic Program Reviews~~; *Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) The Principles of Accreditation, Standards 7.1, 8.1, 8.2a6.2.b.; *APR Handbook**

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

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

Forms: APR Handbook

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: October 28, 2019
 July 25, 2017
 July 29, 2014
 April 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: AIDS and HIV

Policy Number: 13.1

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 Finance and Administration
and Vice President of Student Affairs

Purpose of Policy (what does it do): Outlines SFA's approach to working with those diagnosed
with HIV or AIDS

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: This policy is required by the Texas Education Code. The majority of information covered is already outlined in other policies, such as the Non-Discrimination Policy, therefore the policy was condensed to remove redundancies.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Brandon Frye, Vice President of Student Affairs
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel
Steve Westbrook, Interim President

AIDS and HIV

Original Implementation: September, 1990

Last Revision: January 28, 2020/30, 2023

Purpose

This policy establishes guidelines for how the university will conform its actions in regard to persons with AIDS and HIV.

Definitions

AIDS means acquired immune deficiency syndrome.

HIV means human immunodeficiency virus.

General

Stephen F. Austin State University recognizes the increasing public awareness ~~and concern over~~ concerning AIDS and HIV. ~~For the purposes of this policy, AIDS means acquired immune deficiency syndrome, and HIV means human immunodeficiency virus. AIDS is a fatal disease that has become a nationwide public health problem.~~ In ~~health-related~~ health-related matters such as this one, the university shall follow the guidelines of recognized authorities including: the Centers for Disease Control and Prevention, the United States Public Health Service, the Texas Department of State Health Services, and the American College Health Association. Further, the university shall conform its actions to the Texas Communicable Disease Prevention and Control Act, the Texas Human Immunodeficiency Virus Services Act, and other law as applicable.

~~The health status of a person infected with HIV may vary from an apparently healthy, normally functioning individual to a critically ill person. However, there is no current medical evidence that persons infected with HIV present a health risk to others in the normal academic or workplace setting. Routine daily encounters with others pose no risk of transmitting the fragile, blood borne virus. Accordingly, there is no reason to exclude individuals with AIDS or HIV from campus academic, social, or cultural activities. Therefore, on the basis of current knowledge of the disease, persons sharing common living space, work or study areas, libraries, classrooms, recreational facilities, and theaters do not represent a problem or public threat to the campus community.~~

Students and employees (faculty and staff) of the university who may become infected with HIV will not be excluded from enrollment or employment, or restricted in their access to university services or

facilities, unless medically-based judgments in individual cases establish that exclusion or restriction is necessary to the welfare of the infected person or of the other members of the university community.

Persons with HIV infection are entitled to the same rights and opportunities as persons with other communicable diseases. The university prohibits any discrimination in its programs and activities against a person with HIV infection unless based on accurate scientific information. Any student, faculty member, or employee who violates this rule may be subject to appropriate disciplinary action, up to and including termination of employment if an employee and expulsion if a student.

~~When circumstances arise that require review of any matter regarding HIV/AIDS, the president will seek the advice of the director of the Health Clinic, the attending physician, and other relevant parties. An opportunity will be provided for persons involved in the matter to discuss their circumstances. Members of the Public Health Committee will be available to review the issues and to provide recommendations to the president for appropriate action.~~

~~In the event of public inquiry concerning university policy, programs, problems, or statistics related to AIDS on campus, the director of University Marketing Communications will serve as the official spokesperson for the university and will enlist the cooperation of the director of the Health Clinic and the Public Health Committee as necessary to prepare an appropriate response. All inquiries from the press, elected public officials, or the public in general will be referred to the spokesperson.~~

~~The medical records and test results of any HIV-infected person on the campus shall remain confidential and private information in accordance with law. The breach of that confidentiality may result in litigation and in severe penalties, both civil and criminal. (Some exceptions to confidentiality are permitted by law.)~~

~~The university shall keep the number of people who are aware of the existence and identity of students, faculty, or staff members who have AIDS or HIV to an absolute minimum to protect the confidentiality and privacy of the infected persons and to avoid the generation of unnecessary fear and anxiety on the campus. However, public information shall be disclosed upon request in accordance with the Texas Public Information Act, the Family Educational Rights and Privacy Act, the Texas Communicable Disease Prevention and Control Act, the Texas Human Immunodeficiency Virus Services Act, and other applicable law.~~

~~Persons who know, or have a reasonable basis for believing, that they are infected with the AIDS virus are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly in accordance with such knowledge for the protection of other members of the university community. The university encourages regular medical follow up for such persons.~~

~~The university shall carefully observe the safety guidelines established by the U.S. Public Health Service for the handling of blood and other body fluids and secretions in the Health Clinic and in other institutional contexts in which such fluids or secretions may be encountered (e.g., teaching and experimental laboratories).~~

~~The university shall strictly observe the public health reporting requirements for AIDS and HIV infection as well as other communicable diseases.~~

~~The university shall make this policy available upon request to students, faculty, and staff members and such a statement will be included in the Policy and Procedure Manual on the university's Web page.~~

~~Policy for the Work Environment~~

~~In the work setting, the university's major concern will be whether an HIV infected employee will be able to satisfactorily perform job duties. The university will make reasonable accommodations to keep an employee with HIV infection employed and productive for as long as the employee is capable of this performance.~~

~~Most HIV infected employees will be able to perform their job duties for an extended period before their illnesses interfere with job-related performance. During the asymptomatic period, the employee is not obligated to provide information about his/her HIV status to the university. However, an employee may want to share information about his/her HIV infected status with university officials so that responsible management decisions may be made about:~~

- ~~1. assignments or reassignments of job duties;~~
- ~~2. evaluating leave policies to assure leave time comparable to other medical conditions;~~
- ~~3. determinations of possible qualification for disability entitlements; and~~
- ~~4. monitoring the insurance status of the HIV infected employee to assure continuation of coverage.~~

~~Once HIV related symptoms occur, the employee has the responsibility as in the case of other illnesses to provide medically verified information relating to the ability to perform job duties.~~

~~Based on federal and state law, any medical documentation of information provided by an HIV-infected employee to university officials must be considered confidential and private information. As such, university officials are forbidden by law from disclosing this information to others without the employee's knowledge and consent. (Some exceptions to confidentiality are permitted by law.) The university requires that any consent to disclosure by the employee be in writing. Any university~~

~~employee who breaches the confidentiality of this information commits a serious offense that may be cause for litigation, resulting in both civil and criminal penalties.~~

~~University employees who refuse to work with HIV infected co workers may be subject to disciplinary action up to and including termination. University departmental unit heads should carefully monitor and document any instances of such refusal in violation of this policy and take appropriate disciplinary action.~~

~~At least once each year, Human Resources shall conduct an HIV/AIDS training program or distribute an educational pamphlet for university employees and include in the program and/or pamphlet:~~

- ~~1. current medical information about HIV transmission and prevention;~~
- ~~2. confidentiality and related laws;~~
- ~~3. personnel management, including relevant policies;~~
- ~~4. development of staff problem solving skills; and~~
- ~~5. a plan for scheduled periodic training.~~

~~Also, each year Human Resources shall conduct HIV/AIDS employee education programs to:~~

- ~~1. provide basic and accurate information regarding the modes of transmission and prevention of HIV infection;~~
- ~~2. reduce fear and misinformation of HIV/AIDS;~~
- ~~3. help faculty and staff recognize and avoid personal behaviors that might cause them to become infected with HIV;~~
- ~~4. encourage nondiscrimination, which enables the HIV infected person to remain employed as long as feasible;~~
- ~~5. help maintain productivity and lawful behavior in the workplace;~~
- ~~6. provide continuing information about HIV/AIDS; and~~
- ~~7. distribute to all employees a copy of the Texas Department of State Health Services' educational pamphlet entitled "HIV/AIDS and the Workplace."~~

~~At a minimum, the HIV curriculum will include:~~

- ~~1. modes of transmission;~~
- ~~2. methods of prevention;~~
- ~~3. behaviors related to substance abuse;~~

- ~~4. current laws and regulations concerning the rights of an AIDS/HIV infected individual; and,~~
- ~~5. behaviors associated with HIV transmissions which are in violation of Texas law.~~

~~On an employee's request, the university shall pay the costs of testing and counseling an employee concerning HIV infection if the employee:~~

- ~~1. provides appropriate documentation that the employee may have been exposed to the HIV virus while performing duties of employment with that agency, and~~
- ~~2. was exposed to HIV in the manner that the U.S. Public Health Service has determined is capable of transmitting HIV.~~

~~However, an employee who may have been exposed to HIV while performing job duties at the university may not be required to be tested for HIV.~~

~~For the purpose of qualifying for worker's compensation or any other similar benefits or compensation, an employee must provide the employer with a written statement of the date and the circumstances of the exposure and document that within 10 days after the exposure the employee had a test result that indicated an absence of HIV infection.~~

~~The cost of an employee's testing and counseling shall be paid from funds appropriated for payment of worker's compensation benefits to state employees. Counseling or a test conducted in accordance with these provisions shall conform to the model protocol on HIV counseling and testing prescribed by the Texas Department of State Health Services.~~

~~In compliance with the Texas Communicable Disease Prevention and Control Act, the University Police Department shall adopt a policy for handling persons with AIDS or HIV infection who are in its custody or under its supervision. The department's policy shall ensure that education programs for employees include information and training relating to infection control procedures and that employees have infection control supplies and equipment readily available.~~

~~The university shall adopt and implement workplace guidelines similar to the workplace guidelines for state agencies listed in the Texas Human Immunodeficiency Virus Services Act for any program involving direct client contact that is funded by one of the listed state agencies.~~

Policy for the Academic Environment

~~The university shall allow, to the extent possible, HIV infected students, whether they are symptomatic or not, to continue regular classroom attendance in an unrestricted manner as long as~~

~~they are physically able to attend class.~~

~~The university recognizes that there is no medical justification for restricting the access of HIV-infected students to the Student Center or to university cafeterias, snack bars, gymnasiums, swimming pools, recreational facilities, or other common areas.~~

~~The university recognizes that the best currently available medical information does not support the existence of a risk to those sharing residence halls with HIV infected individuals; in some circumstances however there may be reasonable concern for the health of those with AIDS or HIV who might be exposed to certain contagious diseases (e.g., measles or chicken pox) in a close living environment. Thus, decisions about residential housing of students with AIDS or HIV shall be made on a case by case basis. The university may decide to assign students with AIDS or HIV to private rooms in the interest of protecting the health of those students. The university shall provide education programs about AIDS and HIV to its residence hall staff (both students and employees).~~

~~Since there is no medical necessity, the university shall not advise others living in a residence hall of the presence of students in the residence hall who have AIDS or HIV. The university believes that the responsibility to provide a safe living environment is best dealt with by educational programming. Similarly, the university shall not make any attempt in any other setting to identify those students or employees who have AIDS or HIV.~~

~~The university shall not routinely ask students about their status regarding AIDS or HIV. However, the university shall encourage new students to inform the medical staff at the Health Clinic if they have AIDS or HIV in order for the Health Clinic to provide proper medical care and education. The Health Clinic staff will handle this information, like all other medical information, in a strictly confidential manner in accordance with university policy and federal and state law.~~

~~The university shall not provide any person, group, agency, insurer, employer, or institution with confidential medical information about students with AIDS or HIV virus without the specific written consent of the student. Given the possibility of unintended or accidental compromise of the confidentiality of information, the Health Clinic staff will carefully weigh the importance of including any specific information regarding the existence of AIDS or HIV in the medical record of a student except in circumstances of medical necessity created by the evaluation of an illness. At a minimum, the inclusion of any such information in the medical record should be discussed with the patient prior to its entry.~~

~~The university shall make available to students, on request, the educational pamphlet on HIV infection developed by the Texas Department of State Health Services and shall include in the university's Web page a statement that the pamphlet is available from the Health Clinic.~~

~~The Health Clinic shall provide accurate, understandable information on how to prevent the transmission of HIV infection in compliance with Section 51.919 of the Texas Education Code.~~

~~In further compliance with Section 51.919 of the Texas Education Code, the curricula of the nursing, counseling, and social work degree programs of the university shall:~~

- ~~1. include information about:~~
 - ~~a. methods of transmission and methods of prevention of HIV infection; and~~
 - ~~b. federal and state laws, rules, and regulations concerning HIV infection and AIDS; and,~~
- ~~2. give special attention to the physical, emotional, and psychological stress associated with the care of patients with terminal diseases.~~

Cross Reference: Texas Human Immunodeficiency Virus Services Act, Tex. Health & Safety Code Ch. 85; Texas Communicable Disease Prevention and Control Act, Tex. Health & Safety Code Ch. 81; Tex. Educ. Code § 51.919

Responsible for Implementation: President

Contact for Revision: ~~General Counsel~~ *Vice President for Finance and Administration; Vice President for Student Affairs*

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: *January 28, 2020*
 January 31, 2017
 October 21, 2013
 July 20, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Annual Disclosure of Crime Statistics

Policy Number: 13.3

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 Finance and Administration

Purpose of Policy (what does it do): This policy discloses specified crime and fire statistics in accordance with the "Clery Act," and/or the Higher Education Opportunity Act of 2008 (HEOA).

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 edits

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

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

Annual Disclosure of Crime Statistics

Original Implementation: October 30, 2007

Last Revision: January 3028, 202033

Purpose

This policy requires the disclosurees of specified crime and fire statistics in accordance with the “Clery Act,” and/or the Higher Education Opportunity Act of 2008 (HEOA).

General

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the “Clery Act,” and/or the Higher Education Opportunity Act of 2008 (~~HEOA~~), requires institutions of higher education receiving federal financial aid to report specified crime and fire statistics on college campuses and to provide other safety and crime information to members of the campus community. Campuses must publish an Annual ~~Fire and Security~~ and Fire Safety Security Report detailing statistics regarding reported crimes committed on campus and at affiliated locations for the previous three calendar years, fires that occur in on-campus residence halls, and describing specified policies, procedures and programs regarding safety and security. This requirement of the Clery Act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about the safety of the campus so that they can make informed decisions.

The federal law requires the collection and reporting of annual crime statistics reflecting reports of specified crimes that occur on and adjacent to a university campus and certain properties associated with the campus as well as fires that occur in on-campus residence halls. The statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime. Campuses must also provide a geographic breakdown of the crime statistics according to the following defined geographic areas: “on campus” (including further breakdown of the number of crimes that occurred in campus student residential facilities), “in or on a non-campus building or property” and “on public property.”

Annual ~~Fire Security~~ and Fire Safety Security Report

The Stephen F. Austin State University Police Department (UPD) prepares an Annual Security and Fire Safety Report (AFSSFSR) to comply with the Clery Act and the HEOA. The summary of crime statistics is included as part of this report. *The report is due on October 01, each year.*

The university's ~~AFSSSR~~ is available on the SFA website at: <http://www.sfasu.edu/upd/>. Copies of the AFSSR may also be obtained at the SFA University Police Department, located on East College Street, or by calling 936.468.2252.

Cross Reference: 20 U.S.C. § 1092(f); Higher Education Opportunity Act, Public Law 110-315 (8/14/08); 42 U.S.C. § 13925(a); Timely Warning (13.22)

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

Contact for Revision: *Executive Director* and Chief of Police

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 28, 2020
 January 31, 2017
 January 28, 2014
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities

Policy Number: 6.6

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: Chief Diversity Officer

Purpose of Policy (what does it do): Provides information regarding the appeal of accommodation provisions for individuals with disabilities.

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:

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

Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities

Original Implementation: July 14, 1998

Last Revision: ~~October 28, 2019~~ January 30, 2023

Students, faculty or staff at Stephen F. Austin State University, who disagree with the provision of accommodations for students with disabilities, may submit an appeal to the director of disability services/ADA coordinator ~~located in disability services, room 325 of the Human Services Building.~~ Appeals related to decisions made by the director of disability services regarding the denial of accommodations should be submitted to the ~~vice president for university affairs~~ *chief diversity officer*, or their designee, ~~located in room 314 of the Austin Building.~~ Grievances or complaints of discrimination based on disability relating to other circumstances not described above should be addressed through the university's policy 2.11, ~~Discrimination Complaints~~ *Nondiscrimination*.

Appeals may be initiated by:

1. student or faculty member, regarding academic accommodations;
2. student or staff member, regarding accommodations for non-academic programs ~~or~~, activities, *or housing*;
3. student, regarding accommodation decisions of the director of disability services;

~~student, regarding accommodation decisions of the director of residence life.~~ Appeals must:

- be submitted in writing;
- state the specific nature and basis of the appeal;
- be signed and dated by the individual making the appeal; and
- be submitted no later than 180 days from the date of notification of the decision being appealed.

Appeal Review

Within two (2) working days of receiving the appeal, the director or ~~vice president for university affairs~~ *chief diversity officer* or their designee will schedule a meeting with the chair/director of the department involved, the faculty or staff member involved, and the student. The purpose of this meeting will be to review the circumstances and, if possible, to reach a mutually agreed upon resolution.

If unresolved, the appeal will be forwarded by the director or ~~vice president for university affairs~~ *chief diversity officer* or their designee to an Appeal Review Committee for a second and final decision.

Appeal Review Committee

The Appeal Review Committee will be composed of three members selected by the director or the ~~vice president for university affairs~~ *chief diversity officer* or their designee. The director will serve as chair and ex officio member of the committee except when their decision is being appealed; in such circumstances, the ~~vice president for university affairs~~ *chief diversity officer* or their designee will appoint a faculty or staff member or academic administrator with background and/or experience in disability-related matters to serve as chair.

- For academic accommodation appeals, the committee will be composed of one faculty member from the department involved, the dean *or associate dean* of the college involved, and a member of the ADA Advisory Committee.
- For appeals in non-academic programs/activities and housing accommodations, the committee will be composed of one staff member from the department involved, the director of the department involved, and a member of the ADA Advisory Committee.
- For appeals regarding decisions of the director of disability services, the committee will be composed of one faculty member from the Department of Human Services and two additional individuals knowledgeable about ADA issues.

When selecting committee members, the director or ~~vice president of university affairs~~ *chief diversity officer* or their designee shall exclude individuals who ~~served on the Academic Assessment Committee or the Residence Life Assessment Committee~~ that provided initial review of the documentation and/or request. The director or ~~vice president for university affairs~~ *chief diversity officer* or their designee will communicate the decision and/or recommendations of the Appeal Review Committee to the individual seeking the appeal.

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

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

For specific information regarding provision of academic assistance, refer to policy 6.1, Academic Accommodation for Students with Disabilities. Refer to policy 13.2, Animals on University

Property, for service animal or emotional support animal information. For general policy information, refer to policy 2.2, Accessibility for Persons with Disabilities.

Cross Reference: Accessibility for Persons with Disabilities (2.2); Academic Accommodation for Students with Disabilities (6.1); Animals on University Property (13.2)

Responsible for Implementation: Chief Diversity Officer

Contact for Revision: Director of Disability Services

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

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: Austin Building Conference Rooms

Policy Number: 16.5

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: President

Purpose of Policy (what does it do): This policy outlines approved use of Austin 305 and 307.

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 edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Steve Westbrook, Interim President

Damon Derrick, General Counsel

Austin Building Conference Rooms

Original Implementation: June 10, 1986

Last Revision: January 28, 2020/30, 2023

The provisions of the policy on the Use of University Facilities (16.33) govern the use of all buildings, facilities, equipment, and grounds, hereafter referred to as facilities, under the control of Stephen F. Austin State University. That policy provides that the university may establish additional procedures for the reservation and use of specific facilities; therefore, the following provisions apply to Room 305 and Room 307 in the Austin Building.

These conference rooms will be primarily for the use of the Board of Regents and the president of the university in their conduct of the governance and administration of the university, as well as for visits of dignitaries and official university guests.

Beverages and food are prohibited in conference rooms 305 and 307, except as approved by the president or the chair of the Board of Regents.

Cross Reference: Use of University Facilities (16.33)

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Building and Grounds 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: Central Receiving

Policy Number: 17.2

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 Finance and Administration

Purpose of Policy (what does it do): This policy establishes guidelines and responsibilities when receiving supplies and equipment purchased for 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: Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

John Branch, Physical Plant Interim Director
Kay Johnson, Executive Director of Finance and Administrative Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Central Receiving

Original Implementation: Unpublished

Last Revision: January 30~~28~~, 2023~~0~~

Purpose

This policy establishes guidelines and responsibilities when receiving supplies and equipment purchased for the university.

General

All supplies and equipment purchased for the university are to be delivered through eCentral Receiving to ensure uniform handling of freight claims, accurate entry of receiving information, and necessary elements of institutional control. The following purchases are excluded from this requirement:

1. items ~~being~~ delivered under delegated purchase authority to the *Steen Library*, Stone Fort Museum, or departments using p-cards or rush orders;
2. items that require installation by the contractor or vendor; and
3. items specifically authorized by ~~the Department of Procurement and Business Property Services~~.

It is the responsibility of the department taking receipt of goods or services to immediately complete a Receiving Form for Purchase Orders online for all deliveries of goods or services purchased through a purchase order. See the Purchase Order Receiving Manual for detailed instructions for receiving purchase orders. Timely entry of receiving information is essential to avoid late payment penalties, and to effectively handle freight claims, shortages, or discrepancies.

Failure to promptly complete a Receiving Form for Purchase Orders ~~or notify central receiving of damages or shortages~~ may result in the inability to *document damages or shortages*, return goods, higher restocking fees, or liability for late payment penalties. The payment of any such penalties will be made from the account(s) that funded the original purchase.

Delivery of Vehicles

All vehicles must be delivered to ~~g~~*Grounds and Transportation* ~~central receiving~~ to verify that specifications have been met, ~~and to completion of~~ required documentation, ~~and tagging~~ *ging* by the property manager. ~~Vehicles will be delivered to the transportation manager for identification as a state vehicle and recording state vehicle fleet management plan information.~~

Delivery of Other Goods

Other goods delivered to Ceentral ~~Receiving~~ will be examined for damages *to packaging and shipment* ~~the contents of the shipment~~ compared ~~to~~ *against* the purchase order. *Packaging* ~~D~~ Damages or discrepancies will be noted on the bill of lading. Central ~~R~~ *Receiving* will *assist with* ~~handle~~ the filing of claims with the freight company for any freight damages or quantity discrepancies. Central ~~Receiving~~ will create a receiver document ~~and delivery log~~ in the university's financial system, *create a delivery log*, and schedule delivery to the requisitioning department, with the exception of computers which will be delivered to the appropriate tech shop for deployment.

Other goods delivered to the requisitioning department will be examined for damages and the contents of the shipment compared against the purchase order or procurement card (p-card) receipt. Damages or discrepancies should be reported immediately to ~~the vendor~~ *central receiving* for claims processing.

Outgoing Freight

Outgoing freight may be dispatched through eCentral ~~Receiving~~ to ensure proper documentation, packing, and labeling. Clear indication of shipment value should always be made on the package or on the accompanying documentation. A special notation should be made when insurance is desired. Contact eCentral ~~Receiving~~ for additional instructions or assistance in handling outgoing freight.

Cross Reference: Purchase Order Receiving Manual

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Executive Director of Finance and Administrative Services, Physical Plant Director* ~~Director of Procurement and Property Services/HUB Coordinator~~

Forms: Receiving Form for Purchase Orders

Board Committee Assignment: Finance and Audit Committee

Revision History: January 28, 2020
 January 31, 2017
 January 28, 2014
 January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Check Cashing

Policy Number: 3.7

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

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 designates the business office as the only campus location allowed to cash checks. The business office may cash personal checks for faculty, staff, and currently enrolled students with a Stephen F. Austin State University ID.

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Scheduled Review | <input type="checkbox"/> Change in law | <input type="checkbox"/> Response to audit finding |
| <input type="checkbox"/> Internal Review | <input checked="" type="checkbox"/> Other, please explain: Delete policy | |

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Process is no longer requested or needed.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Michaelyn Greene, Director of Treasury and Student Business Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Check Cashing

Original Implementation: September 1, 1988

Last Revision: October 26, 2020

Purpose

~~This policy designates the business office as the only campus location allowed to cash checks. The business office may cash personal checks for faculty, staff, and currently enrolled students with a Stephen F. Austin State University ID.~~

General

~~The check cashing limit is established by the controller's office. If an extenuating circumstance exists in which a student or employee needs to cash a check in excess of the established amount, authorization must come from the controller, the bursar in the business office or the bursar's designee. Checks returned to the university for nonsufficient funds, payment stopped, or account closed will be collected by the university or an outside collection entity. A fee will be assessed by the university for any check returned. Any fees charged to the university by an outside collection entity or the financial institution will be assessed to the individual. The university reserves the right to refuse personal checks from individuals who have a history of bad checks.~~

Restrictions

~~Employees may not cash their own check or a check from a relative, as defined by policy 11.16, Nepotism. Family member status is not terminated by death or divorce. The business office is not authorized to cash two party checks or post dated checks.~~

~~University checks (i.e., payroll checks, travel checks, student refund checks, etc.) may ordinarily be cashed only when the check is used as payment on the payee's account. Any other circumstances must be approved by both the bursar or his/her designee and the controller or his/her designee on the university's check cashing exception form.~~

~~Web check payments in excess of the amount owed, thus resulting in a refund, are not permissible.~~

Cross Reference: ~~Returned Payments (3.27); Nepotism (11.16)~~

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

Forms: Check Cashing Exception Form

Board Committee Assignment: Finance and Audit

Revision History:

October 23, 2017

April 25, 2017

July 28, 2015

July 17, 2012

July 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Distinguished Guests

Policy Number: 2.16

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: President

Purpose of Policy (what does it do): This policy requires all university departments and employees (excluding the Board of Regents) to notify the president's office prior to extending invitations to distinguished guests. If invitation is accepted, the president's office must be notified of details.

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: No changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Steve Westbrook, Interim President
Damon Derrick, General Counsel

Distinguished Guests

Original Implementation: January 28, 2020

Last Revision: ~~None~~ January 30, 2023

All university departments and employees (excluding those reporting directly to the Board of Regents), while acting in the scope of their employment, will notify the president's office prior to extending an invitation to a current or former member of the Board of Regents, elected official, or other distinguished guest such as a donor or prospective donor to visit campus. Such notification should include the proposed itinerary and reason for the visit. If the invitation is accepted, the president's office must be notified and kept informed of the details of the visit.

Cross Reference: None

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: None

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Doctoral Students: Allowable Credit Hours and Completion Times

Policy Number: 6.11

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

Date of last revision, if applicable: 1/28/2022

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 allowable credit hours, and completion times for doctoral 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: N/A

Specific rationale for each substantive revision: Minor edits.

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

Doctoral Students: Allowable Credit Hours and Completion Times

Original Implementation: April 21, 1998

Revision Date: January 28, 2020/30, 2023

The doctoral degree typically requires a minimum number of credit hours beyond a master's degree as specified by the program. After three years of enrollment, a formal review of each student's doctoral progress will be conducted within the respective graduate program and shared with the student.

Students who have reached ninety-nine (99) or more credit hours above a master's degree:

- will be ineligible for student employment at Stephen F. Austin State University (SFA);
- will pay the current rate for out-of-state tuition and fees, or the equivalent of full-cost-of-education as determined by SFA; and
- may be terminated from the program by the dean of research and graduate studies in consultation with the appropriate academic dean and academic unit head of the program.

If terminated from a program, a student may file a written appeal to the University Graduate Council whose recommendation will be forwarded to the Provost and Executive Vice President for Academic Affairs for final resolution.

Cross Reference: Graduate Bulletin; Tex. Educ. Code § 61.059(l)

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 28, 2020
 January 31, 2017
 January 28, 2014
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Faculty Development Leaves

Policy Number: 12.7

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): This policy provides guidelines for faculty development leaves.

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
Damon Derrick, General Counsel

Faculty Development Leaves

Original Implementation: April 26, 1983

Last Revision: January 28, 2020/30, 2023

Faculty development leaves may be granted by the Board of Regents for field observations, research, study, writing, or other scholarly/creative activities. They should not be used to complete work for a terminal degree. No more than six percent of university faculty members may be on development leave at any one time.

This policy applies to full-time faculty and librarians whose duties include teaching, research, administration, or the performance of professional services. Except for special circumstances, individuals are eligible for a development leave after serving full time for at least three consecutive years. After completion of a development leave, recipients may not apply for four years.

Applications for faculty development leaves will be reviewed annually by the Faculty Development Leave Committee. The committee will consist of full-time faculty members, one from each academic college and one from the library. The committee will make recommendations to the ~~P~~provost and ~~Executive V~~ice ~~P~~resident for ~~A~~cademic ~~A~~ffairs and the ~~P~~resident, who will make the final leave recommendation to the Board of Regents.

A faculty development leave may be awarded for one long semester at full base salary or for two long semesters at half the base salary. Payment of salary may be made from the funds appropriated by the legislature specifically for that purpose or from such other funds as might be available to the institution.

Recipients of faculty development leaves must guarantee the university that they will return to their regular duties, or others that might be assigned, for a period of at least one year following the expiration of the leave, provided they are offered a contract by the university. Recipients will submit a brief written report on the activities and accomplishments resulting from the leave to the academic unit head, dean, and ~~P~~provost and ~~Executive V~~ice ~~p~~resident for ~~A~~cademic ~~A~~ffairs within ninety days following completion of the leave.

Faculty members on faculty development leave, under law, may accept a grant or stipend for study, teaching, research, or travel from any institution of higher education or from a charitable, religious, or educational corporation or foundation, from any business enterprise, or from any federal, state, or local governmental agency. The faculty member may not accept employment from any other person, corporation, or governmental agency, unless the Board of Regents determines that it would be in the public interest to do so and expressly approves the employment. An accounting of all leave funds will be made by faculty members through the ~~P~~provost and ~~Executive V~~ice ~~P~~resident for ~~a~~Academic ~~a~~Affairs and the president to the Board of Regents.

The university will deduct from the salary of faculty members on development leave the deposit and membership dues required to be paid by them to the Teacher Retirement System of Texas or to the Optional Retirement Program or both, the contribution for Old Age and Survivors Insurance, and any other amounts required or authorized to be deducted. Faculty awarded development leave

will continue to participate in the programs and receive the benefits (retirement, insurance, etc.) made available by or through the university or the state to all other faculty members, and will be eligible for salary increases, merit pay, and all other fringe benefits awarded for the year following the expiration of the leave.

This policy will be filed with the Texas Higher Education Coordinating Board no later than thirty (30) days after the approval of any amendment by the Board of Regents.

Cross Reference: ~~Faculty Handbook~~; Tex. Educ. Code § 51.101-.108

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

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

Forms: Faculty Development Leave Request Form; Faculty Development Leave Proposal Format; and Faculty Professional Development Form

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 28, 2020
 January 31, 2017
 July 29, 2014
 January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Faculty Disagreements

Policy Number: 7.25

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: President

Purpose of Policy (what does it do): This policy outlines the process for resolving faculty disagreements regarding administrative decisions, other disputes involving faculty or other personnel, and employment disputes.

