

Stephen F. Austin State University

MINUTES OF THE BOARD OF REGENTS



**Nacogdoches, Texas
October 22 and October 31 – November 1, 2021
Volume 351**

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**Stephen F. Austin State University
Minutes of the Meeting of the Board of Regents
Nacogdoches, Texas
October 31 – November 1, 2021
Austin Building, Room 307
Meeting 351**

The Building and Grounds Committee met on Friday, October 22, 2021 in preparation for the full Board of Regents meeting held October 31 – November 1, 2021.

Friday, October 22, 2021

The meeting of the Building and Grounds Committee was called to order in open session at 8:21 a.m. by committee chair, David Alders.

PRESENT:

Committee Members: Mr. David Alders, Chair
Mrs. Brigitte Henderson
Ms. Nancy Windham
Mrs. Karen Gantt, ex officio, Board Chair

Board Members: Mr. Tom Mason, Vice Chair
Mrs. Jennifer Winston, Secretary
Dr. Laura Rectenwald

General Counsel: Mr. Damon Derrick
President: Dr. Scott Gordon
Chief Audit Exec.: Mrs. Gina Oglesbee
Cabinet Members: Dr. Brandon Frye
Mrs. Judi Kruwell
Dr. Lorenzo Smith

Other SFA administrators and staff were in attendance. Athletic Director, Ryan Ivey joined the meeting during the tour.

At 8:24 a.m. the committee recessed to tour current and potential construction projects including the Naymola Basketball Performance Center, Hall 16, East College Cafeteria and the Fine Arts Expansion Project. The tour concluded at 10:20 a.m.

John Branch, Interim Director of the Physical Plant, provided the Construction Report.

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

7. Student Residential and Dining Facilities Construction Project Budget Ratification
8. Issue a Request for Qualifications for a Firm to Update the Current Master Plan
9. Building and Grounds Committee Policy Revisions

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

Sunday, October 31, 2021

The meeting of the Board of Regents was called to order in open session at 1:00 p.m. by chair Karen Gantt.

PRESENT:

Board Members: Mrs. Karen Gantt, Chair
 Mr. Tom Mason, Vice Chair
 Mrs. Jennifer Winston, Secretary
 Mr. David Alders
 Mr. Robert Flores
 Mrs. Brigettee Henderson
 Mrs. Judy Olson
 Dr. Laura Rectenwald
 Ms. Nancy Windham
 Mr. Spencer Coffey, Student Member

General Counsel: Mr. Damon Derrick
President: Dr. Scott Gordon
Chief Audit Exec.: Mrs. Gina Oglesbee
Cabinet Members: Ms. Erma Brecht
 Dr. Michara DeLaney-Fields
 Mr. Anthony Espinoza
 Mr. Brandon Frye
 Mr. Graham Garner
 Mr. Ryan Ivey
 Ms. Judi Kruwell
 Dr. Lorenzo Smith
 Ms. Jill Still

Other SFA administrators and staff were in attendance.

The board recessed to committee meetings.

The Academic and Student Affairs Committee chair, Brigettee Henderson called the committee meeting to order at 1:03 p.m.

Committee Members: Mrs. Brigettee Henderson, Chair

Dr. Laura Rectenwald
Mrs. Jennifer Winston
Mr. Spencer Coffey, Student Regent
Mrs. Karen Gantt, ex officio

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

10. Dance Program Moved to College of Fine Arts

11. Curriculum Changes – Aviation Courses

12. Academic and Student Affairs Policy Revisions

Acceptable Use of Information Technology Services 14.2

Administrative Leave Faculty and Staff 12.11

Assessment of Institutional Effectiveness 2.3

Authorization for the University President to Suspend Faculty and Staff 11.3

Electronic Personnel Action Form 11.8

Financial Aid Code of Conduct 4.7

Illicit Drugs and Alcohol Abuse 13.11

Moving Expenses 3.23

Notary Public 2.8

Organized Work Stoppage 11.18

Sick Leave 12.18

Student Code of Conduct 10.4

Students Displaying Serious Psychological Problems 10.13

Terminal Degrees 7.30

Workplace Accommodations for Lactation and Breastfeeding 11.33

The Academic and Student Affairs Committee meeting adjourned and the Finance and Audit Committee was called to order by committee chair, Tom Mason at 1:30 p.m.

Committee Members: Mr. Tom Mason, Chair

Mr. Robert Flores

Mrs. Judy Olson

Mrs. Karen Gantt, ex officio

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

13. Acknowledge Receipt of Contract Monitoring Report

14. Annual Audit Report and Audit Charter

15. Acknowledge Receipt of Audit Services Report

Follow-Up Audit

Early Childhood Laboratory Audit

Public Funds Investment Act Audit

Update on Audit Plan
Budget Special Project
Update on August 31, 2022 Annual Financial Report External Review
Recap of August 31, 2021 Annual Financial Report External Review

The Finance and Audit Committee recessed for the afternoon during the Audit Services Report being presented by Gina Oglesbee at 2:10 p.m.

Chair Gantt called the meeting into executive session to consider the following items:

- Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076)
- 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, Public Information Act, *Ann Wilder v. SFASU*; and *Christin Evans v. Sydney Miley, 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 chief audit executive, director of athletics, executive director for enrollment management, chief marketing communications officer, chief information officer, chief diversity officer, director of governmental relations, vice presidents and the president. (Texas Government Code, Section 551.074)

The executive session ended and the Board of Regents meeting returned to open session at 7:08 p.m. Regent Flores left the meeting prior to the conclusion of the executive session due to other obligations.

The meeting was recessed by Chair Gantt at 7:09 p.m. to Monday, November 1, at 8:30 a.m.

Monday, November 1, 2021

The meeting of the Board of Regents was called to order in open session at 8:33 a.m. by Chair Karen Gantt.

PRESENT:

Board Members: Mrs. Karen Gantt, Chair
 Mr. Tom Mason, Vice Chair
 Mrs. Jennifer Winston, Secretary
 Mr. David Alders
 Mrs. Brigettee Henderson
 Mrs. Judy Olson

Dr. Laura Rectenwald
Ms. Nancy Windham
Mr. Spencer Coffey, Student Member

General Counsel: Mr. Damon Derrick
President: Dr. Scott Gordon
Chief Audit Exec.: Mrs. Gina Oglesbee
Cabinet Members: Ms. Erma Brecht
Dr. Michara DeLaney-Fields
Mr. Anthony Espinoza
Mr. Brandon Frye
Mr. Graham Garner
Mr. Ryan Ivey
Ms. Judi Kruwell
Dr. Lorenzo Smith
Ms. Jill Still
Dr. Charlotte Sullivan

Other SFA administrators and staff were in attendance. Regent Flores was unable to attend the meeting.

Regent Alders offered the invocation and the board led the pledges to the flags.

Reports from the President Cabinet were presented to the board. Erma Brecht provided the update on enrollment; Lorenzo Smith shared the academic update; and Jill Still gave the Comprehensive Campaign update.

The board recessed to committee meetings.

The Finance and Audit Committee chair, Tom Mason reconvened the committee meeting at 10:20 a.m.

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

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

15. Acknowledge Receipt of Audit Services Report
 - Follow-Up Audit
 - Early Childhood Laboratory Audit
 - Public Funds Investment Act Audit
 - Update on Audit Plan
 - Budget Special Project
 - Update on August 31, 2022 Annual Financial Report External Review
 - Recap of August 31, 2021 Annual Financial Report External Review

Robert Belt, Managing Partner of Belt Harris Pechacek, LLLP, shared with the committee an update on the August 31, 2021 Annual Financial Report External Review and a recap of August 31, 2020 Annual Financial Report External Review.

16. Banner Hardware and Oracle Licensing Contract

17. Grant Awards

Judi Kruwell provided a report to the board on the Changes to Higher Education Funding Budget format and process.

18. Changes to FY2022 Capital and Higher Education Fund Budget Schedule

19. Media Buying Contract

20. Finance and Audit Policy Revisions

Compliance 2.12

Ethics 2.6

Fraud 2.7

Private Support Organizations or Donors 3.25

The Finance and Audit Committee recessed at 11:21 a.m. The Board returned to Committee of the Whole.

MINUTES

Board Order 22-03

Upon motion by Regent Mason, seconded by Regent Henderson, with all members voting aye, it was ordered that the minutes of Meeting 346, July 25-27, 2021; Special Called Meeting 347, August 14, 2021; Special Called Meeting 348, September 6, 2021; Special Called Meeting 349, September 12, 2021; and Special Called Meeting 350, September 27, 2021 be approved as presented.

PERSONNEL

Board Order 22-04

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

STAFF APPOINTMENTS

The following staff appointments were approved.

ATHLETICS

Chamissa Anderson, Women's Basketball Assistant Coach, at an annual salary of \$72,000 for 100-percent time, effective 8/9/2021.

Charles Crawford, Director Athletic Program Video Services, at an annual salary of \$38,000 for 100-percent time, effective 8/23/2021.

Jon-Paolo D'Este, Strength and Conditioning Assistant, at an annual salary of \$31,000 for 100-percent time, effective 9/1/2021.

Kaylee Shores, Athletic Trainer, at an annual salary of \$35,568 for 100-percent time, effective 9/1/2021.

Jacolby Whitaker, Athletic Trainer, at an annual salary of \$45,000 for 100-percent time, effective 7/19/2021.

CAMPUS RECREATION

Justin Ellerbe, Assistant Director, at an annual salary of \$45,000 for 100-percent time, effective 10/4/2021.

Jacie Klose, Coordinator, at an annual salary of \$36,000 for 100-percent time, effective 9/20/2021.

Jasmine Randolph, Coordinator, at an annual salary of \$36,000 for 100-percent time, effective 10/11/2021.

CHARTER SCHOOL

Tiffany Carr, Teacher/Counselor, at an annual salary of \$42,250 for 100-percent time, effective 9/1/2021.

CHARTER SCHOOL

Michelle Brazeil, Assistant Bursar, at an annual salary of \$62,000 for 100-percent time, effective 8/9/2021.

HEALTH SERVICES

Karissa Rickman, Nurse, at an annual salary of \$49,275 for 100-percent time, effective 10/11/2021.

INFORMATION TECHNOLOGY SERVICES

Christopher Adams, Programmer Analyst I, at an annual salary of \$41,000 for 100-percent time, effective 9/13/2021.

Taylor Ingram, Programmer Analyst I, at an annual salary of \$41,000 for 100-percent time, effective 9/13/2021.

POST OFFICE

Bobbie Stewart, Manager, at an annual salary of \$45,000 for 100-percent time, effective 10/4/2021.

REGISTRAR OFFICE

Mickey Diez, Registrar, at an annual salary of \$92,000 for 100-percent time, 9/20/2021.

RESIDENCE LIFE

Dontae Armstrong, Area Coordinator, at an annual salary of \$45,000 for 100-percent time, effective 8/3/2021.

Carl Mackey, Area Coordinator, at an annual salary of \$45,000 for 100-percent time, effective 10/8/2021.

STUDENT AFFAIRS

Andrew Dies, Assistant Vice President of Student Affairs and Dean of Students, at an annual salary of \$120,000 for 100-percent time, 8/9/2021.

STEM CENTER

Cynthia Maurstad, Teaching and Learning Coordinator, at an annual salary of \$60,000 for 100-percent time, effective 9/27/2021.

UNIVERSITY MARKETING COMMUNICATIONS

Gabrielle Czapla, Photo-Videographer I, at an annual salary of \$40,300 for 100-percent time, 8/30/2021.

FACULTY APPOINTMENTS

The following faculty appointments were approved.

RUSCHE COLLEGE OF BUSINESS

Jamie Kurash, MBA (University of Oklahoma), Visiting Assistant Professor of Economics and Finance at an academic salary of \$100,000 for 100-percent time, effective 9/1/2021.

Jamie Derrick, MBA (University of Mississippi), Lecturer of Management and Marketing at an academic salary of \$65,000 for 100-percent time, effective 9/1/2021.

PERKINS COLLEGE OF EDUCATION

Heeok Jeong, Ph.D. (University of Utah), Assistant Professor of Education Studies at an academic salary of \$62,000 for 100-percent time, effective 9/1/2021.

Jennifer Luque, MS (SFA), Clinical Instructor of Human Sciences at an annual salary of \$56,000 for 100-percent time, effective 9/1/2021.

Pietro Sasso, Ph.D. (Old Dominion), Assistant Professor of Educational Leadership at an academic salary of \$66,500 for 100-percent time, effective 9/1/2021.

Keilea Sumrall, Ph.D. (A.T. Still University), Assistant Professor of Kinesiology and Health Sciences at an annual salary of \$60,000 for 100-percent time, effective 9/1/2021.

COLLEGE OF FINE ARTS

Kristen Blossom, MFA (Florida State University), Assistant Professor of Theatre at an academic salary of \$52,000, for 100-percent time, effective 9/1/2021.

Andrea Denis, DMA (Texas Tech University), Assistant Professor of Music, at an academic salary of \$50,000, for 100-percent time, effective 9/1/2021.

Margaret Fay, DMA (Indiana University), Visiting Assistant Professor of Music at an academic salary of \$50,000, for 100-percent time, effective 9/1/2021.

Kathryn Fenton, Ph.D. (University of Western Ontario), Assistant Professor of Music at an academic salary of \$55,000, for 100-percent time, effective 9/1/2021.

Minhae Lee, DMA (Michigan State University), Assistant Professor of Music at an academic salary of \$50,000, for 100-percent time, effective 9/1/2021.

Erik Ordaz Lozano, MFA (SFA), Visiting Lecturer/Exhibit Coordinator of Art at an annual salary of \$41,200, for 100-percent time, effective 9/1/2021.

Selma Morales Roberts, MFA (University of Washington), Visiting Assistant Professor of Art at an academic salary of \$48,000, for 100-percent time, effective 9/1/2021.

James McDaniel, MFA (University of Houston), Lecturer of Theatre at an academic salary of \$48,000, for 100-percent time, effective 9/1/2021.

ARTHUR TEMPLE COLLEGE OF FORESTRY AND AGRICULTURE

Anusha Shrestha, Ph.D. (Mississippi State University), Assistant Professor of Forestry at an academic salary of \$58,500, for 100-percent time, effective 9/1/2021.

COLLEGE OF LIBERAL AND APPLIED ARTS

Mario Morera-Jimenez, Ph.D. (Texas Tech University), Visiting Assistant Professor of Languages, Culture and Communication, at an academic salary of \$56,435 for 100-percent time, effective 9/1/2021.