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 edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Steve Westbrook, Interim President
Damon Derrick, General Counsel

Faculty Disagreements

Original Implementation: April 3, 1979

Last Revision: January 28, 2020/30, 2023

The resolution of disagreements regarding administrative decisions or other disputes involving faculty or other personnel, other than dismissal or non-renewal, will be pursued initially with the academic unit head. If the matter cannot be satisfactorily resolved at that level, the faculty member may put the disagreement in writing and submit it to the college dean, along with a copy to the academic unit head.

The college dean will consult with the faculty member(s) and the academic unit head in an effort to resolve the disagreement. The dean may consult with any others deemed to have insight into the matter. If the matter cannot be satisfactorily resolved by the dean, the faculty member may appeal in writing to the provost and *executive* vice president for academic affairs, along with a copy to the dean and academic unit head.

The provost and *executive* vice president for academic affairs will consult with the faculty member(s), the academic unit head, the college dean, and any others with insight into the matter. If the matter cannot be satisfactorily resolved by the provost and *executive* vice president for academic affairs, either party may appeal the issue.

In situations that do not involve conditions of employment, an appeal from the provost and *executive* vice president for academic affairs will be forwarded directly to the president who will consult with the faculty member(s), the academic unit head, the college dean, the provost and *executive* -vice president for academic affairs, and any others with insight into the matter.

Employment Disputes

If the disagreement involves an allegation that conditions of employment under university policy have been violated, the appeal will be forwarded to the University Grievance Panel at the faculty member's request. This process will operate under the guidelines below.

1. An advisory subcommittee of the University Grievance Panel will review the evidence. The subcommittee will be composed of five members, with two members selected by the faculty member, two by the president or the president's designee, and one selected at random. Each party will have one challenge without stated cause.
2. Once constituted, the subcommittee will establish defined procedures for resolving the dispute.
3. When the subcommittee has made its determination, it will advise the president and the faculty member(s) of its findings in writing.
4. The president will review the subcommittee's report, consult with the faculty member(s) and any others with insight into the matter, and render a decision that will be final.

In all cases, the decision of the president is final and will be communicated to the faculty member in writing within a reasonable time.

Cross Reference: Faculty Handbook

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board of Committee Assignment: Academic and Student Affairs Committee

Revision History: January 28, 2020
 January 31, 2017
 July 29, 2014
 January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Faculty Merit Pay

Policy Number: 7.6

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: President and Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for faculty merit 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 each substantive revision: Sentence added to include what criteria may be considered in the merit process; addition to show that faculty will be informed of availability of funds.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

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

Faculty Merit Pay

Original Implementation: September, 1982

Last Revision: January 28, 2020/30, 2023

For merit pay consideration, full-time faculty members will present to their academic unit head all relevant or requested documentation, including at least the completed annual *faculty activity* report of professional activities and performance, as well as any other information required under individual academic unit, college or university policy. Adjunct faculty members are not eligible for merit pay increases.

Academic units and/or colleges will establish their own appropriate and specific merit criteria and awarding procedures. *Quality of teaching, research, scholarly/creative activity, administrative responsibilities, collegiality, and service may be considered in the merit process.*

Merit recommendations by the academic unit head will be subject to approval by the ~~D~~ean, ~~P~~rovost and ~~E~~xecutive ~~V~~ice ~~P~~resident for ~~A~~cademic ~~A~~ffairs, and ~~P~~resident.

Merit pay is contingent upon available funds. *Faculty will be informed on the availability of funds for merit pay*

Cross Reference: ~~Faculty Handbook~~ *Part-Time Faculty (7.21), Faculty Compensation (12.6)*

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

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

Forms: Annual *Faculty Activity Report, Faculty Success (FAR) Reporting System* ~~report of professional activities and performance and administrative evaluation form available in the Office of the Provost and Executive Vice President for Academic Affairs~~

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: July 23, 2019
July 26, 2016
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Graduate Student Advising

Policy Number: 6.13

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 guidelines on how graduate students are advised.

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
Damon Derrick, General Counsel

Graduate Student Advising

Original Implementation: October 31, 2000

Last Revision: ~~October 28, 2019~~ January 30, 2023

Academic units must provide effective academic advising for students enrolled in their graduate programs and must assign each student a graduate faculty member to serve as the academic advisor. The unit must provide students with information as to departmental/school/office organization, administration, key personnel, facilities, degree requirements, and procedures.

The academic advisor informs advisees of university resources, guidelines, procedures, policies, and graduate student rights and responsibilities. Advising topics include, but are not limited to, registration process, degree requirements, proper sequencing of courses, thesis/non-thesis options, time limits for completion of program, and comprehensive examination expectations.

~~All graduate student advising programs must be evaluated as part of the annual program assessment report, including information on how assessment results will be used.~~

Cross Reference: Graduate Bulletin, ~~Graduate Student Handbook, Student Handbook~~

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

Contact for Revision: Dean of Research and Graduate Studies

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: October 28, 2019
 November 7, 2016
 January 28, 2014
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Homer Bryce Stadium and William R. Johnson Coliseum

Policy Number: 16.13

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: President

Purpose of Policy (what does it do): This policy outlines approved use of Homer Bryce Stadium and William R. Johnson Coliseum.

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 edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Ryan Ivey, Director of Athletics
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Homer Bryce Stadium and William R. Johnson Coliseum

Original Implementation: 1972

Last Revision: January 28, 2020/30, 2023

The provisions of the policy on the Use of University Facilities (16.33) govern the use of all buildings, facilities, equipment, and grounds, hereafter referred to as facilities, under the control of Stephen F. Austin State University. That policy provides that the university may establish additional procedures for the reservation and use of specific facilities; therefore, the following provisions apply to Homer Bryce Stadium and William R. Johnson Coliseum.

Use of Homer Bryce Stadium or William R. Johnson Coliseum by persons other than the university athletic department will be arranged through the coordinator of athletic operations and approved by the director of athletics. Such usage will be limited to events sponsored by university departments or recognized student organizations conducting activities within their established role and scope. Some events may be sponsored by the university, such as high school and University Interscholastic League events as well as other athletic events, which are sanctioned by an official governing organization. Persons or groups wishing to use either of these facilities should contact the ~~coordinator of athletic operations~~ *Associate Athletics Director for Business Affairs* (in person or by phone) concerning the availability of the facility. Questions regarding the use of these facilities for camp/conference participants should be directed to the camps and conferences coordinator, located in the Baker Pattillo Student Center. (See Camps and Conferences, policy 16.7.)

1. Intercollegiate athletic teams have first priority of access to all intercollegiate competition surfaces.
2. The *Associate Athletics Director for Business Affairs* ~~coordinator of athletic operations~~ will complete a facility use application.
3. The *Associate Athletics Director for Business Affairs or designee* ~~coordinator of athletic operations~~ will assist university departments and student organizations with coordination of university police department and university physical plant services for upcoming events.
4. A contract will be completed before the date of the event.
5. The William R. Johnson Coliseum marquee will be used to advertise only official university events *and/or official corporate partners/sponsors*. Requests for messages on the marquee should be made to the *Associate Athletics Director for Business Development and Revenue Generation or designee* ~~coordinator of athletic operations~~.
6. Homer Bryce Stadium and William R. Johnson Coliseum competition surfaces (i.e. football field, track surface and basketball court) shall be permitted only through approval through the facility use process. General public use of competition surfaces is strictly prohibited.
7. Grandstands located in Homer Bryce Stadium and William R. Johnson Coliseum shall be opened for general public use at their own risk, between 6am-10pm. Both facilities shall be closed for general public use between 10pm-6am. Those individuals caught using the facilities during unpermitted timeframes may be subject to disciplinary action, including

prosecution by the extent allowed by law.

Cross Reference: Use of University Facilities (16.33); Camps and Conferences (16.7)

Responsible for Implementation: President

Contact for Revision: Director of Intercollegiate Athletics

Forms: None

Board Committee Assignment: Building and Grounds Committee

Revision History: January 28, 2020
 November 7, 2016
 October 21, 2013
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Investments

Policy Number: 3.21

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

Date of last revision, if applicable: 1/28/2022

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

Purpose of Policy (what does it do): This policy applies to all Stephen F. Austin State University operating funds, quasi-endowment funds, and bond proceeds that are governed by Chapter 2256 of the Texas Government Code known as the Public Funds Investment Act (PFIA), and certain portions of the Texas Education Code. The policy states the goals and objectives in the investment of these assets and is intended to provide guidance in the management of the assets. Endowment funds are invested in accordance with Investments – Endowment Funds policy (3.20) approved by the Board of Regents (board) annually.

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

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Scheduled Review | <input type="checkbox"/> Change in law | <input type="checkbox"/> Response to audit finding |
| <input type="checkbox"/> Internal Review | <input type="checkbox"/> Other, please explain: | |

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Minor edits.

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
Damon Derrick, General Counsel

Investments

Original Implementation: April 30, 1996

Last Revision: ~~February 1, 2022~~ January 30, 2023

Purpose

This policy applies to all Stephen F. Austin State University operating funds, quasi-endowment funds, and bond proceeds that are governed by Chapter 2256 of the Texas Government Code known as the Public Funds Investment Act (PFIA), and certain portions of the Texas Education Code. The policy states the goals and objectives in the investment of these assets and is intended to provide guidance in the management of the assets. Endowment funds are invested in accordance with Investments – Endowment Funds policy (3.20) approved by the Board of Regents (board) annually.

Definitions

Short-Term investments have a maturity of less than 90 days. Funds needed to meet short-term operating requirements will be primarily invested in either investment pools or overnight sweep accounts established with banking institutions. The benchmark is the average three-month Treasury bill yield.

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

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

Quasi-Endowment Funds are funds for which the governing body of the university, rather than a donor has determined that the corpus is to be retained and invested. Since these funds are internally designated rather than externally restricted, the university has the right to expend principal with approval from the governing body.

Investment Officers include the university's vice president for finance and administration, the associate vice president ~~for financial and administrative services~~, the director of treasury and

student business services, and other employees as designated in writing by the university's vice president for finance and administration including an employee temporarily holding one of those positions in an acting or an interim role.

General

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

Investment Objectives

The foremost objective of all investment decisions shall be safety of principal. All investments must be undertaken with the fiduciary responsibility associated with that of a reasonable and prudent person. Investments must be in accord with Texas law. Investment maturity must be diversified to match the university's liquidity requirements and to meet all reasonably anticipated operating requirements. Investments shall incur no unreasonable risk in order to maximize potential income. Investments may be diversified in order to respond to changing economic and/or market conditions. No investments within the portfolio or investment practices conducted to effect investment activities shall violate the terms of this policy.

Investment Strategy

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

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

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

Investment Authority

The investment officers are responsible for the duties outlined herein. The names and titles of the investment officers shall be filed with the Board of Regents. Changes of names and/or titles must be filed with the Board of Regents as they occur. The investment officers may only invest funds regulated by this policy and purchase securities authorized by this policy.

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

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

Investment Responsibilities

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

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

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

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

Prudence

3.21 Investments

The "prudent person" standard will be used in the investment function and shall be applied in the context of individual transactions as well as management of the overall portfolio.

Accordingly, all investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived.

Investment Guidelines

Authorized Investments: All university funds and funds held in trust for others may be invested in the securities listed below and/or pooled with another institution of higher education as authorized in Texas Education Code Sec. 51.0031. The university is not required to liquidate investments that were authorized investments at the time of purchase. For investments exclusive of funds authorized by Sec. 51.0031, credit rating requirements will be monitored at least monthly. If or when a rating drops below the established minimum or when an investment is no longer authorized, that investment will be liquidated as soon as prudently possible.

Authorized securities include:

- a. obligations, including letters of credit, of the United States, or its agencies and instrumentalities;
- b. direct obligations of the state of Texas or its agencies and instrumentalities;
- c. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- d. other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- e. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm of not less than A or its equivalent;
- f. interest-bearing banking deposits that conform to Sections 2256.009(7) and 2256.009(8) of the Texas Government code;
- g. certificates of deposit and share certificates issued by a depository institution that conforms to Section 2256.010 of the Texas Government Code;
- h. fully collateralized repurchase agreements that conform to Section 2256.011 of the Texas

- Government Code;
- i. bankers’ acceptances that conform to Section 2256.012 of the Texas Government Code;
 - j. commercial paper that conforms to Section 2256.013 of the Texas Government Code;
 - k. no-load money market mutual funds and no-load mutual funds registered and regulated by the Securities and Exchange Commission and conform to Section 2256.014 of the Government Code;
 - l. guaranteed investment contracts that conform to Section 2256.015 of the Government Code;
 - m. investment pools that conform to Sections 2256.016 and 2256.019 of the Government Code;
 - n. cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));
 - o. negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency;
 - p. corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Unauthorized Investments: The following investments are prohibited:

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

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

Category	Maximum
U. S. Treasury securities and securities having principal and interest guaranteed by the U. S. Government	100%
U. S. Government agencies, instrumentalities and government sponsored enterprises (excluding mortgage backed securities)	50%

Collateral mortgage backed securities	25%
Fully insured or collateralized certificates of deposit	100%
Bankers' acceptances	25%
Commercial paper	50%
Repurchase agreements	100%
Registered money market funds	80%
Local Government Investment Pool	100%
Corporate Bonds	50%

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

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

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

Insurance or Collateral: All depository bank accounts shall be secured by a pledge of collateral with a market value equal to no less than 100% of the deposits plus accrued interest less any amount insured by the FDIC. Pledged collateral must conform to Chapter 2257 of the Government Code, Collateral for Public Funds. Evidence of the pledged collateral associated with depository bank accounts shall be maintained by the associate vice president ~~for financial and administrative services~~ or the director of ~~administrative services~~ *treasury and student business*

services. Collateral shall be reviewed monthly by ~~the director of financial reporting and the associate vice president of financial and administrative services~~ or the director of *treasury and student business services* ~~administrative services~~ to assure the market value of the securities pledged equals or exceeds the depository bank balances. Pledged collateral shall be maintained for safekeeping by an independent third party.

Collateral Defined: The university shall accept only the following securities as collateral:

- a. FDIC insurance coverage;
- b. United States Treasury, Agency, or Instrumentality securities;
- c. Direct obligations of the state of Texas or its agencies and instrumentalities;
- d. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the state of Texas or the United States;
- e. Obligations of states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of no less than A or its equivalent;
- f. Collateralized mortgage obligations (CMO) directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States. CMO must have a stated final maturity date of less than 10 years.

Authorized Financial Dealers and Institutions

Investment transactions (bids and offers) will occur only between the university and board authorized broker/dealers or institutions authorized by Texas Education Code Sec.51.0031. The board shall adopt a list of approved qualified brokers that are authorized to engage in investment transactions with the university. This list shall be reviewed and revised at least annually.

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

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

institutions authorized by Texas Education Code Sec. 51.0031, will be invested pursuant to the qualifying institution's investment policy.

Competitive quotes must be taken from at least three qualifying institutions for all individual security purchases and sales (excluding transactions with money market mutual funds, local government investment pools and when issued securities are deemed to be made at prevailing market rates).

External Financial Advisor Contract Renewal or Extension

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

Disclosure Requirements for Outside Financial Advisor

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

Performance Evaluation

The vice president for finance and administration, ~~and~~ associate vice president ~~of financial and administrative services~~, or director of *treasury and student business services* ~~administrative services~~ shall submit quarterly reports to the Board of Regents and the president of the university in the format prescribed by the PFIA, within a reasonable time after the end of the quarter. The reports must:

- a. describe in detail the investment position of the university on the date of the report;
- b. be prepared by the investment officer(s) of the university;
- c. be signed by the investment officer(s) of the university;
- d. contain a summary statement of each pooled fund group that states the:
 - i. beginning market value for the reporting period;
 - ii. ending market value for the period; and
 - iii. fully accrued interest for the reporting period;
- e. state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;
- f. state the maturity date of each separately invested asset that has a maturity date;
- g. state the account or fund or pooled group fund for which each individual investment was

acquired; and

- h. state the compliance of the investment portfolio of the university as it relates to the investment strategy expressed in this policy and to relevant provisions of the Public Funds Investment Act.

Internal Controls

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

Disclosure Requirements for Investment Officers

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

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

Training

Each member of the board and investment officer shall attend at least one training session within six months after taking office or assuming duties relating to investment responsibilities as required by Section 2256.007 of the Texas Government Code. The primary investment officers shall attend an investment training session relating to investment responsibilities from an independent source

not less than once each state fiscal biennium. Training for the investment officer(s) will be conducted by an organization or firm that is approved by the board. The approved independent sources include:

- Texas Higher Education Coordinating Board
- Center for Public Management at the University of North Texas
- Government Treasurer's Organization of Texas
- PFM Asset Management LLC

The university may provide other training in investments in order to insure the quality and capability of the university's investment officers to make investment decisions in compliance with the PFIA.

Audits

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

Investment Policy Adoption and Certification

The board shall review this investment policy and investment strategies not less than annually. The board shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

Cross Reference: Tex. Gov't Code Ch. 573, 2256-2257, 2263; 26 U.S.C. § 501(f); Tex. Educ. Code

§ 51.0031-.0032, Investments-Endowment Funds (3.20)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Treasury and Student Business Services

Forms: None

Board Committee Assignment: Finance and Audit

Revision History: February 2, 2021
 January 28, 2020
 January 29, 2019
 January 30, 2018
 January 31, 2017
 January 26, 2016
 January 27, 2015
 January 28, 2014
 July 16, 2013
 January 29, 2013
 January 31, 2012
 October 18, 2011

APPENDIX A INTERNAL CONTROLS

The university has prepared an investment policy as of April 12, 1996. The policy was approved by the Board of Regents April 30, 1996. The investment policy will be reviewed and/or updated no less than annually. All pledged securities shall conform to Chapter 2257 of the Government Code. The signature of the president, vice president for finance and administration, associate vice president ~~of financial and administrative services~~, or director of treasury and student business services is required for release of pledged securities from safekeeping. Increases in the level of collateralization require approval by the president, vice president for finance and administration, associate vice president ~~of financial and administrative services~~, or director of treasury and student business services. The ~~controller's~~ *financial reporting* office will reconcile the appropriate investment accounts to broker's statements and other supporting documents monthly.

APPENDIX B
ADMINISTRATIVE PROCEDURES

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

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Investments - Endowments Funds

Policy Number: 3.20

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

Date of last revision, if applicable: 1/28/2022

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

Purpose of Policy (what does it do): This policy applies to all Stephen F. Austin State University endowment funds. The policy states the boards' attitudes, goals and objectives in the investment of the endowment assets and is intended to provide guidance to the finance and audit committee, the university administration, and any investment consultant(s)/manager(s) in the management of the endowment assets. University funds that are governed by Chapter 2256 of the Texas Government Code known as the Public Funds Investment Act are invested in accordance with Investments policy (3.21).

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

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Scheduled Review | <input type="checkbox"/> Change in law | <input type="checkbox"/> Response to audit finding |
| <input type="checkbox"/> Internal Review | <input type="checkbox"/> Other, please explain: | |

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Minor edits.

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
Damon Derrick, General Counsel

Investments—Endowment Funds

Original Implementation: Unpublished

Last Revision: ~~February 1, 2022~~ January 30, 2023

Purpose

This policy applies to all Stephen F. Austin State University endowment funds. The policy states the boards' attitudes, goals and objectives in the investment of the endowment assets and is intended to provide guidance to the finance and audit committee, the university administration, and any investment consultant(s)/manager(s) in the management of the endowment assets. University funds that are governed by Chapter 2256 of the Texas Government Code known as the Public Funds Investment Act are invested in accordance with Investments policy (3.21).

Definitions

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

Quasi-Endowment Funds are funds for which the governing body of the university, rather than a donor has determined that the corpus is to be retained and invested. Since these funds are internally designated rather than externally restricted, the university has the right to expend principal with approval from the governing body.

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

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

Investment Officers include the university's vice president for finance and administration, the associate vice president ~~for financial and administrative services~~, the director of treasury and student business services, and other employees as designated in writing by the university's vice president for finance and administration including an employee temporarily holding one of those positions in an acting or an interim role.

General

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

University endowment funds are not considered to be public funds but instead are governed by Section 51.0031 of the Texas Education Code. This section of the Texas Education Code states that the university "—with regard to donations, gifts and trusts, may establish endowment funds that operate as trusts and are managed under prudent person standards".

Investment Objectives

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

Investment Risk Tolerance

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

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

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

Prudence

The “prudent person” standard² is defined by Texas Education Code 51.0031(d) and described in Article VII, Section 11b, of the Texas Constitution, and means that standard of judgment and care that prudent investors, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.

Responsibility and Delegation of Authority

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

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

The Board

The specific responsibilities of the board in the investment process include:

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

University Administration

The specific responsibilities of the vice president in the investment process include:

- Communicate with outside investment management team (consultants, managers and qualifying institutions);
- If appropriate, prudently select and recommend investment options to the board;
- Review and evaluate performance results to ensure policy guidelines are being adhered to and objectives are being met;

- Submit quarterly and annual investment reports to the board;
- Annually, determine the proper distribution of investment returns to the various spending accounts in accordance with the distribution section of this policy; and
- Comply with all applicable laws, including conflict of interest provisions.

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

Qualifying Institution

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

Investment Consultant

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

Specifically, the consultant will:

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

Investment Managers

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

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

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

The investment manager(s) will:

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

Custodian

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

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

Investment Policy Guidelines

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

Authorized Investments:

The endowment's assets may be invested in the following:

- a. Direct obligations of the United States government or its direct agencies.
- b. Direct obligations of federally-sponsored agencies in accordance with the above paragraph.
- c. Obligations of states, agencies, counties, cities, and other political subdivisions of any state in accordance with the above paragraph.
- d. United States dollar denominated bonds, debentures, or commercial paper and convertible securities issued by corporations in accordance with the above paragraph.
- e. Debentures or obligations, and preferred or common stock of international governments and corporations. International preferred and common stock issues must be listed on an organized stock exchange.
- f. Common stock and preferred stock issued by United States domiciled corporations and common stocks of international companies listed on the major U.S. or international security exchanges.
- g. Certificates of Deposit issued by federally insured state banks, federally insured savings and loan associations and saving banks or federally insured credit unions. Amounts over the insurance limit of the institutions must be secured by pledged securities.
- h. Bankers' acceptances accepted by a bank organized and existing under laws of the United States or any state in accordance with the above paragraph.
- i. Money Market Mutual Funds. Funds must be registered with the Securities and Exchange Commission, have a maximum dollar weighted average maturity of no longer than 13 months, and be no-load funds. Funds must have assets consisting of securities described in the paragraphs above and seek to maintain a stable net asset value of \$1.00 per share (or unit).
- j. Mutual Funds. Funds must be registered with the Securities and Exchange Commission and invest in assets authorized under this policy.
- k. Direct Security Repurchase Agreements. Direct Repos must be fully secured (collateralized) by securities authorized under the sections (a) through (g) above. Such collateral must be held by a third party. All agreements will comply with Federal Reserve Bank guidelines.
- l. Shares of investment companies as defined by the Investment Company Act of 1940. These companies include both closed-end investment companies and open-end investment companies (mutual funds). Shares in these companies may be purchased if they own securities described in sections (a) through (j) above.
- m. Shares of Exchange Traded Funds, known as ETFs.
- n. No more than ten percent (10%) of the equity portfolio can be invested at any time in one company based on the market value of the stock and portfolio.
- o. No more than thirty percent (30%) of the equity portfolio can be invested in any one industry sector based on the market value of the portfolio.
- p. Alternative investments. Permitted alternative investments may include hedge funds, managed

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

- q. Permitted alternative investments in the portfolio are limited to diversified commingled trust fund vehicles or limited partnerships offered through a ~~third party~~ *third-party* distribution channel, such as what is offered through many broker-dealer firms.
- r. Permitted alternative investments in the portfolio are limited to investment vehicles that offer the ability for the portfolio to make contributions or receive distributions at least quarterly (but preferably monthly) without restriction or incurring additional fees.
- s. The portfolio shall emphasize investments in fund-of-fund vehicles that are diversified by investment style and typically utilize multiple investment managers within a fund.

Unauthorized Investments

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

- a. Commodity trading including all futures contracts;
- b. Short selling, option trading and margin trading unless by managers approved for that strategy;
- c. Guaranteed investment contracts.

Asset Allocation

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

Asset Category	Minimum	Maximum	Target
Total Fixed Income	0.0%	60.0%	35.0%
Total Equity	0.0%	70.0%	55.0%
Total Alternatives	0.0%	25.0%	10.0%
Total Cash or Cash Equivalents	0.0%	100.0%	0.0%

The allowable asset mix for fixed income and equities is:

Fixed Income	Minimum	Maximum
US Government Bonds	0.0%	100.0%
Corporate Bonds	0.0%	50.0%
Equity	Minimum	Maximum
Domestic Equity	0.0%	100.0%
International Equity	0.0%	30.0%

Interest Rate, Credit and Foreign Currency Risks

The university will insure the safety of its invested funds by limiting interest rate, credit and foreign

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

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

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

Gifts of Individual Securities

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

Quasi-Endowments

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

Distribution Policy

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

Performance Evaluation

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

Conflicts of Interest

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

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

Audits

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

Investment Policy Adoption and Certification

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

Cross Reference: Tex. Educ. Code § 51.0031; 15 U.S.C. §§ 80a-1 – 80a-64; Tex. Prop. Code Ch. 163, Investments (3.21)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Treasury and Student Business Services

Forms: None

Board Committee Assignment: Finance and Audit Committee

Revision History:

- February 2, 2021
- January 28, 2020
- January 29, 2019
- January 30, 2018
- January 31, 2017
- January 26, 2016
- January 27, 2015
- January 28, 2014
- April 23, 2013
- January 29, 2013
- January 31, 2012
- January 25, 2011

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: 7/26/2022

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 and funding is available.

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: Clarify definition

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Definition clarification.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Michaelyn Greene, Director of Treasury and Student Business Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Lumberjack Education Assistance Program

Original Implementation: January 28, 2003

Last Revision: ~~July 26, 2022~~ January 30, 2023

Purpose

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 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 *must meet the tests to be claimed as a “qualifying child”* ~~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 – a scholarship provided by a private donor, foundation, business, 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. LEAP is designed as an employee benefit initiative and is subject to available resources.

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 tuition and fees are paid by a third party or contract, or are paid by any other exemption or waiver. LEAP benefits will also be reduced by student financial aid with the exception of 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 LEAP benefits. The value of any taxable tuition and fee benefits paid by LEAP above the annual IRS eligible amount is treated as a taxable benefit to the employee.

Employees

Active, regular (100% FTE) employees become eligible for LEAP benefits when they will have completed six months of continuous service for the university before the last day of the enrolled term. If an employee retires from the university, or terminates for any reason, LEAP eligibility will end on the last day of the enrolled term.

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.

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

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

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: July 26, 2022
 April 18, 2020
 April 24, 2018
 April 14, 2015
 April 17, 2012
 April 21, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Misconduct in Scholarly or Creative Activities

Policy Number: 7.19

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 the guidelines on steps to take if misconduct is found present in scholarly or creative activities.

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
Damon Derrick, General Counsel

Misconduct in Scholarly or Creative Activities

Original Implementation: July 17, 2012

Last Revision: ~~July 23, 2019~~ January 30, 2023

I. Introduction

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

Faculty, staff, and students at SFA are expected to comply with generally understood and accepted standards of professional conduct, which include following accepted practices of scholarship and acknowledging collaborators and sources used in reports, publications, and presentations.

Any inquiry or investigation of allegations of misconduct in scholarly or creative activity must proceed promptly and with due regard for the reputation and rights of all individuals involved.

The university will take all reasonable steps to assure that the persons involved in evaluating allegations and evidence have appropriate expertise and that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest.

II. Scope

This policy applies to all non-federally funded research and other scholarly or creative activities (hereafter referred to as “scholarly activity”). Furthermore, this policy applies to any person paid by and/or subject to the rules and policies of SFA, including faculty, research scientists, trainees, technicians and other staff members, students, and visiting professors.

Misconduct in scholarly activity includes fabrication, falsification, or plagiarism in proposing, performing, reviewing, or reporting scholarly results, or in conducting, reporting, and/or publishing scholarly activities. ~~This Misconduct also~~ includes improprieties of authorship, abuse of confidentiality, violation of generally accepted research practices, failure to comply with university requirements affecting research (such as use of human subjects, care and use of animals, and use of hazardous materials), misuse of funds for personal gain, and misrepresentation of qualifications.

Misconduct in scholarly activities does not include honest error or differences of opinion. Procedures for misconduct in research funded by federal agencies are outlined in Misconduct in Federally Funded Research (8.7). Student academic dishonesty is covered under Student Academic Dishonesty (4.1).

III. Procedures

This policy and its procedures will apply when a university official receives an allegation of possible misconduct in scholarly activity. Circumstances in individual cases may require variation from normal procedures to meet the best interest of the university or an external sponsor, if applicable. Deviation from the normal procedures must ensure fair treatment of the subject of the allegation. Any significant variation should be approved in advance by the scholarly misconduct officer (SMO).

The SMO is the associate provost and has primary responsibility for implementing the university's policies and procedures for allegations of scholarly misconduct. Responsibilities of the SMO include: (1) assessing allegations of scholarly misconduct to determine if they fall within the definition of scholarly misconduct and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of scholarly misconduct may be identified; (2) overseeing inquiries and investigations; and (3) handling other responsibilities as described in this policy.

- A. Reports of alleged misconduct in scholarly activity may be submitted to a university academic official, including unit heads, college deans, dean of the Office of Research and Graduate Studies, Associate Provost, and Provost and Executive Vice President for Academic Affairs. The allegation should be submitted in writing and should detail the nature of the allegation and state if any efforts have been made to address the complaint.
- B. All proceedings will be confidential and will protect the rights and reputations of the individuals involved. Notwithstanding, information may be disclosed in order to adequately conduct an inquiry.
- C. Within 10 working days of receipt of an allegation of misconduct in scholarly activity, the written allegation will be forwarded to the SMO who, in consultation with appropriate individuals, will determine whether misconduct in scholarly activity may have occurred and whether an inquiry is warranted.
- D. If an inquiry is warranted, the SMO will inform the individual(s) of the allegation and will determine if a formal review is required or if the allegation can be resolved by the SMO with the parties involved.
- E. If the need for a formal review is determined, the SMO will establish a three-member investigative committee consisting of one member appointed by the SMO and one member selected by the individual(s) in question. These two members will select the third member from the SFA faculty. In all cases, the individuals selected should not create, or create the appearance of, a conflict of interest.
- F. The committee will hear from the complainant and any witnesses, and after reviewing the evidence, will hear from the individual(s) and review evidence they may provide. Upon conclusion of these activities, the committee will draft a report of findings to the SMO that states whether in its judgment, misconduct in scholarly activity has occurred, will detail the evidence that supports the conclusion, and will make recommendations for appropriate

corrective actions.