Alicia Moss, MSW (SFA), Visiting Assistant Professor of Social Work at an academic salary of \$60,000 for 100-percent time, effective 9/1/2021.

Rebecca Spears, MFA (Bennington College), Visiting Lecturer of English and Creative Writing, at an academic salary of \$40,000 for 100-percent time, effective 9/1/2021.

Lydia Towns, Ph.D. (University of Texas), Lecturer of History, at an academic salary of \$40,000 for 100-percent time, effective 9/1/2021.

Stephanie Washington, Ph.D. (University of Houston), Assistant Professor of Social Work at an academic salary of \$65,000 for 100-percent time, effective 9/1/2021.

COLLEGE OF SCIENCES AND MATHEMATICS

Jason Pratscher, Ph.D. (Illinois University), Assistant Professor of Mathematics and Statistics at an academic salary of \$60,000 for 100-percent time, effective 9/1/2021.

Hacer Varol, Ph.D. (Lamar University), Assistant Professor of Physics, Engineering and Astronomy at an academic salary of \$80,000 for 100-percent time, effective 9/1/2021.

CHANGES OF STATUS

The following changes of status were approved.

STAFF

ADMISSIONS

Courtney Branton, from Coordinator, at an annual salary of \$49,000, 100-percent time, to Assistant Director of Admissions at an annual salary of \$51,000, 100-percent time, effective 9/1/2021.

Kimberly Deckard, from Assistant Director, at an annual salary of \$47,000, 100-percent time, to an annual salary of \$50,000, 100-percent time, effective 9/1/2021.

Amy Kobuck, from Regional Coordinator, at an annual salary of \$49,787, 100-percent time, to Senior Regional Coordinator of Admissions at an annual salary of \$51,787, 100-percent time, effective 9/1/2021.

Janet McLeroy, from Assistant Director, at an annual salary of \$56,356, 100-percent time, to Program Director of Admissions, effective 9/1/2021.

ATHLETICS

Karl Berry, from Athletic Program Director, at an annual salary of \$35,568, 100-percent time, to Assistant Director of Athletics Broadcast Technology and Marketing Operations, at an annual salary of \$42,000, 100-percent time, effective 9/1/2021.

Leonard Bishop, from Assistant Women's Basketball Coach, at an annual salary of \$82,000, 100-percent time, to an annual salary of \$84,000, effective 8/1/2021._

William Crittenden, from Athletic Program Director-Ticket Operations and Business Development, at an annual salary of \$57,000, 100-percent time, to Associate Director of Athletic Business Development and Revenue Generation, at an annual salary of \$62,000, 100-percent time, effective 9/1/2021._

Cody Dukquits, from Strength and Conditioning Assistant, at an annual salary of \$36,000, 100-percent time, to an annual salary of \$45,000, effective 9/1/2021._

Cameron Rogers, from Assistant Football Coach, at an annual salary of \$30,000, 100-percent time, to an annual salary of \$32,500, effective 6/1/2021._

Marcus Walker, from Assistant Football Coach, at an annual salary of \$40,000, 100-percent time, to an annual salary of \$42,500, effective 6/1/2021._

ATHLETIC SOCIAL DIGITAL MEDIA

Chelsea Groves, from Assistant Program Director-Strategic Communications for Athletics, at an annual salary of \$36,000, 100-percent time, to Program Director of Athletic Social Digital Media, effective 9/1/2021._

ATHLETIC STRATEGIC COMMUNICATIONS

Kevin Meyer, from Program Director-Strategic Communications for Athletics, at an annual salary

of \$48,000, 100-percent time, to Assistant Director for Athletic Strategic Communications, at an annual salary of \$50,000, 100-percent time, effective 9/1/2021.

ATHLETICS ACADEMIC SERVICES

Jordan Rains, from Student Compliance Specialist, at an annual salary of \$38,000, 100-percent time, to Interim Director for Athletics Academic Services, at an annual salary of \$38,000, 100-percent time, with a stipend of \$1,250 for 3-months, effective 8/27/2021.

CHARTER SCHOOL

Angelique Beckwith, from Teacher for the Charter School, at a 10-month salary of \$57,151, 100-percent time, to a 10-month salary of \$58,008, effective 9/1/2021.

Kendall Berger, from Teacher for the Charter School, at a 10-month salary of \$39,000, 100-percent time, to a 10-month salary of \$39,390, effective 9/1/2021.

Juliann Brooks, from Teacher for the Charter School, at a 10-month salary of \$43,316, 100-percent time, to a 10-month salary of \$44,182, effective 9/1/2021.

Natalie Cardenas, from Teacher for the Charter School, at a 10-month salary of \$53,682, 100-percent time, to a 10-month salary of \$54,756, effective 9/1/2021.

Stephanie Creel, from Teacher for the Charter School, at a 10-month salary of \$52,500, 100-percent time, to a 10-month salary of \$53,025, effective 9/1/2021.

Morgan Dean, from Teacher for the Charter School, at a 10-month salary of \$39,890, 100-percent time, to a 10-month salary of \$40,687, effective 9/1/2021.

Kelly Finnerud, from Teacher for the Charter School, at a 10-month salary of \$41,700, 100-percent time, to a 10-month salary of \$41,909, effective 9/1/2021.

Jacklyn Hamilton, from Teacher for the Charter School, at a 10-month salary of \$39,798, 100-percent time, to a 10-month salary of \$39,997, effective 9/1/2021.

Alyssa Landreneaux, from Teacher for the Charter School, at a 10-month salary of \$45,990, 100-percent time, to a 10-month salary of \$46,450, effective 9/1/2021.

Eileen Meyers, from Teacher for the Charter School, at a 10-month salary of \$48,092, 100-percent time, to a 10-month salary of \$50,015, effective 9/1/2021.

Ragan Philliber, from Teacher for the Charter School, at a 10-month salary of \$47,459, 100-percent time, to a 10-month salary of \$47,934, effective 9/1/2021.

Madison Taylor, from Teacher for the Charter School, at a 10-month salary of \$41,184, 100-percent time, to a 10-month salary of \$42,008, effective 9/1/2021.

Ande Wallace, from Teacher for the Charter School, at a 10-month salary of \$41,150, 100-percent time, to a 10-month salary of \$41,356, effective 9/1/2021.

Holli Zawlocki, from Teacher for the Charter School, at a 10-month salary of \$51,086, 100-percent time, to a 10-month salary of \$52,107, effective 9/1/2021.

COLLEGE OF EDUCATION ACADEMIC SERVICES

Stephanie Strahl, from Academic Advisor II at an annual salary of \$42,254, 100-percent time, to Academic Advisor III at an annual salary of \$46,479 100-percent time, effective 9/1/2021.

CONTROLLER'S OFFICE

Amy Mooneyham, from Accounting Clerk III for the Charter School at an annual salary of \$42,845, 100-percent time, to Assistant Bursar at an annual salary of \$62,000, 100-percent time, effective 8/9/2021.

COUNSELING SERVICES

Clare Fite, from Counselor at an annual salary of \$43,230, 100-percent time, to Director at an annual salary of \$70,300 100-percent time, effective 9/1/2021.

DISABILITY SERVICES

Natalie Buuck, from Coordinator of Disability Support Services at an annual salary of \$46,350, 100-percent time, to Assistant Director at an annual salary of \$50,000 100-percent time, effective 9/1/2021.

EARLY CHILDHOOD LAB

Hayley Tutt, from Assistant Teacher at an annual salary of \$25,707, 100-percent time, to Lead Teacher, at an annual salary of \$36,000, 100-percent time, effective 9/1/2021.

ENROLLMENT AND COMMUNICATION STRATEGIES

Kimberly Morris, from Associate Director for Admissions, at an annual salary of \$64,740, 100-percent time, to Director for Enrollment and Communication Strategies, at an annual salary of \$69,919, 100-percent time, effective 9/1/2021.

FINANCIAL AID

Irish Beason, from Counselor I, at an annual salary of \$42,796, 100-percent time, to Counselor II, at an annual salary of \$44,796, 100-percent time, effective 9/1/2021.

Matthew Miller, from Counselor I, at an annual salary of \$37,300, 100-percent time, to Counselor III, at an annual salary of \$44,796, 100-percent time, effective 9/1/2021.

Tammy Mitchum, from Assistant Director, at an annual salary of \$56,657, 100-percent time, to Associate Director, at an annual salary of \$62,232, 100-percent time, effective 9/1/2021.

Donna Story, from Counselor II, at an annual salary of \$51,054, 100-percent time, to Counselor III, at an annual salary of \$53,054, 100-percent time, effective 9/1/2021.

Sara Williams, from Counselor I, at an annual salary of \$40,695, 100-percent time, to Counselor II, at an annual salary of \$42,695, 100-percent time, effective 9/1/2021.

FINANCIAL AND ADMINISTRATIVE SERVICES

Michaelyn Green, from Director of Administrative Services at an annual salary of \$96,410, 100-

percent time, to Director of Treasury and Student Business Services at an annual salary of \$115,000, 100-percent time, effective 9/1/2021.

Judith Kruwell, from Associate Vice President at an annual salary of \$150,000, 100-percent time, to Interim Vice President at an annual salary of \$150,000, 100-percent time, with a \$2,500 stipend for 2-months effective 7/28/2021 and then a \$2,500 stipend for 12-months effective 9/1/2021.

LIBRARY

Barbara Olds, from Manager of E-Resources and Assessment at an annual salary of \$64,353, 100-percent time, to Manager of Technical Services effective 9/1/2021.

ONE STOP SHOP (AXE HANDLE)

Alex Reisinger, from Supervisor of Admissions One Stop Shop, at an annual salary of \$38,000, 100-percent time, to Manager for the One Stop Shop (Axe Handle), at an annual salary of \$48,000, 100-percent time, effective 9/1/2021.

PHYSICAL PLANT

John Branch, from Associate Director at an annual salary of \$85,925, 100-percent time, to Interim Director at annual salary of \$85,925 for 100-percent time, with a \$2,006.25 monthly stipend for 12-months, effective 9/1/2021.

STUDENT CENTER

Gavin McCarty, from Director of Print and Postal Services at an annual salary of \$66,414, 100-percent time, to Assistant Director for the Student Center at annual salary of \$49,500 for 100-percent time, effective 7/1/2021.

REGISTRAR OFFICE

Sabrina Delaney, from Associate Registrar at an annual salary of \$59,843, 100-percent time, to an annual salary of \$65,343, effective 9/1/2021.

Joshua Renfro, from Coordinator at an annual salary of \$32,960, 100-percent time, to Assistant Registrar, an annual salary of \$43,775, effective 9/1/2021.

RESEARCH AND GRADUATE STUDIES

Beverly Morehouse, from Sponsored Programs Specialist at an annual salary of \$63,040, 100-percent time, to Sponsored Programs Specialist Senior, effective 9/1/2021.

RESIDENCE LIFE

Judy Duffin, from Operations Coordinator at an annual salary of \$37,450, 100-percent time, to Staff Services Supervisor at an annual salary of \$50,000, 100-percent time effective 9/1/2021.

SAFETY AND RISK MANAGEMENT

Gregory Moore, from Safety Officer, at an annual salary of \$49,500, 100-percent time, to an annual salary of \$56,846, effective 9/1/2021.

STUDENT SUCCESS COORDINATOR

Raquel Skidmore, from Coordinator at an annual salary of \$50,159, 100-percent time, to Director at an annual salary of \$75,000, 100-percent time effective 9/1/2021.

UNDERGRADUATE ENROLLMENT

Emily Jefferson, from Coordinator of Transfer Students for Admissions at an annual salary of \$55,400, 100-percent time, to Director for Undergraduate Enrollment, at an annual salary of \$65,000, 100-percent time, effective 9/1/2021.

UNIVERSITY MARKETING COMMUNICATIONS

Kerry Whitsett, from Marketing Communications Specialist-Editorial Services at an annual salary of \$40,155, 100-percent time, to Marketing Communication Coordinator-Digital at an annual salary of \$50,000, 100-percent time effective 9/1/2021.

FACULTY

RUSCHE COLLEGE OF BUSINESS

Justin Blount, from Associate Professor of Business Communications and Legal Studies at an academic salary of \$94,148, 100-percent time, to Interim Assistant Chair of Business Communications and Legal Studies at an academic salary of \$94,148, 100-percent time, with a \$400 stipend for 12-months effective 9/1/2021.

Carol Wright, from Associate Professor of Business Communications and Legal Studies at an academic salary of \$87,423, 100-percent time, to Interim Chair of Business Communications and Legal Studies at an academic salary of \$87,423, 100-percent time, with a \$600 stipend for 12-months effective 9/1/2021.

COLLEGE OF FINE ARTS

Tamey Angley, from Associate Professor/Associate Director of Bands for School of Music at an academic salary of \$68,129, 100-percent time, to Associate Professor/Director of Bands at a 11-month academic salary of \$90,000, 100-percent time, effective 8/1/2021.

Nathan Nabb, from Professor of Music at an academic salary of \$73,968, 100-percent time, to Interim Director of the School of Music at an academic salary of \$73,968, 100-percent time, with a \$1,000 stipend for 3-months effective 6/1/2021 and a \$1,000 stipend for 12-months effective 9/1/2021.

Gary Wurtz, from Director/Professor for the School of Music at an annual salary of \$122,477, 100-percent time, to Interim Dean for the College of Fine Arts at an annual salary of \$122,477, 100-percent time, with a \$1,000 stipend for 3-months effective 6/1/2021 and a \$1,500 stipend for 12-months effective 9/1/2021.

COLLEGE OF LIBERAL AND APPLIED ARTS

Andrew Lannen, from Associate Professor of History at an academic salary of \$60,941, 100-percent time, to Interim Chair of History at an academic salary of \$60,941, 100-percent time, with a \$1,000 stipend for 12-months effective 9/1/2021.

Emmerentie Oliphant, from Professor of Social Work at a 11-month academic salary of \$96,467, 100-percent time, to Interim Director for the School of Social Work at an academic salary of \$96,467, 100-percent time, with a \$700 stipend for 12-months effective 9/1/2021.

COLLEGE OF SCIENCES AND MATHEMATICS

Mike Janusa, from Chair/Professor of Chemistry at an academic salary of \$139,271, 100-percent time, to Professor of Chemistry at an academic salary of \$105,000, 100-percent time, effective 9/1/2021.

Laurel Matthews, from Clinical Instructor of Nursing at an academic salary of \$57,583, 100-percent time, to Assistant Professor of Nursing at an academic salary of \$60,000, 100-percent time, effective 9/1/2021.