- G. A copy of the draft report of findings will be presented to the complainant and the individual(s) for review. The complainant and individual(s) have five working days upon receipt of the report to submit written comments to the committee.
- H. Within 30 calendar days of receiving the draft report, a final report will be prepared by the committee, including any comments provided by the complainant and the individual(s).
- I. The final report with recommendations and outcomes will be reviewed and considered for approval by the SMO. Once approved, the complainant and the individual(s) will receive a copy of the final report.
- J. Corrective actions may include but are not limited to:
 - notification to involved parties, as appropriate;
 - withdrawal or correction of all pending or published abstracts and papers involving the misconduct;
 - removal of the responsible person(s) from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, or initiation of procedures leading to revocation of tenure or termination of employment;
 - restitution of funds to a grantor agency or other entities; and
 - other actions appropriate to the misconduct.
- K. In cases warranting corrective action, the final report and/or other information regarding the complaint or inquiry may be disclosed as necessary to effectuate any recommendations or corrective actions, or otherwise notify affected individuals.

The individual(s) may appeal the decision to the ~~P~~Provost and ~~E~~xecutive ~~V~~ice ~~P~~resident for ~~A~~cademic ~~A~~ffairs within ten working days of receipt of the final report. In considering the appeal, the ~~P~~rovost and ~~E~~xecutive ~~V~~ice ~~P~~resident for ~~A~~cademic ~~A~~ffairs will consider the final report, comments submitted by the individual(s), and any other evidence deemed relevant.

Cross Reference: Student Academic Dishonesty (4.1); Faculty Code of Conduct (7.11); Financial Conflicts of Interest in Sponsored Activities (8.2); Misconduct in Federally Funded Research (8.7); Ethics (2.6).

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
January 26, 2016

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Oral English Proficiency Program

Policy Number: 5.14

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

Date of last revision, if applicable: 1/31/2017

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

Purpose of Policy (what does it do): This policy is a requirement by Texas state law ensuring all faculty members speak or write proficient english so their classes can be taught in english.

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: Eliminated the ELI program wording as that is no longer being used at SFA and the education code associated with this policy changed.

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

~~Oral English Proficiency Program~~

Original Implementation: September, 1990

Last Revision: ~~October 29, 2018~~ January 30, 2023

Texas state law requires instruction at public colleges and universities *to* be delivered in understandable English. Each public institution is required to adopt a policy *that* establishes a procedure to ensure *that* ~~that all faculty members speak or write~~ proficient English. ~~is spoken by all faculty members, including graduate teaching fellows/assistants.~~ "Faculty member," *for the purpose of this policy*, means a person who teaches a course offered for academic credit by an institution of higher education; *this individual would be any instructor of record and includes adjuncts and graduate teaching assistants. This faculty member definition excludes all librarian ranks.* It is the responsibility of academic deans and unit heads to monitor the English proficiency of *incoming and* current faculty and to address deficiencies where there is a need. The written request for employment contract for these faculty members will bear the following administrative endorsement: "I attest that the English language proficiency of the candidate has been considered, and the candidate is qualified to fill this position."

An exception to this policy may occur when a faculty member may uses a foreign language to conduct foreign language courses designed to be taught in a foreign language. Additionally, an exception will be allowed in cases of joint international programs where the course may be taught in the language of the visiting faculty member.

~~During the search process for instructional positions, or during the appointment of temporary faculty members (e.g., adjuncts, visiting positions, or graduate teaching assistants), faculty, academic unit heads, and/or deans will assess the candidate's written written English language proficiency during the review of application materials. The academic unit heads and/or deans will further assess the candidate's oral English language proficiency during interviews, the presentation of scholarship or creative activity, and/or the teaching demonstration. As appropriate, during hiring processes for permanent positions, , using the approved applicant review matrix may be used to assess English proficiency. , and will assess the candidate's oral English language proficiency during interviews, the research presentation, and/or the teaching demonstration, using the approved feedback form. This written feedback form from faculty and administrators wwill include an assessment of the oral English language proficiency. The written request for employment contract for these faculty members will bear the following administrative endorsement: "I attest that the English language proficiency of the candidate has been considered, and the candidate is qualified to fill this position."~~

~~Further, Each written request for the employment contract for instructional personnel will bear the following endorsement from the academic unit head and from the academic dean: "I attest that this candidate's English language proficiency has been considered as to his/her English oral and written language proficiency and is qualified to fill this position vacancy."~~ All persons applying/hired for instructional positions at the university that involves course instruction will be required to indicate on the New Employee Work Authorization Questionnaire whether English is their primary language. ~~Aside from native speakers, an individual is considered proficient in the 's primary language will be also considered English language if he/she completed an undergraduate or graduate degree at an accredited institution of higher education in the United States, not including U.S. Territories. Faculty members who indicate their primary language other than English may be required to demonstrate proficiency in English by passing a formal assessment (e.g., Internet-based test [IBT] Test of English as a Foreign Language [TOEFL] speaking score of 26, or with an International English Language System [IELTS] speaking score of seven).~~

~~Newly hired faculty members who do not identify English as their primary language must receive endorsement of proficiency from the academic unit head and from the academic dean. The Each written request for the employment contract for these faculty members instructional personnel will bear the following administrative endorsement: from the academic unit head and from the academic dean: "I attest that the this candidate's English language proficiency of the candidate has been considered, as to his/her English oral and written language proficiency and the candidate is qualified to fill this position vacancy."~~

~~When Should it is be determined by the chair or dean that there is a concern with the a continuing faculty member's oral and/or written English, as evidenced by student and/or faculty comments, the faculty member may also be required to -~~

~~demonstrate proficiency in English by passing a formal assessment (e.g., Internet-based test [IBT] Test of English as a Foreign Language [TOEFL] speaking score of 26, or with an International English Language System [IELTS] speaking score of seven). demonstrate their oral proficiency in English through a two part assessment:~~

- ~~1. Pass an approved test of English proficiency (Internet-based test [IBT] Test of English as a Foreign Language [TOEFL] speaking score of 26, International English Language System [IELTS] speaking score of seven, or American Council on the Teaching of Foreign Languages [ACTFL] Oral Proficiency Interview score at advanced mid). If a chair or dean concludes that a faculty member's teaching effectiveness is seriously diminished by English language deficiencies, the dean or chair shall require the faculty member to take a personalized short course or developmental program as approved by the Board Office of Human Resources to remediate those deficiencies. -~~
- ~~2. Receive a rating of oral English proficiency by a two person team from the university's English Language Institute (ELI) through observation of a regularly scheduled class during the first two weeks of the initial academic term.~~

The academic unit head will place ~~in the faculty member's employment file~~ the results of these English oral-proficiency performances ~~in the faculty member's employment file~~. —A copy of the English proficiency outcome will be forwarded to the appropriate dean.

Faculty members who do not demonstrate English proficiency will be allowed one year to successfully complete a personalized short course or development program to remediate those deficiencies. With the approval of the academic unit head and dean, additional time to remediate deficiencies is possible. Texas law requires the faculty member to bear the costs of the program. Unsatisfactory performance in this course will result in appropriate action being taken by the University, up to and including dismissal from employment.

Refusal by the faculty member ~~an individual~~ to participate in any English language assessment, reassessment, and/or prescribed tutorial program ~~of his/her academic English competency proficiency will~~ may result in loss of teaching credit-bearing courses or dismissal from employment with the University. ~~appropriate action being taken by the university, up to and including termination of employment.~~

~~Faculty members who do not demonstrate proficiency in oral English will be allowed one year to complete successfully complete the level four Speaking and Listening course of the ELI program a personalize short course or development program to remediate those deficiencies. Texas law requires the faculty member to bear the costs of the program. Unsatisfactory performance in this course will result in appropriate action being taken by the university, up to and including termination of employment.~~

Cross Reference: Tex. Educ. Code § 51.917

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

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

Forms: *Request for Contract*; New Employee Work Authorization Questionnaire

Board Committee Assignment: Academic and Student Affairs

Revision History: October 29, 2018
 January 27, 2015
 October 12, 2009

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Performance Review of Officers Reporting to the Provost and Executive Vice President for Academic Affairs

Policy Number: 4.8

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

Date of last revision, if applicable: 1/28/2022

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 performance reviews of officers reporting to the provost and executive vice president for academic affairs.

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 edits and new policy name.

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

Performance Review of Officers Reporting to the Provost and *Executive Vice President for Academic Affairs*

Original Implementation: December 6, 1979

Last Revision: January 28, 2020/30, 2023

The *Provost and Executive Vice President for Academic Affairs* will conduct an annual performance review of each administrator who reports directly to the provost's office. The review will focus on the performance of assigned responsibilities.

During the second year of service and once every three years thereafter, the review will be augmented by written input from peers, including appropriate deans, academic unit heads, faculty, and administrative staff. The *Provost and Executive Vice President for Academic Affairs* is responsible for developing the survey questions.

The *Provost and Executive Vice President* will submit a summary report to the individual reviewed and to the president.

Cross Reference: None

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

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 28, 2020
 January 31, 2017
 April 15, 2014
 January 28, 2014
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Prompt Payment to Vendors

Policy Number: 17.13

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 Finance and Administration

Purpose of Policy (what does it do): It is the intention of Stephen F. Austin State University to comply with the state's prompt payment law and make prompt payments to vendors using the most efficient means available.

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: Removed procedures from policy. Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Brittney Goad, Disbursements Manager
Kay Johnson, Executive Director of Finance and Administrative Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Prompt Payment to Vendors

Original Implementation: April 21, 1998

Last Revision: January 3028, 20230

Purpose

It is the intention of Stephen F. Austin State University to comply with the state's prompt payment law and make prompt payments to vendors using the most efficient means available.

Definitions

Payment – Money owed to a vendor *for goods or services*.

State agency – A board, commission, department, office or other agency in the executive branch of state government created by the constitution or a statute of this state, including an institution of higher education as defined by the Texas Education Code Section 61.003.

Vendor – A person or entity who supplies goods or a service to a state agency or another person directed by the agency. The term does not include a state agency, except for the Texas Correctional Industries. The term includes an officer or employee of a state agency when acting in a private capacity to supply goods or a service.

General

~~Three requirements must be met before a disbursement can be made to a vendor:~~

- ~~1. There must be an approved order for goods or services that has been signed/authorized by the account manager or his/her designee.~~
- ~~2. The goods or services must have been received. Acknowledging the date of receipt of goods or services rendered is the responsibility of the department that placed the order.~~
- ~~3. The vendor must provide an itemized invoice to accounts payable. If an invoice is received by the department, it should be date stamped and immediately forwarded to accounts payable.~~

The ~~controller's~~ *Procurement and Business Services office* ~~Office~~ is responsible for processing payments in a manner which ensures compliance with the prompt payment law ~~once these three requirements have been met~~. In certain instances, interest will be paid to a vendor if payment is not made within 30 days of the later of:

- date the university receives the goods under the contract;
- date the vendor completes its services; or
- date the university receives an invoice for the goods or services.

To maximize the interest earned on funds held by the state, the university is required to schedule its payments, ~~paying to pay~~ -vendors as close to the 30-day limit as possible. *If the vendor payment is late, interest will be computed at a rate determined by the Texas Comptroller's Office.* The university is not allowed to pay vendors before the payments are actually due unless the invoice is less than \$5,000 or the university has a valid business reason for paying early, or there is a specific exception to this rule. ~~Potential examples of when the university may make early payments to vendors are:~~

~~If the vendor or the university has an agreement to make a payment at a certain time;~~

~~If the vendor gives the agency a substantial discount for paying early;~~

~~Purchase of real property;~~

~~Payment for utilities;~~

~~Payment for lease cost, leased space, or rent;~~

~~Purchases of books or library materials paid with Higher Education Funds (HEF);~~

~~Subscription services up to a maximum of six weeks before the service begins;~~

~~Vendor payments for specialized goods or services if the vendor requires the payment to be made in advance.~~

~~For payment more than \$5,000, payment must be scheduled for distribution on the date identified above, unless the department can justify the cost effectiveness of making a payment early. A vendor hardship does not qualify as a state business reason for paying early.~~

~~Payments of \$5,000 or less are exempted from mandatory payment scheduling. The university, at its discretion, may choose to pay invoices \$5,000 or less according to the scheduling requirements or may schedule the payment due date as soon as they are processed. For groups of invoices covered by a monthly statement, the statement amount must be \$5,000 or less for the invoices to qualify for this exemption.~~

~~If the vendor payment is late, interest will be computed at a rate determined by the Texas Comptroller's Office. If the late payment is due to departmental errors, such interest payment will be charged to the department that caused the late payment. If a department requests the controller's *Procurement and Business Services* office to process a payment outside its normal operating procedures for any reason, the department shall be assessed a special processing fee of \$50.~~

Cross Reference: Tex. Gov't Code § 2155.382; Ch. 2251; Tex. Educ. Code § 61.003; Texas Comptroller of Public Accounts Payment Services and eXpendit State Purchase Policies

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: None

Board Committee Assignment: Finance and Audit Committee

Revision History: January 28, 2020
 January 31, 2017
 January 28, 2014
 January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Property Liability

Policy Number: 16.22

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 Finance and Administration

Purpose of Policy (what does it do): This policy acknowledges that, in accordance with Texas Government Code § 403.275, all university employees are liable for the state property that they use.

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:

Kay Johnson, Executive Director of Finance and Administrative Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Property Liability

Original Implementation: April 22, 2003

Last Revision: January 30~~28~~, 2023~~0~~

Purpose

This policy acknowledges that, in accordance with Texas Government Code § 403.275, all university employees are liable for the state property that they use.

Definition

Reasonable care is defined as taking steps to ensure control and security of the property and being able to locate the property at all times.

General

All employees must complete the property liability acknowledgement form as part of new employee orientation. Employees taking equipment off campus will be required to complete a removal of property from campus request form acknowledging that the person responsible for property is aware of their responsibilities.

The department head will be listed as equipment manager on property records and is responsible for identifying property custodians who have been entrusted with the care and safekeeping of specific pieces of property. Equipment managers will be required to sign a certification of physical inventory when there is a change in department head, accepting responsibility for all department property within 30 days of assuming their duties.

A person is financially liable for any property loss sustained by the university if:

1. property disappears as a result of the failure of the property manager or university employee entrusted with the property to exercise reasonable care for its safekeeping;
2. property deteriorates as a result of the failure of the property manager, or university employee entrusted with the property to exercise reasonable care to maintain and service the property; or
3. property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee.

If the property manager has reasonable cause to believe that any property in the university's possession has been stolen, lost, destroyed, or damaged through the negligence of any state official or employee, the property manager shall report the loss, destruction, or damage to audit services, the

vice president *or president's cabinet member* for the division, the vice president for finance and administration, the *executive* director of *finance and administrative* ~~procurement and property~~ services, the equipment manager and the property custodian. All computer losses, missing or stolen, regardless of negligence, will be reported to the chief information officer.

The property manager in consultation with the equipment manager, the *executive* director of *finance and administrative* ~~procurement and property~~ services and/or the vice president of finance and administration will determine whether replacement of property or reimbursement of property value best meets the needs of the university. The value of the loss to the university will be determined by considering the value of the property and the value to SFA as outlined in the property management manual.

A determination of negligence may be appealed to the property risk management committee within five working days of receiving notification of the determination. The property risk management committee will review the property manager's determination and the written appeal, and will make a final determination that may not be appealed. Appointments to the committee will be made on a case by case basis by the vice president for finance and administration with the property manager and property assistant serving as non-voting ex officio members.

If the property risk management committee upholds the determination of negligence, the negligent employee will be notified to replace the property or reimburse the university for the determined value of the property. If the employee refuses or disregards the determination and request for replacement or reimbursement, the university may pursue action against the employee through the Office of the Attorney General or employ other efforts to obtain reimbursement.

Cross Reference: Tex. Gov't Code §§ 403.275, 2203.004; Property Inventory and Management (17.14)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Executive Director of Finance and Administrative Services* ~~Director of Procurement and Property Services/HUB Coordinator~~

Forms: Property Liability Acknowledgement; Removal of Property from Campus Request

Board Committee Assignment: Finance and Audit

Revision History: January 28, 2020
November 7, 2016

October 21, 2013
October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Purchase of Surplus Property

Policy Number: 17.17

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

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

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

Purpose of Policy (what does it do): This policy establishes guidelines for purchasing surplus property from the Texas Facilities Commission and details restrictions on the use of any federal surplus property.

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:

Specific rationale for deletion of policy: The content of this policy is procedural in nature and it is recommended that the policy be removed and included in procedure.

Additional Comments:

Reviewers:

Kay Johnson, Executive Director of Finance and Administrative Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Purchase of Surplus Property

Original Implementation: September, 1987

Last Revision: January 2318, 20230

Purpose

~~This policy establishes guidelines for purchasing surplus property from the Texas Facilities Commission and details restrictions on the use of any federal surplus property.~~

Definitions

~~**Surplus property** is any personal property that is in excess of the needs of the department and which is not required for the foreseeable future. Surplus property may be new or used but must have additional useful life.~~

~~**Salvage property** is any personal property which through use, time, or accident is so depleted, worn out, damaged, consumed, or outdated that it is obsolete and/or can no longer serve the purpose for which it was originally intended.~~

General

~~The Texas Facilities Commission (TFC) disposes of surplus and salvage personal property from Texas state agencies and manages the disposition of surplus and salvage donated to the state by federal programs. The Office of the State Comptroller advertises surplus property exclusively to state agencies, political subdivisions and assistance organizations. Surplus property not transferred within 10 business days of posting is available for sale to state agencies, political subdivisions and assistance organizations as well as the general public. Federal surplus property is available only to eligible organizations, not private citizens or the general public. Available property can be viewed at the following URLs:~~

~~State Surplus (State Comptroller's listing)~~

~~State Surplus (available at store fronts; TFC listing)~~

Federal Surplus

~~A requisition must be submitted to initiate the purchase of surplus property. A purchaser is available to research the availability, condition and cost of surplus property.~~

State Surplus

The agency offering the surplus equipment is to be contacted directly to determine a price and make arrangements for transfer. The requisition submitted to the purchasing office should state on the requisition 'STATE SURPLUS PROPERTY'. The name of the state agency and the agreed price, and arrangements for transfer should also be shown.

Federal Surplus

The Texas Facilities Commission manages the disposition of surplus property donated to the state by federal programs. The purchaser may make a written request for federal surplus to be held for SFA if it becomes available.

Visitation to and shopping at a federal surplus warehouse is allowed only by a certified agent of the university. The item(s) may be picked up at the time of purchase or arrangements can be made for pick up at a later date. The individual(s) picking up the merchandise do not have to be certified, but they must have the receipt in hand when arriving at the distribution center. If the SFA transportation department picks up the item(s), the department will be charged for travel and labor costs. When the merchandise is received, the itemized receipt and/or invoice should be returned to the procurement department.

Restrictions on the Use of Federal Surplus Property

Participating organizations ("donees") are required to use the property obtained through the program for a specific amount of time before the property can be sold or transferred and must adhere to the following restrictions:

1. Property must be placed into use within the first year of possession.
2. Property must continue to be used for the duration of the compliance period before ownership is transferred to SFA.
 - 12 months for property with an original acquisition cost less than \$5,000.
 - 18 months for passenger vehicles or any item of property with original acquisition cost of \$5,000 or more.
 - 5 years for aircraft and vessels 50' or more in length.
 - In perpetuity for combat configured aircrafts, and firearms.
3. The property may not be sold, transferred, or otherwise disposed of during the compliance period. If property is sold, transferred or otherwise disposed of during the required period of use, SFA may be subject to penalties and fines, as well as possible state or federal prosecution.
4. Compliance visits may be conducted by state and federal program staff during the

~~—compliance period to ensure that property is being put to its intended use. If the property is
—not paid for in full or is not being used or handled as required, SFA will be required, at its
—expense, to return the property to TFC or offer for transfer to another donee, as instructed
—by TFC.~~

~~As a donee, SFA must include the General Services Administration's required non-discrimination
statement with information about the federal surplus program.~~

Cross Reference: 41 C.F.R. §§ 101, 102; Purchase Requisition (17.19)

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: *Executive Director of Finance and Administrative
Services*~~Director of Procurement and Property Services/HUB Coordinator~~

Forms: Purchase Requisition, TFC Eligibility Application Form, TFC Update Form, TFC Authorized
Representative Form

Board Committee Assignment: Finance and Audit

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: Receipts and Deposits

Policy Number: 3.26

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

Date of last revision, if applicable: 4/11/2022

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

Purpose of Policy (what does it do): This policy provides guidance for the internal control of receipt handling to all Stephen F. Austin State University departments who handle receipts and deposits. The university has delegated the authority and responsibility for maintaining procedures for all receipt-handling activities to the office of student business services.

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 edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Michaelyn Greene, Director of Treasury and Student Business Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Receipts and Deposits

Original Implementation: Unpublished

Last Revision: ~~April 11, 2022~~ January 30, 2023

Purpose

This policy provides guidance for the internal control of receipt handling to all Stephen F. Austin State University departments who handle receipts and deposits. The university has delegated the authority and responsibility for maintaining procedures for all receipt-handling activities to the office of student business services.

Definitions

Custodian is anyone who handles cash and receipts.

Receipts as referenced in this policy, is deemed to include currency, coins, personal checks, bank drafts, money orders, traveler's checks, cashier's checks, credit card transactions, debit card transactions, wire transfers, and any other method of receiving funds.

Refund is the return of funds for a transaction that occurred on a prior business day.

Cashier's check is a check purchased at a bank for any amount; the bank completes all information on the face of the check with a bank officer signing as the maker.

Certified check is a personal check guaranteed by the bank; the check is stamped "certified" and signed by a bank officer.

Money order is an instrument purchased at a bank, post office, or other business establishment for any amount that orders a sum of money to be paid to someone else.

Traveler's check is a special check supplied by banks or other companies for the use of travelers; these checks already bear the purchaser's signature and must be countersigned in the cashier's presence.

Personal check is a written order payable on demand, drawn on a bank by a depositor; a personal check is written against an individual's funds as opposed to a cashier's check, certified check, money order, or traveler's check, all of which are written against or guaranteed by bank funds.

Starter check is a non-personalized encoded check that a person receives from a bank when they

establish a checking account. These are for the person's use prior to receiving personalized checks.

Counter check is a non-personalized, non-encoded check that is available at most banks.

Third-party check is a check made payable to a person or organization other than the one accepting or cashing the check (e.g. a paycheck).

Foreign check is a check written on a foreign bank (e.g., a Canadian bank) not specifically prepared as U.S. currency.

General

The vice president of finance and administration has delegated the authority and responsibility for establishing procedures for all receipt-handling activities to the director of treasury and student business services. In carrying out the responsibility for maintaining procedures for all receipt-handling activities-, the office of student business services is responsible to:

1. Establish and enforce procedures governing the receipt, handling, custody, and disbursement of funds.
2. Require the maintenance of records that account for funds received and paid by the university.
3. Establish and authorize procedures for granting, maintaining, and terminating the collection of university funds by a department, office, or affiliated organization that handles university receipts.

This policy is applicable to every university department, administrative office, and affiliated organization that handles receipts for any university-related function. The student business services office or audit services may perform periodic audits of any department or affiliated organization with university receipt-handling operations.

Any individual handling university receipts must remain familiar with the provisions of this policy, and ensure proper security and accountability. Due to the personal liability involved in performing receipt-handling functions, it is important that only authorized employees accept funds for university business. In rare instances, non-employees (i.e. students or volunteers) may be authorized to accept funds for the university if written approval is obtained from the director of treasury and student business services or their designee. In these cases, an employee is responsible for ensuring that these persons are properly trained and receipts are handled appropriately. All persons accepting funds for the university are required to appropriately safeguard, account for, and document all receipts received on behalf of the university. Applicable university discipline and/or discharge policies will be followed in the imposition of sanctions related to a violation of

this policy.

Segregation of Duties

Receipt-handling operations must be subject to daily supervisory review and management. To minimize the potential for mistakes or misappropriation of receipts, the segregation of receipt handling duties is recommended. The duties of collecting receipts, maintaining documentation, preparing deposits, and reconciling records should be separated among different individuals. In departments where the separation of duties is not feasible, strict individual accountability and thorough management supervision and review is required.

Written Departmental Procedures

In addition to the receipt-handling policies established in this document, each department that handles receipts is required to have its own internal procedures for receipts. Written procedures should minimally include authorization of person(s) to collect receipts; maintenance of receipt books; security and reconciliation of receipts; preparing, approving, and depositing receipts at the student business services office; over/short procedures; and a procedure to notify the appropriate campus authority in the event of a loss.

In addition, it is the responsibility of the department head or supervisor to ensure that all employees with receipt-handling responsibilities have receipt-handling duties included in their job description.

Safekeeping

Departments handling receipts are responsible for the safekeeping of these university assets. Physical security should be emphasized to every employee involved in receipt handling.

Prohibition Against Transactions Involving Family Members

Employees may not receipt, accept, or handle checks, cash, or deposits from a relative, as defined by policy 11.16, Nepotism. Family member status is not terminated by death or divorce.

Custodian Responsibilities

Custodians should be familiar with this policy and with Receipting Guidelines and Procedures found on the *Student Business Services website*.

The adequate and appropriate safekeeping of the university monies: While using cash funds for daily operational activities, procedures should be established to maintain a safe and secure working environment to ensure the safeguarding of funds and safety of personnel. Employees should be well informed of their responsibilities for handling cash and receipt transactions and being accountable for those funds. The custodian must see that appropriate internal control measures are enforced.

When not being used for operational activities, all cash and receipts should be kept in a safekeeping device, either a safe or locked container. Lock combinations and the custody of keys should be maintained by one person. These items should not be stored in an unlocked desk drawer or unsupervised area. For strictly emergency situations, the department head or other designated employee should have the safe combination or an extra set of keys.

Maintaining current and accurate records of the funds: The records should provide clear documentation of receipts from the time of collection to the time of deposit. This documentation should always be readily available for audit by the student business services office, internal or external auditors, or the department head. Specific information on appropriate documentation can be found in *Receipting Guidelines and Procedures*.

Overages and Shortages: Both overages and shortages should be noted and tracked by the custodian and then reviewed and certified by a supervisor or department head. Significant amounts (\$25.00 or more) should be immediately reported to the department head and the student business services office. If there appears to be a growing pattern or anything unusual or abnormal about the overages and shortages, that information must be disclosed immediately.

Refunds: Refunds cannot be made directly through the use of petty cash funds, change funds or funds received from cash receipts, unless specifically authorized by the student business services office. All refunds should be processed by the completion of a purchase voucher in adherence to the procedures as established by the procurement and business services office, depending upon the type of transaction involved. Petty cash funds, change funds, or funds received from cash receipts must not be used to reimburse employees for out-of-pocket expenditures. These reimbursements will be made in accordance with procedures developed by the procurement and business services office. All funds must be deposited into a university account before a department may use the receipted funds.

Training Requirements: Mandatory receipts training is required of all employees whose job duties include the acceptance, record keeping, and deposit of university receipts. Additionally, in accordance with policy 14.8, Payment Card Acceptance and Security, separate training is required for employees who handle payment cards. Receipts and payment card training is required on an annual basis and should be coordinated through the student business services office.

Cross Reference: Records Management (2.9); Payment Card Acceptance and Security (14.8);
Returned Payments (3.27); Nepotism (11.16); *Safe and Vault Combinations (14.9)*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Treasury and Student Business Services

Forms: None

Board Committee Assignment: Finance and Audit Committee

Revision History: April 11, 2022
January 29, 2019
April 25, 2017
April 15, 2014
October 22, 2012
July 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Safe and Vault Combinations

Policy Number: 14.9

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 Finance and Administration

Purpose of Policy (what does it do): This policy requires current combinations for safes or vaults holding cash, checks, or other valuables to be on file in the office of the vice president for finance and administration.

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: No changes.

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
Damon Derrick, General Counsel

Safe and Vault Combinations

Original Implementation: Unpublished

Date of Last Revision: January 3028, 20203

Purpose

This policy requires current combinations for safes or vaults holding cash, checks, or other valuables to be on file in the office of the vice president for finance and administration.

General

The department head must submit a memorandum indicating the location of the safe or vault, the combination, date of last combination change if known, and the names of all employees who have access to the combination. The memorandum must be delivered to the vice president for finance and administration in a manner such that no unauthorized person is able to access the confidential information.

The vice president for finance and administration must be notified when changes are made to safe or vault combinations, when a safe or vault is moved or transferred to another department, or when a safe or vault is removed from university property records. Safe and vault combinations must be changed anytime an employee who knows the combination terminates employment or is transferred.

Annually, the vice president for finance and administration will request the safe or vault custodian in each department to verify the information on file.

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 Committee

Revision History: January 28, 2020
 January 31, 2017

January 28, 2014
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Stone Fort Museum Collections

Policy Number: 5.17

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 guidelines on the way collections are added to the stone fort museum.

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: No changes.

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

Stone Fort Museum Collections

Original Implementation: April 1982

Last Revision: ~~October 28, 2019~~ January 30, 2023

The Stone Fort Museum houses a selective collection of artifacts that the museum's curator determines useful in interpreting the prehistory and history of East Texas prior to 1900. Special emphasis is placed on the Spanish and Mexican periods that began in 1690 with the establishment of the Spanish Mission Tejas and ended with the overthrow of the Mexican government in 1836 by Texas revolutionists.

Permanent Acquisition Policies

1. Objects are added to the collection by means of gifts, bequests, purchases, exchanges, or any transaction by which title to the object passes to the museum. Criteria for acceptance to the permanent collection are the following:
 - Consistency with the museum's focus;
 - A clear title available from the source of acquisition;
 - Adequacy of documentation;
 - Acceptable condition;
 - Ability of the museum to care properly for and use the acquisition;
 - Research potential;
 - Educational, interpretive, and exhibit potential;
 - Intrinsic value associated with important events, individuals, or age and typicality of objects.
2. Potential donors must present evidence of a clear and legal title to any gift, and must complete a "Gift Agreement" form for each donation. Items of questionable provenance or obtained through illicit trade shall not be acquired.
3. In accepting any collection, the museum must acquire any copyright, patent, and/or trademark rights that may legally restrict full use of the acquisition.
4. All donations are tax deductible; however, the museum assumes no responsibility for evaluating donations.
5. All donations become state property and must be outright and unconditional gifts used at the discretion of the museum's curator.
 - The museum does not accept a gift that contains a condition requiring that it be kept intact, exhibited, either temporarily or permanently, or kept permanently.
 - The museum curator reserves the right to restore, reconstruct, refurbish, or repair any part of any gift.

In the event that a gift is tendered but not accepted by the curator, it must be removed from the Stone Fort Museum within thirty (30) days of notification. All items not removed by this deadline will automatically become the property of the museum and will be subject to disposal.

Incoming Loan Policies

1. The museum does not accept artifacts on loan for extended periods. Temporary loans are considered for special exhibits or programming, but only for assigned time periods. An "Incoming Loan Agreement" form must be completed prior to the loan of objects.
2. All material loaned to the museum is subject to collections care procedures governing permanent collections as outlined in the Stone Fort Museum Policy Manual.
3. All loan items must be removed from the Stone Fort Museum on the date stated on the "Incoming Loan Agreement" form. Any item not removed within thirty (30) days of the deadline will automatically become the property of and subject to the policies of the Stone Fort Museum. Under Texas law, property on loan to a museum for fifteen (15) years or more and to which no person has made claim is considered abandoned. Unless an unexpired loan agreement exists to the contrary, abandoned items will become the property of the museum once the museum's curator notifies the lender.

Outgoing Loan Policies

1. The museum loans collection material solely for educational and/or research purposes. Borrowed items remain the property of the museum and may not be claimed, mortgaged, loaned, assigned, used as collateral, or otherwise encumbered by the borrower. The borrower must complete an "Outgoing Loan Agreement" form.
2. The borrower is prohibited from photographing or digitally recording objects on loan without written consent of the curator, and any prints or digital recordings of the loaned material may not be published for any purposes beyond educational use without written consent of the curator.
3. Any use of the loan material will be credited to the Stone Fort Museum, Stephen F. Austin State University.
4. The borrower will exercise all reasonable precautions to protect the loan from damage, loss, destruction, or alteration. The borrower may not glue, pin, punch, drill, tape, nail, tack, or otherwise violate the integrity of the loan, nor may the borrower clean, repair, retouch, or otherwise alter the loan.
5. In the event of damage, loss, alteration, or any other change in the condition of the loan, the borrower must immediately notify the curator in writing. Damage or loss in shipment must be reported to the curator immediately.

Cross Reference: Tex. Prop. Code Ch. 80; Gift Reporting (3.16); Stone Fort Museum Policy Manual

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

Contact for Revision: Curator of the Stone Fort Museum

Forms: Gift Agreement, Incoming Loan Agreement, Outgoing Loan Agreement (available in the Stone Fort Museum), Report of Gifts Received (available in the Office of Development)

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: October 28, 2019
 November 7, 2016
 January 28, 2014
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Academic Dishonesty

Policy Number: 4.1

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): This policy provides the definition, penalties, and procedures for students who show academic dishonesty.

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 edits.

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

Student Academic Dishonesty

Original Implementation: Unpublished

Last Revision: January 28, 2020/30, 2023

Abiding by university policy on academic integrity is a responsibility of all university faculty and students. Faculty members must promote the components of academic integrity in their instruction, and course syllabi are required to provide information about penalties for cheating and plagiarism, as well as the appeal process.

Definition of Academic Dishonesty

Academic dishonesty includes both cheating and plagiarism. Cheating includes, but is not limited to:

- using or attempting to use unauthorized materials/resources on any class assignment or exam;
- falsifying or inventing of any information, including citations, on an assignment;
- helping or attempting to help other student(s) in an act of cheating or plagiarism.

Plagiarism is presenting the words or ideas of another person as if they were one's own. Examples of plagiarism include, but are not limited to:

- submitting an assignment as one's own work when it is at least partly the work of another person;
- submitting a work that has been purchased or otherwise obtained from the Internet or another source;
- incorporating the words, ~~or~~ ideas, *or the expression of ideas* of an author into one's paper or presentation without giving the author credit.

Penalties for Academic Dishonesty

Penalties may include, but are not limited to, reprimand, no credit for the assignment or exam, resubmission of the work, make-up exam, failure of the course, or expulsion from the university.

Procedure for Addressing Student Academic Dishonesty

A faculty member who has evidence and/or suspects that academic dishonesty has occurred will gather all pertinent information and initiate the following procedure:

1. The faculty member will discuss all evidence of cheating or plagiarism directly with the student(s) involved.
2. After consideration of the explanation provided by the student(s), the faculty member will determine whether academic dishonesty has occurred. The faculty member may consult with the academic unit head and/or dean in making a decision.

3. After a determination of academic dishonesty, the faculty member will inform the academic unit head and submit a Report of Academic Dishonesty with supporting documentation to the office of the dean of the student's major. This report will become part of the student's record and will remain on file with the dean's office for at least four years even if the student withdraws prior to receiving a grade.
4. For a serious first offense or subsequent offenses, the dean of the student's major will determine a course of action, which may include dismissal from the university. The dean may refer the case to the college council for review and recommendations before making this determination.

A student's record of academic dishonesty will not be available to faculty members. The purpose of the record is for the dean to track a pattern of academic dishonesty during a student's academic career at Stephen F. Austin State University.

Student Appeals

A student who wishes to appeal decisions related to academic dishonesty should follow procedures outlined in Final Course Grade Appeals by Students (6.3).

Cross Reference: Student Handbook; Final Course Grade Appeals by Students (6.3); and Course Add/Drop (6.10)

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

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

Forms: Report of Academic Dishonesty Form

Board Committee Assignment: Academic and Student Affairs

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

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student and Non-Student Accounts Receivable

Policy Number: 3.28

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

Date of last revision, if applicable: 4/11/2022

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 prudent collection of student accounts receivable in the best interest of Stephen F. Austin State University (the university) and the State of Texas. Although this policy primarily applies to student accounts receivable, including certain university-issued short-term loans, processes stated herein may be used for other delinquent receivables from vendors and non-student accounts. This policy does not apply to the write-off of any federal loans.

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

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Scheduled Review | <input type="checkbox"/> Change in law | <input type="checkbox"/> Response to audit finding |
| <input type="checkbox"/> Internal Review | <input type="checkbox"/> Other, please explain: | |

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Text clarification.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Michaelyn Greene, Director of Treasury and Student Business Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Student and Non-Student Accounts Receivable

Original Implementation: July 15, 2008

Last Revision: ~~April 11, 2022~~ January 30, 2023

Purpose

This policy establishes guidelines for the prudent collection of student accounts receivable in the best interest of Stephen F. Austin State University (the university) and the State of Texas. Although this policy primarily applies to student accounts receivable, including certain university-issued short-term loans, processes stated herein may be used for other delinquent receivables from vendors and non-student accounts. This policy does not apply to the write-off of any federal loans.

General

Procedures will be maintained by the office of student business services, for at least the following:

- to ensure that the requested extension of credit is not a prohibited transaction.
- to ensure that any extension of credit (installment plan contract or repayment agreement) is done so in a prudent manner, ~~including the use of standardized credit applications and legal authority required for approval of the requested credit.~~
- to analyze whether credit should be extended to students who are in default on other obligations or for whom previous obligations have been written off as uncollectible. If a student account is past due, a transcript and registration hold will be placed on the account.
- for managing and monitoring the billing and collection activities on student accounts.
- for recording and monitoring student billing and subsequent payments received on student accounts.
- to ensure that amounts reported as receivables on the financial statement are recorded in accordance with generally accepted accounting principles.

Criteria for Recognizing an Account Receivable

A student account receivable ~~or~~ will be recognized (recorded in the university's financial records) when:

- a student has enrolled for classes at the university or has been registered for classes by the university;

- a student has incurred charges for costs associated with attendance (tuition, fees, housing and meal charges, post office charges, book purchases, parking permits and fines, etc.) from which a benefit to the student is derived;
- payment is *expected*~~due~~ to the university from the student or a third party;
- payment has not been received (collected) by the university from the student or third party;
- the account receivable does not represent an extension of credit that is prohibited by law; and,
- the recording is deemed to be appropriate by the university's fiscal officers.

A non-student account receivable will be recognized (recorded in the university's financial records) when:

- *a charge has been incurred by a non-student for university goods or services;*
- *payment is expected to the university;*
- *payment has not been received (collected) by the university; and*
- *the recording is deemed to be appropriate by the ~~university~~ university's fiscal officers.*

Recording an Account Receivable in the Financial Records

An account receivable is recorded in the financial records automatically by the registration and billing process. These entries credit the appropriate revenue accounts and debit the appropriate account receivable accounts in the university's accounting system.

In the event that a student withdraws during the semester, the student charges will be adjusted in accordance with state law.

A non-student accounts receivable will be recorded in the financial records by the office of financial reporting. The department responsible for the accounts receivable should maintain records and send timely information to the office of financial reporting.

Reconciling Accounts Receivable

The office of student business services maintains records of student accounts receivable and prepares a reconciliation of the student receivable records and the financial accounting records on a timely basis.

The office of financial reporting reconciles the non-student records provided by the responsible

department.

Aging Accounts Receivable

The office of student business services also maintains an aging schedule for all student accounts receivable *and non-student accounts receivable* with the total of the aging schedule balanced to the total recorded accounts receivable. At year end, the aging schedule may be analyzed to aid in the process of the calculation of the allowance for doubtful accounts.

Collecting Accounts Receivable

Guidelines and procedures for collection of delinquent accounts will be maintained by the office of student business services.

An account will be considered in default if the following apply:

- the account balance is at least 30 days old;
- the debtor has not exhibited concern regarding the delinquent account (i.e., requested a repayment agreement); and,
- the debtor is not an active student.

An account will be considered delinquent if it is past due.

Billing and Collection Activity on Delinquent Accounts or Accounts in Default

Active Students: Active students will be billed throughout the term with due dates set by the office of student business services. Students may be assessed penalties for late payments, but will not be turned over for collection in the term if they are actively enrolled.

Inactive Students: Delinquent accounts will be analyzed and processed on a regular basis. Any general deposits will be applied to inactive students' outstanding balances to defray the amounts due to the university. As appropriate, delinquent accounts on inactive students will be subject to collection activity. Attempts will be made to contact students before delinquent accounts are turned over to collections. Students will not be assessed collection agency fees or collection costs if they ~~make a payment or~~ set up a repayment agreement *with reoccurring payments* prior to the account being turned over to a collection agency. Collection agency fees assessed to the student will be negotiated in advance by the university and approved by the Texas Attorney General's office. Additionally, accounts may also be reported to the Texas Comptroller of Public Accounts as authorized by Texas Government Code § 403.055 to ensure that no treasury warrants are issued or payments are paid to the debtor until the debt is paid.

If a debtor with a delinquent account establishes a repayment agreement ~~with reoccurring~~ recurring payments and makes scheduled payments towards the balance ~~within one of the warning periods~~, the debtor will be treated as an “active” student and will not be turned over to a collection agency unless monthly payments cease before the account balance is paid in full. *Once an account has been placed with collections, payments may not be accepted at the university.* If the account is turned over for collection, collection costs, collection agency fees and/or attorney fees will apply. There will be transcript and registration holds placed on the student’s account until the balance has been paid in full.

All demand letters ~~will should~~ be mailed in compliance with applicable collection laws. If an address correction is provided by the United States Postal Service, the demand letter ~~will should~~ be mailed to the corrected address prior to the referral procedures described above. Demand should be made upon every debtor prior to referral of the account to an outside collection agency and the attorney general.

Write-Off of an Uncollectible Account

The university will establish procedures to determine when the write-off of an uncollectible account will occur. These write-off procedures will consider both the age of the account and the amount due from the student.

Allowance for Doubtful Accounts

The university records an allowance for doubtful accounts on past due accounts. Prior to closing each fiscal year’s books, the office of student business services and office of financial reporting will analyze and adjust the allowance for doubtful accounts, with offsets to the appropriate revenue accounts or bad debt expense, in accordance with accounting guidelines. An allowance for doubtful accounts will be set up as a contra-receivable in the general ledger.

Cross Reference: Texas Comptroller of Public Accounts Fiscal Policies and Procedures, Accounting for Uncollectible Accounts (APS 027); Tex. Gov’t Code § 403.055; Ch. 2107; Tex. Educ. Code § 54.006

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Treasury and Student Business Services

Forms: None

Board Committee Assignment: Finance and Audit Committee

Revision History: April 11, 2022
January 29, 2019
January 26, 2016
April 14, 2015
April 17, 2012
July 19, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Fiscal Appeals

Policy Number: 6.19

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 Finance and Administration

Purpose of Policy (what does it do): This policy establishes the process of evaluation and resolution of all student fiscal appeals.

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: Updates correspond with procedure on SBS Forms website.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Michaelyn Greene, Director of Treasury and Student Business Services
Judi Kruwell, Associate Vice President for Finance and Administration
Gina Oglesbee, Vice President for Finance and Administration
Damon Derrick, General Counsel

Student Fiscal Appeals

Original Implementation: January 30, 2007

Last Revision: January 28, 2023

Purpose

This policy establishes the process of evaluation and resolution of all student fiscal appeals.

General

~~An independent~~ The Fiscal Appeals Panel will consider appeals related to Stephen F. Austin State University (SFA) fiscal policy as it applies to student charges. The *confidential* panel will be appointed by the vice president for finance and administration, ~~chaired by the bursar,~~ and include academic and administrative representation. The panel will make its decision based on the ~~written~~ information ~~provided~~ submitted.

Appeals will be considered when a student believes that extenuating circumstances justify removal or modification of charges. Appeals must be submitted in written form and must be based on extenuating circumstances, such as (but not limited to) catastrophic illness *in the family*, ~~injury~~, death in the family, or ~~economic hardship~~ ~~call-up for military service~~. Appeals of the penalty for excessive time to graduation and repetition of a course may be based on economic hardship for the student, and will be considered on a case--by--case basis. Appeals pertaining to the requirements to maintain eligibility for certain exemptions and waivers may also be based on economic hardship for the student or other good cause, and will be considered on a case--by--case basis.

Unless there are extenuating circumstances, appeals should be filed within 60 days of the date of the charge on the student's account that the student is requesting to appeal. Appeals will be considered only for the specific charge and specific term for which the appeal is requested.

The following may be appealed to the panel: penalty for excessive time to graduation (the 30 and 45-hour rule), extenuating circumstances culminating in withdrawal, late add fee, reinstatement fee, \$1,000 tuition rebate, penalty for repetition of a course more than twice (3-peat), and ~~loss of~~ eligibility for certain exemptions and waivers.

Specific *procedures* for making an appeal are found ~~on the in the Student Fiscal Appeals Guidelines, Procedures, and Form located on SFA's business office~~ Student Business Services website ~~on the~~ *Forms link* and at the ~~business~~ Student Business Services office.

Cross Reference: Tex. Educ. Code § 54.014, .2001; 19 Tex. Admin. Code § 13.108; Tuition Rebate (6.21); Student Fiscal Appeals ~~Guidelines, Procedures, and Form~~

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: ~~Controller~~ *Director of Treasury and Student Business Services*

Forms: Student Fiscal Appeal Form (~~part of the Student Fiscal Appeals Guidelines, Procedures, and Form~~), *Student Fiscal Appeals Guidelines and Procedures*

Board Committee Assignment: Finance and Audit Committee

Revision History: January 28, 2020
 January 31, 2017
 January 28, 2014
 October 22, 2012
 April 17, 2012
 January 25, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Media

Policy Number: 10.8

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: Department of Student Publications and
Department of Mass Communication

Purpose of Policy (what does it do): Acknowledge existence and importance of student media
on campus; outline the individual campus news outlets and how each functions at the univeristy

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 on publication format, yearbook
distribution, and text clarification regarding revenue.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Amy Roquemore, director of student publications and divisional media
John Hendricks, chair of the department of mass communication
Brandon Frye, Vice President of Student Affairs
Damon Derrick, General Counsel

Student Media

Original Implementation: October 26, 1999

Last Revision: January 28, 2020/30, 2023

Stephen F. Austin State University has long recognized the importance of providing for the establishment of student media on campus. These media are the chief means of communicating campus news, providing student entertainment, and expressing student opinion. They also provide experience for students who are working toward ~~a career~~ *careers in the mass media and related fields.*

Student Publications

The Pine Log, which is the student newspaper, and ~~the~~ *Stone Fort*, which is the student yearbook, were the first student media to be established *on campus*. They have existed virtually from the founding of ~~Stephen F. Austin State University~~ *the institution*. *The Pine Log* publishes *primarily online*, offering campus news, *photos*, letters to the editor, *opinion pieces*, and ~~local advertising, and editorials~~. *The Stone Fort* preserves, in written and photographic form, the news, events, trends, traditions, and campus life of each academic year for posterity. Both *The Pine Log* and *Stone Fort* operate as editorially independent publications with all decisions regarding design and content resting solely with student staff members.

The ~~Office-Department~~ of Student Publications, housed in the *Office of Student Life* within the Division of ~~University-Student~~ Affairs, is the unit which governs the operation of both ~~the Stone Fort and The Pine Log~~ and *Stone Fort*. These publications are intended to ~~be primarily self-supporting~~ *produce revenue supporting their operations*. Income is derived from the sale of yearbooks, and, in the case of *The Pine Log*, advertising. The director of student publications and divisional media is the administrative leader of ~~both publications~~ *the department* and reports to the ~~vice president for university affairs~~ *executive director of student life*. The director shall be responsible for all managerial aspects of student publications. This shall include fiscal management, office staff management and student staff management. The director of student publications and divisional media shall also provide editorial counsel to the student staffs of *The Pine Log* and *Stone Fort* regarding customary news and advertising practices as well as applicable legal issues.

The Student Publications Committee, appointed by the vice president ~~for-of university-student~~ affairs, shall serve as an advisory body to student publications. The committee shall recommend editorial policy and provide advice in the appointment of *The Pine Log* and *Stone Fort* editors-*in-chief*. In addition, the committee shall:

- a. ~~foster and preserve the American tradition of free expression~~ *promote, support, and defend the First-Amendment and free-press rights of student journalists*

- b. act as an appeals body on ~~editorial, advertising, and business contracts~~ *editorial and advertising matters* related to student publications
- c. require compliance with applicable laws in such areas as libel, obscenity, privacy, and false and misleading advertising

The Student Publications Committee shall consist of nine members:

- 1. The chair of the Department of Mass Communication (committee chair)
- 2. The director of student publications and divisional media
- 3. One Mass Communication faculty representative
- 4. One representative from University Marketing Communications
- 5. Two faculty members at large
- 6. Three students at large (not already holding paid positions on ~~the Stone Fort or The Pine Log or Stone Fort~~)

Broadcast Media

Stephen F. Austin State University has also provided for the operation of a radio station, KSAU-FM, and a cable television station, SFA-TV2. These facilities shall serve the primary role of laboratories to support the academic program in radio/television and shall be operated by the Department of Mass Communication, housed in the College of Liberal and Applied Arts, Division of Academic Affairs. Two departmental faculty members shall be designated as faculty advisors of radio and television respectively.

Broadcast Media

~~Stephen F. Austin State University has also provided for the operation of a radio station, KSAU-FM, and a cable connected television facility. These facilities shall serve the primary role of laboratories to support the academic program in radio/television and shall be operated by the Department of Mass Communication, housed in the College of Liberal and Applied Arts, Division of Academic Affairs. Two departmental faculty members shall be designated as faculty advisors of radio and television respectively. These two faculty members shall have one course teaching load reductions to accommodate their responsibilities as advisors of the radio and television operations.~~

Both of these facilities are completely supported by institutional funds and receive no money from student service fees. Programming and production staffs shall consist primarily of students enrolled in various mass communication production courses including the required capstone courses. Faculty who teach the production courses shall supervise the student staffs and serve as the first level of appeal for any issues which might arise.

Programming content for the radio station shall be in compliance with all licensing requirements of the Federal Communications Commission. In addition, the Department of Mass

Communication shall enforce programming guidelines which:

- a. comply with any relevant and established university policies
- b. to the extent possible reflect current mainstream professional broadcast practice
- c. serve a local audience with programming not already readily available
- d. serve local informational and cultural needs

The Department of Mass Communication shall enforce television programming guidelines for the local cable channel which:

- a. comply with any relevant and established university policies
- b. to the extent possible reflect current mainstream professional broadcast practice
- c. serve local informational, educational, and cultural needs

Cross Reference: U.S. Const. amend. I

Responsible for Implementation: Provost and *Executive* Vice President for Academic Affairs, Vice President ~~for of University~~ *Student Affairs*

Contact for Revision: Chair, Department of Mass Communication and Director of Student Publications and Divisional Media

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 28, 2020
January 31, 2017
January 28, 2014
January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Organization Risk Management Training

Policy Number: 10.10

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 of Student Affairs

Purpose of Policy (what does it do): Provide risk management training program for student organizations

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

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Scheduled Review | <input type="checkbox"/> Change in law | <input type="checkbox"/> Response to audit finding |
| <input type="checkbox"/> Internal Review | <input type="checkbox"/> Other, please explain: | |

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Minor revisions.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Andrew J. Dies, Assistant Vice President of Student Affairs/Dean of Students
Brandon Frye, Vice President of Student Affairs
Damon Derrick, General Counsel

Student Organization Risk Management Training

Original Implementation: October 30, 2007

Last Revision: January 28, 2020/30, 2023

At least once during each academic year, Stephen F. Austin State University shall provide a risk management training program for student organizations registered with the office of Student Engagement Programs at the institution.

Four members of each organization are required to attend the training program at least once during the time(s) it is presented during the fall semester. The organization's president and vice president, or their equivalents as listed on the organization's registration with Student Engagement Programs, must be among the four members attending. If an organization has officer positions equivalent to a risk management officer and/or a new member officer, these officers must also attend the program. If the organization does not have officers with the specific titles named, the four highest ranking leaders of their organization are required to attend the training.

Newly registered student organizations must have four appropriate members receive this training within the first 30 business days following its initial registration.

Each listed student organization advisor(s) who has not previously received risk management training as outlined in this policy must also receive this training. For the purposes of this policy an advisor is defined as a person who:

1. serves in an advisory capacity to a student organization to provide guidance to the organization and its members;
2. is older than 21 years of age; and
3. is not an enrolled student at Stephen F. Austin State University, *unless their primary relationship with the University is as an employee.*

The content of the risk management program will include topic areas mandated by the Texas Education Code, as well as topical areas deemed relevant by the university, to include:

1. possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use;
2. hazing;
3. sexual misconduct (including abuse) and harassment, and reporting procedures;
4. fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device;
5. travel to a destination outside the area in which the institution is located;
6. behavior at parties and other events held by a student organization;
7. adoption by a student organization of a risk management policy; and

8. issues regarding persons with disabilities, including a review of applicable requirements of federal and state law, and any related policies of the institution, for providing reasonable accommodations and modifications to address the needs of students with disabilities, including access to the activities of the student organization.

8.9. review of university policies and procedures that impact student organization processes.

The university may impose reasonable sanctions on any organization failing to meet the requirements of this policy.

Cross Reference: Tex. Educ. Code § 51.9361

Responsible for Implementation: Vice President of Student Affairs

Contact for Revision: Director of Student Engagement

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 28, 2020
 November 7, 2016
 October 21, 2013
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Travel

Policy Number: 10.12

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: Student Affairs

Purpose of Policy (what does it do): Regulates travel undertaken by one or more students enrolled at the institution.

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 updates.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Andrew J. Dies, Assistant Vice President of Student Affairs/Dean of Students
Brandon Frye, Vice President of Student Affairs
Damon Derrick, General Counsel

Student Travel

Original Implementation: October 23, 2001

Last Revision: January 28, 2020/30, 2023

State law requires that all institutions of higher education adopt a policy regulating travel that is undertaken by one or more students presently enrolled at the institution to reach an activity or event that is located more than 25 miles from the institution that is organized and sponsored by the institution and meets certain other criteria.

This policy shall apply if the travel is funded by the university, *and*; the travel is undertaken using a vehicle owned or leased by the university; or if the travel is required by a registered SFA student organization to an event that has been organized and sponsored by the university.

I. Travel funded by the university and/or using university owned or leased vehicles

University policy 16.23, Rental of University Vehicles, governs the use of university owned vehicles and vehicles rented using university funds from a non-university fleet. All of the requirements of that policy, such as driver qualifications and passenger capacity, apply to student travel as addressed in this policy.

Other specific requirements of this policy include:

- a. All occupants must use seat belts, as provided in the vehicle, in the manner recommended by the vehicle manufacturer.
- b. Passengers are limited to the number that can be safely restrained using the available number of seat belts.
- c. Drivers should continually assess their state of alertness and not begin to drive, or not continue driving, if they are fatigued. There are many factors that impact driver fatigue, all affecting drivers differently; but conditions such as hours without sleep, time of the day, road conditions, etc. should be all considered and monitored.
- d. Only drivers meeting the qualifications set forth in policy 16.23 may drive the vehicle. All drivers must be appropriately licensed to drive the vehicle.

II. Travel by personal vehicle or privately leased vehicle

While the university may not be made aware of trips undertaken by students using their private vehicles, or vehicles privately leased by them, the university will publish the requirements of this policy in publications used by registered student organizations at SFA and will encourage their use in all travel undertaken by students for any trip governed by this policy. All drivers are encouraged to be appropriately licensed and the owner of the vehicle(s) is encouraged to maintain appropriate vehicle insurance as required by law.

This policy will be filed with the Texas Higher Education Coordinating Board after the approval of any amendment by the Board of Regents.

Cross Reference: Tex. Educ. Code § 51.950; Rental of University Vehicles (16.23)

Responsible for Implementation: Vice President of Student Affairs

Contact for Revision: Assistant Vice President of Student Affairs and Dean of Students Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: January 28, 2020
 January 31, 2017
 January 28, 2014
 January 25, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Substantive Change

Policy Number: 4.10

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): This policy provides requirements and guidelines for the university when substantive changes are made or requested.

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: SACSCOC procedure changes and other minor edits.

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

Substantive Change

Original Implementation: August 26, 2008

Last Revision: January 28, 2020/30, 2023

Stephen F. Austin State University (SFA) is committed to upholding all of the principles and policies of the Texas Higher Education Coordinating Board (THECB) and the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The university is also committed to establishing and maintaining procedures to facilitate an effective and timely notification process regarding substantive changes.

As a member of SACSCOC, SFA is responsible for notifying and, when necessary, seeking approval for substantive changes from the Commission in accordance with the SACSCOC substantive change policy. The current policy is located on the SACSCOC website.

Substantive change is defined as a significant modification or expansion of the nature and scope of an accredited institution.

~~Notification is defined as a letter from the university president or designee to the president of the commission summarizing the proposed change. Approval is sought through the submission of a SACSCOC application or prospectus.~~

Procedures

The university is required to notify THECB and SACSCOC of substantive changes and request approval, when required, prior to the initiation of the changes. The SFA SACSCOC liaison, appointed by the Office of the Provost and *Executive* Vice President for Academic Affairs, is responsible for coordinating efforts to identify the need for and creation of notifications ~~or approvals~~ letters related to substantive change. The Office of the Provost and *Executive* Vice President for Academic Affairs is responsible for all communication with the appropriate governing body.

Under federal regulations, substantive change includes but is not limited to:

- *Substantially changing the established mission or objectives of an institution or its programs.*
- *Changing the legal status, form of control, or ownership of an institution.*
- *Changing the governance of an institution.*
- *Merging / consolidating two or more institutions or entities.*
- *Acquiring another institution or any program or location of another institution.*
- *Relocating an institution or an off-campus instructional site of an institution (including a branch campus).*
- *Offering courses or programs at a higher or lower degree level than currently authorized.*
- *Changing the way an institution measures student progress, whether in clock hours or credit-hours; semesters, trimesters, or quarters; or time-based or non-*

time-based methods or measures.

- *Adding a program that is a significant departure from the existing programs, or method of delivery, from those offered when the institution was last evaluated by SACSCOC.*
- *Initiating programs by distance education or correspondence courses.*
- *Adding an additional method of delivery to a currently offered program.*
- *Entering into a cooperative academic arrangement.*
- *Entering into a written arrangement under 34 C.F.R. § 668.5 under which an institution or organization not certified to participate in the title IV Higher Education Act (HEA) programs offers less than 25% (notification) or 25-50% (approval) of one or more of the accredited institution's educational programs. An agreement offering more than 50% of one or more of an institution's programs is prohibited by federal regulation.*
- *Substantially increasing or decreasing the number of clock hours or credit hours awarded or competencies demonstrated, or increasing the level of credential awarded, for successful completion of one or more programs.*
- *Adding competency-based education programs.*
- *Adding each competency-based education program by direct assessment.*
- *Adding programs with completion pathways that recognize and accommodate a student's prior or existing knowledge or competency.*
- *Awarding dual or joint academic awards.*
- *Re-opening a previously closed program or off-campus instructional site.*
- *Adding a new off-campus instructional site/additional location including a branch campus.*
- *Adding a permanent location at a site at which an institution is conducting a teach-out program for students of another institution that has ceased operating before all students have completed their program of study.*
- *Closing an institution, a program, a method of delivery, an off-campus instructional site, or a program at an off-campus instructional site.*

- ~~Initiating coursework or programs at a different level than currently approved;~~
- ~~Initiating off-campus sites (including but not limited to Early College High School, dual enrollment programs offered at a high school, and certificate programs);~~
- ~~Expanding programs at current degree level;~~
- ~~Expanding program offerings at previously approved off-campus sites;~~
- ~~Initiating degree completion programs;~~
- ~~Initiating a branch campus;~~
- ~~Initiating distance learning;~~
- ~~Relocating a main or branch campus;~~
- ~~Entering into a contract with an entity not certified to participate in U.S. Department of Education (USDOE) Title IV programs;~~
- ~~Initiating dual or joint degrees;~~
- ~~Initiating a new site;~~
- ~~Initiating a direct assessment competency-based program;~~
- ~~Initiating a merger/consolidation with another institution;~~

- ~~Changing governance, ownership, control, or legal status of an institution;~~
- ~~Acquiring any program or site from another institution;~~
- ~~Adding a permanent location at a site where the institution is conducting a teach-out for students from another institution that is closing;~~
- ~~Initiating a certificate program at a new off-campus site at employer's request and on short notice (previously approved program);~~
- ~~Initiating a certificate program at employer's request and on short notice;~~
- ~~Adding a site under a U.S. military contract for a previously approved program;~~
- ~~Altering significantly the length of a program;~~
- ~~Altering significantly the educational mission of the institution;~~
- ~~Changing from clock hours to credit hours;~~
- ~~Moving an off-campus instructional site;~~
- ~~Initiating programs or courses offered through contractual agreement or consortium; or~~
- ~~Closing a program, approved off-campus site, branch campus, or institution.~~

An institution is required to notify or secure SACSCOC approval prior to implementing a substantive change. An institution is responsible for maintaining compliance at all times with Standard 14.2 (Substantive change) of the Principles of Accreditation and with the Substantive Change Policy and Procedures and related policies.

When planning to make changes that may require substantive change notification ~~or~~ approval, proposal sponsors must consult with the SFA SACSCOC liaison to determine the appropriate procedure for the proposed change.

The SFA curriculum review cycle is the process used to identify substantive changes related to the addition, deletion, or modification of courses and degree programs. In addition, all proposals for distance education, off-campus sites, and certificate program requests will follow the curriculum review process. All proposals must follow and document adherence to curriculum review and approval policies and processes described in the university policy on Curriculum Reviews, Modifications, and Approvals (5.7). *When applicable, t*The SFA SACSCOC liaison will provide the information necessary to prepare a prospectus in accordance with the requirements outlined in the SACSCOC Substantive Change Policy and THECB substantive change guidelines. The SACSCOC prospectus and/or THECB proposal must accompany the Curriculum Change Request.

At least once each academic year, the SACSCOC liaison will provide information to the academic deans, division vice presidents, and academic unit heads regarding substantive change policies and procedures. During this session, the deans, division vice presidents, and academic unit heads will identify potential substantive changes.

All substantive change education and review activities must be coordinated to allow ample time to satisfy the time frame for notification and/or approval as set by THECB and/or SACSCOC. SFA will adhere to the reporting times as specified in THECB guidelines and in the Substantive Change for SACSCOC Accredited Institutions policy statement.