Odotayo Odunuga, from Professor of Chemistry at an academic salary of \$74,919, 100-percent time, to Interim Chair of Chemistry at an academic salary of \$74,919, 100-percent time, with a \$1,000 stipend for 12-months effective 9/1/2021.

RESEARCH AND GRADUATE STUDIES

Freddie Avant, from Associate Dean/Director for the School of Social Work at a 11-month academic salary of \$136,097, 100-percent time, to Interim Dean for Research and Graduate Studies at a 11-month academic salary of \$136,097, 100-percent time, with a \$1,500 stipend for 12-months effective 9/1/2021.

FACULTY PROMOTIONS

The following faculty promotions were approved.

To Associate Professor Emeritus, effective November 2021.

Al Greule

Mass Communications

To Professor Emeritus, effective November 2021.

Troy Davis

History

Robert Szafran

Anthropology, Geography and Sociology

RETIREMENTS

The following retirement was approved.

FINANCE AND ADMINISTRATION

Danny Gallant, Vice President, 38 years of service to SFA, effective 7/31/2021.

BUILDING AND GROUNDS COMMITTEE

Board Order 22-05

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

STUDENT RESIDENTIAL AND DINING FACILITIES CONSTRUCTION PROJECT BUDGET RATIFICATION

WHEREAS, the board members considered: The Student Residential and Dining Facilities Projects were part of a \$116 million bond issue in 2019. As part of the issue, the amount of the proceeds allocated to the dining and housing projects totaled \$39.5 million.

Expenditures to date include project includes design, materials testing, civil engineering and architectural costs of original project objectives in the amount of \$1,090,308.67 for Student Residential and \$194,444.05 for Dining Facilities, for a total of \$1,284,752.77 to-date.

THEREFORE, it was ordered that the ratification of the student residential and dining facilities budget through October 31, 2021, in the amount of \$1,284,752.77 for project expenditures to-date be approved.

Board Order 22-06

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

ISSUE A REQUEST FOR QUALIFICATIONS FOR A FIRM TO UPDATE THE CURRENT MASTER PLAN

WHEREAS, the board members considered: The Board of Regents approved the current campus master plan on April 19, 2011. That plan extended through fiscal year 2020. On July 23, 2019, the Board of Regents approved the selection of a campus master planning firm to update the campus master plan. However, the proposed pricing from the awarded firm to perform the study was unable to be negotiated within the planned budget allocation at the time. The administration is requesting authorization to issue a Request for Qualifications for a firm to update the current master plan.

THEREFORE, it was approved to issue a Request for Qualifications for a firm to update the current master plan. Respondents will be evaluated, ranked and finalists will be presented to the regents at a later meeting.

Board Order 22-07

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.

BUILDING AND GROUNDS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 1:

Campus Facilities for Political Purposes 16.8

Naming Guidelines 1.5

Vending 16.35

The board broke for lunch at 11:50 a.m. and returned at 1:25 p.m.

SPECIAL RECOGNITION

Chair Gantt recognized Cadet Carey Warren for his time at SFA in the ROTC program and wishes him well with his upcoming commissioning and graduation in December. Lorenzo Smith recognized faculty members receiving Emeritus status. Jill Still recognize the University Advancement and Development Office teams for their efforts on the Comprehensive Capital Campaign.

ACADEMIC AND STUDENT AFFAIRS COMMITTEE

Board Order 22-08

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

DANCE PROGRAM MOVED TO COLLEGE OF FINE ARTS

WHEREAS, the board members considered: The College of Fine Arts recommends moving the Dance Program out of the department of Kinesiology and Health Science within the Perkins College of Education into the College of Fine Arts. In the College of Fine Arts, Dance will join the School of Theatre under the new name School of Theatre and Dance. The faculty and students in the Dance Program asked for this move, with the belief that it will better reflect their artistry and discipline. The College of Fine Arts leadership and faculty share their belief.

THEREFORE, it was approved to the move of the Dance Program to the College of Fine Arts, and that it resides alongside theatre in a newly named School of Theatre and Dance.

Board Order 22-09

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

CURRICULUM CHANGES – AVIATION COURSES

WHEREAS, the board members considered: The Stephen F. Austin State University James I. Perkins College of Education's School of Human Sciences requests approval for the following two courses, AVSC 3204 Commercial Flight I and AVSC 3104 Commercial Flight II.

These courses are flight lab courses and have been approved through the curriculum process at Stephen F. Austin State University. They are part of the degree plan for the BS in Aviation Sciences, which was approved in July 2021 by the Board of Regents and on September 17, 2021 by the Texas Higher Education Coordinating Board.

THEREFORE, it was ordered that the James I. Perkins College of Education School of Human Sciences Aviation Sciences courses AVSC 3204 Commercial Flight I and AVSC 3104 Commercial Flight II be approved.

Board Order 22-10

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

ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 1:

- Acceptable Use of Information Technology Services 14.2
- Administrative Leave Faculty and Staff 12.11
- Assessment of Institutional Effectiveness 2.3
- Authorization for the University President to Suspend Faculty and Staff 11.3
- Electronic Personnel Action Form 11.8
- Financial Aid Code of Conduct 4.7
- Illicit Drugs and Alcohol Abuse 13.11
- Moving Expenses 3.23
- Notary Public 2.8
- Organized Work Stoppage 11.18
- Sick Leave 12.18
- Student Code of Conduct 10.4
- Students Displaying Serious Psychological Problems 10.13
- Terminal Degrees 7.30
- Workplace Accommodations for Lactation and Breastfeeding 11.33

Board Order 22-11

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

NAMING OF THE COLLEGE OF FINE ARTS

WHEREAS, the board members considered: In accordance with 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 College of Fine Arts at Stephen F. Austin State University.

THEREFORE, it was ordered that the name the College of Fine Arts contingent upon complete satisfaction of the executed agreement terms and conditions. It is further recommended that the following resolution be adopted:

WHEREAS, Bill Elliott, Sr. and his late wife, Micky, built their first electrical company in Nacogdoches in 1972; and

WHEREAS, a driven and hard worker, Elliott remains an inspiration due to his dedication to the East Texas community, as well as his business and industry; and

WHEREAS, Bill Elliott, Sr., through his generosity over the years has provided support to SFA through multiple endowments in fine arts, music, horticulture, computer science and athletics; and

WHEREAS, in honor of the late Micky Elliott, and to express the appreciation of Stephen F. Austin State University through gifts of support and standards of excellence, he has set a distinguished example for others;

NOW, THEREFORE, LET IT BE RESOLVED, the Board of Regents expresses its admiration, gratitude and high regard for Bill Elliott, Sr. and the late Micky Elliott by naming the College of Fine Arts the Micky Elliott College of Fine Arts.

FINANCE AND AUDIT COMMITTEE

Board Order 22-12

Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following financial affairs item be approved.

ACKNOWLEDGE RECEIPT OF CONTRACT MONITORING REPORT

The Board of Regents acknowledged receipt of the contract monitoring report as presented including the following:

Aramark
CORE Construction Services of Texas, Inc.
EbenConcepts Company
Carlberg, LLC
Texas General Land Office
Kingham Dalton Wilson, Ltd.

Board Order 22-13

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

ANNUAL AUDIT REPORT AND AUDIT CHARTER

WHEREAS, the board members considered: According to the Rules and Regulations of the Board of Regents, the chief audit executive shall submit an annual report as required by Art. 6252-5d, V.T.C.S., recodified at Government Code, Chapter 2101. The annual report shall be submitted to the president and the board for review prior to public dissemination. In addition, the Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing (the standards) require the internal audit charter to be approved periodically. The internal audit charter provides the purpose, authority, responsibility, and position of the internal audit department. The charter is included in the annual audit report.

THEREFORE, it was ordered that the annual audit report and audit charter pending approval of the Finance and Audit Committee be approved.

Board Order 22-14

Upon motion by Regent Mason, seconded by Regent Winston, with all members voting aye, it was ordered that the following financial affairs item be approved.

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

The Board of Regents acknowledged receipt of the audit services report as presented including the

following:

- Follow-up Audit
- Early Childhood Laboratory Audit
- Public Funds Investment Act Audit
- Update on Audit Plan
- Budget Special project
- Update on August 31, 2021, Annual Financial Report External Review
- Recap on August 31, 2020, Annual Financial Report External Review

Board Order 22-15

Upon motion by Regent Mason, seconded by Regent Winston, with all members voting aye, it was ordered that the following financial affairs item be approved.

BANNER HARDWARE AND ORACLE LICENSING CONTRACT

WHEREAS, the board members considered: The ITS Exadata hardware is an Oracle built hardware environment that is highly tuned for running Oracle databases. A number of Oracle databases run in this environment, including the Banner system, mySFA portal and imaging solution ImageNow. This environment also provides flexibility to add additional databases as new software packages are added and existing software packages monitored in ITS. The hardware that makes up our Exadata environment will reach end-of-life and will no longer be supported. The Exadata hardware upgrade is needed to help ensure the stability and performance of our enterprise systems that rely on this environment to run. This environment has been successful at allowing us to consolidate our Oracle databases into one secure environment as opposed to having several Oracle databases spread across the campus managed by personnel of varying experience and abilities. It has also been successful at providing the processing power needed to serve all our applications' database needs. The request also includes Oracle database licensing for the duration of the contract.

THEREFORE, it was ordered that a 4-year contract for the renewal of the ITS Exadata hardware environment and Oracle licenses with RFD and Associates, Inc. at a cost not to exceed \$1,800,000 be approved. The source of funds for this system will continue to be HEF and will not require an increase to current HEF budget. The president is authorized to sign purchase orders and contracts of \$500,000 or more.

Board Order 22-16

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

GRANT AWARDS

WHEREAS, the board members considered: In fiscal year 2021, the University received multi-year grant awards totaling \$108,458,662. Of that total, grants awarded allocable to fiscal year 2021 were \$34,109,561, an increase of \$1,468,124 since the last report. For fiscal year 2022, the multi-year grant award total is currently \$76,821,287. Of this total, grant awards allocable to fiscal year 2022 are currently \$26,937,065. The grant awards result from extensive faculty research and service engagement across many academic disciplines. The grants include direct federal, federal pass through, state and private awards.

THEREFORE, it was ordered that that the additional fiscal year 2021 grant awards that total \$1,468,124 and grant awards for fiscal year 2022 that total \$26,937,065 be approved and ratified as presented in Appendix 2.

Board Order 22-17

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

CHANGES TO FY 2022 CAPITAL AND HIGHER EDUCATION FUND BUDGET SCHEDULE

WHEREAS, the board members considered: The Board of Regents approved the fiscal year 2021-22 institutional operating budget at the July 2021 board meeting. A detailed Capital and Higher Education Fund (HEF) Schedule was also presented in association with the operating budget. Changes to the Capital and HEF schedule are required to reflect changes in budgetary needs, estimated costs, and use of contingency funds.

Debt Service The Debt Service Energy Conservation Plan Phases 1 and 2 were paid off in FY21 and therefore will not be needed for debt service in FY22. These funds in the amount of \$29,222 and \$65,993 respectively will be moved to the HEF Contingency for a total increase of \$95,215.

Dining Plan Software This planned purchase primarily supports Pledged Auxiliary and is therefore ineligible for HEF funding. The funding of \$15,000 will be moved to the HEF Contingency.

Cloud-Based Software This planned expenditure primarily supports the Office of Development and is therefore ineligible for HEF funding. The funding of \$60,000 will be moved to the HEF Contingency.

Shuttle Bus The physical plant and parking services operate daytime and evening shuttle service for the convenience and safety of the students, faculty, staff and visitors to the campus. The shuttle service runs Sunday through Friday each week during the fall and spring semesters and on special occasions. The shuttle service operating hours are from 7:00 a.m. to 1:00 a.m. during routine operation. During peak use periods there are four buses in the shuttle fleet.

Recently, a 2012 Ford F-150 shuttle with 122,398 miles blew an engine and is beyond repair. This has resulted in a strain on the remaining fleet and a reduction of services. HEF contingency funds are requested to purchase a new shuttle bus with SFA branded wrapping is requested in an amount not to exceed \$140,000.

Police Vehicles The university police department provides comprehensive police, parking and emergency management services 24 hours a day, seven days a week. The department currently has eleven police vehicles in their fleet. The age of the fleet ranges from two to fourteen years with five of the vehicles having over seventy thousand miles each.

HEF contingency funds are requested to purchase two new vehicles with the appropriate outfitting at an amount not to exceed \$57,000 each, for a total of \$114,000.

THEREFORE, it was ordered that the changes to the FY2022 Capital and Higher Education Fund Schedule to: 1) Reallocate funding for Debt Service Energy Conservation Plan Phases 1 and 2 and increase HEF Contingency by \$110,215; 2) Reallocate funding from Dining Plan Software and increase HEF Contingency by \$15,000; 3) Reallocate funding from Cloud-Based Software and increase HEF Contingency by \$60,000; 4) Reallocate HEF Contingency funds to purchase a new shuttle bus with SFA branded wrapping at a cost not to exceed \$140,000; and 5) Reallocate HEF contingency funds to purchase two police vehicles, outfitted for service at a cost not to exceed \$57,000 per vehicle, be approved. The president is authorized to sign associated purchase orders and contracts as necessary.

Board Order 22-18

Upon motion by Regent Mason, seconded by Regent Olson, with all members voting aye, it was ordered that the following financial affairs item be approved.

MEDIA BUYING CONTRACT

WHEREAS, the board members considered: The University issued a Request for Proposal (RFP) to seek qualified firms to assist the University with services related to digital advertising and online presence. Minimum service requirements included planning, production, analysis and media buying to achieve a variety of campaign objectives and negotiate cost-effective media schedules to reach target audiences at the lowest possible cost to the university. Respondents were expected to demonstrate knowledge of current media trends, appropriate media mixes and distribution priorities, as well as success benchmarks. A secondary goal is to build engagement with the brand through awareness media to generate consideration of SFA.

There were two respondents to the RFP and the evaluation committee recommends to award a contract with Love Advertising. Love Advertising's proposal is based on a 12% media commission fee, with no additional charges for phone calls or other communications, with a goal to increase enrollment utilizing early-in-the-funnel media tactics to drive website traffic, inquiries and applications, focusing on East Texas, Houston, the Dallas-Fort Worth area and Austin. The source of funds is designated funds such as designate tuition or university services fee.

THEREFORE, it was ordered the approval of the selection of Love Advertising to assist the University with services related to media buying and digital presence for a one-year period of time, with the option to extend one-year periods each year for up to four (4) additional periods at the option of SFA. The administration further recommends the president be authorized to sign all associated contracts and purchase orders, including contract amendments, for a total contract amount not to exceed \$250,000 in any one year and not to exceed \$1,250,000 in total over a possible five-year contract period.