~~The Office of the Provost and Vice President for Academic Affairs is responsible for conducting an ongoing review of curricular revisions to identify changes that may be substantive in nature and may require reporting or prior approval by THECB, SACSCOC, and/or accrediting body appropriate to the discipline. The provost and vice president for academic affairs will determine whether changes are substantive and will initiate appropriate reporting and approval processes in compliance with THECB and SACSCOC policies and procedures.~~

Cross Reference: Curriculum Reviews, Modifications and Approvals (5.7); SACSCOC Substantive Change Policy; THECB guidelines; *34 CFR* § 668.5

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

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

Forms: Forms for program revision, course proposals, substantive change, and distance education are available at the Academic Affairs website <http://www.sfasu.edu/acadaffairs/>.

Board Committee Assignment: Academic and Student Affairs

Revision History: January 28, 2020
January 31, 2017
October 18, 2011

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Summer Teaching Appointments

Policy Number: 7.28

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 summer teaching.

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 edits.

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

Summer Teaching Appointments

Original Implementation: April 20, 2004

Last Revision: ~~October 28, 2019~~ January 30, 2023

The university offers no guarantee of a summer teaching appointment to any faculty member except as specifically contracted. All summer instructional contracts are contingent upon sufficient class enrollments and availability of funding. Salaries in summer instructional ~~contracts~~ *appointments* are subject to proration depending upon enrollment.

Utilizing student and programmatic needs and considering faculty input, each academic unit and college is required to adopt a written policy concerning the allocation of summer teaching assignments. These policies will define priority for summer course offerings and set criteria for allocating teaching assignments among the eligible faculty. The impact of grant funds on summer employment should be considered.

Summer teaching policies must be approved by the academic dean and the ~~P~~Provost and *Executive* ~~Vice p~~President for ~~a~~Academic ~~a~~Affairs. Once final approval is obtained, a copy of the policy will be made available to the faculty. The policy must be reviewed by academic units and colleges every five years.

Cross Reference: ~~Faculty Handbook~~, Faculty Workload (7.13)

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: October 28, 2019
 January 31, 2017
 January 28, 2014
 October 18, 2010

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Tenure and Continued Employment

Policy Number: 7.29

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): This policy provides guidelines and principles for continued employment, pre-tenure, and tenure review of full time faculty members.

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
Steve Westbrook, Interim President
Damon Derrick, General Counsel

Tenure and Continued Employment

Original Implementation: April 27, 1970 and April 3, 1979

Last Revision: ~~October 28, 2019~~ January 30, 2023

Tenure may be awarded according to established procedures after an appropriate probationary period, or when an individual who already has tenure at another institution is hired for a senior-level position. Tenure is only awarded after candidates successfully demonstrate that they have met or exceeded performance standards in teaching, research/scholarly/creative accomplishments, and service as established by the academic unit. Extensions of employment beyond the probationary period should not be construed as entitlement to tenure.

Tenure is only granted as prescribed in this policy. Tenure will normally be restricted to full-time faculty members who have earned the highest academic degree customarily awarded in their field of study. Exceptions may be granted by the ~~Provost and Executive~~ *Vice President* for ~~Academic Affairs~~.

This policy establishes procedures to be used for tenure in all academic units of the university. Academic units are responsible for establishing rigorous standards for teaching, research/scholarly/creative accomplishments and service for use in decisions regarding tenure. Unit standards must be approved by the dean and by the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs..

I. General Provisions

A. Definitions

1. "Tenure" is a status that may be earned by faculty members and librarians who hold academic rank as defined in policy 7.2, Academic Appointments and Titles. Tenure allows these personnel to continue in their positions, unless dismissed for good cause, circumstances of exigency, or discontinuance of a program or academic unit.
2. "Academic unit" normally refers to a subdivision of a college, but can also refer to the library.
3. "Academic unit head" is the administrator immediately responsible for the academic unit.
4. "Tenure review portfolio" (referred to hereafter as the portfolio) is a set of verifiable materials demonstrating evidence of a candidate's credentials and suitability for tenure. —The portfolio should contain a succinct, relevant, substantive and cumulative record of a candidate's performance during the probationary review period at Stephen F. Austin State University (SFA); for senior-level and administrative positions, the portfolio will consist of materials requested by the ~~provost and vice president~~ *Provost and Executive Vice*

President for Academic Affairs~~for academic affairs.~~

5. "Academic year" as used in this policy is the full nine-month period from September through May.
6. "Rigorous standards" are a set of verifiable standards developed by tenured faculty in the academic unit and are subject to approval by the dean and the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs*~~for academic affairs~~. Standards for tenure may be distinct from standards for promotion.

B. Tenure Policy Principles

1. Recommendations for granting or denying tenure will be based on a verifiable record of performance.
2. Recommendations and decisions on tenure will not discriminate on any basis prohibited by law or policy.
3. The required content of the portfolio and the academic unit standards will be available to the candidate and the reviewers.
4. The tenure policy and guidelines at the time of hire will be used for evaluation and rating during the critical year for tenure as stated in the initial contract letter.
5. The portfolios of all candidates within a given academic unit should conform to the same criteria, although variation related to the nature of the candidate's activity is expected.
6. Review committees must consistently follow tenure procedures when evaluating all candidates within a college.
7. Each critical area—teaching, research/scholarly/creative accomplishment, and service—must be evaluated and rated separately and will include criteria addressing collegiality. An overall tenure rating must also be provided.
8. At a minimum, the rating system must include two levels—satisfactory/meets expectations and unsatisfactory/does not meet expectations.
9. Each person in the review process has a professional responsibility to treat information that evaluates another's work as confidential unless otherwise required by law.
10. Allegations of misconduct made against a candidate during the tenure review process will not be considered by the reviewers. Confirmed professional misconduct that occurred during the probationary period is a valid consideration.

II. Appointments

- A. With the exception of special appointments clearly limited to a brief association with the university and reappointments of retired faculty members on special conditions, all full-time appointments eligible for tenure under Academic Appointments and Titles (7.2) will be either 1) tenured or 2) probationary.
 1. Tenured appointments will require that, prior to the appointment, the candidate successfully complete tenure procedures specified in this policy.
 2. Probationary appointments are subject to annual renewal at the university's

discretion and are made on the basis of several factors.

- a. A probationary faculty member's tenure status and years of credit for probationary service will be specified in the initial appointment letter, along with any conditions.
 - b. Beginning with full-time appointment to the rank of instructor or above, the probationary period for a faculty member will not exceed six years, including within this period credit granted for appropriate full-time service in all institutions of higher education, unless extended as permitted by university policy.
 - c. At the discretion of the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs, prior full-time service at another university may be counted toward fulfillment of the required probationary period for tenure at SFA. Normally this credited time is no more than two years and must be determined at the time of initial appointment to a tenure-track position.
 - d. Leaves of absence for appropriate scholarly reasons specified in Policy 12.11, *Leaves of Absence and Miscellaneous Leave – Faculty and Staff*, will count as part of the probationary period, unless an exception to this provision is agreed to in writing at the time the leave is granted.
 - e. Leaves of absence for one semester or more due to health-related issues or military service as specified in Policy 12.11 will not be counted toward fulfillment of the required probationary period, unless an exception to this provision is agreed to in writing at the time the leave is granted.
 - f. For purposes of calculating the period of probationary service, an "academic year" is the full nine-month period from September through May. If a faculty member begins service after September 1, the partial year will not be counted toward fulfillment of the maximum probationary period.
 - g. The portfolio must be submitted in the fall semester of the final year of probationary service, unless permission is granted by the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for earlier submission.
 - h. Circumstances may justify adjustment of the probationary period. It is the faculty member's responsibility to provide documentation that demonstrates why an adjustment should be granted. This documentation must be submitted to and approved by the candidate's academic unit head, dean and then the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs.
- B. The reappointment of probationary faculty will be determined by the appropriate academic administrators.
 - C. Notice of reappointment will be in writing and will specify the probationary faculty member's tenure status, years of credit for probationary service and any special

conditions. Any special conditions contained in the initial appointment letter will continue to be in effect until expressly revoked by the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs, regardless of whether such special conditions were re-published in the annual contract letter.

- D. Notice of non-reappointment, or of intention not to reappoint a faculty member, will be provided in writing according to the following schedule. Non-reappointment may be made for any lawful reason or no reason.
 - 1. During the first year of probationary service, notice will be provided no later than March 1 and termination will occur at the end of that year's contract.
 - 2. During the second year of probationary service, notice will be provided no later than December 15 and termination will occur at the end of that year's contract.
 - 3. During subsequent years of a probationary appointment, the faculty member will be notified no later than August 31 that a terminal contract will be offered for the next academic year.

III. Pre-tenure Reviews

- A. Each college and its academic units will establish a pre-tenure review process that is approved by the dean and the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs. Copies must be filed in the offices of the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs and the general counsel. Each faculty member's progress toward tenure will be formally reviewed at least once during the probationary period. The process must allow all tenured faculty members at the academic unit level, the academic unit head, elected tenured faculty (one from each academic unit) at the college level, the dean, and the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs to review probationary faculty materials. The candidate will receive written feedback that includes strengths and weaknesses (with recommendations for addressing any weaknesses), a statement indicating whether the candidate is progressing satisfactorily toward tenure, and specific expectations concerning the continuation of appointment. At a minimum, pre-tenure reviews must be conducted according to the following schedule:
 - 1. Faculty fulfilling a six-year or five-year probationary period must be reviewed in the third year of probationary service.
 - 2. Faculty fulfilling a four-year or three-year probationary period must be reviewed in the second year of probationary service.
- B. Failure to submit the pre-tenure portfolio will result in a terminal contract for the following academic year.

IV. Tenure Reviews

- A. The academic unit, with approval of the dean and the ~~provost and vice president~~

Provost and Executive Vice President for Academic Affairs~~for academic affairs~~, will establish tenure standards for teaching, research/scholarly/creative accomplishments and service. Each college and its academic units will also establish a tenure review process that is approved by the dean and the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs*~~for academic affairs~~.

1. Copies must be filed in the offices of the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs*~~for academic affairs~~ and the general counsel.
2. The process must allow all tenured faculty members at the academic unit level, the academic unit head, elected tenured faculty (one from each academic unit) at the college level, and the dean to review probationary faculty materials.
3. Academic unit heads and deans may consider other pertinent information during the review process. All candidates for tenure will be evaluated based upon standards in place as of the candidate's initial contract letter.
4. Research/scholarly/creative achievements produced prior to employment at SFA will only count toward fulfilling an academic unit scholarship requirement for tenure if recommended by the unit head and dean in the initial hiring contract and approved by the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs*~~for academic affairs~~.

B. During the academic year prior to the year of the tenure review, the academic unit head will meet with the candidate to discuss the tenure review process including the requirements for preparation of the portfolio, which is due the following fall semester.

1. A candidate must apply for tenure in the final year of probationary service, according to the date specified in the initial contract or the schedule set by the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs*~~for academic affairs~~.
2. Candidates are responsible for preparing and submitting a portfolio that demonstrates how the candidate meets or exceeds the tenure standards. The portfolio must contain all relevant supporting materials, including a table of contents, current vitae, all annual performance reports, all pre-tenure reviews, all administrative evaluations, all student evaluations while at the university since the candidate's pre-tenure review and other materials required by the academic unit. The candidate may consult with the academic unit head (or dean) in preparation of the portfolio.
3. Faculty members in administrative positions will submit their portfolios to their immediate supervisors who will receive recommendations and supporting comments from the tenured faculty reviewers at the academic unit and college levels. In all other respects the review process for faculty in administrative positions will be consistent with the approved faculty review process for their college.

4. Faculty members with concurrent appointments in two academic units and/or two colleges will be evaluated by both academic units and/or colleges.
- C. The candidate will be notified in writing within five (5) class days after the academic unit head completes all recommendations regarding applications for tenure. Within five (5) class days of reviewing the written recommendation and supporting comments, the candidate may attach a letter of response addressing errors of fact in the recommendation. Such a notification and any subsequent response by the candidate will become part of the candidate's portfolio.
 - D. The candidate will be notified in writing within five (5) class days after the college tenure committee and dean complete all recommendations regarding applications for tenure. Within five (5) class days of reviewing the written recommendation and supporting comments, the candidate may attach a letter of response addressing errors of fact in the recommendation. Such a notification and any subsequent response by the candidate will become part of the candidate's portfolio.
 - E. The complete portfolio will then be submitted to the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs for review. The ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs will submit the complete portfolio and a recommendation to the president and notify the candidate of the recommendation.
 - F. The president will review the complete portfolio and recommendations and any other evidence deemed pertinent as a basis for a recommendation to the Board of Regents.
 - G. The recommendation of the president is then submitted for consideration by the Board of Regents. Tenure may only be granted by official action of the Board of Regents. Within the next class day following the action of the Board of Regents, each candidate will be notified in writing of the board's action by the ~~provost and vice president~~ *Provost and Executive Vice President for Academic Affairs* for academic affairs.
- V. Termination and Non-Renewal of Contracts Procedural Guarantees
- A. Tenured or Probationary Faculty with an Unexpired Appointment Extending Beyond the Date of Proposed Dismissal
 1. Good cause for the dismissal of a probationary faculty member whose specified term of employment has not expired, or for the revocation of tenure and dismissal of a tenured faculty member includes but is not limited to: moral turpitude; conviction of any felony; professional incompetence; substantial neglect of professional responsibilities; finding of sexual harassment/misconduct or discrimination under policies 2.11, *Nondiscrimination* and/or 2.13, *Title IX*; bona fide financial exigency or phasing out of programs or an academic unit requiring faculty reduction; and physical or mental disability of a continuing nature rendering the faculty member unable to perform professional responsibilities of the position.
 2. The burden of proof that good cause exists for dismissal rests with the university.

The burden of proof will be by preponderance of the evidence.

3. Dismissal will be preceded by discussion between the faculty member and appropriate administrative officers of the university. If a mutually agreeable resolution cannot be achieved, a written statement of specific charges will be prepared by the president or the president's designee.
4. If a written statement of specific charges is issued, the faculty member has the right to a hearing by a hearing committee of the grievance panel. Notice of the hearing with specific charges in writing will be served at least twenty (20) calendar days prior to the hearing. Hearings should be completed without undue delay. The hearing will be private and confidential, to the extent allowed by law, unless the faculty member elects to have a public hearing.
 - a. The hearing committee will be comprised of seven members selected from the grievance panel; three will be selected by the faculty member, three by the president's designee and one by random selection. The faculty member and the university may each challenge the selection of two committee members without stated cause. In the event the faculty member fails to make his/her selection, the three individuals will be selected at random. If a selected member of the hearing committee deems himself/herself biased, he/she will remove herself/himself and an alternate selection will be made using the same procedure that named the removed committee member.
 - b. The hearing committee will assign members' roles and establish procedures to carry out its responsibilities in a manner that affords both parties due process and fairness. At a minimum, both parties have the right to appear in person at the scheduled time, present all evidence that is relevant or material to the matter, and introduce and cross-examine witnesses.
 - c. The faculty member may have an advisor present at the hearing; however the advisor may only consult and advise the faculty member and is not permitted to participate in the hearing.
 - d. At least five (5) calendar days prior to the hearing, the faculty member and president's designee will provide the hearing committee and each other with copies of any evidence to be used at the hearing, the names of witnesses to be called, and a summary of each witnesses' expected testimony.
 - e. The hearing committee will not be bound by strict rules of legal evidence and may consider any evidence of probative value.
 - f. The hearing committee, by a majority of its total membership, will make written findings on each charge and recommendations. The findings and recommendations will be based solely on the hearing record. The hearing committee's findings, recommendations, and the basis for them will be communicated in writing to the faculty member and the president. It will be accompanied by a verbatim written record and audio recording of the

- hearing.
- g. If the hearing committee concludes that good cause for dismissal has not been established by the evidence in the record and the president rejects the committee's recommendation, the reason for doing so will be stated in writing to the committee and the faculty member. The president will provide a reasonable time for response before presenting the case to the Board of Regents.
5. When it is the president's final judgment to recommend dismissal, the recommendation, a verbatim written record of the hearing, and the report of the hearing committee will be presented to the Board of Regents.
 - a. If the recommendation of the president for dismissal conflicts with the recommendation of the hearing committee, the Board of Regents will review the case based on the record of the hearing, with opportunity for argument by the faculty member and president's designee.
 - b. If the recommendations of the president and the hearing committee are in accord, the Board of Regents may choose to limit its review to the record of the hearing. The Board of Regents chair will communicate the decision in writing through the president to the chair of the hearing committee and the faculty member.
 6. Pending action by the Board of Regents, the faculty member may be suspended without pay and immediately removed from the university, or assigned to other duties with pay, if the faculty member: (1) poses a continuing danger to persons or property; (2) disrupts the orderly operation of the university; (3) endangers the education of students; or (4) has been convicted of a felony or crime of moral turpitude. In cases of suspension or reassignment, the president will set a hearing before the appropriate administrator or committee on the faculty member's case as soon thereafter as is practical unless otherwise waived by the faculty member.
 7. Faculty members with tenure subject to termination due to failure to successfully complete a plan for assisted development will be given the opportunity for referral of the matter to a nonbinding alternative dispute resolution process as described in Chapter 154, Civil Practice and Remedies Code, or other type of alternative dispute resolution as mutually selected by the faculty member and president or president's designee.
- B. Probationary Faculty Whose Contract is Not Renewed
1. A probationary faculty member who has been notified of non-reappointment may appeal through the proper channels only on presentation of a prima facie case that constitutional guarantees or academic freedom was violated. Appeals will adhere to the following schedule:
 - a. Non-reappointment on or before March 1 during the first year of probationary service must be appealed within 30 days of notification.
 - b. Non-reappointment on or before December 15 during the second year of

- probationary service must be appealed within 60 days of notification.
- c. Non-reappointment during a subsequent year of probationary service must be appealed within 30 days after the beginning of the next *academic year*~~fall term~~.
 2. The burden of proof for allegations of abridgement of constitutional guarantees or academic freedom is upon the probationary faculty member. The burden of proof will be by the preponderance of the evidence.
 3. A faculty member who alleges abridgement of constitutional guarantees or academic freedom will present evidence to a grievance panel hearing committee.
 - a. The committee will be comprised of five members selected from the grievance panel; two will be selected by the faculty member, two by the president's designee, and one by random selection. The faculty member and the university may each challenge the selection of one committee member without stated cause. In the event the faculty member fails to make his/her selection, the two individuals will be selected at random.
 - b. The committee will assign members' roles and establish procedures to carry out its responsibilities.
 - c. The faculty member may have an advisor present at the hearing; however the advisor may only consult and advise the faculty member and is not permitted to participate in the hearing.
 - d. At least five (5) calendar days prior to the hearing, the faculty member and president's designee will provide the committee and each other with copies of any evidence to be used at the hearing, the names of witnesses to be called, and a summary of each witnesses' expected testimony.
 - e. Hearings should be completed without undue delay. The hearing will be private and confidential, to the extent allowed by law, unless the faculty member elects to have a public hearing.
 4. If the hearing committee finds probable cause that there was an abridgement of constitutional guarantees or academic freedom, conferences between the faculty member and appropriate administrative officers of the university will be scheduled. If the conferences fail to achieve a mutual settlement, the faculty member's institutional due process is completed.
 5. If the hearing committee finds no probable cause that there was an abridgement of constitutional guarantees or academic freedom, the faculty member's institutional due process is completed.
 6. A written report of the hearing committee's findings will be sent to the president and to the faculty member.

Cross Reference: Academic Appointments and Titles (7.2); ~~Administrative Leave (Faculty and~~

~~Staff~~ *Leaves of Absence and Miscellaneous Leave – Faculty and Staff* (12.11); Academic Freedom and Responsibility (7.3); Performance Evaluation of Faculty (7.22); *Non-Discrimination Complaints* (2.11); ~~Sexual Misconduct–Title IX~~ (2.13); Faculty Code of Conduct (7.11); Authorization for the University President to Suspend Faculty and Staff (11.3); Tex. Educ. Code § 51.942(d)

Responsible for Implementation: President

Contact for Revision: President

Forms: Faculty Activity Report; Administrative Evaluation; Promotion/Tenure Application

Board Committee Assignment: Academic and Student Affairs Committee

Revision History: October 28, 2019
 July 26, 2016
 October 18, 2011

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: 7/27/2022

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Establish process and procedure for implementation of Title IX.

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

- | | | |
|---|---|---|
| <input type="checkbox"/> Scheduled Review | <input type="checkbox"/> Change in law | <input checked="" type="checkbox"/> Response to audit finding |
| <input type="checkbox"/> Internal Review | <input type="checkbox"/> Other, please explain: | |

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Section VIII. Supportive Measures, Generally.: Statement added in accordance with TWC's audit finding.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Lissy Turner, Title IX Coordinator
John Wyatt, Interim Director of Human Resources
Damon Derrick, General Counsel

Title IX

Original Implementation: July 27, 2015

Last Revision: July 26, 2022

I. Policy Statement

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 discipline.

II. 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://ocras.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.

III. Definitions

- A. **“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.

- B. **“Quid Pro Quo Sexual Harassment”** occurs when an employee of the University conditions the provision of aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.
- C. **“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.
- D. **“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.
 - 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.
 - 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 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.

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.

E. **“Domestic (Family) Violence”** is felony or misdemeanor crimes 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 Texas², 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 include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control.

F. **“Dating Violence”**³ is violence committed by a person:

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 or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or 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.

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.

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.
- G. **“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.
 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,

(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).

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:
 1. 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:
 1. 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).
 2. Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
 3. 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.

- M. **“Consent”** is a clear voluntary, ongoing, mutual understanding among all participants that clearly indicates a willingness, through words or 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 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 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.

⁴ *Intimidation* means intentional behavior that would cause a reasonable person to fear injury or harm.
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- 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.
- 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.
- 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.
- Q. **“Complainant”** means the individual(s) who is alleged to have been impacted by a violation of this Policy.⁵
- R. **“Respondent”** means the individual(s) who is alleged to have violated this Policy.
- 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

⁵ A Complainant and Respondent are each individually a “Party” and collectively the “Parties” with respect to a Formal Complaint filed under this Policy.

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.

- 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.
- 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.

IV. **Understanding Hostile Environment Sexual Harassment**

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.

V. 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.

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 employment⁶
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.

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.

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, or for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean University officials and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed

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.

will be relayed only as necessary to investigate and/or seek a resolution and to notify the 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 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 Employees⁹ about Sexual Harassment, Sexual

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).

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)

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)

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*

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

receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law.

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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 Mandatory Reporter, can make an anonymous report by submitting information through the Online Reporting Form found at <http://www.sfasu.edu/lumberjacks-care>.

VI. **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.

VII. **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.

VIII. 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>

With regard to an allegation of sexual harassment of an employee, the university and the supervisor of the respondent-employee will take immediate and appropriate corrective action appropriate to the circumstances of the allegation, while affording the necessary due process rights to the respondent-employee.

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.

IX. 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 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 emergency removal, the Title IX Coordinator must offer to meet with the Respondent within 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.

X. 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 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*

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.

XI. Investigation

A. *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 100 university business days of the transmittal of the written notice of Formal Complaint.

B. *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 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.

C. *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 be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

D. *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.

E. *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.

XII. *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 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.

XIII. Adjudication

A. *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' 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 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 excluded from consideration at the hearing based on relevancy.
- 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;
- 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 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 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 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 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 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 whether given during the investigation or during the hearing, 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.

In applying this Section, the hearing panel will not draw an inference about the determination 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 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 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.
- 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.

B. *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 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.

XIV. 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.

XV. 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.

XVI. **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 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 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 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. 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.

F. *Deadlines for Informal Resolution*

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within 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.

XVII. 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.

XVIII. 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.

XIX. Sanctions

- A. 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.
- B. 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.
- C. 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.
- D. 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 significant mitigating factors.
- E. 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.
- F. 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.
- G. 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).

XX. 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. 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. 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.

XXII. 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, Mandatory Reporter- Title IX Reporting Form

Board Committee Assignment: Academic and Student Affairs

Revision History: July 26, 2022
 July 27, 2021
 July 21, 2020
 July 23, 2019
 July 24, 2018
 July 25, 2017
 July 26, 2016

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Use of University Facilities

Policy Number: 16.33

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, Vice President for Finance and Administration, Vice President for Student Affairs, Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides guidelines for the use of university facilities by individuals and groups, outlines the process for reserving facilities, and establishes financial policies relating to facility usage.

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: Significant revision by Student Affairs and Financial Affairs to clarify point-of-contacts for authorization to use facilities. Also, clarified hearing procedure for those individuals/groups suspended from using facilities. Academic Affairs made minor edits.

Specific rationale for deletion of policy: N/A

Additional Comments:

Wording changes, minor additional revisions

Reviewers:

Academic Affairs Policy Committee
Student Affairs Policy Committee

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

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

Use of University Facilities

Original Implementation: April 11, 1980

Last Revision: ~~July 23, 2019~~ January 30, 2023

Purpose

This policy provides guidelines for the use of university facilities by individuals and groups, outlines the process for reserving facilities, and establishes financial policies relating to facility usage.

Definitions

The following definitions will be utilized for the purpose of this policy:

———Student - ~~is defined as~~ a person who is currently enrolled for academic instruction or research at the university.

———Campus - ~~is defined as~~ all real property over which the university has possession and control by law.

———University group - ~~is defined as~~ a registered student organization, other student group, or faculty ~~and~~ *or* staff group. No group shall be considered a university group if it includes a person who is not a student, faculty member, or employee of the university unless that person is a member of the immediate family of a student, faculty member, or employee of the university.

———Outside group - ~~is defined as~~ any organization or group that is not included within the term university group.

“Outside individual” - ~~is defined as~~ any individual that is not a student, faculty member, or employee of the university, and a student, faculty member, or employee of the university not acting within the scope of their employment.

———Sponsoring organization - ~~will mean~~ a university group that vouches for an outside group's use of a university facility.

———University official - ~~is defined as~~ a person charged with the responsibility for supervising the use of a university facility.

———University agency - ~~is defined as~~ an academic unit, college, or program, or a university council, committee or auxiliary enterprise.

General

All university facilities will be used only in the pursuit of the stated objectives of the university - academic, cultural, and public service. While academic space exists primarily for academic instruction, individuals and groups may utilize available academic space in accordance with this policy. –Groups not affiliated with the university may be granted use of university facilities according to the general policies provided herein and an agreement to adhere to the specific rules and procedures governing the use of the individual facilities.

It is the responsibility of the user to become acquainted with and abide by these specific rules.

Priorities and Limitations for Use of University Facilities

All activities associated with the mission of the university will have priority regarding the use of university facilities. ~~u~~University agencies/groups and individuals engaged in the educational mission of the university may use university facilities in accordance with federal, state, and local laws, as well as the rules and regulations of the university.

Priority for the use of university facilities will go first to the students and second to the faculty and staff. Exceptions to this rule may be made in certain instances by the university administration.

Outside groups sponsored by a university agency conducting an activity that is within the university agency’s established role and scope may be allowed the use of university facilities. Outside individuals and/or groups without a sponsor may be permitted to use the facilities of the *Baker Pattillo* Student eCenter, subject to all other appropriate guidelines contained in this policy.

Reservations and Use by University Groups/Agencies

Application for use of university facilities by university groups/agencies will be made to the appropriate university official as follows:

Facility	Appropriate University Official
Academic facilities	Academic Deans with jurisdiction over that the space
<i>Baker Pattillo</i> Student Center	Director, <i>Baker Pattillo</i> Student Center
Residence halls	Director, Residence Life
Library carrels and seminar rooms	Director, University Library
Johnson Coliseum and Homer Bryce Stadium Athletic Facilities	<i>Associate Athletics Director for Business Affairs</i> Coordinator of Athletic

Health and Physical Education Complex	Chair, Department of Kinesiology, or Director, Campus Recreation; as outlined in Policy 16.18, Norton HPE Complex
Student Recreation Center, intramural fields and other outside recreational facilities	Director, Campus Recreation
<i>All other facilities</i>	<i>Vice President for Finance and Administration</i>

Fees for Use: Fees for use by university groups are established at rates which will, at a minimum, ensure recovery of the operating cost of the facility that is attributable directly or indirectly to such use, including but not limited to the proposed facility and expected size of the audience, anticipated need for campus security, any necessary accommodations, and relevant history of compliance or noncompliance with university policies and procedures. Such fees may differ from the fee charged to an outside group. The current fee schedule will be available from the appropriate university official. An advance deposit (specified in the fee schedule) may be required for reservations for an event conducted by an outside group.

Income: Excess income over expenses, including the fee for use of the facility derived from an event sponsored by a university agency/group, may be retained by the university agency/group to further its activities and programs. Excess expenses over income of an event will be absorbed by the sponsoring university agency/group.

Reservations and Use by Outside Individuals and/or Groups

Application for use of university facilities by outside individuals and/or groups will be submitted to the *appropriate university official as stated above.* ~~vice president for finance and administration, except for the coliseum, stadium, student recreation center, and student center, which will be submitted to the individual indicated above.~~

Usage: The university may establish additional procedures and/or policies for the reservation and use of each university facility. Consumption of food or beverages in ~~SFA~~ university academic buildings is permitted subject to the approval of the appropriate dean or designee, provided such permission does not conflict with other policies or applicable laws.

Identification of Sponsor: The user may not assign or delegate any control or responsibility to any other user or co-sponsor, agent, or third party without prior written approval of the appropriate university official. All users or co-sponsors of an event must be clearly identified prior to confirmation of a

reservation. Reservations for one event may not be modified for a different event without written approval by the appropriate university official.

Fees for Use: Fees for use by outside individuals and/or groups are established at rates which will, at a minimum, ensure recovery of the operating cost of the facility that is attributable directly or indirectly to such use, including but not limited to the proposed facility and expected size of the audience, anticipated need for campus security, any necessary accommodations, and relevant history of compliance or noncompliance with university policies and procedures. The current fee schedule will be available from the appropriate university official. An advance deposit (specified in the fee schedule) may be required for reservations for an event conducted by an outside group.

Income: If an outside individual and/or group (other than a public entity or summer camp) using a university facility charges those attending an event any admission or registration fee, or accepts donations from those in attendance, a complete accounting of all funds collected and of the actual cost of the event must be submitted upon request to the vice president for finance and administration within (30) days after the event. If the funds collected exceed the actual cost of the event, the user is required to remit such excess funds to Stephen F. Austin State University as an additional charge for use of the facility. The university reserves the right to audit all records pertaining to income and expenses, to prescribe methods of collection, and to participate in audits of funds at the point of receipt. Additional cost of maintenance and services, including standbys, custodial services, and utilities will be considered an expense of the event.

Bond and insurance: Outside individuals and/or groups using a university facility may be required to provide a contract performance bond as well as evidence of appropriate levels of liability insurance in amounts and under policies satisfactory to the vice president for finance and administration. Copies of such policies will be furnished to the vice president for finance and administration no later than thirty (30) days prior to the event and in all cases prior to announcement of the event.

Financial Policies Applicable to All Users

Payment for damages: All users and sponsors will be responsible for payment for damages to the university facility, its fixtures, and equipment, whether caused by the user or its patrons, with the exception of ordinary wear and tear.