Board Order 22-19

Upon motion by Regent Mason, seconded by Regent Winston, with all members voting aye, it was ordered that the following financial affairs item be approved.

FINANCE AND AUDIT POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 1:

Compliance 2.12
Ethics 2.6
Fraud 2.7
Private Support Organizations or Donors 3.25

REPORTS

President, Dr. Scott Gordon discussed the following topics.

University Marketing and Communications
Housing
Comprehensive Campaign
Hanover Brand Perception Study
Diversity Ambassadors
Distinguished High Schools
Athletics
Legislative Update
IT Update
Finance and Administration Update

Faculty Senate Chair, Brian Uriegas reported on the following topics.

Faculty Accomplishments
Senate Work Fall 2021
Senate Statement on Communication
Opportunity for Questions

Staff Council Chair, Megan Weatherly presented on the following topics

Staff Council's Formation Timeline
Introduction of Staff
Introduction of Staff Council Officers
Organization Mission, Purpose and Values
Completed Actions
Future Actions

Student Government Association President, Laura Roach discussed the following topics.

Student Leadership Advisory Board
Lunch with the President
Athletics Send-Off
UPD Safety Walk
SGA Recruitment

Chair Gantt reported that the University Financial Council held the initial meeting on October 14, 2021 and has taken the first step to start gathering data.

Chair Gantt announced the following special committee appointments.

INTERCOLLEGIATE ATHLETIC ADVISORY COMMITTEE

Brigettee Henderson, Chair,
Jenn Winston
Joe Max Green
Karl Lindekugel
Scott Coleman
Trey Henderson
Bob Garrett

The Intercollegiate Athletic Advisory Committee (IAAC) advises the Board of Regents and the president of Stephen F. Austin State University on practices of the athletic department as it relates to long range planning of intercollegiate athletics. Specifically, the committee is charged with advising the board, the president and the athletic director on the internal and external practices of the athletic department, with specific interest on facility planning, funding, and athletic experiences for external constituents.

NOMINATING COMMITTEE

David Alders, Chair
Brigettee Henderson
Judy Olson

The Nominating Committee shall consist of three members. This committee shall be appointed annually 5 prior to the January meeting by the chair for the purpose of nominating board officers for election at the January meeting.

The meeting of the Board of Regents adjourned at 3:11 p.m.

Policy Name	Policy Number	Page
Acceptable Use of Information Resources	14.2.	1
Assessment of Institutional Effectiveness	2.3.	8
Authorization for University President to Suspend Faculty and Staff	11.3.	10
Campus Facilities for Political Purposes	16.8.	12
Compliance	2.12.	15
Electronic Personnel Action Form	11.8.	21
Ethics	2.6.	23
Financial Aid Code of Conduct	4.7.	35
Fraud	2.7.	43
Illicit Drugs and Alcohol Abuse	13.11.	49
Leaves of Absence and Miscellaneous Leave Faculty and Staff	12.11.	61
Moving Expenses	3.23.	71
Naming Guidelines	1.5.	74
Notary Public	2.8.	77
Organized Work Stoppage	11.18.	79
Private Support Organizations or Donors	3.25.	81
Sick Leave	12.18	84
Student Code of Conduct	10.4.	94
Student Involuntary Withdrawal	10.13	122
Terminal Degrees	7.30.	133
Vending	16.35.	136
Workplace Accommodations for Lactation and Breastfeeding	11.33.	138

STEPHEN F. AUSTIN STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Acceptable Use of Information Resources

Policy Number: 14.2

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: ITS

Purpose of Policy (what does it do): Stephen F. Austin State University (SFA) supports the responsible use of its information resources. This policy ensures all SFA employees accessing SFA Information Resources are aware of the duties and responsibilities in place to protect SFA Information Resources

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

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision:

Specific rationale for deletion of policy:

Additional Comments:

Minor revisions for clarity

Reviewers:

Anthony Espinoza, Chief Information Officer
Mike Coffee, Deputy Chief Information Officer
Brandon Stringfield, Chief Information Security Officer
Damon Derrick, General Counsel

Acceptable Use of Information Resources

Original Implementation: October 29, 2018

Last Revision: ~~None~~ November 1, 2021

POLICY STATEMENT

Stephen F. Austin State University (SFA) supports the responsible use of its information resources. This policy ensures all SFA employees accessing SFA Information Resources are aware of the duties and responsibilities in place to protect SFA Information Resources. The use of Information Resources is provided for the purpose of supporting the mission of SFA. All SFA employees should act responsibly to maintain the integrity of SFA Information Resources. All SFA employees will abide by all existing SFA codes of conduct as well as applicable local, state and federal statutes.

SCOPE

All SFA employees granted access to or use of SFA Information Resources must be aware and agree to abide by the acceptable use requirements set out in this policy.

DEFINITIONS

Confidential Data (Category I) – Data that is considered confidential and must be protected from unauthorized disclosure or public release based on state or federal law, (e.g. the Texas Public Information Act, Family Educational Rights and Privacy Act, Health Insurance Portability and Accountability Act) and other constitutional, statutory, judicial, and legal requirements. For more information and examples see the Informational Technology Services (ITS) Policy Handbook located on the ITS website.

Chief Information Security Officer (CISO) – Staff member responsible for providing and administering the overall information security program for the university.

Data – Information which is recorded, regardless of form or media, and used to support the mission of the university, whether in an administrative, teaching or research capacity. Data may be saved or transmitted in hard copy (printed or written), digital/electronic (including video, audio, images) or other formats.

Data Classification – ~~Data is~~ Data is classified as Category I (confidential), Category II (protected) or Category III (public), with each category subject to its own protection requirements and processes. More information, including definitions, protection requirements and examples of data are included in the ITS Policy Handbook.

Data Owner – The university employee responsible for the administrative function supported by the Information Resource or the individual upon whom responsibility rests for carrying out the program using the Information Resources. A listing of Data Owners is contained in the ITS policy handbook.

Information Resources – The procedures, equipment, facilities, software, and data that are designed, built, operated, purchased, and maintained to create, collect, record, process, store, retrieve, display, and transmit information. This may include, but is not limited to, any and all computer printouts, online display devices, mass storage media, and all computer-related activities involving any device

capable of receiving email, browsing websites, or otherwise capable of receiving, storing, managing, or transmitting data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, mobile devices, pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (e.g., embedded technology), telecommunication resources, network environments, telephones, fax machines, printers and hosted services.

Mobile Device – General term for any handheld computing device or smartphone such as tablet, e-reader, smartphone, PDA or portable music player with smart capabilities and which runs a mobile device operating system, i.e. non-enterprise operating system.

Portable Computer – A laptop, or notebook, ~~or Surface Pro,~~ which is capable of running an enterprise operating system.

Protected Data (Category II) – Data that may be subject to disclosure or release under the Texas Public Information Act but requires additional levels of protection. For more information and examples see the ITS Policy Handbook.

Public Data (Category III) – Information intended or required for public release by the Texas Public Information Act. For more information and examples see the ITS Policy Handbook.

User – An individual who is authorized by the Data Owner to access the Information Resource, in accordance with the Data Owner's procedures and rules. The User is any person who has been authorized by the Data Owner or SFA representative to access, read, enter, or update that information whether done individually or through facilitation or responsibility for an automated application or process. The User is the single most effective control for maintaining adequate security.

RESPONSIBILITIES

Chief Information Security Officer (CISO)

- Reviews the Acceptable Use Policy annually to ensure consistency with all applicable rules, regulations, and federal/state/local laws.
- Reviews and approves the contents of compliance training related to Acceptable Use Policy.
- Administers the overall information security program.

Human Resources

- Ensures the materials and acknowledgements are included and recorded during the course of the compliance training. Maintains records of training and notifies users of training requirements.

Data Owner

- Authorizes access to the Information Resource.
- In the event that the Data Owner is also the User, then the Data Owner is also responsible for compliance with User responsibilities as specified below.

User

- Reviews and acknowledges understanding and acceptance of the Acceptable Use Policy during annual security training.
- Uses the Information Resource only for the purpose specified by the Data Owner.
- Complies with controls established by the Data Owner.

- Prevents any prohibited disclosure of Category I or Category II data. This data may be disclosed pursuant to a court order or other legal finding as directed by the CISO and General Counsel.

GENERAL

1. SFA Information Resources are provided for the purpose of supporting the mission of SFA. However, Users are permitted to use SFA Information Resources for use that is incidental to the User's official duties to SFA (Incidental Use) as permitted by this policy.
2. Users have no expectation of privacy regarding any SFA data residing on SFA owned computers, servers, or other information resources owned by, or held on behalf of, SFA.
3. Users have no expectation of privacy in regard to any personal information stored by a User on SFA Information Resource including SFA email accounts.
4. Users will exercise responsible, ethical behavior when using SFA's Information Resources. SFA reserves the right to limit, restrict or extend privileges and access to its resources.
5. SFA may access and monitor its Information Resources for any purpose consistent with the university's duties and/or mission without notice.
6. All Users must comply with applicable SFA Information Security policies at all times.
7. Users shall not circumvent SFA computer or information security measures.
8. Users should report misuse of SFA Information Resources or violations of this policy to their supervisors, the CISO or EthicsPoint.
9. The unauthorized deletion or alteration of information or data of others, misuse of system resources, and misuse of system resources by others are prohibited.
10. The owner or designated custodian of a computer that is attached to the SFA network is responsible for the security of the computer.
11. Users are responsible for any activities to or from the network connections and all network activity originating from their equipment.
12. All employees who access SFA information resources must complete compliance and security awareness training annually.

CONFIDENTIALITY AND SECURITY OF DATA

1. Users shall access SFA data only to conduct authorized university business and only as permitted by applicable confidentiality and privacy laws. Users must not attempt to access data on systems they are not expressly authorized to access.
2. Users shall maintain all records containing SFA data in accordance with the university's Records Retention Policy and Records Management Guidelines.
3. SFA data can only be stored or processed on cloud services provided or sanctioned by ITS. Storing or processing SFA data in a personally obtained cloud service is prohibited.
4. Users shall not disclose Confidential Data except as permitted or required by law and only as part of their official SFA duties.
5. All SFA confidential data must be stored on university provided equipment purchased by SFA or cloud services sanctioned by ITS.
6. All computers connecting to ~~the~~ SFA network must run security software provided by ~~the~~ ITS as necessary to properly secure SFA Information Resources.

7. Devices determined by ITS to lack required security software or otherwise pose a threat to SFA Information Resources may be immediately disconnected by the Information Security Office from a university network without notice.
8. Confidential data stored on portable storage devices must be encrypted.

SOFTWARE COPYRIGHT

1. Software provided through the university for use by SFA employees will be used on computing equipment only as appropriate to the specific software licenses and will not be copied except as specifically permitted by the software license, e.g., to create a backup copy.
2. SFA employees may not use unlicensed or unauthorized copies of software on university-owned computers or any computer connected to the university network.
3. The user is responsible for ensuring and documenting via a license agreement or proof of purchase that the software used on the computer is licensed.
4. The user is responsible for ensuring and documenting the number of software license/s purchased are not exceeded and do not violate copyright law.
5. The university may audit software on university-owned equipment without notice.

EMAIL

1. Emails sent or received by Users in the course of conducting SFA business are considered SFA data that are subject to state records retention and security requirements.
2. Users are to use SFA provided email accounts, rather than personal email accounts, for conducting SFA business. The assigned SFA email account is considered an official method of communication from SFA, and all SFA employees are responsible for the email message content.
3. All email messages of a personal nature sent by faculty, staff, and retirees using an SFA email address must contain the following disclaimer: "The views and opinions expressed in this message are my own and do not necessarily reflect the views and opinions of Stephen F. Austin State University, its Board of Regents, or the State of Texas."
4. The following email activities are prohibited when using a SFA provided email account:
 - a. Sending an email under another individual's name or email address, except when authorized to do so by the owner of the email account for a business related purpose.
 - b. Accessing the content of another User's email account except:
 - i. As part of an authorized investigation;
 - ii. As part of an approved monitoring process; or
 - iii. For other purposes specifically associated with the User's official duties on behalf of SFA.
 - c. Sending or forwarding any email that is suspected by the User to contain computer viruses.
 - d. Any use prohibited by applicable SFA policy.
5. Email access will be removed on the last day of employment, unless special authorization has been granted by the appropriate SFA staff *and the employees' supervisor.*

INCIDENTAL USE OF INFORMATION RESOURCES

1. Incidental Use of SFA Information Resources must not interfere with a User's performance of official SFA business, result in direct costs to SFA, or expose SFA to unnecessary risks.
2. A User's incidental personal use of a SFA Information Resources does not extend to the User's family members or others regardless of where the Information Resources are physically located.
3. Incidental Use to conduct, support, or promote the User's outside employment, including self-employment, is prohibited.
4. Incidental Use for purposes of political lobbying or campaigning is prohibited.
5. Files not related to SFA business or in support of the SFA mission may not be stored on network file servers.

REQUIREMENTS FOR PORTABLE AND REMOTE COMPUTING

1. All electronic devices including personal computers, smart phones or other devices used to access, create or store SFA Information Resources, including email, must be password protected in accordance with SFA requirements, and passwords must be changed whenever there is suspicion that the password has been compromised.
2. SFA issued mobile computing devices must be encrypted and must have a lock screen enabled.
3. Unattended portable computers, smart phones and other computing devices must be physically secured.
4. All remote access to networks owned or managed by SFA must be accomplished using a remote access method approved by the Information Security Office, as applicable.
5. SFA employees should utilize information security best practices when using personal computing devices to conduct SFA business.

ACCOUNT AND PASSWORD MANAGEMENT

1. SFA issued or required passwords, including digital certificate passwords, Personal Identification Numbers (PIN), Digital Certificates, Security Tokens (i.e. Smartcard), or similar information or devices used for identification and authorization purposes shall be maintained securely and shall not be shared or disclosed to anyone.
2. Each User is responsible for all activities conducted using the User's account or other credentials.
3. It is the responsibility of all individuals using SFA's Information Resources to protect the privacy of their account(s). Personal account information should not be released to friends, relatives, roommates, etc.
4. All individuals using SFA Information Resources are prohibited from using a computer account for which they are not authorized, or obtaining a password for a computer account not assigned to them.

IMPLIED CONSENT & LIABILITY RELEASE

All individuals with access to SFA Information Resources are responsible for their appropriate use. Such use constitutes an agreement to comply with applicable SFA policies and regulations, city,

state, and federal laws and regulations, and with applicable policies of the affiliated networks and systems.

COMPLIANCE

All SFA employees are required to comply with this policy. SFA reserves the right to deny, limit, restrict or extend privileges and access to its Information Technology Accounts and Systems.

Cross Reference: 1 Tex. Admin. Code Ch. 202; Information Security Management (14.1); ITS Policy Handbook

Responsible for Implementation: ~~Vice President for University Affairs~~ *Chief Information Officer*

Contact for Revision: Chief Information Security Officer

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Assessment of Institutional Effectiveness

Policy Number: 2.3

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: Student Learning & Insti. Research

Purpose of Policy (what does it do): Used to enhance overall university quality and effectiveness for research-based planning.

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: (1) recommended abbreviate title to clarify the nature of the policy; (2) updated cross-references to current SACSCOC standards; 3) enhanced explanation of the necessity of institutional effectiveness and continuous improvement; (4) updated the Contact for Revision.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee

Deans Council

Lorenzo Smith, Provost and Executive Vice President for Academic Affairs

Damon Derrick, General Counsel

Assessment of Institutional Effectiveness

Original Implementation: Unpublished

Last Revision: ~~October 29, 2018~~ November 1, 2021

Stephen F. Austin State University (SFA) will adhere to principles of continuous improvement based on systematic and documented processes of *planning, executing, and evaluation* ~~assessment~~ aligned with the mission of the institution. *Institutional effectiveness is broad in scope, encompassing strategic planning and university initiatives through unit level improvement objectives and academic program learning outcomes. The continuous improvement process provides a mechanism that allows the university to identify broad goals and tangible outcomes and discern if progress towards the goals and outcomes is being made and if corrections are required.* ~~Assessment of~~ Institutional effectiveness involves all programs, services, and constituencies; is linked to decision-making at all levels; and provides a basis for budgetary and resource allocations.

The university conducts ongoing, *comprehensive*, integrated, research-based, *and systematic* planning to enhance overall institutional quality and effectiveness. During the planning process, expected outcomes are identified and action plans are designed to improve institutional effectiveness and performance. Following implementation of the action plans, results are assessed.

Cross Reference: *SACSCOC Core Requirement 7.1, Standard 7.2, Standard 7.3, and Core Requirement 8.1* ~~SACSCOC CR2.5 (2012) and SACSCOC R7.1 (2017)~~

Responsible for Implementation: President

Contact for Revision: Director, ~~Student Learning and Institutional Assessment~~ *Office of Institutional Effectiveness*

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Authorization for the University President to Suspend Faculty and Staff

Policy Number: 11.3

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): This policy mirrors the Board Rules and Regulations prescribing when the university may suspend faculty and staff.

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

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
- ☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision:

Specific rationale for deletion of policy:

Additional Comments:

No changes.

Reviewers:

Damon Derrick, General Counsel

Authorization for the University President to Suspend Faculty and Staff

Original Implementation: April 27, 1970

Last Revision: ~~October 29, 2018~~ *November 1, 2021*

Without prior notice or hearing, the president of the university may suspend with or without pay and immediately remove from the university, or assign to other duties with pay, any employee who:

1. poses a continuing danger to persons or property;
2. disrupts the orderly operation of the university;
3. endangers the education of students;
4. has been convicted by a trial court of any felony or a crime of moral turpitude.

The president shall, as soon as possible, notify the general counsel of such action. In such cases the president will set a hearing before the appropriate administrator or committee on the employee's case as soon thereafter as is practical unless otherwise waived by the employee.

Cross Reference: Board of Regents Rules and Regulations

Responsible for Implementation: President

Contact for Revision: President

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Campus Facilities for Political Purposes

Policy Number: 16.8

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

Date of last revision, if applicable: 10/29/2018

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

Purpose of Policy (what does it do): This policy establishes the parameters for use of campus facilities for political purposes.

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: N/A

Additional Comments:

Minor revisions.

Reviewers:

Judith Kruwell, Interim Vice President for Finance and Administration
Damon Derrick, General Counsel

Campus Facilities for Political Purposes

Original Implementation: April 27, 1970

Last Revision: ~~October 29, 2018~~ November 1, 2021

Purpose

This policy establishes the parameters for use of campus facilities for political purposes.

General

~~While the use of the facilities of the university for partisan political assemblies and meetings is not normally encouraged, the faculty and administration, as members of a learned and honorable profession, may properly exercise their acknowledged individual rights and obligations of citizenship free of university discipline or censorship.~~ *As a state-supported institution of higher education, Stephen F. Austin State University is required to remain neutral in partisan political activities. –Individual faculty, staff and students enjoy all constitutional rights and privileges regarding freedom of speech and participation in political events subject to reasonable restrictions regarding time, place and manner.*

Non-institutionally affiliated entities, including individual political candidates and their election organizations, are not permitted to reserve a university facility for campaign activities. However, if a candidate is invited by a university group, then he/she may appear in the facility, provided that the group extending the invitation is responsible for reserving the facility and meeting the costs related to the event.

~~No member of the Board of Regents shall undertake to influence the political opinions of personnel subject to the board's jurisdiction, but such personnel are requested to exercise their individual rights or citizenship or academic freedom in a responsible manner reasonably calculated not to identify or associate with the university.~~

A university officer or employee may not use his/her official authority or influence to coerce the political action of a person or body.

Cross Reference: ~~Board of Regents Rules and Regulations~~; Tex. Gov't Code § 556.004; *Tex. Educ. Code 51.9315; Expressive Activities (16.4)*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Compliance

Policy Number: 2.12

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

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

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): Policy describes and implements the university's compliance program.

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

- ☐ Scheduled Review ☐ Change in law ☐ Response to audit finding
☒ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Updates to committee member listings.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Compliance Coordinating Committee
 Executive Oversight Compliance Committee
 Gina Oglesbee, Chief Audit Executive
 Damon Derrick, General Counsel

Compliance

Original Implementation: July 26, 2016

Last Revision: ~~October 26, 2020~~ November 1, 2021

INTRODUCTION

This policy sets forth the rules governing the creation, implementation, and periodic evaluation of an institutional compliance program for the university. The program is designed to provide a framework for promoting an organizational culture that: (1) promotes a commitment to ensure the highest level of compliance with all applicable laws and regulations, institutional policies, procedures and other rules governing higher education, including research and health care to the extent applicable and (2) prevents and detects criminal conduct or other conduct inconsistent with an effective compliance program.

DEFINITIONS

- A. University - Stephen F. Austin State University (SFA) and all of its components, regardless of the source of funding.
- B. Employee - All persons receiving compensation from the university, including faculty, staff, and students. The term also includes any volunteer who provides services to the university through an official arrangement with the university or a university organization.
- C. Substantial authority personnel - high-level personnel or individuals who exercise substantial discretion when acting within the scope of their authority.

COMMITTEES

SFA utilizes two committees: Executive Oversight Compliance Committee and Compliance Coordinating Committee.

EXECUTIVE OVERSIGHT COMPLIANCE COMMITTEE

The Executive Oversight Compliance Committee's primary function is to direct policy and instill the importance of compliance in the university community. This committee monitors progress on key compliance initiatives, reviews updates on compliance developments and best practices, and allocates resources as necessary to achieve the compliance program goals. Its members consist of:

1. President
2. Provost ~~& and~~ Executive Vice President for Academic Affairs
3. Vice President of ~~University~~ Student Affairs
4. Vice President for Finance and Administration
5. Vice President for University Advancement
6. Director of Governmental Relations
7. Executive Director of Enrollment Management
8. Chief Diversity Officer

- 9. Chief Information Officer
- 10. Director of Intercollegiate Athletics
- ~~10.11.~~ Chief Marketing Communications Officer
- ~~11.12.~~ Chief Audit Executive (advisory)
- ~~12.13.~~ General Counsel

In exercising its overall responsibility for the university's compliance program, the Executive Oversight Compliance Committee shall be regularly briefed by the chair of the Compliance Coordinating Committee about the content and operation of the program, and also when criminal conduct is discovered.

The Executive Oversight Compliance Committee shall take reasonable steps to:

1. Not include within the substantial authority any individual who has engaged in illegal activities or other conduct inconsistent with an effective compliance program.
2. Communicate periodically and in a practical manner the standards and procedures of the compliance program by conducting effective training programs and otherwise disseminating information appropriate to the respective roles and responsibilities of the entire university community involved in the compliance program. Such training may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.
3. Ensure that the compliance program is followed including monitoring and auditing to detect illegal activities or other conduct inconsistent with an effective compliance program.
4. Have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby university employees and agents may report or seek guidance regarding potential or actual criminal conduct or other conduct inconsistent with an effective compliance program without fear of retaliation.
5. Consistently promote and enforce the compliance program throughout the university through appropriate incentives for performing in accordance with the program, and appropriate disciplinary measures for engaging in criminal conduct or other conduct inconsistent with an effective compliance program and for failing to take reasonable steps to prevent or detect such conduct.
6. Respond appropriately after criminal conduct or other conduct inconsistent with an effective compliance program has been detected, including making any necessary modifications to the compliance program to prevent further similar conduct.
7. Assess the risk of criminal conduct or other conduct inconsistent with an effective compliance program and take appropriate action to design, implement, or modify the program to reduce the risk of such conduct identified through this process at least annually.

COMPLIANCE COORDINATING COMMITTEE

The Compliance Coordinating Committee's primary function is to oversee the implementation of the compliance program throughout the university. This committee disseminates information about compliance updates and activities to the responsible parties and keeps those individuals updated on any changes in laws or regulations and makes recommendations to the Executive Oversight Compliance Committee. Its members consist of:

1. General Counsel (Chair)
2. Chief Audit Executive (Advisory)
3. Assistant General Counsels
4. Coordinator of Board Affairs/Compliance
5. Assistant Athletic Director for Compliance
6. Controller
7. Director of Procurement and Property Services
8. Director of Human Resources
9. Director of Environmental Health, Safety, and Risk Management
10. Deputy Chief Information Officer
11. Chief of Police
12. Registrar
13. Director of Financial Aid
14. Compliance Coordinator - Research
15. Chair of the Chairs Forum
16. Chair of the Academic Affairs Policy Committee
17. Executive Director of Development
18. ~~Dean of Student Affairs~~ *Assistant Vice President of Student Affairs and Dean of Students*
19. Title IX Coordinator
20. ADA Coordinator
21. *Associate Director of Admissions*
22. *Associate Vice President for Finance and Administration*

The Compliance Coordinating Committee shall be provided adequate resources and appropriate authority to carry out its duties and responsibilities.

- A. The General Counsel shall chair the Compliance Coordinating Committee and shall regularly brief the Executive Oversight Compliance Committee and the Board of Regents about the content and operation of the university's compliance program, and also when criminal conduct is discovered.
- B. The Compliance Coordinating Committee will utilize a Compliance Matrix to assist the responsible committee members in carrying out their duties. The matrix is designed to further the coordination and documentation efforts of existing and ongoing compliance initiatives and is broken down into different compliance areas assigned to the committee member responsible for ensuring compliance, representative issues associated with the compliance area as well as the applicable laws.
- ~~C. Compliance Calendars will be generated by the Compliance Coordinating Committee and distributed to the committee members. The calendars will aid in tracking the myriad reporting requirements and due dates~~
- ~~D.~~C. The Compliance Coordinating Committee, through its members, shall assist the Executive Oversight Compliance Committee in training the university community which may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.
- ~~E.~~D. The Compliance Coordinating Committee is responsible for creating and maintaining a compliance web page on the university's website. At a minimum the web page will include the Compliance Matrix, ~~Compliance Calendars~~, Compliance Coordinating Committee members,

and instructions on how to anonymously and confidentially report suspected fraud or other criminal conduct or conduct inconsistent with an effective compliance program without fear of retaliation.

F.E. The Compliance Coordinating Committee is responsible for implementing and operating a risk-based process that:

1. builds compliance consciousness into daily business processes,
2. monitors the effectiveness of the processes, and
3. communicates instances of non-compliance to appropriate administrative officers for action.

DEPARTMENT HEAD RESPONSIBILITY

The department head of each operating unit within the university is responsible and shall be held accountable for compliance and compliance-related activities in their respective units. The department head shall maintain documented procedures and records for their activities and areas of responsibility.

PRESIDENT'S CABINET RESPONSIBILITY

Each president's cabinet member is responsible ~~ensuring~~ and shall be held accountable for compliance and compliance-related activities in their area of responsibility and will be required to certify compliance at least annually. ~~that policies and procedures are in place for the areas within their specified division are in compliance with Federal, State and Local laws. The Federal Assurances Responsible Party matrix will be managed by the~~The Dean of the Office of Research and Graduate Studies ~~and administered annually to cabinet members for certification of accuracy~~will oversee the certification of compliance assurances.

PRESIDENT AND CABINET MEMBERS RESPONSIBILITY

The president ~~and cabinet members are~~ is responsible and shall be held accountable for:

1. the sufficiency of resources allocated to compliance activities, and
2. the appropriateness of corrective and disciplinary action taken in the event of noncompliance.

AUDIT SERVICES RESPONSIBILITY

Audit Services may provide advisory or audit services, as necessary and appropriate, to the compliance operations. The chief audit executive is responsible and shall be held accountable for:

1. independently evaluating the design and effectiveness of the various compliance functions as included on the annual audit plan,
2. making recommendations for improvements, as necessary and appropriate, and
3. reporting recommendations to the Board of Regents Finance and Audit Committee and the president.

EMPLOYEE RESPONSIBILITY

Each employee of the university shall be responsible for establishing an organizational culture that encourages compliance with its legal obligations, complying with all applicable federal and state laws and university policies and procedures, meeting and complying with any reporting requirements required by law, and complying with the mandates and standards in this policy.

REPORTING STRUCTURE

The reporting obligations set forth below are to fulfill the purposes of this policy, to enable the university to do a risk assessment to determine if additional resources should be allocated, and to assist the university to respond as needed. These requirements do not replace, change or modify applicable reporting requirements or any other action required of the university under federal or state laws or regulations.

The general counsel and chief audit executive shall report to the Executive Oversight Compliance Committee the workings of the Compliance Coordinating Committee, including agenda items, member concerns, and recommended changes in policies or procedures.

The chair of the Compliance Coordinating Committee shall promptly report to the Executive Oversight Compliance Committee any suspected compliance violation that has caused or poses an imminent risk of injury or harm to persons, property or the surrounding community, or reputational harm, as soon as possible after discovering or receiving the report of the suspected violation.