Broadcast and recording rights: The university reserves all rights and privileges for radio and television broadcasts, whether live or transcribed for delayed transmission, and all visual or audio recordings originating from the university facility. Should the university grant to the user such privilege, the university has the right to require advance payment of any estimated related costs to the university, such as installation of equipment. Such permission must be granted in writing by the university president in advance of broadcast or recording.

General Policies Applicable to All Users

Any proposed use of a university facility must be appropriate and suited to the size, structure, purpose and operating costs of the facility. There must be good reason to expect that a proposed event will require features unique to the facility or which are otherwise unavailable in the community. All proposed events must be conducted in accordance with applicable state and federal laws and regulations, as well as the rules, regulations and policies of the university ~~Board of Regents~~. Users must demonstrate, to the satisfaction of the appropriate university official, that they have the staff, experience, contracting authority, financial status and other qualifications necessary for carrying out the proposed events in a satisfactory manner.

Review of contracts: All contracts related to the presentation of an event, including contracts between user and performers, speakers, sub-contractors, managers, and others, are subject to review and approval by the *office of the general counsel* and the appropriate vice president *or president's cabinet member*.

Hazards: If the university, in its sole discretion, determines that a proposed event poses a potential hazard to public safety, the event may be canceled or denied. No user may install or operate any equipment, fixture or device, nor operate or permit to be operated any engine, motor or other machinery, or use gas, electricity or flammable substances in the facility except with prior written approval of the appropriate university official, and then under such conditions and restrictions as the university official may specify. All electrical connections must be made by university personnel under direction of the staff of the appropriate university official and all house equipment must be operated by university personnel. No equipment, device or fixture may be used which, in the opinion of the university official, endangers the structural integrity of the facility.

Conflict with university activities: An event will not be permitted for any purpose which, although in accordance with the general purposes of the university, is of such character or occurs at such circumstances that they are likely to interfere or cause major conflict with any university activity, program or event, or are inimical to the interests of the university.

Management functions: Management functions are retained by the university and may be delegated to users or others only with the written permission of the appropriate vice president *or president's cabinet member*. The functions include, but are not limited to, all facets of ticketing and ticket policies, including scaling, acquisition, distribution, and sale; and all matters of staffing, crowd control, technical arrangements, promotions, and advertising.

Concessions and catering: Use of the university facility does not carry the right for the user to control

concessions. Sale and distribution of food, beverages, souvenirs, or other concession items are reserved for the university or its concessionaires.

Signs and displays: No signs, messages or other materials may be posted, displayed, distributed or announced in, on or adjacent to, the university facility by user or sponsor without prior written approval of the university official. Such materials may not be fastened to any part of the facility except in spaces provided for this purpose and may not be permitted to interfere with crowd movement and safety.

Religious organizations (Outside Group): A religious organization applying for use of a facility must submit written evidence to the appropriate university official from the Internal Revenue Service that the organization has been granted an exemption from taxation under Section 501(c)(3) of Title 26 of the United States code (Internal Revenue Code), and will be permitted to use the facility no more than one (1) time during a calendar year.

Political organizations (Outside Group): A political organization applying for use of the facility must present written evidence to the appropriate university official that the organization had candidates for either national, state, district or local offices listed on the ballot at the last general election, and will be permitted to use the facility no more than one (1) time during a calendar year.

Individual candidates for political office: Individual political candidates and their election organizations are not permitted to reserve a university facility. However, if a candidate is invited by a university group, then he or she may appear in the facility, provided that the group extending the invitation is responsible for reserving the facility and meeting all costs related to the event.

Advertising: All press releases, handbills, advertisements, television and radio announcements, social media or other media utilized to inform the public of a non-university event to be held in a university facility must carry a disclaimer, approved by the *office of the* general counsel, to the effect that use of Stephen F. Austin State University facilities does not imply endorsement of the event or the sponsoring organization by the university.

Amplified Sound: Amplified sound may only be used at indoor campus facilities with prior authorization of the university. Use of these devices is restricted to specific areas. Decibel limits may be imposed on the use of amplified sound at any event. Any event exceeding these sound limits will be first asked to turn the volume down; if the problem persists, the university reserves the right to immediately terminate the event. Use of amplified sound on campus grounds is governed by policy 16.31, Use of Amplified Sound on Campus Grounds.

Penalty and Hearing

Suspension: If a user or sponsor violates the provisions of this policy, or the laws regulating the use of state property, the appropriate university official with the approval of the vice president *or president's cabinet member* to whom he/she reports may suspend the use of university facilities, or certain university facilities, by the user or sponsor for a specified period of time not to exceed one (1) year. Suspension will mean that reservation requests by the user or sponsor will be denied by the university during the specified period of time. *All suspension records will be maintained in the Dean of Students Office as a central location.*

Notice of Suspension: When a university official suspends a user or sponsor from the use of university facilities, the official will notify *in writing* the user or sponsor, ~~in writing and~~ the vice president *or president's cabinet member* responsible for space assignment, *and the Assistant Vice President of Students Affairs/Dean of Students* of the suspension. The written notice will contain all the following:

- a. that the user or sponsor may not use university facilities, or certain designated university facilities, for a specified period of time, not to exceed one (1) year from receipt of the notice;
- b. the name and title of the university official imposing the suspension, along with an address where the university official may be contacted during regular working hours;
- c. a brief statement of the acts or omissions resulting in the suspension; and
- d. notification that the suspended user or sponsor is entitled to a hearing on the suspension.

Request for Hearing: A suspended user or sponsor may submit a written request for a hearing on the suspension to the ~~appropriate university official~~ *Dean of Students Office* within ~~fourteen~~ *ten* (104) ~~business~~ days from the date of receipt by the user or sponsor of the notice of suspension. The ~~university official~~ *Assistant Vice President of Student Affairs/Dean of Students or their designee* will grant a hearing not later than ~~seven~~ *ten* (710) ~~business~~ days from the date of receipt of the request and will immediately mail written notice of the time, place, and date of the hearing to the requester. The hearing will be held before a ~~discipline~~ committee reviewing the suspension in question. *This discipline committee will be three individuals and chaired by the Assistant Vice President of Student Affairs/Dean of Students who will appoint the other members. The suspended user or sponsor will be notified of the discipline committee's decision within three (3) business days of the hearing. There is no right to an appeal.*

Cross Reference: Course Scheduling *and Room Assignment* (4.132); Turner Auditorium (16.30); Norton HPE Complex (16.18); Kennedy Auditorium (16.14); Homer Bryce Stadium and William R. Johnson Coliseum (16.13); ~~Piney Woods Conservation Center~~ (16.21); The Ed and Gwen Cole Art Center and the Griffith Gallery (16.27); Austin Building Conference Rooms (16.5); Academic Facilities for Non-Academic Activities (16.1); Use of Amplified Sound on Campus Grounds (16.31); Tex. Educ. Code § 51.9315

Responsible for Implementation: President, Vice President for Finance and Administration, Vice President for ~~University~~ *Student* Affairs, Provost and *Executive* Vice President for Academic Affairs

Contact for Revision: President

Forms: *Facilities Use Agreement* ~~None~~

Board Committee Assignment: Building and Grounds

Revision History: July 23, 2019
 January 26, 2016
 January 29, 2013
 January 25, 2010

BOARD OF REGENTS
OF
STEPHEN F. AUSTIN STATE UNIVERSITY
Nacogdoches, Texas
RESOLUTION TO ACKNOWLEDGE
REVIEW OF INVESTMENT POLICY AND STRATEGY

WHEREAS, The Texas Public Funds Investment Act requires that each university's investment policy and strategy must be annually reviewed by the governing board of the institution; and

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

NOW THEREFORE BE IT RESOLVED that the Stephen F. Austin State University Board of Regents, by the issuance of this resolution, does hereby approve the investment policy and strategy as reviewed on January 30, 2023, and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 30, 2023 meeting of the board.

Attest:

Board of Regents, Chair

Board of Regents, Secretary

Date

BOARD OF REGENTS
OF
STEPHEN F, AUSTIN STATE UNIVERSITY
Nacogdoches, Texas

RESOLUTION APPROVING
FINANCIAL INSTITUTIONS AND BROKERS FOR INVESTMENT TRANSACTIONS

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

WHEREAS, the following firms are approved investment brokers:
Texas A&M University System
Bank of America
Hilltop Securities
The University of Texas/Texas A&M Investment Management Company (UTIMCO)

WHEREAS, the following firms are approved financial institutions:

Citizens 1st Bank	TexPool
Austin Bank	TexSTAR
Cadence Bank (formerly BancorpSouth Bank)	Texas CLASS
Bank of America	Texas Range
Commercial Bank of Texas, NA	JPMorgan Chase & Co
Southside Bank	Wilmington Trust, N.A.
Regions Bank	UBS Financial Services Inc.
UBank	FTN Financial Capital Markets
Wells Fargo Bank	Stephens Inc.
US Bank	Citigroup Global Markets, Inc.
Texas Bank	LOGIC
	Water Walker Investment
	Prosperity Bank

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

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 30, 2023 meeting of the board.

_____ Chair, Board of Regents	_____ Date	_____ Secretary, Board of Regents	_____ Date
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Stephen F. Austin State University
Room and Board Rates for 2023-2024

Residence Hall Rates	Fall or Spring Rate
Wisely (Hall 5)	\$2,737
Steen (Hall 17)	\$3,106
Hall 20	\$3,504
Griffith (15) and Kerr (18)	\$2,433
Hall 14	\$2,525
Lumberjack Landing	\$4,107
Lumberjack Lodge 4 br	\$4,699
Lumberjack Lodge 2 br	\$4,991
Lumberjack Village (Building 2) quads	\$3,657
Lumberjack Village (Building 1) 2br	\$4,991
Lumberjack Village (Buildings 1 & 2) 1 br	\$6,146
Lumberjack Village (Building 3) 2br	\$5,595
Lumberjack Village (Building 3) 1 br	\$6,670

Meal plans (rates include sales tax)

	All Access Premium w/\$275	7/14 Premium w/\$350	Basic 7/14 w/\$125	All Access w/\$50	7/12 w/\$200
Campus Resident	\$2,298	\$2,230	\$2,032	\$2,100	\$1,857
Summer Resident	7/14 w/\$75 \$741	7/20 w/\$50 \$935			

Combined Room and Board

Residence Hall	All Access Premium	Fall and Spring Semester 7/14 Premium	7/14 Basic	All Access	7/12
Wisely Hall (Hall 5)	\$5,035	\$4,967	\$4,769	\$4,837	\$4,594
Hall 14	\$4,823	\$4,755	\$4,557	\$4,625	\$4,382
Griffith Hall (Hall 15)	\$4,731	\$4,663	\$4,465	\$4,533	\$4,290
Steen Hall (Hall 17)	\$5,404	\$5,336	\$5,138	\$5,206	\$4,963
Kerr Hall (Hall 18)	\$4,731	\$4,663	\$4,465	\$4,533	\$4,290
Hall 20	\$5,802	\$5,734	\$5,536	\$5,604	\$5,361
Lumberjack Landing	\$6,405	\$6,337	\$6,139	\$6,207	\$5,964
Lodge 4br	\$6,997	\$6,929	\$6,731	\$6,799	\$6,556
Lodge 2br	\$7,289	\$7,221	\$7,023	\$7,091	\$6,848
Village (2) quads	\$5,955	\$5,887	\$5,689	\$5,757	\$5,514
Village (1) 2br	\$7,289	\$7,221	\$7,023	\$7,091	\$6,848
Village (3) 2 br	\$7,893	\$7,825	\$7,627	\$7,695	\$7,452
Village (1 & 2) 1br	\$8,444	\$8,376	\$8,178	\$8,246	\$8,003
Village (3) 1 br	\$8,968	\$8,900	\$8,702	\$8,770	\$8,527

Students living in the halls listed above are required to have a board plan
Rates above include sales tax for Board

Report to the Board of Regents – January 2023
Grants¹ awarded between October 1, 2022 and December 31, 2022

Fiscal Year 2023 – as of December 30, 2022

Amounts allocable to FY23 (detailed in this report)

Federal funds (direct and pass-through)	\$ 500,383
State Funds (direct and pass-through)	\$ 19,820
Private and Local Government	\$ 89,559
TOTAL	\$ 609,762

New awards, FY23 (detailed in this report, all project years)	\$ 2,809,964
Cumulative amount allocable to FY23	\$ 7,143,511
Cumulative award total FY23, all project years	\$44,094,946

New, Additional, or Previously Unreported Awards for FY 2023

Federal Funds (direct and pass-throughs)

Title **Reaching all Communities to Establish Success in Language Learning (RAICES)*

Sponsor: Department of Education

Award Term: September 1, 2022 to August 31, 2027

PI/PD: Dr. Heather Olson Beal, Education Studies

Total Award: \$2,530,139 **Amount Allocable to FY23:** \$374,304

Grant to enhance bilingual and multilingual education for Nacogdoches and Angelina County school districts. Funding will provide for professional development sessions for over 300 educators in addition to the hiring of two-full time staff to manage the project.

Title **Developing Pineapple Guava as a New Low-Input Fruit & Ornamental Crop for Texas*

Sponsor: Texas Department of Agriculture (prime sponsor - US Department of Agriculture)

Award Term: December 1, 2022 to September 30, 2024

PI/PD: Dr. David Creech, SFA Gardens

Total Award: \$30,533 **Amount Allocable to FY23:** \$15,266

SFA, in partnership with Texas A&M AgriLife Extension, will seek to develop pineapple guava as a new commercial crop in Texas. Students at both institutions will work with faculty and researchers.

**New awards or additional funds added to a current award*

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – January 2023
Grants¹ awarded between October 1, 2022 and December 31, 2022

Title **Development, Production, and Initial Test of an Archaeological Site Potential Model for the Sabine National Forest in Advance of Southern Pine Beetle (dendroctonus frontalis zimmerman) Outbreak*

Sponsor: National Park Service

Award Term: September 15, 2022 to August 31, 2024

PI/PD: Dr. Robert 'Zac' Selden, Regional Heritage Research Center

Total Award: \$15,813 **Amount Allocable to FY23:** \$15,813

Archaeological site modeling work to determine how to combat the likely invasion of the Southern Pine Beetle in the Sabine National Forest.

Previously Described Awards:***National Visitor Use Monitoring (NVUM) - FY23-24**

John Kidd, Forestry

Award Total: \$95,000**Amount allocable to FY 2023:** \$95,000**Subtotal Federal Amounts Allocable to FY 2023 (this report) = \$500,383****Subtotal New Federal Awards (total award) = \$2,671,485****State Funds (direct and pass-through)**

Title **Performance Grant Support: Oskar's Not So Simple Comeback*

Sponsor: Texas Commission on the Arts

Award Term: October 6, 2022

PI/PD: Diane Peterson, College of Fine Arts

Total Award: \$1,340 **Amount Allocable to FY23:** \$1,340

Funds for three performances for the Children's Performance Arts Series. This series seeks to bring regional, national, and internally renowned professional performing arts programs to pre-K through 12th grade students in East Texas.

Previously Described Awards***JAMP Special Projects: JAMP Camp 2023**

Dr. Erin Childress, Biology

Award Total: \$18,480**Amount allocable to FY 2023:** \$18,480**Subtotal State Amounts Allocable to FY 2023 (this report) = \$19,820****Subtotal New State Awards (total award) = \$19,820**^{*}New awards or additional funds added to a current award¹For 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 – January 2023
Grants¹ awarded between October 1, 2022 and December 31, 2022

Private Entity and Local Government Awards

Title **Lumberjack Food Pantry*
Sponsor: T. L. L. Temple Foundation
Award Term: December 16, 2022 to May 1, 2028
PI/PD: Dr. Andrew Dies, Student Affairs
Total Award: \$40,000 **Amount Allocable to FY23:** \$40,000
Funds to purchase, install, and maintain food lockers and software to manage the Lumberjack Food Pantry on campus.

Title **The Effects of Anthropogenic Noise on Attention, Learning, Memory and Communication in Bottlenose Dolphins*
Sponsor: Dolphin Quest
Award Term: December 12, 2022 to January 1, 2024
PI/PD: Dr. Jason Bruck, Biology
Total Award: \$14,524 **Amount Allocable to FY23:** \$14,524
Funds for researchers to study how nuisance sounds impact cognition in bottlenose dolphins at the Dolphin Quest facilities in Bermuda.

Title **Passive Hormone Analysis in Sea Mammals (P.H.A.S.M.)*
Sponsor: Dolphin Quest
Award Term: December 12, 2022 to December 31, 2023
PI/PD: Dr. Jason Bruck, Biology
Total Award: \$8,735 **Amount Allocable to FY23:** \$8,735
Funds for researcher and GRA to develop non-invasive means of collecting data from the blowholes of marine mammals. Work to be performed at the Dolphin Quest facilities in Bermuda.

Previously Described Awards

Assessing drivers of long-term population declines in game and non-game wildlife species

Dr. Jessica Glasscock, Forestry

Award Total: \$43,800 **Amount allocable to FY23:** \$14,700

****Economics Reading Group, Phase II***

Dr. Ryan Phelps, Economics and Finance

Award Total: \$7,000 **Amount allocable to FY23:** \$7,000

****Poultry Science Education Student Recruitment FY23***

Dr. John Mehaffey, Agriculture

Award Total: \$4,600 **Amount allocable to FY23:** \$4,600

**New awards or additional funds added to a current award*

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – January 2023
Grants¹ awarded between October 1, 2022 and December 31, 2022

Subtotal Private Amounts Allocable to FY 2023 (this report) = \$89,559
Subtotal New Private Awards (total award) = \$166,719

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*

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS

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STEPHEN F. AUSTIN STATE UNIVERSITY §

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I, the undersigned officer of the Board of Regents of Stephen F. Austin State University, hereby certify as follows:

1. The Board of Regents of Stephen F. Austin State University convened in REGULAR MEETING ON THE 30th DAY OF JANUARY, 2023, at the designated meeting place, and the roll was called of the duly constituted officers and members of said Board, to-wit:

Karen G. Gantt - Chair
M. Thomas Mason – Vice Chair
Jennifer Wade Winston – Secretary
David R. Alders - Member
Robert A. Flores – Member
Brigettee Carnes Henderson – Member
Judy Larson Olson – Member
Laura Rectenwald – Member
Nancy C. Windham – Member

Damon Derrick, General Counsel to the Board of Regents

and all of said persons were present, except: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

A RESOLUTION RELATING TO ESTABLISHING THE BOARD'S INTENTION TO REIMBURSE FOR THE EXPENDITURE OF FUNDS RELATING TO THE ACQUIRING, PURCHASING, CONSTRUCTING, IMPROVING, RENOVATING, ENLARGING OR EQUIPPING PROPERTY AND FACILITIES, INCLUDING ROADS AND RELATED INFRASTRUCTURE FOR AN INTERDISCIPLINARY AND APPLIED SCIENCES BUILDING APPROVED BY THE 87TH TEXAS LEGISLATURE FROM THE PROCEEDS OF TAX- EXEMPT OBLIGATIONS TO BE ISSUED BY THE BOARD; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

was duly introduced for the consideration of said Board and duly read. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES:

NOES:

2. That a true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly referenced in said Board's minutes of said Meeting; that the above and foregoing paragraph is a true, full, and correct excerpt from said Resolution on file in the Office of the Board of Regents; that the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said Board as indicated therein; and that each of the officers and members of said Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given, all as required by the Texas Government Code, Chapter 551.

3. That the Resolution has not been modified, amended or repealed and is in full force and effect on and as of the date hereof.

SIGNED this 30th of January, 2023.

Secretary, Board of Regents
Stephen F. Austin State University

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



**Nacogdoches, Texas
February 20, 2023
Volume 361**

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**Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
February 20, 2023
Austin Building, Room 307
Meeting 361**

Monday, February 20, 2023

The meeting of the Board of Regents was called to order in open session at 11:01 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
 Ms. Paige Vadnais, Student Regent

Interim President: Dr. Steve Westbrook
General Counsel: Mr. Damon Derrick
Chief Audit Exec.: Mrs. Jane Ann Bridges

Other SFA administrators and staff were in attendance.

Board Order 23-24

Upon motion by Regent Henderson, seconded by all board members, and with all members voting aye, it was ordered that the following item be approved.

ELECTION OF PRESIDENT

WHEREAS, the board members considered: On January 29, 2023, the Board of Regents named Dr. Steve Westbrook as the sole finalist for the position of president at Stephen F. Austin State University and presented his background and qualifications. In accordance with state law and the *Board of Regents Rules & Regulations*, at least twenty-one (21) days has passed since the naming of Dr. Westbrook as sole finalist.

THEREFORE, the Board of Regents elected Dr. Steve Westbrook as president of Stephen F. Austin State University, effective February 20, 2023.

Board Order 23-25

Upon motion by Regent Alders, seconded by all board members, with all members voting aye, it was ordered that the following item be approved.

RESOLUTION OF CONGRATULATIONS FOR PRESIDENT STEVE WESTBROOK

WHEREAS In August of 1977, Steve Westbrook, a native of Kennard, Texas, and recent graduate of Kennard High School enrolled in Stephen F. Austin State University as a freshman with plans to prepare for law school and four years later earned a Bachelor of Arts in History and Political Science;

WHEREAS During his sophomore year at SFA, Westbrook joined the university's Performing Arts Committee, now known as the Student Activities Association, and developed a passion for student activities and higher education which would alter his career plans;

WHEREAS Following his graduation in 1981, Westbrook applied for two positions, one at Louisiana State University and one at SFA, accepted the better offer of the two and began his career in higher education at SFA as a Program Advisor in the office of University Center Programs within the Student Affairs Division, being subsequently promoted to Coordinator in 1985;

WHEREAS Westbrook received a Master of Education degree in Counseling from SFA in 1985 and was that same year appointed as SFA's Director of Student Activities, a position he filled with distinction until 2001, when he was selected to be the university's Director of Student Affairs;

WHEREAS Westbrook took notice of and developed a fondness for the star point guard of the SFA women's basketball team, Tyler-native Dayna Reed, who led the Ladyjacks to four Southland Conference titles, four NCAA tournament appearances, two trips to the NCAA Sweet Sixteen and a combined record of 114 wins against only 17 losses and boasts the fourth highest career three-point shooting percentage and sixth most career assists in Ladyjacks' history, eventually persuading her to consider his overtures early in 1990, leading to their engagement in August of that year, and, on July 27, 1991, their marriage which later produced two outstanding sons, Reed and Bryce;

WHEREAS Westbrook's growing reputation and outstanding leadership resulted in his promotion in 2005 to the position of Executive Director of Student Affairs, in which he directed the programming and construction of the new and expanded Baker Pattillo Student Center and the university's Student Recreation Center and supervised staff in the areas of not only SFA's Student Center and Campus Recreation, but also Housing and Residence Life, Disability Services, Health Services, Counseling and Career Services, the University Post Office, Multicultural Affairs, Student Engagement, Testing Services, the Veteran's Resource Center, Student Government, the SFA Ticket Office, Student Publications and University Printing Services;

WHEREAS Westbrook was appointed as Interim Vice President for University Affairs in 2006, filling the vacant position created by the Board's selection of Dr. Baker Pattillo to be the university's Interim President, in which post Westbrook administered all the

aforementioned offices with the addition of the university's Information Technology Services, the Department of Public Safety, including the University Police, Parking and Traffic and Emergency Management, and the offices of ADA Compliance and Title IX and, while juggling all these ongoing responsibilities, completed the requirements of and was awarded the degree of Doctor of Education from Texas A&M University-Commerce in 2010;

WHEREAS Throughout the course of his distinguished career in University Affairs and Student Affairs, Dr. Westbrook's leadership and insights on student life and campus activities were acknowledged in his numerous publications and presentations, including one at the Harvard University School of Design, by his selection as Chair of the Texas Council of Chief Student Affairs Officers and as Chair of the Board of Trustees and member of the Foundation Board of Trustees of the National Association for Campus Activities and through the many honors he garnered, including the Lifetime Achievement/Membership Award, the Founders Award and the Markley Award from the National Association for Campus Activities;

WHEREAS Dr. Westbrook not only served SFA ably and tirelessly as an administrator but also, as an adjunct faculty member in the Department of Human Services, prepared graduate students for careers in student affairs and higher education from 2013 to the present;

WHEREAS Dr. Westbrook was appointed by the SFA Board of Regents on October 30, 2018, to serve as Acting President upon the sudden illness of President Baker Pattillo, and on January 2, 2019, to serve as Interim President following the untimely passing of President Pattillo and served with great sensitivity and wisdom during that challenging time, during which he also skillfully represented SFA before the 87th Session of the Texas Legislature;

WHEREAS Following the selection of a new university President, Dr. Westbrook respectfully and modestly reassumed his former role as Vice President of University Affairs until his retirement in December 2020, at which time the Board of Regents recognized his loyalty and humble leadership by naming him Vice President of University Affairs Emeritus; and

WHEREAS In April 2022, because of his experience and unique standing in the university and community earned through a career that included service to all the university's presidents from Dr. William R. Johnson forward, the Board of Regents called upon Dr. Westbrook to interrupt his retirement to return to SFA as Interim President, and, out of loyalty to his alma mater, he agreed to lead the university as its chief executive, design the process of evaluating SFA's potential affiliation with a statewide university system, direct its transition to become part of The University of Texas System and represent SFA through the adjournment of the 88th Session of the Texas Legislature;

NOW THEREFORE, BE IT RESOLVED that the Board of Regents of Stephen F. Austin State University acknowledges the integrity, unwavering loyalty and exemplary leadership of Dr. Steven Westbrook, his lifetime of faithful service and his diligent work to present SFA students with transformative experiences and opportunities, in and out of the classroom, to equip them to build strong workplaces, families and communities;

and

BE IT FURTHER RESOLVED that the Board of Regents on this date, February 20, 2023, expresses its profound admiration and deep appreciation to Dr. Steven Westbrook and appoints him as the tenth President in the 100-year history of Stephen F. Austin State University.

President Westbrook provided comments to family, friends, and the SFA Community. He then proceeded to sign the University Bible as the 10th President of Stephen F. Austin State University.

The meeting of the Board of Regents adjourned by Chair Gantt at 11:26 a.m.

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.

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 attached faculty and staff appointments be approved.

FACULTY AND STAFF APPOINTMENTS

Type	Employee Name	New Department and Title	New Salary, Term Length and FTE	Effective Date
Staff	Brett Watson	Athletics - Football Assistant Coach	\$53,000/Annual - 100%	2/14/2023
Staff	Colton Coleman	Athletics - Track Assistant Coach	\$54,000/Annual - 100%	12/12/2022
Staff	Justin McAninch	Audit Services - Assistant Chief Audit Executive	\$115,000/Annual - 100%	1/8/2023
Staff	Re'Shawn Thomas	Campus Recreation - Coordinator	\$38,000/Annual - 100%	1/1/2023
Staff	Matthew Smilor	Greg Arnold Center for Entrepreneurship - Director	\$125,000/Annual - 100%	2/27/2023
Staff	Jenny Baker	Counseling Services - Counselor	\$55,400/Annual - 100%	2/9/2023
Staff	Lee Furbeck	Enrollment Management - Vice President	\$175,000/Annual - 100%	2/13/2023
Staff	Lizeth Rodriguez Santes	University Marketing Communications - Photographer I	\$40,300/Annual - 100%	12/5/2022
Faculty	Juliana Lilly	Business Communication and Legal Studies - Lecturer	\$49,000/Academic - 100%	1/1/2023
Faculty	Kristen Waddell	Business Communication and Legal Studies - Assistant Professor	\$78,000/Academic - 100%	1/1/2023
Faculty	Allen Wilson	Human Sciences - Aviation Sciences - Clinical Instructor/Program Director	\$90,000/Annual (12 month) - 100%	2/1/2023
Faculty	MD Shohel Rana	Computer Science - Assistant Professor	\$85,000/Academic - 100%	1/1/2023

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 attached changes of status be approved.

FACULTY AND STAFF CHANGE OF STATUS

Type (Faculty/ Staff)	Employee Name	Previous Department and Title	Previous SFA Salary, Term Length, and FTE	New Department and Title	New SFA Salary, Term Length, and FTE	Effective Date
Staff	Kristin Bangtson	Athletics - Academic Services - Assistant Director	\$60,000/Annual - 100%	Athletics - Academic Services - Associate Director	\$72,000/Annual - 100%	12/1/2022
Staff	Nickolas Nelson	Athletics - Football - Football Quality Control Specialist	\$26,500/Annual - 100%	Athletics - Football - Assistant Coach	\$50,000/Annual - 100%	1/1/2023
Staff	Ethan Fatheree	International Programs - Senior Program Associate	\$34,000/Annual - 100%	Campus Recreation - Coordinator	\$40,000/Annual - 100%	12/1/2022
Staff	Emily Dodson	Admissions - Communication Specialist	\$45,000/Annual - 100%	Center for Teaching and Learning - Learning Experience Design Specialist I	\$53,460/Annual - 100%	12/13/2022
Staff	Martha Pierce	Financial Aid - Counselor I	\$35,500/Annual - 100%	Financial Aid - Counselor II	\$40,500/Annual - 100%	1/1/2023
Staff	Meredith Bailly	Information Technology Services - Project Manager	\$73,500/Annual - 100%	Information Technology Services - Director ITS Architecture	\$100,500/Annual - 100%	2/1/2023
Staff	Michael Coffee	Information Technology Services - Deputy Chief Information Officer	\$120,552/Annual - 100%	Information Technology Services - Chief Information Officer	\$175,000/Annual - 100%	1/1/2023
Staff	James Egner	Telecommunication & Networking - Manager - ITS Client Services	\$63,000/Annual - 100%	Telecommunication & Networking - Assistant Director - ITS Client Services	\$72,000/Annual - 100%	2/1/2023
Staff	Charles Fox	Information Technology Services - Programmer Analyst III	\$54,080/Annual - 100%	Information Technology Services - Programmer Analyst IV	\$59,999/Annual - 100%	2/1/2023
Staff	Tracey Holmes	Information Technology Services - Identity Management Analyst II	\$46,556/Annual - 100%	Information Technology Services - Identity Management Analyst III	\$53,000/Annual - 100%	2/1/2023
Staff	Richard May	Information Technology Services - Database Administrator II	\$56,000/Annual - 100%	Information Technology Services - Database Administrator III	\$64,792/Annual - 100%	2/1/2023
Staff	John Parker	Information Technology Services - Director ITS Architecture	\$104,639/Annual - 100%	Information Technology Services - Deputy Chief Information Officer	\$115,000/Annual - 100%	2/1/2023
Staff	Scott Speichert	Information Technology Services - Manager - ITS Database Administrator	\$76,440/Annual - 100%	Information Technology Services - Assistant Director - ITS Enterprise Architecture	\$85,000/Annual - 100%	2/1/2023
Staff	Paula Tykol	Payroll - Specialist	\$42,865/Annual - 100%	Payroll - Assistant Manager	\$53,000/Annual - 100%	1/1/2023

FACULTY AND STAFF CHANGE OF STATUS

Staff	John Branch	Physical Plant - Associate Director	\$85,925/Annual - 100%	Physical Plant - Facilities, Services and Operations Director	\$125,000/Annual - 100%	2/15/2023
Staff	Christina Herrera	Physical Plant - General Services - Transportation & Special Services Coordinator	\$39,524/Annual - 100%	Physical Plant -General Service - Business Operations Manager	\$57,310/Annual - 100%	12/1/2022
Staff	Rebecca Galatas	Registrar's Office - Senior Student Records Specialist	\$32,000/Annual - 100%	Registrar's Office - Assistant Registrar	\$43,000/Annual - 100%	12/1/2022
Staff	Amanda Romig	Registrar's Office - Student Compliance Specialist	\$40,000/Annual - 100%	College of Education Assessment and Accountability - Program Analyst	\$45,845/Annual - 100%	2/1/2023
Staff	Colby-Lynch, Stesha	Registrar's Office - Student Compliance Specialist	\$41,000/Annual - 100%	Veterans Resource Center - Office of Diversity, Equity and Inclusion - Veteran Services Program Director	\$50,000/Annual - 100%	2/1/2023
Staff	Carrie Charley	Campus Living, Dining and Auxiliary Enterprises - Assistant Vice President	\$127,200/Annual - 100%	Student Affairs - Interim Vice President	\$127,200/Annual - 100% with monthly stipend of \$3,000/month/7 months	2/1/2023
Staff	Jessica Waguespack	Campus Recreation - Assistant Director	\$43,415/Annual - 100%	Student Affairs - Program Director - Student Wellness	\$46,000/Annual - 100%	1/1/2023
Staff	Leonard Bishop	Womens Basketball Head Coach. The president is authorized to negotiate and execute the Head Coach Employment Contract, upon review for legal form and sufficiency by the Office of the General Counsel.				
Faculty	Erin Brown	Agriculture - Professor	\$87,884/11 months - 100%	Agriculture - Interim Chair	\$87,884/Annual - 100% with monthly stipend of \$1,000/month/8 months	1/1/2023
Faculty	Andrew Lannen	History - Associate Professor	\$67,000/Academic - 100%	History - Chair	\$112,000/Annual - 100%	1/1/2023

FACULTY DEVELOPMENT LEAVE FOR 2023-2024

Explanation:

Under law passed by the legislature and policies approved by the Board of Regents within funds available, faculty members may apply for one semester leave at full pay or one academic year leave at half pay. Applications are reviewed by an elected faculty committee which makes recommendations to the provost/executive vice president of Academic Affairs. Following review by the president, recommendations are made to the Board of Regents.