The general counsel and chief audit executive are responsible to:

1. conduct a compliance program investigation or monitor the investigation conducted by an appropriate operating unit of the suspected violation(s), and
2. as appropriate, make findings and recommendations to the chair of the Board of Regents, chair of the Finance and Audit Committee, and the president.

Cross Reference: U.S. Federal Sentencing Guidelines; Fraud (2.7)

Responsible for Implementation: President

Contact for Revision: General Counsel

Forms: None

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Electronic Personnel Action Form

Policy Number: 11.8

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

Date of last revision, if applicable: 2/2/2021

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

Purpose of Policy (what does it do): This policy identifies the Electronic Personnel Action Form (EPAF) as the method used to document administrative approval and to notify payroll/human resources (HR) of changes in employment status for all employees, including graduate and undergraduate 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: N/A

Specific rationale for deletion of policy: N/A

Additional Comments:

Minor wording and formatting changes and clarification

Reviewers:

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

Electronic Personnel Action Form

Original Implementation: Unpublished

Last Revision: *November 1* February 2, 2021

Purpose

This policy identifies the Electronic Personnel Action Form (EPAF) as the method used to document administrative approval and to notify payroll/human resources (HR) of changes in employment status for all employees, including graduate and undergraduate students.

General

EPAFs should be prepared for the following reasons:

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

EPAFs should be completed, electronically approved, and routed to HR before the employee starts to work, immediately at the time of the change of status, or immediately at the end of the assignment. Employees who originate and/or approve EPAFs must be trained and authorized by HR before being granted access to the EPAF through Self-Service Banner.

Cross Reference: None

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Electronic Personnel Action Form available through Self Service Banner

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Ethics

Policy Number: 2.6

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): The policy affirms its commitment that all officers and employees will maintain high ethical standards in the performance of their official duties.

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

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision:

Specific rationale for deletion of policy:

Additional Comments:

Minor edits.

Reviewers:

Damon Derrick, General Counsel

Ethics

Original Implementation: August 8, 1995

Last Revision: ~~October 29, 2018~~ November 1, 2021

Purpose

The university affirms its commitment that all officers and employees will maintain high ethical standards in the performance of their official duties.

General

The following guidelines regarding state ethics laws for state employees are applicable to the Board of Regents, the administration, faculty and staff of the university. Other university policies that affect ethical standards include but are not limited to: ~~Discrimination Complaints~~ *Nondiscrimination* (2.11); ~~Sexual Misconduct~~ *Title IX* (2.13); Nepotism (11.16); Purchasing Ethics and Confidentiality (17.2221); Fraud (2.7); Discipline and Discharge (11.4); ~~Purchases from Officers or Employees~~ (17.21); and Financial Aid Code of Conduct (4.7).

Officers and employees of the university with the exception of student employees will receive annual training on the provisions of this policy.

Ethics Laws for State Officers and Employees

State officers and employees owe a responsibility to the people of Texas in the performance of their official duties. See Texas Government Code §572.001. High institutional standards and high personal standards are critical to fulfilling that responsibility. There are a variety of both civil and criminal statutes that set out the ethical responsibilities of state officers and employees. The Texas Ethics Commission is charged with interpreting, issuing advisory opinions, and enforcing certain ethics laws including Chapter 572 of the Government Code and Chapters 36 and 39 of the Penal Code. Those statutes contain provisions relating to conflicts of interest, bribery, gifts, official misconduct, and misuse of state property, among other things. Additionally, §556.004 of the Government Code contains a list of prohibited acts of agencies and individuals with regard to political activity. A variety of other Texas statutes contain specific ethics provisions applicable to state employees and officers. All employees and officers are required to abide by applicable state and federal laws and regulations regardless of whether they are specifically stated in this policy. Any employee determined to be in violation of this policy is subject to disciplinary action, up to and including termination. The general counsel should be contacted on matters arising under this policy.

1. Conflicts of Interest, Commitment, Bribery and Gifts

While the law regarding conflicts of interest may be legally complex, §572.051 of the Government Code outlines standards for state officers and employees, which if followed, should prevent most conflicts of interest from occurring. It does not provide any penalties or sanctions at law for failure to comply with the standards it sets, though in cases of egregious noncompliance a person's behavior could constitute a crime under one of the Penal Code provisions governing the conduct of state officers and employees. However, failure to comply with the standards may result in disciplinary action, up to and including termination.

The acceptance of gifts by state officers and employees is addressed in §572.051(1), which provides that a state officer or employee should not accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct.

A state officer or employee should never accept anything if it might make him/her do his/her job differently, or if he/she thinks the person giving it has the hope he/she will do his/her job differently. Section 572.051(5) provides, in effect, a "no tipping" rule for state officers and employees. It states that a state officer or employee should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

For most state employees, compliance with §572.051(1) and (5) eliminates worry about compliance with either the Penal Code or the lobby law with respect to the acceptance of gifts.

Section 572.051(2), (3), and (4) states that state officers and employees should not engage in economic activities even on their own time that might affect decisions at their state job, or that might lead them to disclose confidential information learned on the job. Simply put, state officers and employees should not engage in business or investments that might make them want to do their state job differently. Additionally, university policy requires university approval prior to engaging in outside employment. If approved, performance of the employee's responsibilities to the university is paramount and outside work must assume a position secondary to university responsibilities. See Outside Employment (11.19).

Section 572.051(2), (3) and (4) of the Government Code specifically reads as follows:

572.051. STANDARDS OF CONDUCT; STATE AGENCY ETHICS POLICY.

(a) A state officer or employee should not:

(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the

officer's or employee's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by: Acts 2007, 80th Leg. R.S., Ch. 629, Sec. 1, eff. September 1, 2007

The Texas Penal Code also includes provisions regarding conflicts of interest, bribery and gifts. A state employee commits the offense of bribery if he intentionally or knowingly solicits, offers, or accepts a "benefit" in exchange for his decision, opinion, recommendation, vote, or other exercise of discretion as a state employee. Penal Code §36.02.

Most state employees are subject to a prohibition on the acceptance of "benefits." Penal Code §36.08. For example, an employee of a regulatory agency may not accept a benefit from a person the employee "knows to be subject to regulation, inspection, or investigation by the public servant or his agency." *Id.* §36.08(a). Also, an employee of a state agency who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions may not accept a benefit from a person the employee knows is "interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion." *Id.* §36.08(d). These prohibitions apply regardless of whether the donor is asking for something in return.

The statutory definition of "benefit" is "anything reasonably regarded as pecuniary gain or pecuniary advantage." Penal Code §36.01(3). In advisory opinions, the Ethics Commission has stated that the following gifts may be benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal. Ethics Advisory Opinions Nos. 97, 94, 90, 69, 60 (1992). Benefits such as food, lodging, transportation, football tickets, etc., may however be permissible if accepted as a "guest." Penal Code §36.10(b). To accept something as a guest, the donor must be present.

Other advisory opinions have concluded that certain items are not benefits. A cup of coffee is not a benefit. Ethics Advisory Opinion No.118 (1993). Small amounts of perishable food delivered to government offices are generally not benefits. Ethics Advisory Opinion No. 62 (1992). Trinkets of minimal value such as coffee mugs, key chains, and "gimme" caps are generally not benefits. Ethics Advisory Opinion No. 61 (1992). A plaque is not a benefit. Ethics Advisory Opinion No. 36 (1992). Of course, a state officer or employee may accept a gift from a person such as a friend, relative, or business associate with whom he/she has a relationship independent of that official status if the gift is given on account of that relationship rather than the officer's or employee's official status. Penal Code §36.10(a)(2).

Honoraria may also be considered as gifts or benefits under the Penal Code. A state officer or employee may not solicit, agree to accept, or accept an honorarium in consideration for services he/she would not have been asked to provide but for his/her official position. Penal Code §36.07. Thus, for example, the officer or employee may not take a speaker's fee for

speaking in his official capacity. Although questions about honoraria come up most frequently in regard to speeches, the prohibition applies to fees or gifts for any service that the officer or employee would not have been asked to provide but for his official position. It is permissible to accept food, transportation, and lodging in connection with a speech or other service performed in an official capacity.

Except as otherwise permitted by law or policy, university employees are prohibited from having a direct or indirect financial or other interest, engaging in a business transaction or professional activity, or incurring any obligation that is in substantial conflict with the proper discharge of their duties. This includes, but is not limited to, engaging in non-employment related activities that interfere with the employee's duties and responsibilities to the university.

2. Official Misconduct and Misuse of State Property

A state employee would commit an offense if, with intent to obtain a benefit or harm another, he/she intentionally or knowingly violated a law relating to his/her office or employment. Penal Code §39.02(a)(1). This catchall prohibition applies to any violation of a law relating to the employee's state employment. This means, for example, that a violation of a rider to the Appropriations Act, done with intent to obtain a benefit or harm another, could be the basis of a criminal prosecution.

Also, an officer or employee would commit an offense if, with intent to obtain a benefit or harm another, he/she misapplied anything of value belonging to the government that has come into his/her custody or possession by virtue of his/her state employment. Penal Code §39.02(a)(2). This provision is the basis for criminal prosecutions regarding the misuse of state property for personal use or otherwise. Additionally, university policy 17.14, Property Inventory and Management, and Government Code § 2203.004 specifies that university property may only be used for state/university purposes. This includes electronic resources. See ~~Use of Electronic Information Resources~~ *Acceptable Use of Information Resources* (16.3214.2).

Under Government Code §552.352, misuse or improper distribution of confidential information is also considered a specific type of crime involving official misconduct. In addition to criminal liability, employees may be responsible for the negligent loss, damage or destruction to university property under Property Liability (16.22).

Financial Disclosure Statements

Regents and the president must file financial disclosure statements with the Texas Ethics Commission by April 30 of each year, or as otherwise required under the Government Code Chapter 572.

3. Prohibited Acts of Agencies and Individuals Regarding Political Activity

The university, its officers and employees may not use any money under its control, equipment or official authority to influence an election as prohibited by §556.004 of the Texas Government Code. Sections 556.004-.009 of the Government Code specifically read as follows:

556.004 PROHIBITED ACTS OF AGENCIES AND INDIVIDUALS.

A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

- a. A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).*
- b. A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.*
- c. A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.*
- d. For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.*

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999

556.005 EMPLOYMENT OF LOBBYIST.

- a. A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003, Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.*
- b. A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under*

Chapter 81.

- c. A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed \$100,000 for each violation.*
- d. A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.*

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 249, 4.11, eff. Sept. 1, 2003.

556.0055. RESTRICTIONS ON LOBBYING EXPENDITURES.

- a. A political subdivision or private entity that receives state funds may not use the funds to pay:

 - 1. lobbying expenses incurred by the recipient of the funds;*
 - 2. a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;*
 - 3. any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or*
 - 4. a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.**
- b. A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.*

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

556.006 LEGISLATIVE LOBBYING.

- a. A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure. This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.*

Added by Acts 1997, 75th Leg., ch. 1035, Sec. 86, eff. June 19, 1997.

Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

556.007 TERMINATION OF EMPLOYMENT.

A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006 (b) or who violates Section 556.004 (c) or (d) is subject to immediate termination of employment.

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

556.008 COMPENSATION PROHIBITION.

A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or Section 556.005 or 556.006(a), or who is subject to termination under Section 556.007.

Added by Acts 1999, 76th Leg., ch. 1498, Sec.1, eff. Sept. 1, 1999.

556.009 NOTICE OF PROHIBITIONS.

- a. A state agency shall provide each officer and employee of the agency a copy of Sections 556.004, 556.005, 556.006, 556.007, and 556.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.*
- b. A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection.*

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.”

As required by these statutory provisions, all employees shall receive and sign for (or electronically acknowledge receipt of) a copy of this policy as administered by the university’s Department of Human Resources.

4. Disclosure Statement for Employees Involved in Purchasing, Contracting, and Investments

Section 2261.252 of the Government Code requires each employee or official involved in procurement or contract management for the university to disclose any potential conflict of interest specified by state law or university policy that is known by the employee or official with respect to any contract with a vendor or bid for the purchase of goods or services from a vendor by the university. This disclosure applies at any time during the procurement process, from the initial request for bids for the purchase of goods or services from a vendor until the completed final delivery of the goods or services, or through the term of a contract with a vendor. Additionally, this provision of state law is applicable to contracts for goods or services solicited through a purchase order if the amount of the purchase order exceeds \$25,000.

As required by §2262.004 of the Government Code, university personnel who make decisions or recommendations regarding the preparation of a solicitation, evaluation of a bid or proposal, who should be awarded the contract, or contract terms or conditions of a major contract award must disclose in writing to the president on a form prescribed by the state auditor direct or indirect pecuniary interests (10% interest or \$25,000 threshold) or family relationships (nepotism) which that employee may have in the major contract award. A major contract award involves a contract of at least \$1 million in value. Use the referenced disclosure form developed by the Office of the State Auditor.

Additionally, to the extent such provision is applicable to the transaction, §2254.032 of the Texas Government Code requires officers and employees who have any financial interest in an offer to provide consulting services to the university to report that interest to the president no later than the tenth day after the date that the offer is submitted. University personnel must also report any individual related to them within the second degree by consanguinity or affinity (as determined by Section 573 of the Government Code) who has an interest in any consulting offer made to the university.

In addition to the specific reporting requirements and thresholds of §2262.004 of the Government Code, university personnel have broader reporting and ethics requirements outlined in Purchasing Ethics and Confidentiality (17.2221). Officers and employees also have a legal disclosure requirement to declare any interest in property that is to be acquired by the university as outlined in Government Code Chapter 553.

Investment officers responsible for the investment of public funds under the Public Funds Investment Act, Government Code Chapter 2256, must disclose personal relationships and interests involving investment transactions.

Officers and employees are encouraged to contact the general counsel if they have questions or concerns about the applicability of this disclosure form and to disclose possible indirect or direct pecuniary interests which do not meet the minimum threshold limits outlined in these statutory provisions. Disclosure of all possible pecuniary interests in major or non-major contract awards or procurements is required by Purchasing Ethics and Confidentiality (17.2221) to avoid other possible conflict of interest concerns. Potential transactions with relatives of employees should also be disclosed to the general counsel for advice and counsel to initiate measures that avoid any appearances of a conflict of interest.

5. Disclosure by Public Servant of Interest in Property

Section 553.002 of the Government Code requires individuals who are elected, appointed, employed or designated as an officer of government and who have a legal or equitable interest in property that is to be acquired with public funds to file an affidavit with the county clerk of the county the individual resides in and the county clerk of each county in which the property

is located. The affidavit must be filed within 10 days before the date on which the property is to be acquired by purchase or condemnation. The contents of the affidavit are included in this section.