Recommendation:

It is recommended by the administration that the faculty members listed below be awarded Faculty Development Leave for the semester/year indicated:

Fall 2023

Chris McKenna	Professor of Business Communication and Legal Studies
Candace Hicks	Associate Professor of Art
Hunter Hampton	Assistant Professor of History

Spring 2024

Lauren Selden	Professor of Art
Court Carney	Professor of History
Flora Farago	Associate Professor of Human Sciences

Academic Year 2023/2024

Aaron Moulton	Assistant Professor of History
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FACULTY 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 Clinical Instructor II, effective September 1, 2023

Sarah Drake	Human Services and Ed Leadership
Justin Pelham	Human Sciences

To Associate Professor, effective September 1, 2023

Janet Jones	Accounting
Raymond Jones III	Management and Marketing
Stephen Shrewsbury	Business Communications and Legal Studies
Jamie Flowers	Human Services and Ed Leadership
Pietro Sasso	Human Services and Ed Leadership
Brian Uriegas	Human Services and Ed Leadership
Amber Wagnon	Education Studies
Slade Billew	Theatre
Amanda Breitbach	Art
Samantha Inman	Music
Candis Carraway	Agriculture
Bailey Thompson	Mass Communication
Aaron Moulton	History
Samuel Sutherland	History
Brittany Falahola	Mathematics and Statistics
Jacob Turner	Mathematics and Statistics

John Gary	Chemistry and Biochemistry
Pushkar Ogale	Computer Science
Melinda Shaw-Faulkner	Earth Sciences and Geologic Resources

To Professor, effective September 1, 2023

Lauren Burrow	Education Studies
Sally Ann Swearingen	Human Sciences
Michael Murphy	Music
Casey Hart	Mass Communication
Ericka Hoagland	English and Creative Writing
Brooke Poston	History

To Professor Emeritus, effective June 1, 2023

Jerry Williams	Anthropology, Geography and Sociology
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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 September 1, 2023

Janet Jones	Accounting
Raymond Jones III	Management and Marketing
Stephen Shrewsbury	Business Communications and Legal Studies
Lucia Sigmar	Business Communications and Legal Studies
Nghia Nguyen	Education Studies
Nandhakumar Radhakrishnan	Human Services and Ed Leadership
Brian Uriegas	Human Services and Ed Leadership
Slade Billew	Theatre
Amanda Breitbach	Art
Samantha Inman	Music
Candis Carraway	Agriculture
Bailey Thompson	Mass Communication
Aaron Moulton	History
Samuel Sutherland	History
Brittany Falahola	Mathematics and Statistics
Jacob Turner	Mathematics and Statistics
John Gary	Chemistry and Biochemistry
Pushkar Ogale	Computer Science
Melinda Shaw-Faulkner	Earth Sciences and Geologic Resources
Melissa Clark	Library

REGENTS SCHOLAR 2023 - 2024

Explanation:

Nominations for Regents Scholar are sought from the faculty. A committee consisting of three academic deans and three former Regents Professors, review nominations and make recommendations to the provost/vice president of academic affairs. Regents Scholar receive a \$2,000 grant to support their efforts and a medal.

Recommendation:

Dr. Dan Bruton

Professor of Physics

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.

FACULTY AND STAFF RETIREMENTS

Type (Faculty/Staff)	Employee Name	Current Department	Current Title	Effective Date	Years of State Service
Staff	Irish Beason	Office of Financial Aid and Scholarships	Financial Aid Counselor II	12/31/2022	28
Staff	E. Anthony Espinoza	Information Technology Services	Chief Information Officer	12/31/2022	26
Staff	Paul Mark Jordan	University Police Department	Lieutenant	12/31/2022	21
Staff	Donna Parish	University Marketing Communications	Assistant Director (Creative Services)	12/31/2022	14
Staff	William Pruett	Information Technology Services	Database Administrator I	12/31/2022	10
Staff	Cathy Rhodes	Information Technology Services	Identity Management Analyst III	12/31/2022	31
Faculty	Leonard Jay Thornton	Kinesiology and Health Science	Chair/Associate Professor	12/31/2022	16
Faculty	Leisha Bridwell	Human Sciences	Associate Professor	12/31/2022	27
Faculty	Leah Kahn	Education Studies	Associate Professor	12/31/2022	12
Faculty	Dawn Williams	Education Studies	Professor	12/31/2022	17

EMERITUS

Pending Executive Session



Academic and Student Affairs Committee

EXTENSION OF STRATEGIC PLAN: SFA ENVISIONED 2023

Explanation:

It is expected by most of our accrediting agencies, including the Southern Association of Colleges and Schools Commission on Colleges, that Stephen F. Austin State University be guided in planning and decision-making by a strategic plan. Required assessments and outcomes must be tracked back to such a document.

The development of the next strategic plan should be led by the next university president. Since the current strategic plan expires in 2023 and the new plan may not be prepared and approved until a later date, it is necessary to take official action that will cover the interim period.

Recommendation:

The administration recommends that the Board of Regents extend the effective date of *Strategic Plan: SFA Envisioned 2023* until the adoption of a new plan.

CURRICULUM CHANGES FOR 2023-2024

Explanation:

Changes in curriculum originate in the departments and are reviewed by the colleges and university curriculum committees, the graduate council, the appropriate dean and the provost and vice president for academic affairs. After approval by the Board of Regents curriculum changes are submitted to the Texas Higher Education Coordinating Board.

Recommendation:

It is recommended by the administration that the Board of Regents approve the undergraduate and graduate curriculum changes as presented to be effective fall 2023.

UNDERGRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM ADDITIONS	
Department	Course/Program
College of Business	
Management & Marketing	MKTG 3372
College of Education	
Human Sciences	CMGT 1105
Human Sciences	CMGT 1205
Human Sciences	CMGT 3115
Human Sciences	CMGT 3215
Human Sciences	CMGT 3310
Human Sciences	CMGT 3317
Human Sciences	INDS 3114
Human Sciences	INDS 3214
Human Sciences	INDS 4213
Human Sciences	Culinary Arts Minor
College of Fine Arts	
Music	Composition Minor
Music	Music Industry, BA
Music	MUAP 3358
Music	MUAP 4358
Music	MUST 1310
Music	MUST 3350
Music	MUST 3360
Music	MUST 4265
Music	MUTC 3350
Music	MUTC 3355
Music	MUTC 3356
Theatre	Technical Direction Minor
Theatre	DANC 3200
Theatre	DANC 4244
Theatre	DANC 4247
Theatre	DANC 4250
Theatre	DRAM 2335
Theatre	DRAM 3120
Theatre	DRAM 4335
College of Forestry & Agriculture	
Forestry	FORS 4365
College of Liberal & Applied Arts	
Government	GOVT 3339
College of Sciences & Mathematics	
College of Sciences & Math	Bioinformatics Minor
Biology	BIOL 3323
CoSM Dean's Office	JTCH 2051
Geology	GEOL 4028

Geology	GEOL 4328
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3/16/2023

UNDERGRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM DELETIONS	
Department	Course/Program
College of Education	
Human Sciences	INDS 2103
Human Sciences	INDS 4100
Human Sciences	MRCH 3323
Human Sciences	MRCH 4319
Human Services	Pre-Audiology, BS
College of Fine Arts	
Music	Music Ed (Non-Cert), Piano/Instrumental, BM
Music	MUST 2211
Music	MUST 3211
College of Forestry & Agriculture	
Forestry	FORS 4041
College Liberal & Applied Arts	
Government	Public Administration, BA/BS

3/16/2023

UNDERGRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM MODIFICATIONS	
Department	Course/Program
College of Business	
Accounting	Accounting, BBA
Accounting	Professional Accountancy, BBA/MPACY
Business Com & Legal Studies	General Business, BBA
Business Com & Legal Studies	Gen Business Tech Applications Minor
Business Com & Legal Studies	Legal Studies Minor
Economics & Finance	Finance, BBA
Economics & Finance	Finance Minor for BBA Candidate
Economics & Finance	Finance Minor for non-BBA Candidate
Management & Marketing	Sports Business, BBA
Management & Marketing	Sports Business Minor
College of Education	
Education Studies	Interdisciplinary Studies, BSIS
Education Studies	Secondary Education Minor
Education Studies	SEED 4350
Human Sciences	AVSC 3204
Human Sciences	Aviation, BS
Human Sciences	Construction Management, BS
Human Sciences	Construction Management Minor
Human Sciences	Construction Management Certificate
Human Sciences	CMGT 3114
Human Sciences	CMGT 3214
Human Sciences	Interior Design, BS
Human Sciences	Interior Design Minor
Human Sciences	Interior Design Certificate
Human Sciences	INDS 4113
Human Sciences	Dietetics & Nutritional Sciences, BS
Human Sciences	NUTR 3339
Human Sciences	Family Sciences, BS
Human Sciences	Hospitality Administration, BS
Human Sciences	HAMG 4100
Human Services	Communication Sciences & Disorders, BS
Human Services	Deaf & Hard of Hearing, BS
Human Services	CSDS 2300
Human Services	CSDS 2310
Human Services	CSDS 2320
Human Services	CSDS 2330
Human Services	CSDS 2340
Human Services	CSDS 3300
Human Services	CSDS 3310
Human Services	CSDS 3320

Human Services	CSDS 3330
Human Services	CSDS 4300
Human Services	CSDS 4310
Human Services	CSDS 4320
Human Services	CSDS 4330
Human Services	CSDS 4340
Kinesiology	All-level Teaching Concentration for Physical Education Teacher Ed EC-12
College of Fine Arts	
Music	Music Composition, BM
Music	Music Ed, Woodwinds/Brass/Percussion, BM
Music	Music Ed (Non-Cert), Woodwinds/Brass/Percussion, BM
Music	Music Ed: Voice, BM
Music	Music Ed (Non-Cert): Voice, BM
Music	Music, Sound Recording Tech, BM
Music	MUST 1415
Music	MUST 2320
Music	MUAP 3357
Music	MUAP 4357
Music	MUST 1410
Music	MUST 2325
Music	MUST 3335
Music	MUST 4160
Music	MUST 4350
Music	MUTC 3358
Theatre	DANC 1241
Theatre	DANC 1244
Theatre	DANC 1247
Theatre	DANC 2200
Theatre	DANC 3221
Theatre	DANC 3222
Theatre	DANC 3249
Theatre	DANC 3323
Theatre	DANC 3324
Theatre	DRAM 4380
College of Forestry & Agriculture	
Agriculture	ANSC 4386
Forestry	Forestry, BSF
Forestry	FORS 2240
Forestry	FORS 2323
Forestry	FORS 4341
College of Liberal & Applied Arts	
AGS	Sustainability, BA

AGS	SUST 4300
English & Creative Writing	ENGL 4378
Government	Criminal Justice Minor
Government	CRIJ 3303
Government	CRIJ 3305
Government	CRIJ 3306
History	Public History, Minor
History	HIST 3312
Languages, Cultures, & Cmmn	Modern Languages, BA
Languages, Cultures, & Cmmn	Linguistics Minor
Languages, Cultures, & Cmmn	INCM 1305
Military Science	MILS 1201
Military Science	MILS 1202
Military Science	MILS 2201
Military Science	MILS 2202
Military Science	MILS 3301
Military Science	MILS 3302
Military Science	MILS 4301
Military Science	MILS 4302
MDP	BAAS
College of Sciences & Mathematics	
Biology	Biology, BS
Chemistry	CHEM 3336
Computer Science	Computer Information Systems, BS
Computer Science	Computer Science, BS
Computer Science	Data Analytics, BS
Computer Science	Information Technology, BA
Computer Science	COSC 1301
Computer Science	CSCI 4270
Computer Science	CSCI 4362
Computer Science	CSCI 4365
CoSM Dean's Office	JTCH 1203
CoSM Dean's Office	JTCH 3361
CoSM Dean's Office	JTCH 4351
CoSM Dean's Office	JTCH 4901
Computer Science	CSIT 3340
Computer Science	CSIT 4333
Geology	GEOL 4032
Geology	GEOL 4310
Geology	GEOL 4332
Geology	GEOL 4335
Math	Mathematics, BS
Math	MATH 3180
Math	MATH 4180

Nursing	Nursing, BSN
Nursing	NURS 4343
Nursing	NURS 4344
Nursing	NURS 4345
Physics-Engr-Astronomy	Electrical Engineering, BS
Physics-Engr-Astronomy	Mechanical Engineering, BS
Physics-Engr-Astronomy	ENGR 3345
Physics-Engr-Astronomy	ENGR 3370
Physics-Engr-Astronomy	PHYS 1105
Physics-Engr-Astronomy	PHYS 1107
Physics-Engr-Astronomy	PHYS 1305
Physics-Engr-Astronomy	PHYS 1307

3/16/2023

GRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM ADDITIONS	
Department	Course/Program
College of Business	
Deans Office RCOB	Business Analytics Certificate
Deans Office RCOB	Organizational Leadership Certificate
College of Education	
Human Sciences	Nutrition & Integrative Health, MS
Human Sciences	NUTR 5349
College of Fine Arts	
Music	MUMH 5301
Music	MUMH 5302
Music	MUMH 5304
Music	MUMH 5305
Music	MUMH 5306
Music	MUSI 5201
Music	MUSI 5373
College of Forestry & Agriculture	
Forestry	Forestry Minor
College of Liberal & Applied Arts	
Government	NISS 5333
History	HIST 6101
Multidisciplinary Programs	PUBL 5177
College of Sciences & Mathematics	
Computer Science	CSCI 5185
Geology	GEOL 5028
Geology	GEOL 5328
Nursing	NURS 5310

3/16/2023

GRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM DELETIONS	
Department	Course/Program
College of Education	
Human Sciences	HUSC 5176
Human Services/Ed L	Applied Ed Psychology, MA
Human Services/Ed L	EDLE 6303
Human Services/Ed L	EDLE 6304
Human Services/Ed L	EDLE 6310
Human Services/Ed L	EDLE 6312
Human Services/Ed L	EDLE 6330
Human Services/Ed L	EDLE 6334
Human Services/Ed L	EDLE 6335
Human Services/Ed L	EDLE 6336
Human Services/Ed L	EDLE 6337
Human Services/Ed L	EDLE 6350
Human Services/Ed L	EDLE 6352
Human Services/Ed L	EDLE 6376
Human Services/Ed L	EDLE 6379
Human Services/Ed L	EDLE 6386
Kinesiology	ATTR 5138

3/16/2023

GRADUATE CURRICULUM CHANGES 2023/2024	
COURSE/PROGRAM MODIFICATIONS	
Department	Course/Program
College of Business	
Deans Office RCOB	MBA
Management & Marketing	MGMT 5377
Management & Marketing	MGMT 5381
College of Education	
Education Studies	Curriculum & Instruction, MEd
Education Studies	Teaching & Learning, MEd
Education Studies	SEED 5314
Human Services/Ed L	EDLE 6199
Human Services/Ed L	School Psychology, MA
Human Services/Ed L	Speech Language Pathology, MS
Kinesiology	Athletic Training MS
Kinesiology	ATTR 5335
College of Fine Arts	
Music	Music, Master of Music
Music	Performing Artist Certificate
Music	MUMH 5303
Music	MUMH 5374
College of Forestry & Agriculture	
Forestry	Forestry, Ph.D.
College of Liberal & Applied Arts	
History	History, MA
History	HIST 5378
History	HIST 5380
Languages, Cultures, & Cmmn	HSPN 5190
Multidisciplinary Programs	Publishing, MA
Multidisciplinary Programs	PUBL 5370
Multidisciplinary Programs	PUBL 5371
Psychology	Psychology, MA
Psychology	Psychology, Non-thesis, MA
Psychology	Teaching College Social Sciences, MA
Psychology	PSYC 5328
College of Sciences & Mathematics	
Computer Science	Cyber Security, Major
Computer Science	CSCI 5180
Geology	GEOL 5035
Geology	GEOL 5335
Geology	GEOL 5388
Nursing	Family Nurse Practitioner, MSN
Nursing	Nursing Education, MSN
Nursing	NURS 5322

CIP CODE CHANGE FOR MASTER OF SCIENCE IN KINESIOLOGY

Explanation:

The Department of Kinesiology and Health Science requests to change the Classification of Instructional Programs (CIP) code for the Master of Science in Kinesiology. 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.

In 2005, the MS in Kinesiology was designated by CIP code 31.0505. (CIP codes beginning with 31 designate programs falling under the broad category of Parks, Recreation, and Leisure Studies.) In 2005, the program was well served by this CIP code as the curriculum at that time focused on pedagogical techniques and motor development. Over the past ten years, however, we have redesigned the MS in Kinesiology to transform it into a STEM program, aligning it with curricular trends in our field in order to help students earning the degree to be more competitive for positions in the clinical and private sectors. These changes make CIP code 26.0908 more appropriate for the current degree.

Currently, there are 12 universities across Texas (including such UT system schools as UT San Antonio and UT Arlington) that use CIP code 26.0908 to designate degree programs similar to our MS in Kinesiology. Kinesiology programs classified as STEM programs can attract more international students and are competitive for more grant funding opportunities.

Recommendation:

It is recommended by the administration that the Board of Regents approve the change of the CIP code for MS in Kinesiology from 31.0505 to 26.0908 to be effective in Fall 2023.

EXTEND THE TEST-OPTIONAL WAIVER FOR 2024 AND 2025 TERMS

Explanation:

Policy 6.20 requires first-year applicants to submit official test results from either the ACT or SAT. If an applicant does not submit an official ACT or SAT score, the application is considered incomplete and cannot be reviewed for admission.

Beginning in 2020, the SAT/ACT requirement for first-year applicants has been waived on an annual basis. The waiving of the ACT/SAT test requirement was initially done under the authority of the University President to modify policies during the impact period of COVID. More recently, it has been brought to the Board of Regents.

During COVID, ACT/SAT test administrations were challenged by limited seats at test sites and lack of test sites. While availability has improved, testing has not rebounded to pre-pandemic levels. ACT and SAT testing requirements paused during the pandemic have become permanent at many colleges and universities.

To maintain similar admission requirements with peer institutions, we are recommending that SFA extend our test-optional admission practice through 2025. The reason for this two-year request is the necessity to communicate our requirements well in advance of a student's application so they and their families are aware of our status.

Applicants who submit all other required application materials, excluding ACT or SAT test scores, will continue to be reviewed holistically via individual file review with an emphasis on academic performance in high school.

Recommendation:

The administration recommends the SAT and ACT test requirements in University Policy 6.20 continue to be waived for all 2024 and 2025 terms.

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:

Title IX 2.13



Title IX

Purpose

As further defined below, this policy addresses Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking regardless of where it occurs, including both on and off university property, if it potentially affects the alleged complainant's educational program, activities, or employment. This policy complies with governing laws, regulations, and guidance.

Persons Affected

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.

Definitions

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.

Quid Pro Quo Sexual Harassment: occurs when an employee of the University conditions the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

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.

Sexual Assault: includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.¹

- (a) Rape: 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.
- (b) Sodomy: 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.
- (c) Sexual Assault with an Object: 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

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.



incapacity.

- (d) Fondling: 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 age or because of his/her temporary or permanent mental or physical incapacity.
- (e) Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Texas law.
- (f) Statutory Rape: sexual intercourse with a person who is under the statutory age of consent as defined by Texas law.

Domestic (Family) Violence: felony or misdemeanor crimes 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 Texas², 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) A current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- (b) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (c) With whom the victim shares a child in common; or
- (d) 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 include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control.

Dating Violence³: violence committed by a person:

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 or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or 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.

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



- (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) Fear for their safety or the safety of others; or
- (b) Suffer substantial emotional distress.

For the purposes of this definition:

- (a) *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.
- (b) *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.
- (c) *Substantial Emotional Distress*: Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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:

- (a) Restrict a person's access to money, assets, credit, or financial information;
- (b) Unfairly use a person's personal economic resources, including money, assets, and

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- (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).



- credit, for one's own advantage; or
- (c) 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.

Technological Abuse: 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 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.

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".

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:
 - a. They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - b. 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).

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.

Consent: a clear voluntary, ongoing, mutual understanding among all participants that clearly indicates a willingness, through words or 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:

- (a) 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.
- (b) Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated.
- (c) Consent to one act does not imply consent to another; past consent does not imply future consent.
- (d) Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- (e) Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.
- (f) 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 other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual activity.
- (g) A current or previous dating or sexual relationship 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.
- (h) An individual's manner of dress does not, by itself, constitute Consent to engage in sexual conduct and/or activity.

Incapacitated: 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

⁴ *Intimidation* means intentional behavior that would cause a reasonable person to fear injury or harm.



have conscious awareness or the capacity to consent.

Coercion: 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.

Retaliation: 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.

Complainant: the individual(s) who is alleged to have been impacted by a violation of this Policy.⁵

Respondent: the individual(s) who is alleged to have violated this Policy.

Formal Complaint: 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.

Supportive Measures: 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.

⁵ A Complainant and Respondent are each individually a "Party" and collectively the "Parties" with respect to a Formal Complaint filed under this Policy.



Education Programs and Activities: 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.

Policy

Stephen F. Austin State University (the "university") is committed to providing an educational and employment environment free of unlawful sex discrimination. Consistent with the 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 Campus Sexual Violence Elimination Act ("SaVE Act"), Violence Against Women Act ("VAWA"), and Clery Act, the university prohibits Sexual Harassment that occurs within its Education Programs and Activities.

As further defined below, this policy addresses Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking regardless of where it occurs, including both on and off university property, if it potentially affects the alleged complainant's educational program, activities, or employment. This policy complies with governing laws, regulations, and guidance.

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.

Procedures

A. Understanding Hostile Environment Sexual Harassment

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:

1. Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
2. Unwelcome kissing, hugging, or massaging;
3. Sexual innuendos, jokes, or humor;
4. Displaying sexual graffiti, pictures, videos, or posters;
5. Using sexually explicit profanity;
6. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
7. E-mail and Internet use that violates this policy;
8. Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
9. Sending sexually explicit emails, text messages, or social media posts;
10. Commenting on a person's dress in a sexual manner;
11. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; or
12. Insulting, demeaning, or degrading another person based on gender or gender stereotypes.

B. Reporting Sexual Harassment

1. 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.

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.


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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

2. *Mandatory Reporting Requirement for University Employees*

Under Texas law, all University employees, with the exception of Confidential Employees, who:

- in the course and scope of their employment⁶
- witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment⁷, Sexual Assault, Dating Violence, or Stalking, which
- 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.

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.

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' mandatory reporting requirement only, "Sexual Harassment" 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.



Privacy vs. Confidentiality. 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, or for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean University officials and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the 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:

- a. Individuals who are themselves the victims of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking incident that is being reported;
- b. 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
- c. Employees designated as Confidential Employees.
- d. 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 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).

3. *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

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).



Confidential Employees⁹ 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)

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.

4. *Reports to Law Enforcement*

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.

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.



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.

5. *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.

6. *Anonymous Reports*

Anyone, not designated as a Mandatory Reporter, can make an anonymous report by submitting information through the Online Reporting Form found at <http://www.sfasu.edu/lumberjacks-care>.

C. 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.

D. 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:

1. The availability of Supportive Measures with or without filing a Formal Complaint;
2. The Complainant's wishes with respect to such Supportive Measures;
3. The process for filing and pursuing a Formal Complaint;



4. The importance of going to a hospital for treatment and preservation of evidence as soon as practicable after the incident, if applicable;
5. The right to report the incident to the institution and to receive a prompt and equitable resolution of the report;
6. 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
7. Information about resources that are available on campus and in the community.

E. 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>.

With regard to an allegation of sexual harassment of an employee, the university and the supervisor of the respondent-employee will take immediate and appropriate corrective action appropriate to the circumstances of the allegation, while affording the necessary due process rights to the respondent-employee.

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.



F. 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 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 emergency removal, the Title IX Coordinator must offer to meet with the Respondent within 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.

G. Formal Complaint

1. *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):

- a. 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 poses a risk of recurrence;
- b. whether the institution has received other reports of Sexual Harassment committed by the Respondent;
- c. whether the alleged incident poses a risk of harm to others; and
- d. 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.

2. *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.

3. *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:

- a. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- b. 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).
- c. 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.

4. *Notice of Formal Complaint*

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. A physical copy of or hyperlink to this Policy;
- b. 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);
- c. 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;
- d. Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;



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- e. Notifying the Complainant and Respondent of their right to inspect and review evidence;
- f. Notifying the Complainant and Respondent of the University's prohibitions on retaliation and false statements; and
- g. 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.

5. *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.

H. Investigation

1. *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 100 university business days of the transmittal of the written notice of Formal Complaint.

2. *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 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.

3. *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 be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

4. *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.

5. *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.

I. *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 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.

J. Adjudication

1. 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' 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.

a. Hearing Panel

After selection of the hearing process as the form of 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.

b. 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. The hearing may not 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:

- i. To the extent the Party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- ii. Any argument that evidence should be excluded from consideration at the hearing based on relevancy;
- iii. 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;
- iv. A list of any witnesses that the Party intends to bring to the hearing without an attendance notice issued by the hearing officer;



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- v. Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- vi. Any other accommodations that the Party seeks with respect to the pre-hearing conference and/or hearing;
- vii. The name and contact information of the advisor who will accompany the Party at the pre-hearing conference and hearing; and
- viii. 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:

- i. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- ii. Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment;
- iii. Relevant evidence which was not included in the investigation report due to mistake, inadvertence, surprise or excusable neglect;
- iv. 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
- v. Concerns of bias or conflict of interest which may exist between a party and a member or members of the hearing panel.

c. 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 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 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 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.



d. 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 is not obligated to issue a notice of attendance to any witness who is not an employee or a student.

e. 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:

- i. Opportunity for each Party to address the hearing panel directly and to respond to questions posed by the hearing chair;
- ii. 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;
- iii. 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;
- iv. 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;
- v. Opportunity for each Party to make a brief closing argument.



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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 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.

f. 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 whether given during the investigation or during the hearing, 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.

In applying this Section, the hearing panel will not draw an inference about the determination 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.

g. 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 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.

h. 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:

- i. the student becomes eligible to reenroll at the University; or
- ii. 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.

i. 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:

- i. Identification of the allegations potentially constituting covered Sexual Harassment made in the Formal Complaint;
- ii. A description of the procedural steps taken by the University upon receipt of the Formal Complaint, through issuance of the written 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;
- iii. Findings of fact, made under a preponderance of the evidence standard, that support the determination;
- iv. 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;
- v. The discipline determined by the appropriate University official;
- vi. Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and



- vii. 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.

2. *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:

- i. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- ii. 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;
- iii. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- iv. 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 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.

K. 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:

1. 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);
2. The Respondent is no longer enrolled or employed by the University; or
3. 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.

L. Appeal

1. 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:



- a. A procedural irregularity affected the outcome;
- b. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- c. 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.

2. *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>.

3. *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.

M. Informal Resolution

The University may, in the Title IX Coordinator's discretion, facilitate an Informal Resolution in accordance with the protocol outlined below.

1. 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 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.

2. Availability of Information 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 Informal Resolution include, but are not limited to:

- a. The nature and severity of the conduct, including whether the use of force or a weapon was involved;
- b. the Respondent's prior known disciplinary or criminal conduct, including whether the University has received other reports of Prohibited Conduct committed by the Respondent;
- c. whether the alleged incident poses a risk of harm to other individuals or the community;
- d. the dynamics of power or control commonly associated with the alleged conduct or the nature of the parties' relationship;
- e. whether multiple parties are affected or involved;
- f. any admissions of responsibility by the Respondent; and
- g. 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:

- a. The Respondent is a non-student employee accused of committing Sexual Harassment against a student;
- b. The allegations include Sexual Assault;
- c. The allegations include ongoing Dating and/or Domestic Violence, or
- d. 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.

3. *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:

- a. Describes the parameters and requirements of the informal resolution process to be utilized;
- b. Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another University official, or a suitable third-Party);
- c. 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
- d. 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.

4. *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.

5. *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.

6. *Deadlines for Informal Resolution*

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within 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.

N. Other Investigation and Adjudication Considerations



1. *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.

2. *Conflict 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.

3. *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.

4. *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. 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

- b. 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.

5. *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.

6. *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.

7. *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.

O. Sanctions

1. 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.
2. 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.
3. 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.

4. 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 significant mitigating factors.
5. 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.
6. 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.
7. 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).

P. Additional Policy Violations

1. Retaliation

Any person who retaliates against (a) anyone filing a report of Sexual Misconduct or Formal Complaint, (b) the parties or any other participants (including any witnesses or any University employee) in a Grievance Process relating to a Formal Complaint, (c) any person who refuses to participate in a Grievance Process, or (d) any person who under this Policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in a Grievance Process believes they have been subject to Retaliation (as defined in this Policy), they should immediately report the alleged retaliatory conduct to the Title IX Coordinator.