6. Conflicts of Interest for Officers (Regents)

In addition to the statutory restrictions outlined above or in referenced policies, officers of the university, namely regents, are held to relatively strict standards for conflicts of interest under law. Conflicts of interest may involve indirect or direct pecuniary interests as established in Texas common law. Specific statutory exceptions have been carved out to allow regents to recuse themselves from specific actions. Section 572.058 of the Government Code permits regents to disclose a personal or private interest in a measure, proposal, or decision pending before the board and not participate in board action involving that matter. Section 51.923 of the Education Code allows the university to contract with nonprofit corporations which may have one or more regents serving on their board or a regent serving as an officer or employee of the nonprofit. The statute also permits the university to contract with business entities in which a regent has an interest. If a regent has a “substantial interest” in the business entity and board approval is required, that regent must recuse himself or herself from the decision on behalf of the university. A regent has a “substantial interest” if the regent or the regent’s spouse, child, parent, father or mother in-law, son or daughter in-law, stepparent, or stepchild: owns one percent or more of the voting stock or shares of the business entity or owns either one percent or more or \$15,000 or more of the fair market value of the business entity; funds received by the regent from the business entity exceed one percent of the regent’s gross income for the previous year; or the regent is an officer of the business entity or its governing board.

Regents should contact the general counsel on possible conflict of interest matters and disclose to counsel potential direct or indirect pecuniary interests in matters pending before the Board of Regents. Potential transactions with relatives of regents should also be disclosed to the general counsel for advice and counsel to avoid any appearances of a conflict of interest.

7. Nepotism

Officers and employees are reminded that hiring certain relatives as defined in Nepotism (11.16) and/or under state law is prohibited.

8. Discrimination and Sexual Harassment

Discrimination and sexual harassment are prohibited by university policies 2.11 and 2.13, respectively, and also under state and federal law.

9. Equity Ownership and Management Participation relating to Research, Development, Licensing and Exploitation of Intellectual Property

Ownership of any equity interest in a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property created or discovered by an employee shall be disclosed to the president or his designee. The president shall take any necessary steps to avoid injury to the university as a result of potential conflicts of interest arising out of such equity ownership.

No employee may serve as a director, officer, or employee of a business entity that has an agreement with the university relating to research, development, licensing, or exploitation of intellectual property in which the university has an ownership interest except upon request of, or prior approval by, the Board of Regents. Authorization to serve as a director, officer, or employee of such a business entity may be subject to one or more conditions established to avoid injury to the university as a result of potential conflicts of interest.

In accordance with §51.912 of the Texas Education Code, the names of all business entities that have an agreement with the university relating to the research, development, licensing, or application of intellectual property in which employees own an equity interest, or for which such persons serve as director, officer, or employee, shall be reported to the governor and legislature on an annual basis. The university may accept equity interests as partial or total compensation for rights conveyed in agreements with business entities relating to intellectual property owned by the university. The university may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the university and a business entity relating to intellectual property created, discovered, or developed by the employee and owned by the university.

10. Acting as an Agent

An officer or employee of the university is prohibited from acting as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the university.

Summary

In this age of high ethical standards and unrelenting public scrutiny, it is imperative that all state officers and employees be aware of applicable ethics laws. Texas governmental entities are run under an open government system, and all public officers and employees are subject to review. Anyone who has questions or concerns should contact the university's general counsel. A copy of this policy shall be annually filed with the Texas Higher Education Coordinating Board as required by the General Appropriations Act.

Cross Reference: Article III, § 22 of the General Appropriations Act as adopted by the 85th-87th Legislature; Tex. Gov't Code §§ 403.271(a)-.278, 552.352, 556.004-.009, 2203.004, 2254.032, 2261.252, 2262.004, Ch. 553, 572-573, 2256; Tex. Penal Code Ch. 36, § 39.02; Tex. Educ. Code §§ 51.912, .923 and other applicable state and federal laws; ~~Discrimination~~

~~Complaints~~ *Nondiscrimination* (2.11); ~~Sexual Misconduct~~ *Title IX* (2.13); Nepotism (11.16); ~~Use of Electronic Information Resources~~ *Acceptable Use of Information Technology Resources* (16.32/14.2); Property Inventory and Management (17.14); Purchasing Ethics and Confidentiality (17.22/21); Fraud (2.7); Discipline and Discharge (11.4); Outside Employment (11.19); ~~Purchases from Employees~~ (17.21); Financial Aid Code of Conduct (4.7); Property Liability (16.22)

Responsible for Implementation: President

Contact for Revision: General Counsel

Forms: Disclosure Statement for Purchasing Personnel

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Financial Aid Code of Conduct

Policy Number: 4.7

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: Enrollment Management

Purpose of Policy (what does it do): To ensure compliance with Higher Education Act § 487(a)(25) and to outline standards of ethical conduct for university personnel in managing financial aid monies.

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: No Changes

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Rachele' Garrett, Director of Financial Aid and Scholarships
 Erma Brecht, Executive Director for Enrollment Management
 Damon Derrick, General Counsel

Financial Aid Code of Conduct

Original Implementation: April 21, 2009

Last Revision: ~~October 29, 2018~~ November 1, 2021

This code of conduct is promulgated under the Higher Education Act § 487(a)(25), as reauthorized and amended by the Higher Education Opportunity Act, and is not intended to conflict with any Texas law or university policy involving conflict of interest and/or ethics, specifically Texas Government Code § 572.051 and Stephen F. Austin State University's Ethics policy (2.6). To help ensure public confidence in the financial aid system and to promote high ethical standards, provisions in this code of conduct may exceed the minimum limits required by law. Any employee or agent of the university with responsibilities involving the financial aid process will be provided an annual copy of the policy.

I. Definitions

- A. "Lending institution" or "lender" means: (i) any entity that itself, or through an affiliate, engages in the business of making loans to students, parents or others for purposes of financing higher education expenses, or that securitizes such loans; or (ii) any entity, or association of entities, that guarantees education loans. "Lending institution" or "lender" will not include the university or the state or federal governments. The Trellis Company (formerly the Texas Guaranteed Student Loan Corporation) is exempt from this definition.
- B. "University" means Stephen F. Austin State University (SFA) and entities that subscribe to its policies.
- C. "Compensation" means anything of value, including but not limited to money, credits, loans, discounts, payments, fees, forgiveness of principal or interest, reimbursement of expenses, charitable contributions, stock options, consulting fees, educational grants, vacations, prizes, gifts, gratuities, favors, discounts, entertainment, hospitality, or other items of value, whether given directly or indirectly. The term additionally includes a gift of services, transportation, lodging or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.
- D. "Trade association" means any higher education, financial aid, lending or banking trade, industry, or professional association that receives compensation within the preceding 12-month period from any lending institution or lender.
- E. "Outside director" means a member of a lender's board of directors or board of trustees who receives compensation from such lender in connection with his or her service on the board of directors or board of trustees and who receives no other compensation from the lender as an officer, employee, or agent of the lender or otherwise.
- F. "Agent" means a person acting as a representative of and at the direction of or under the control of a university, where such person's responsibilities relate primarily to the university's activities involving financial aid or the business of higher education loans.

II. Code of Conduct

A. Prohibition of Certain Compensation to University Employees

1. No university trustee, director, officer, or agent, or any employee who is employed in the financial aid office of the university or who otherwise has responsibilities with respect to higher educational loans or other financial aid at the university, and no spouse or dependent children of any such persons (“family member”), will accept any compensation of more than a de minimus amount (not to exceed \$20), directly or indirectly, during any 12-month period, from or on behalf of a lending institution or trade association, except that this provision does not prohibit any officer, trustee, director, agent or employee of the university, or any of their family members, from receiving compensation for the conduct of non-university business with any lending institution or trade association or from accepting compensation that is offered to the general public. No compensation will be accepted by an employee (or employee’s family member) in the financial aid office from any financial aid applicant or his/her family.

2. Notwithstanding the prohibitions in subsection II.A.1 or any other provision of this code of conduct: (a) the university may hold membership in any nonprofit professional association; and (b) a university ~~trustee~~regent, director, officer, or employee who is not employed in the financial aid office of the university and does not have responsibilities with respect to higher education loans or financial aid, may serve as an outside director of a lending institution or trade association and receive compensation at the lending institution’s or trade association’s established compensation rates for outside directors, provided that any university ~~trustee~~regent, director, officer or employee serving on the board of the lending institution or trade association is precluded from participating in such board’s discussions or decisions that might affect the interests of the university and provided further that such university ~~trustee~~regent, director, officer or employee complies with the university’s policy on Ethics (2.6), and receives annual written notice of the requirements of both this code of conduct and the university’s ~~conflict-of-interest~~Ethics policy (2.6). Further, notwithstanding the prohibitions in subsection II.A.1, a trustee, director, officer or employee of a lending institution or trade association who does not have responsibilities with respect to higher education loans or financial aid is not prevented from serving on the board of ~~directors-regents of a university~~ solely by virtue of his or her position with the lending institution or trade association, provided that any such person serving on the board of ~~the university~~regents is precluded from participating in such board’s discussions or decisions that might affect the interests of such lender or trade association or that relate to financial aid or higher education loans.

3. The prohibitions set forth in this subsection include, but are not limited to, a ban on any payment or reimbursement by a lending institution or trade association to a university employee or family member for lodging, meals, or travel to conferences or training seminars unless such payment or reimbursement is related solely to non-

university business. University employees whose duties relate to financial aid may accept food or refreshments of nominal value provided or paid for by a lender or trade association at a meeting, conference or seminar related to their professional development or training. University employees are not precluded from attending any educational or training program related to financial aid or higher education loans where no registration fee is charged to any attendee because of a lender's or trade association's sponsorship or support of the program, and provided that the registration fee is limited to covering the costs associated solely with the education or training component of the program.

4. *A person employed in the financial aid office may not own stock or hold another ownership interest in a lending institution or trade association, other than through ownership of shares in a publicly traded mutual fund or similar investment vehicle in which the employee does not exercise any discretion regarding the investment of the assets of the fund or other investment vehicle.*

4.5. No action will be taken by an employee in the financial aid office that is for his/her personal benefit or could be perceived to be a conflict of interest. Employees within the financial aid office will not award aid to themselves or to a relative as defined in policy 11.16, Nepotism. Staff will refer this task to an institutionally designated person to avoid the appearance of a conflict of interest.

B. Limitations on University Employees Participating on Lender Advisory Boards

Any person who is employed in the university's financial aid office, or who otherwise has responsibilities with respect to private educational loans or other financial aid of the university, and who serves on a lender advisory board, commission, or group established by a private educational lender or group of such lenders are prohibited from receiving anything of value from the private educational lender or group of lenders except reimbursement for reasonable expenses. An annual report of any reasonable expenses paid will be provided to the U.S. secretary of education. Each report will include: the amount for each specific instance of reasonable expenses paid or provided; the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided; the dates of the activity for which the expenses were paid or provided; and a brief description of the activity for which the expenses were paid or provided. Lenders can obtain advice and opinions of financial aid officials on financial aid products and services through trade associations, industry surveys, or other mechanisms that do not require service on lender advisory boards, and provided that any reimbursement for expenses is limited to reasonable expenses as defined for service on advisory boards. This provision does not apply to participation on advisory boards that are unrelated in any way to financial aid or higher education loans. This paragraph does not apply to those serving in the Trellis Company.

C. Prohibition of Certain Compensation to the University

1. Neither the university, nor any alumni association, booster club, foundation, athletic organization, social organization, academic organization, professional organization or other organization affiliated with the university (“affiliated organizations”) may accept any compensation from any lending institution or trade association in exchange for any advantage or consideration provided to the lending institution or trade association related to the lending institution’s or trade association’s financial aid or education loan activity. This prohibition includes, but is not limited to: (i) revenue sharing by a lending institution or trade association with the university or affiliated organizations; (ii) the receipt by the university or affiliated organizations from any lending institution or trade association of any equipment or supplies, including without limitation, computer hardware and software, for which the university pays below-market prices; and (iii) printing costs or services, provided that a university or affiliated organizations is not prohibited from accepting a lender’s or trade association’s own standard printed brochures or informational material that does not contain the university’s logo or otherwise identify the university.
2. Notwithstanding anything else in this subsection, the university may accept assistance comparable to the kinds of assistance provided by the secretary of the U.S. Department of Education to schools under or in furtherance of the Federal Direct Loan Program.
3. Nothing in this subsection prohibits the university from accepting endowment gifts, capital contributions, scholarship funding, or other financial support from a lender or trade association, as long as the university gives no competitive advantage or preferential treatment to the lender or trade association related to its education loan activity in exchange for such support.

D. Preferred Lender Lists

In the event the university promulgates a list of preferred or recommended lenders or similar ranking or designation (“preferred lender list”), the following restrictions and provisions apply:

1. Every brochure, web page, or other document that sets forth a preferred lender list must clearly disclose, textually or by clearly designated hyperlink, the process and criteria by which the university selected lenders for said preferred lender list, including but not limited to the payment of origination fees, competitive interest rates or other terms, high-quality servicing, and additional benefits beyond the standard terms. The list will be compiled without prejudice and for the sole benefit of the students attending the institution.
2. Every brochure, web page, or other document that sets forth a preferred lender list or identifies any lender as being on said preferred lender list must state in the same font and same manner as the predominant text on the document that students and their parents have the right and ability to select the education loan provider of their choice, are not required to use any of the lenders on said preferred lender list, and will suffer

no penalty from the university for choosing a lender that is not on said preferred lender list. Borrowers will not be auto-assigned to any particular lender.

3. Every brochure, web page, or other document that sets forth a preferred lender list or identifies any lender as being on said preferred lender list must state in the same font and same manner as the predominant text any affiliations between the lenders on the preferred lender list.
4. The university's selection of preferred lenders and the university's decision as to where or how prominently on the list the lending institution's name appears must be based solely on the best interests of student and parent borrowers, using stated criteria that are limited to benefits provided to borrowers (such as competitive interest rates and repayment terms, quality of loan servicing, and whether loans will be sold), and the ability to work efficiently and effectively with the university to process loans, without regard to the pecuniary interest of the university or to any benefits provided by lending institutions to the university or any of the university's officers, ~~trustees~~regents, directors, agents or employees or their family members. The university's selection of any preferred lender must be limited to the types of loans for which that lender has been selected, based on the benefits to the borrower for those types of loans, and the university's preferred lender list must indicate the types of loans for which each lender has been selected as a preferred lender. Nothing in this provision is intended to restrict the university's ability to exercise its discretion in making its own final judgment about which lenders best meet the university's criteria and the needs of its student and parent borrowers.
5. The university must review its preferred lender list at least annually.
6. The university must require that all preferred lenders commit in writing to disclose to the borrower at the time a loan is issued: (a) whether the loan may be sold to another lender; (b) that the loan terms and benefits will not change if the loan is sold to another lender; and (c) that the loan benefits may change if the borrower chooses to consolidate his or her loans.
7. The university must ensure that any preferred lender list it publishes to students contains no less than two (2) unaffiliated lending institutions for private loans.