2. Bad Faith Complaints and False Information

Any person, who in bad faith, knowingly files a false complaint under this Policy or provides materially false or frivolous information is subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply a report, Formal Complaint, or information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

3. Interference with the Grievance Process

Any person who interferes with the Grievance Process (outlined in Section 6 of this Policy) is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to:

- a. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;



- b. Removing, destroying, or altering documentation relevant to the Grievance Process; or
- c. Knowingly providing false or misleading information to the Title IX Coordinator, investigator or hearing officer, or encouraging others to do so.

4. *Failure to Report for Responsible Employees*

If a Responsible Employee knowingly fails to report within the aforementioned guidelines to the Title IX Coordinator all information concerning an incident the employee reasonably believes constitutes Sexual Misconduct (including stalking, dating violence, sexual assault, or sexual harassment) committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

The duty to report acts reasonably believed to be stalking, dating violence, sexual assault, and sexual harassment arises from state law. The University goes further and requires Responsible Employees to report all acts reasonably believed to be any type of Sexual Misconduct, as defined in this Policy. It is important to note that for purposes of Failure to Report, the definition of sexual harassment, as defined under state law, is broader than the definition of sexual harassment under this Policy and is defined as: 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 educational programs or activities at a postsecondary institution.

5. *Investigative Process for Allegations under Additional Policy Violations*

When a complaint is received under this section and the alleged conduct, if true, rises to a potential violation of this policy, an investigator will be assigned by the Title IX Coordinator. The university reserves the right to appoint an external investigator or investigator from a different division in its sole discretion. The investigation shall normally be conducted within 30 business days from when the investigator is appointed. Case complexity will vary and the resolution of the Complaint will depend on case circumstances; however, the investigation will conclude under normal circumstances within 30 business days. It is incumbent upon the investigator to document a reasonable justification for extending an investigation beyond 30 business days.

The investigator will interview Complainant and persons who are considered to have pertinent factual information related to the complaint. The investigator will also gather and examine documents relevant to the complaint. Facts will be considered through the Reasonable Person standard. Findings will be based on the totality of circumstances surrounding the conduct complained of. The investigator conducting the investigation may also consult with appropriate management personnel, including the director of human resources, the Title IX Coordinator, and/or legal counsel for advice and guidance as applicable.

The University reserves the right to take such action as may be reasonably appropriate upon receipt of a Complaint to protect Complainant or the university community



pending outcome of the investigation, including interim suspension with pay of an employee, or interim suspension of a student.

- a. Notification of the Respondent(s): After investigating the allegations, the investigator will meet with Respondent(s), provide them with information regarding the complaint, and give them an opportunity to respond. Respondent(s) may, but is not required to, submit a written response to the allegations in the time prescribed by the investigator.
- b. Report of Findings and Recommendations: The investigator is responsible for preparing a report responding to each allegation subject to this Policy. This report should describe the investigator's findings and conclusions to each allegation.

There are two possible findings based on a preponderance of the evidence standard: (1) Substantiated: there is sufficient evidence that it is more likely than not that the Policy has been violated, based on the evidence reviewed; or (2) Unsubstantiated: there is insufficient evidence to prove or disprove that the Policy has been violated, based on the evidence reviewed. The report should also include a brief overview of the investigative process including the category and number of individuals interviewed, timelines, and a summary of each allegation. Finally, the report should contain the investigator's recommendations, if any, for resolution of the matter. This report should be addressed to the appropriate university administrator with the authority to impose sanctions if warranted.

The appropriate university administrator shall review the findings and recommendations of the investigator and take such action deemed appropriate. Such action shall be communicated in a letter to Complainant and Respondent(s) with copies to the general counsel, director of human resources, and the Title IX Coordinator, as applicable, within ten (10) business days of receipt from the investigator.

6. *Appeal Process*

A Complainant or Respondent may request a review of the findings and conclusions by the appropriate vice president (or President if the recipient of the investigative report was a vice president). A request for review must be submitted to the reviewing official within five (5) business days from the date of the prior university administrator's notification. The appeal process is not a re-investigation of the original complaint, but is an opportunity for the appealing party to request a review based on one or more of the following grounds for appeal: (1) a procedural error on the part of the investigator that unfairly and materially affected the outcome of the case; or (2) material evidence has been discovered that was not reasonably available at the time of the investigation. A complete request for review will include the basis for the request and how this affected the investigator's determination in the case. Incomplete requests will not be considered. The decision of the reviewing official regarding the finding and determination is final.

7. *Sanctions for Additional Policy Violations*

- a. University employees
 - i. University sanctions for violations of this section may include any disciplinary action, up to and including termination of employment for



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faculty or staff. Such activities may be viewed as constituting a violation of the Faculty Code of Conduct (7.11) policy and grounds for termination under the Tenure and Continued Employment (7.29) policy, and a major work rule violation under the Discipline and Discharge (11.4) policy.

- ii. The employment of individuals found responsible for a failure to report under this Policy will be terminated as required by law.

- b. Students

- i. Students are subject to the spectrum of sanctions as defined in this Policy.

8. *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.

Q. 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.

R. Discretion in Application

1. *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.

2. *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.

3. *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.

4. *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. 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.

5. *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.

S. 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.

Related Statutes or Regulations, Rules, Policies, or Standards

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

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)

Responsible Executive



**STEPHEN F. AUSTIN
STATE UNIVERSITY**

Handbook of
Operating Procedures

Policy Number: 2.13
Last Revised: April 25, 2023

Title IX Coordinator

Forms

Sexual Misconduct Reporting Form, Sexual Misconduct Appeal of Investigation Findings Form,
Mandatory Reporter- Title IX Reporting Form

Revision History

July 26, 2022
July 27, 2021
July 21, 2020
July 23, 2019
July 24, 2018
July 25, 2017
July 26, 2016



Building and Grounds Committee



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:

- Construction Close Out of Basketball Performance Center Audit
- Follow-up Audit Report
- Safety and Security Follow-up Audit
- Higher Education Emergency Relief Funds – Institutional Portion Audit
- Risk Assessment
- Update on Audit Plan

Recommendation:

Acknowledge receipt of the audit services report pending consideration by the Finance and Audit Committee.

CONTRACT OVER \$1 MILLION – TEXAS GENERAL LAND OFFICE CONTRACT

Explanation:

The university currently purchases natural gas through a contract with the Texas General Land Office. The current contract ends on August 31, 2023. The university has evaluated the current contract and determined that the best value to the university is to extend the current contract for an additional two-year period from September 1, 2023 through August 31, 2025. The total estimated cost for natural gas through the General Land Office for the two-year period is approximately \$1,523,350 which is greater than \$1 million. This estimated cost includes the fixed rate of \$4.00 per MMBTU and associated contract maintenance and distribution fees which total approximately \$0.43 per MMBTU.

Recommendation:

The administration recommends authorization to extend the current natural gas contract with the Texas General Land Office for a two-year period from September 1, 2023 through August 31, 2025 at an approximate aggregate contract amount of \$1,523,350. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

FORESTRY, AGRICULTURE AND INTERDISCIPLINARY PROJECT BUDGET

Explanation:

The 87th Texas Legislature approved funding for a Capital Construction Assistance Project (CCAP) for Stephen F. Austin State University in the amount of \$44,922,833. The SFASU Board of Regents or its successor plans to issue debt at a future date. To qualify CCAP project expenditures for reimbursement, the administration submitted a reimbursement resolution to the Board of Regents at its January 2023 quarterly meeting, board order 23-18, "relating to establishing the Board's intention to reimburse the expenditure of funds relating to the acquiring, purchasing, constructing, improving, renovating, enlarging or equipping property and facilities, including roads and related infrastructure for an interdisciplinary and applied sciences building approved by the 87th Texas Legislature from the proceeds of tax-exempt obligations to be issued at a later date; authorizing other matters incident and related thereto." Administration would like authority to establish an initial project budget for the Forestry, Agriculture, and Interdisciplinary project to begin the pre-construction phase including planning and design services.

Recommendation:

The administration recommends approval of the initial project budget for the CCAP funded Forestry, Agriculture, and Interdisciplinary project in the amount of \$44,922,833 in accordance with policy 1.4, Items Requiring Board of Regents Approval.

CENTER FOR APPLIED RESEARCH AND RURAL INNOVATION GRANT PROJECT
BUDGET AND CONTRACT OVER \$1 MILLION – CONTRACTOR CONTRACT

Explanation:

In Board order 21-12, the board of regents approved the Economic Development Administration Grant with required institutional match dollars. The grant includes total federal share cost of \$2,500,000 and institutional match share cost of \$892,895. These grant funds are for the design and construction of the Center for Applied Research and Rural Innovation project ("CARRI"). The administration seeks approval to establish a CARRI grant project budget in the amount of \$3,392,895.

The University plans to issue an Invitation to Bid for selection of a contractor for this project. Administration seeks approval for the president to select the contractor and award the contract by August 31, 2023 for an initial amount not to exceed \$2,847,934, which is an exception to policy 1.4, Items Requiring Board of Regents Approval, which requires the board of regents to approve construction projects greater than \$1 million.

Recommendation:

The administration recommends approval of the Center for Applied Research and Rural Innovation grant project budget in the amount of \$3,392,895.

The administration also requests the board of regents approve an exception to policy 1.4, Items Requiring Board of Regents Approval, and authorize the president to select a contractor for the Center for Applied Research and Rural Innovation project and award the contract by August 31, 2023 for an initial amount not to exceed \$2,847,934. The administration also recommends authorization for an exception to policy 1.4, Items Requiring Board of Regents Approval, for the president to sign purchase orders, contracts and amendments, and associated documents, as necessary.

KERR AND GRIFFITH RESIDENCE HALLS PROJECT BUDGET AND CONTRACTS
OVER \$1 MILLION

Explanation:

In the July 2022 Board of Regents meeting in board order 22-63, the Board of Regents approved \$20,401,518.35 from the 2019A bond proceeds and interest for Residence Halls and Auxiliary Deferred Maintenance and Improvements. As part of the residence halls analysis, the mechanical and electrical systems in Kerr Hall and Griffith Hall were identified as outdated but beneficial to the university to continue to provide housing to students. Significant upgrades are necessary to prolong the useful life of the residence halls. The administration seeks approval to establish a Kerr and Griffith Residence Halls project budget as an allocation of \$7,082,602 from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget and interest earnings of \$560,422 for a total project budget of \$7,643,024.

To begin the project, the university issued a Request for Proposal (RFP) for mechanical-electrical contractor services associated with electrical, heating, ventilation and air conditioning system (HVAC) renovations to Kerr and Griffith Residence Halls and the related Power Plant on campus. There were three (3) respondents to the RFP that were evaluated and ranked by a review committee. The administration seeks approval to contract with the selected respondent for mechanical-electrical contractor services with TDR Contractors, Inc. for the amount of \$5,038,024, which is greater than \$1 million.

In addition, the university is able to purchase the HVAC equipment for the project from Texas Air, Inc. through The Interlocal Purchasing System (TIPS) for an amount not to exceed \$1,925,000, which is greater than \$1 million.

Recommendation:

The administration recommends approval of a Kerr and Griffith Residence Halls project budget in the amount of \$7,643,024 as an allocation of \$7,082,602 from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget and interest earnings of \$560,422.

The administration also recommends approval of a contract with TDR Contractors, Inc. for the amount of \$5,038,024 for mechanical-electrical contractor services associated with electrical and HVAC renovations to the Kerr and Griffith Residence Halls and the related Power Plant on campus. In

addition, the administration recommends approval of a contract greater than \$1 million with Texas Air, Inc. through TIPS for an amount not to exceed \$1,925,000.

The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents, as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

STEEN HALL FIRE ALARM SYSTEM UPGRADE PROJECT BUDGET AND
CONTRACT OVER \$1 MILLION – JOHNSON CONTROLS

Explanation:

In the July 2022 Board of Regents meeting in board order 22-63, the Board of Regents approved \$20,401,518.35 from the 2019A bond proceeds and interest for Residence Halls and Auxiliary Deferred Maintenance and Improvements. As part of the residence halls analysis, the fire alarm system in Steen Hall is outmoded and needs replacement. The administration seeks approval to establish a Steen Hall Fire System Upgrade project budget from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget in the amount of \$1,632,620.

In addition, the university wishes to contract with Johnson Controls, Inc. for installation of the new fire alarm system at an amount not to exceed \$1,532,620 through Sourcewell cooperative purchasing for an amount which is greater than \$1 million.

Recommendation:

The administration recommends approval of a Steen Hall Fire System Upgrade project budget from the Residence Halls and Auxiliary Deferred Maintenance and Improvements budget in the amount of \$1,632,620.

In addition, the university recommends contracting with Johnson Controls, Inc. for installation of the new fire alarm system at an amount not to exceed \$1,532,620 through Sourcewell cooperative purchasing for an amount which is greater than \$1 million.

The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents, as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

DINING HALL PROJECT BUDGET AND CONTRACT OVER \$1 MILLION –
AMENDMENT TO KINGHAM DALTON WILSON, LTD CONTRACT

Explanation:

In Board orders 22-05 and 22-62, the Board of Regents approved a project budget for Dining Hall totaling \$16,333,832.78 from the Taxable Series 2019B bond proceeds and interest earnings.

The university's Dining Services Agreement with Compass Group USA, Inc. (Chartwells) provides for funding in the amount of \$6,355,000 to be used for Dining Facilities, which was not included in the initial project budget. In the July 2022 Board of Regents meeting in board order 22-63, the Board of Regents approved \$20,401,518.35 from the 2019A bond proceeds and interest for Residence Halls and Auxiliary Deferred Maintenance and Improvements of which the administration plans to utilize \$7,000,000 for a common pavilion for student, academic, and university activities and events. Additional interest earnings of \$390,313 have been earned through March 31, 2023. These amounts of \$6,355,000, \$7,000,000, and \$390,313 provide a total of \$13,745,313 available for the Dining Facilities additional project budget.

The administration seeks approval for an additional Dining Hall project budget in the amount of \$13,745,313 for a revised total Dining Hall project budget of \$30,079,145.78.

In addition, the contract with the construction manager at risk (CMAR), Kingham Dalton Wilson, Ltd.(KDW), authorizes preconstruction project expenditures. To begin actual construction activity for the dining hall project, the administration seeks Board of Regents approval for an amendment for the Guaranteed Maximum Price (GMP) not to exceed \$25,000,000 for project construction expenditures which is greater than \$1 million.

Recommendation:

The administration recommends approval of the Dining Facilities additional project budget in the amount of \$13,745,313 for a total revised project budget of \$30,079,145.78.

The administration also recommends approval of a Dining Hall CMAR contract amendment with KDW for the GMP not to exceed \$25,000,000. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents, as

necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

CONTRACT OVER \$1 MILLION–WILTON’S OFFICEWORKS,LTD. RATIFICATION

Explanation:

The Fine Arts Expansion project budget includes funds allocated for Fixtures, Furniture and Equipment (FF&E). The university issued a Request for Proposal (RFP) for the purchase of furniture to be delivered and installed at the newly renovated Griffith Fine Arts Building. The RFP included two (2) bid packages with various manufacturer brands requested for this project and provided an option to award up to two (2) vendors. There were four (4) respondents to the RFP that were evaluated and ranked by a review committee. The scores were based on a weighted value of averaged scores representing the best value to the university. The committee recommended awarding both bid packages to one respondent, Wilton’s OfficeWorks, Ltd as the best value proposal to the university which makes the contract greater than \$1 million.

Recommendation:

The administration recommends ratification of a contract with Wilton’s OfficeWorks, Ltd for a not to exceed contract amount of \$1,085,369.60 for the purchase of furniture to be delivered and installed at the newly renovated Griffith Fine Arts Building. The funding source is from Higher Education Funds (HEF) as part of the Fine Arts Expansion project budget. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

RESCIND BOARD ORDER 22-41 APPROVAL OF LANANA CREEK TRAIL –
ADVANCED FUNDING AGREEMENT FOR THE 2019 SAFE ROUTES TO
SCHOOL/TRANSPORTATION ALTERNATIVES GRANT PROGRAM

Explanation:

At the April 2022 meeting, the Board of Regents approved through Board Order 22-41 the authorization to execute an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT). The AFA is a contract that outlines the specific terms and conditions of the grant-funded project. The grant requires a twenty percent match of \$362,255. TxDOT is contributing \$217,000 towards the local match, leaving the university to contribute the remaining \$145,255 to complete the twenty percent match. Upon review by the university, the AFA further states that the university is responsible for all non-reimbursable project costs and 100% of construction overruns, of which the university has little or no control, making the total agreement more than the \$145,255 as agreed. The administration wishes to discontinue the project based on the terms as stated and seeks authorization to rescind Board Order 22-41 and withdraw the Advanced Funding Agreement.

Recommendation:

The administration recommends the rescension of Board Order 22-41 and authorization for the university to notify TxDOT of its intention to withdraw from the Lanana Creek Trail – Advanced Funding Agreement for the 2019 Safe Routes to School/Transportation Alternatives Grant Program.

CONTRACT OVER \$1 MILLION - AMENDMENT TO COCA-COLA SOUTHWEST BEVERAGES CONTRACT

Explanation:

In the April 23, 2013 Board of Regents meeting in board order 13-26, the Board of Regents approved an exclusive beverage agreement with Coca-Cola. This agreement was for a ten-year period which expires May 31, 2023. The agreement provides for annual sales commission payments, fixed cash elements, and non-cash marketing elements, resulting in a revenue contract greater than \$1 million. The administration would like approval to amend the agreement with Coca-Cola Southwest Beverages to extend for a period of one year based on a negotiated proposal.

Recommendation:

The administration recommends approval of a contract amendment to the university's current agreement with Coca-Cola Southwest Beverages to extend for a period of one year through May 31, 2024. The administration further recommends authorization for the president to sign purchase orders, contracts and amendments, and associated documents as necessary, in accordance with policy 1.4, Items Requiring Board of Regents Approval.

GRANT AWARDS

Explanation:

In fiscal year 2023, the multi-year grant award total is currently \$46,450,234. Of this total, grant awards allocable to fiscal year 2023 are currently \$8,240,994, an increase of \$1,097,483 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.

Recommendation:

The administration recommends approval and ratification of the additional fiscal year 2023 grant awards that total \$1,097,483. The grant awards are detailed as presented.

Report to the Board of Regents – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

Fiscal Year 2023 – as of March 31, 2023

Amounts allocable to FY23 (detailed in this report)

Federal funds (direct and pass-through)	\$ 733,053
State Funds (direct and pass-through)	\$ 108,239
Private and Local Government	\$ 256,191
TOTAL	\$ 1,097,483

New awards, FY23 (detailed in this report, all project years)	\$ 1,602,288
Cumulative amount allocable to FY23	\$ 8,240,994
Cumulative award total FY23, all project years	\$46,450,234

New, Additional, or Previously Unreported Awards for FY 2023

Federal Funds (direct and pass-throughs)

Title * *Population Viability and Trophic Ecology of Alligator Snapping Turtles along a Fishing Pressure Gradient*

Sponsor: Texas Parks and Wildlife (prime - Fish & Wildlife Service, US Dept of the Interior)

Award Term: January 4, 2023 – August 31, 2025

PI/PD: Dr. Jessica Glasscock, Forestry

Total Award: \$190,406 **Amount Allocable to FY23:** \$60,576

Research grant to examine the alligator snapping turtles population structure. Funds will provide for one graduate research assistantship for three years.

Title * *2022-23 edTPA Pilot Teacher Candidate Support Grant*

Sponsor: Texas Education Agency (prime sponsor - US Department of Education)

Award Term: January 11, 2023 – August 31, 2023

PI/PD: Dr. Christina Sinclair, College of Education

Total Award: \$151,740 **Amount Allocable to FY23:** \$151,740

Funds to purchase up to 491 test vouchers for edTPA registration fees for teacher candidates.

Title * *GEER II - Nursing Shortage Reduction Program Grant*

Sponsor: Texas Higher Education Coordinating Board (prime – US Department of Education)

Award Term: December 19, 2022 to September 30, 2023

PI/PD: Dr. Tamara Harris, School of Nursing

Total Award: \$104,550 **Amount Allocable to FY23:** \$104,550

Grant funds to help recruit new students in the nursing program to alleviate nursing shortages in the state of Texas.

**New awards or additional funds added to a current award*

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

Title ** Conservation Status and Life History of Imperiled Fish Species in East Texas Streams*

Sponsor: Texas Parks and Wildlife (prime - Fish & Wildlife Service, US Dept of the Interior)

Award Term: September 1, 2022 to December 31, 2024

PI/PD: Dr. Carmen Montana-Schalk, Biology

Total Award: \$85,404 **Amount Allocable to FY23:** \$53,112

Research grant to conduct geospatial analysis on historical and current distribution of imperiled fish species in the Neches, Sabine, and Cypress systems. Funds will provide for one graduate research assistantship for two years.

Title ** GEER II - Texas Transfer Grant FY23*

Sponsor: Texas Higher Education Coordinating Board (prime – US Department of Education)

Award Term: January 6, 2023 to June 9, 2023

PI/PD: H. Rachele Garrett, Financial Aid

Total Award: \$70,000 **Amount Allocable to FY23:** \$70,000

Financial aid for vertical transfer students.

Previously Described Awards:

**GEER - Student Success Acceleration Program Implementation Grant (Phase 2), SFA Lumberjack Wellness Network*
Andrew Dies, Student Affairs
Award Total: \$180,000 **Amount allocable to FY 2023:** \$180,000

** SFA Summer STEM Camps FY23 - Investigations in Math and Science (iMAS) Academy*
Dr. Jana Redfield, STEM Center
Award Total: \$100,000 **Amount allocable to FY 2023:** \$100,000

**Collaborative Conference: Texas Undergraduate Mathematics Conference 2023-2024*
Dr. Nicholas Long, Mathematics and Statistics
Award Total: \$13,075 **Amount allocable to FY 2023:** \$13,075

Subtotal Federal Amounts Allocable to FY 2023 (this report) = \$733,053
Subtotal New Federal Awards (total award) = \$895,175

**New awards or additional funds added to a current award*

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

State Funds (direct and pass-through)

Title * *2022-2025 School Safety Standards Grant*
Sponsor: Texas Education Agency
Award Term: February 17, 2023 – April 30, 2025
PI/PD: Lysa Hagan, Charter School
Total Award: \$200,000 **Amount Allocable to FY23:** \$100,000
Funds will assist in enhancing safety measures at the Charter School.

Title * *Temple Foundation Project*
Sponsor: UT Dana Center at The University of Texas Austin
Award Term: January 1, 2023 – March 31, 2023
PI/PD: Dr. Lesa Beverly, Mathematics & Statistics
Total Award: \$5,000 **Amount Allocable to FY23:** \$5,000
Research will focus on increasing student access for equitable math pathways.

Title * *2022-024 Silent Panic Alert Grant*
Sponsor: Texas Education Agency
Award Term: November 29, 2022 – June 30, 2024
PI/PD: Lysa Hagan, Charter School
Total Award: \$1,905 **Amount Allocable to FY23:** \$1,905
Funds will assist in enhancing safety measures at the Charter School.

Title * *Performance Grant Support: Don't Let the Pigeon Drive the Bus*
Sponsor: Texas Commission on the Arts
Award Term: December 9, 2022 – April 1, 2023
PI/PD: Diane Peterson, College of Fine Arts
Total Award: \$1,334 **Amount Allocable to FY23:** \$1,334
Funds for three performances for the Children's Performance Arts Series. This series seeks to bring regional, national, and internally renowned professional performing arts programs to pre-K through 12th grade students in East Texas.

Subtotal State Amounts Allocable to FY 2023 (this report) = \$108,239
Subtotal New State Awards (total award) = \$208,239

*New awards or additional funds added to a current award

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.

Report to the Board of Regents – January 2023
Grants¹ awarded between January 1, 2023 and March 31, 2023

Private Entity and Local Government Awards

Title * *Impact of Tree Planting in Detention Basins on Water Infiltration*
Sponsor: Harris County Flood Control District
Award Term: January 1, 2023 – August 31, 2026
PI/PD: Dr. Jeremy Stovall, Forestry
Total Award: \$448,174 **Amount Allocable to FY23:** \$53,323
Study of the 2000 tree planting program at stormwater detention basins and other flood control facilities. Funds will provide for graduate research assistantships for three students over the grant term.

Title * *Beluga Acoustics Research at the Georgia Aquarium*
Sponsor: Georgia Aquarium, Inc.
Award Term: January 1, 2023 – December 31, 2023
PI/PD: Dr. Jason Bruck, Biology
Total Award: \$40,000 **Amount Allocable to FY23:** \$40,000
Research to develop a repertoire of beluga vocals at the aquarium and research response of acoustic playbacks.

Title * *Lumberjack Food Pantry Refrigeration*
Sponsor: Swipe Out Hunger
Award Term: January 6, 2023 – August 31, 2023
PI/PD: Andrew Dies, Student Affairs
Total Award: \$700 **Amount Allocable to FY23:** \$700
Funds will aid in the purchase of a refrigerator and the donations of two for the student food pantry.

Previously Described Awards

Better Together (Nacogdoches County Community Collaborative) phase 2
 Dr. Freddie Avant, School of Social Work
Award Total: \$750,000 **Amount allocable to FY23:** \$152,168

Career Exploration FY21

Brent McLemore, Center for Career and Professional Development
Award Total: \$13,000 **Amount allocable to FY23:** *\$10,000

Subtotal Private Amounts Allocable to FY 2023 (this report) = \$256,191
Subtotal New Private Awards (total award) = \$498,874

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

¹For purposes of this report, the term grant refers to awards in the form of grants, contracts, and other types of agreements from external sponsors. It does not include non-grant scholarships or gifts. Prepared by the Office of Research & Graduate Studies.



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:

- Summary of Faculty Activities

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

Presenter: Alison Reed

Report Topics:

Spring 2023 Activities

Upcoming Plans and New Staff Council Chair

Staff Council Report

Tuesday, April 25, 2023



Quantifying Progress

One connection at a time...

Staff Council

15

Council meetings held

1000+

meeting attendees

8

staff members
recognized

5

recognition events

12+

committee
contributions

50+

active staff
representatives

Topics of Significance

Focusing our efforts on what matters most...

Staff Council

**Staff
Recognition**

**System
Affiliation**

**Communication &
Connection**

**Annual
Elections**

**Presidential
Search**

**Informal
Translation
Network**

Our Next Steps

What to expect from Staff Council going forward...

Staff Council



**Continuing staff
appreciation
efforts.**



**Holding member
and officer
elections.**



**Increasing
visibility and
presence.**

Meet Grace Romero

Welcoming our 2023-2024 Staff Council Chair...

Staff Council

Final Thoughts

Oh, future bright, 'neath the purple and white...

Staff Council

Thank You

All hail to SFA!

Staff Council

Questions?



SGA PRESIDENT – Jada Cartwright

Sophomore from Lockhart, TX, Criminal Justice major with a minor in Pre-Law

SGA VICE PRESIDENT – NATHAN LYONS

Junior from Lufkin, TX, Political Science major

STUDENT GOVERNMENT ASSOCIATION REPORT

Presenter: Madison Gartman and Nathan Lyons

Report Topics:

- Introduction of new SGA President and Vice President
- Highlights from spring legislation
- Summer planning
- Watermelon Bash, Sept. 18th during 100th birthday party

PRESIDENT'S REPORT

Presenter: Steve Westbrook, University President

Report Topics:

Legislative Update
System Transition
Year-end Events
Recap



Committee of the Whole

TRANSFER OF MANAGEMENT AND CONTROL OF THE UNIVERSITY

Explanation:

On November 29, 2022 the Board of Regents approved an affiliation with The University of Texas System. Stephen F. Austin State University is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). In order to retain our status as an accredited institution, SACSCOC requires that any governance change receive the prior approval of its Board of Trustees, and that any approved governance change occur within thirty days of its approval.

To comply with this rule, the legislation filed to enable SFA's affiliation with The University of Texas System permits the SFA Board of Regents to transfer management and control of the university to the board of regents of The University of Texas System prior to the creation of Stephen F. Austin State University, a member of The University of Texas System.

Recommendation:

It is recommended that should the legislation filed with the 88th Legislature to create Stephen F. Austin State University, a member of The University of Texas System become law, and SACSCOC approve the change in governance at its June 2023 meeting, and the Board of Regents of The University of Texas System take necessary action to accept management and control of Stephen F. Austin State University when transferred by the SFA Board of Regents, that the Board of Regents transfer management and control of the university, including but not limited to its operations, real property and other assets, to the board of regents of The University of Texas System, effective no earlier than July 1, 2023 and no later than July 28, with a target date of July 1.

TEMPORARY AUTHORITY OF THE PRESIDENT

Explanation:

On November 29, 2022 the Board of Regents approved an affiliation with The University of Texas System. Stephen F. Austin State University is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). In order to retain our status as an accredited institution, SACSCOC requires that any governance change receive the prior approval of its Board of Trustees, and that any approved governance change occur within thirty days of its approval.

To comply with this rule, the legislation filed to enable SFA's affiliation with The University of Texas System permits the SFA Board of Regents to transfer management and control of the university to the board of regents of The University of Texas System prior to the creation of Stephen F. Austin State University, a member of The University of Texas System.

It is expected that this transfer of management and control will occur no earlier than July 1 and no later than July 28, with a target date of July 1, 2023. The Board of Regents does not have a regular meeting scheduled following the present meeting and before July 1.

Recommendation:

It is recommended that should the legislation filed with the 88th Legislature to create Stephen F. Austin State University, a member of The University of Texas System become law, and SACSCOC approve the change in governance at its June 2023 meeting, the Board of Regents grant the president the authority to suspend university policies as needed and take any lawful action necessary to manage the university from April 26, 2023 through June 30, 2023 or on such date as management and control of the university is transferred to the board of regents of The University of Texas System. This authority will automatically terminate once management and control of the university are transferred to the board of regents of The University of Texas System.

SUSPENSION OF BOARD RULES AND MODIFICATION OF REPORTING STRUCTURE

Explanation:

The Board of Regents Rules and Regulations provide that the general counsel, chief audit executive, and coordinator of board affairs/compliance report to the Board of Regents. On November 29, 2022, the Board of Regents approved an affiliation with The University of Texas System. Legislation has been filed that permits the Board of Regents to transfer management and control of the university to the board of regents of The University of Texas System prior to the creation of Stephen F. Austin State University, a member of The University of Texas System. It is expected that this transfer of management and control will occur no earlier than July 1 and no later than July 28, with a target date of July 1, 2023.

Recommendation:

It is recommended that, should the legislation filed with the 88th Legislature to create Stephen F. Austin State University, a member of The University of Texas System become law, and the university's regional accrediting agency, the Southern Association of Colleges and Schools Commission on Colleges, approve the proposed change in governance at its June 2023 Board of Trustees meeting, the Board of Regents Rules and Regulations be suspended as to the reporting structure of the general counsel, chief audit executive, and coordinator of board affairs/compliance. So that effective May 1, 2023, the general counsel and coordinator of board affairs/compliance will report to the university president, and effective July 1, 2023, or on such date as management and control of the university is transferred to the board of regents of The University of Texas System, the chief audit executive will report to the president of the university and any other reporting line required by The University of Texas System.

REGENTS – SPECIAL RECOGNITION

- Regents
- Student Regent