E. Prohibition of Lending Institutions' Staffing of University Financial Aid Offices

1. No employee or other agent of a lending institution may staff the university financial aid offices at any time, either directly or through call center staffing. The university must ensure that no employee or other representative of a lending institution is ever identified to students or prospective students of the university or their parents as an employee or agent of the university. The foregoing prohibitions notwithstanding, if the university believes that it would benefit students, the university may allow representatives of lenders to conduct informational sessions, such as exit interviews and presentations on loan payment and loan consolidation options, as long as: (a)

student attendance is voluntary; (b) a university representative explains that other lenders may provide similar services; (c) the affiliation of the lender representative is disclosed at the start of the presentation; (d) the lender representative does not promote the products or services of any lender; and (e) the university takes reasonable steps to ensure compliance with the requirements of this paragraph.

2. In the event that the university permits a lender to conduct information sessions or exit interviews as set forth in subsection E.1., the university must retain control of any interview or presentation offered by lenders. Control may be evidenced by: (a) a university employee attending such interview or presentation; (b) the university recording or videotaping the interview or presentation; or (c) the university creating or approving in advance the content of an exit interview conducted electronically.

F. Proper Execution of Master Promissory Notes

The university will not link or otherwise direct potential borrowers to any electronic master promissory note or other loan agreement unless the master promissory note or agreement allows borrowers to enter the lender code or name for any lender offering the relevant loan, or the university's link to the electronic master promissory note or agreement informs borrowers of alternative means of entering into a master promissory note or agreement with any lender of the borrower's choice. Any information the university provides to borrowers about completing a master promissory note or agreement with a preferred lender must provide the information required in subsections II.D.1 and II.D.2. This paragraph will not apply to conversations in which a student merely seeks assistance in completing the master promissory note and has already selected a lender.

G. Revolving Door Prohibition

1. In the event the university hires an employee who will be employed in its financial aid office, or who otherwise will have responsibilities with respect to higher education loans or other financial aid and such employee was employed by a lender during the 12-month period prior to the date of hire by the university, such employee is prohibited from having any dealings or interactions with such lender on behalf of the university for a period of 12 months from the date such employee's employment with the lender was terminated.
2. In the event a lender hires an employee who was employed by the university during the 12-month period prior to the date of such employee's hire by the lender, the university is prohibited from having any dealings or interactions with such employee that relate to financial aid or higher education loans for a period of 12 months from the date such employee's employment with the university was terminated.

H. Information Provided by Financial Aid Offices

1. Information provided by the financial aid office must be accurate, unbiased, and not reflect preference arising from actual or potential personal gain.

2. Institutional award notifications and/or other institutionally provided materials will include the following: (a) a breakdown of individual components of the institution's cost of attendance, designating all potential billable charges; (b) clear identification of each award, indicating type of aid (i.e. grants, scholarships, work, or loans); (c) standard terminology and definitions; and (d) renewal requirements of each award.
3. All required consumer information is displayed in a prominent location on the institutional website(s) and in any printed materials, easily identified and found and labeled as "consumer information."
4. All employees of the financial aid office will disclose to the institution any involvement, interest in, or potential conflict of interest with any entity with which the institution has a business relationship.

Cross Reference: Higher Education Opportunity Act, Pub. L. No. 110-315, 20 U.S.C. § 1094(a)(25), (e); Tex. Gov't Code § 572.051; *Tex. Educ. Code* § 51.9645; Ethics (2.6); Nepotism (11.16)

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

Contact for Revision: Office of Financial Aid and General Counsel

Forms: None

Board Committee Assignment: Academic and Student Affairs Committee

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Fraud

Policy Number: 2.7

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: President

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

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: N/A

Additional Comments:

No changes

Reviewers:

Judith Kruwell, Interim Vice President for Finance and Administration
Damon Derrick, General Counsel

Fraud

Original Implementation: January 28, 1997

Last Revision: ~~October 29, 2018~~ November 1, 2021

Purpose

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

Definitions

- A. **University** - Stephen F. Austin State University (SFASU) and all of its components, regardless of the source of funding.
- B. **Employee** - All persons receiving compensation from the university, including faculty, staff, and students. The term also includes any volunteer who provides services to the university through an official arrangement with the university or a university organization.
- C. **Management** - Any administrator, manager, account holder, director, supervisor or other individual who manages or supervises funds, assets, or other resources, including human resources.
- D. **Fraud** - A representation usually of fact about a material point which is intentionally, knowingly, or recklessly false to induce another to act to his/her detriment.
- E. **Fraudulent Activities/Fiscal Misconduct** - Defalcation, misappropriation, and other fiscal irregularities or improprieties meeting the definition of fraud in D, above, including but not limited to:
 - 1. dishonest, illegal, or fraudulent acts involving university property;
 - 2. forgery or alteration of documents including checks, drafts, promissory notes, securities, purchase orders, budgets, etc.;
 - 3. forgery or unauthorized alteration by employees of employee benefit or salary-related items such as time sheets, payroll documents, billings, claims, surrenders, assignments, or changes in beneficiary;
 - 4. forgery or unauthorized alteration by employees of student-related items such as grades, transcripts, loans, fees, financial aid applications, or financial aid records;
 - 5. misappropriation of funds, securities, supplies, or any other asset of the university;
 - 6. illegal or fraudulent handling, or reporting, of money transactions;
 - 7. employee acceptance or solicitation of any gift, favor, or service that might reasonably

- tend to influence the employee in the discharge of his/her official duties;
 - 8. theft, destruction, or disappearance of records, furniture, fixtures, equipment, or other assets;
 - 9. misrepresentation of information on documents;
 - 10. authorizing or receiving payment for goods not received or services not performed;
 - 11. knowing, reckless, or intentional inaccuracies in the maintenance of books and records or irregularities in financial reporting;
 - 12. any apparent violation of federal, state, or local laws related to dishonest activities or fraud;
 - 13. any similar or related activity.
- F. **Suspected Fraudulent Activity** - A reasonable belief or actual knowledge that fraudulent activity has or is occurring. Failure to show an actual diversion of assets or loss shall not be considered unreasonable belief.

General

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

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

Reporting Suspected Impropriety or Fraudulent Activity

Any employee of the university who knows of or suspects fraudulent activity or improprieties has the option to report suspected activity as follows:

- notify his/her immediate supervisor;
- notify one of the following university employees: the chief audit executive, the general counsel, the university chief of police, or the director of human resources;
- file a report using the university's anonymous reporting system coordinated by the Department of Audit Services for reporting dishonest or fraudulent activity. The university's reporting system, which is hosted by a third party, can be accessed 24 hours a day by calling 1-866-294-9539 or clicking the "Report Fraud" link on the SFA homepage; and/or
- file a report with the Texas State Auditor's Office by calling 1-800-TX-AUDIT (892-8348) or visiting their website at <https://sao.fraud.texas.gov>

All of these reporting options are listed on the university's website homepage www.sfasu.edu under the "Report Fraud" link at www.sfasu.edu/audit/fraudreport.asp.

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

- contact the suspected individual to determine facts or demand restitution; or
- discuss the facts, suspicions, or allegations associated with the case with anyone, unless specifically directed to do so by the chief audit executive, university chief of police, general counsel, or director of human resources. To the extent permitted by the applicable provisions of the Texas Public Information Act, confidentiality of those reporting dishonest or fraudulent activities will be maintained. However, the confidentiality cannot be maintained if that individual is required to serve as a witness in legal proceedings.

Investigation

Prior to conducting an investigation, the appropriate personnel from the Office of the General Counsel and the Department of Audit Services will communicate as necessary to establish the investigative team.

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

The investigative team shall update university administration on the progress of all investigations.

All requests for information and assistance related to investigations conducted by auditors of federal and state agencies, which are concerned with potential dishonest or fraudulent activities within the university, shall be forwarded immediately to the chief audit executive for consultation with the general counsel.

All inquiries from the suspected individual, their representative, or their attorney shall be directed to the general counsel without further comment.

All reproduction of documents, evidence, and reports shall be performed within the secured work area of the University Police Department or Department of Audit Services. Any requests to release or review such documents will be coordinated through the general counsel.

In order to protect the reputations of innocent persons initially suspected of wrongful conduct and to protect the university from potential civil liability, the results of investigations and audits will not be disclosed or discussed with anyone other than authorized representatives of law enforcement.

and/or regulatory agencies and persons associated with the university who have a legitimate need to know such results in order to perform their duties and responsibilities, subject to provisions of the Texas Public Information Act.

The results of all investigations will be reported to the president of the university or to the chair of the Board of Regents Finance and Audit Committee when considered necessary.

Allegations of Defalcation, Misappropriation, and other Fiscal Irregularities

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

Pursuant to Section 321.022 of the Texas Government Code, the president shall file a report with the Office of the State Auditor if he/she has reasonable cause to believe that money received from the state by the university may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity. All records of a communication by or to the state auditor in this regard are legally considered audit working papers of the state auditor.

Allegations of Criminal Activity

When an audit reveals suspected criminal activity, or an audit is initiated due to an allegation of criminal activity, the university chief of police will be notified immediately and the audit will proceed under his/her direction. The Department of Audit Services shall assist the university police in investigations of suspected defalcation, misappropriation, and other fiscal irregularities that require accounting and auditing knowledge of university records.

When suspected criminal activity may constitute a felony offense, the university chief of police shall, when appropriate, immediately notify the president or his/her designee. The university chief of police, chief audit executive, and general counsel will coordinate assistance provided to state, federal, and local law enforcement agencies in connection with felony fraud investigations. All requests for information and/or assistance from such agencies, received by any other component of the university, shall be immediately forwarded to the university police for determination and handling. All reasonable assistance will be given to law enforcement agencies when requested.

Audits revealing violations of the Penal Code for which an audit report will be issued shall be

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

Allegations Involving Employment Conditions

The director of human resources will supervise or assist with all investigations involving allegations that arise by nature of one's employment that do not otherwise fall into one of the above categories.

Audit Findings

Each investigation of possible dishonest or fraudulent activities has the potential to provide valuable insight into university activities. Investigations may disclose control weaknesses or other deficiencies that require additional auditing or attention by management. The Department of Audit Services shall consider the nature and extent of the investigation and complete any additional audit work necessary to provide management with information for appropriate action.

Cross Reference: Ethics (2.6); Tex. Gov't Code § 321.022

Responsible for Implementation: President

Contact for Revision: Vice President for Finance and Administration

Forms: None

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Illicit Drugs and Alcohol Abuse

Policy Number: 13.11

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

Date of last revision, if applicable: 7/27/2021

Unit(s) Responsible for Policy Implementation: University President, Assistant Vice President of Student Affairs and Dean of Students, Director of Human Resources

Purpose of Policy (what does it do):

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

☐ Scheduled Review

☐ Change in law

☐ Response to audit finding

☐ Internal Review

☒ Other, please explain: Permit alcohol for residential students of legal drinking age

Please complete the appropriate section:

Specific rationale for new policy: Increase appeal and marketability of on-campus living to upperclass students who otherwise would be exempt from the on-campus living requirement

Specific rationale for each substantive revision: Define parameters for residential students of legal drinking age to possess alcohol for personal consumption in their residence hall room/suite.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Andrew Dies, Assistant Vice President of Student Affairs and Dean of Students

Nathan Hendrix, Director of Student Rights and Responsibilities

Carrie Charley, Executive Director of Campus Living, Dining and Auxiliary Enterprises

John Wyatt, Interim Director of Human Resources

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

Brandon Frye, Vice President of Student Affairs

Damon Derrick, General Counsel

Illicit Drugs and Alcohol Abuse

Original Implementation: September 1, 1986

Last Revision: ~~July 27, 2021~~ November 1, 2021

~~It is the declared policy of the United States government to create a drug-free America. As a part of that policy, the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707, was adopted. On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendment of 1989, 20 U.S.C. § 1011i, which amends provisions of the Drug-Free Schools and Communities Act of 1986 and the Higher Education Act of 1965. University policies relating to the use of illegal drugs and alcoholic beverages have been established by the Board of Regents of Stephen F. Austin State University in compliance with state and federal law.~~

Definitions

1. Controlled substance means a controlled substance in schedules I through V of the Schedules of controlled substances, 21 U.S.C. § 812. Examples include, but are not limited to: heroin, marijuana, mescaline, peyote and cocaine. This definition does not include medication prescribed by a physician.
2. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
3. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.
4. Federal agency means an agency as that term is defined in 5 U.S.C. § 551(1).

Standards of Conduct

It is the university's policy that all members of the university community and guests are required to comply with federal, state and local laws regarding the possession, consumption and distribution of alcoholic beverages. All employees (full-time and part-time faculty, staff and students) are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace, or reporting to work under the influence of alcoholic beverages or illegal drugs. None of the funds appropriated to the university by the state legislature for travel expenses may be expended for alcoholic beverages.

Alcoholic beverages will be permitted at authorized events on ~~university-controlled~~ *university-controlled* property only as allowed under university policy. The unauthorized use of intoxicating beverages on university-controlled property or at university-sponsored activities, *not to include authorized tailgating areas at intercollegiate athletic events,* ~~including, but not limited to, intercollegiate and intramural athletic events~~ is prohibited. *Students under the age of 21 years, residing in university residence halls, are prohibited from possessing, using, being in the presence*

of, purchasing, transporting, selling and/or distributing alcohol. ~~Alcoholic beverages are not permitted in university residence halls. Residential students who are of legal age may possess or possess or consume alcoholic beverages that contain no more than fourteen percent (14%) alcohol by volume within their respective residence hall room or suite and not in the presence of an individual under the legal drinking age.~~ Alcoholic beverages are permitted in the areas of university owned facilities that are designated as the private residence of full-time live-in employees of legal age.

It is the policy of Stephen F. Austin State University that any unlawful manufacture, possession or delivery of any controlled substance or illegal drug is strictly prohibited. Moreover, it is the policy of the state of Texas and of this university that this institution will be as free of illegal drugs as it can possibly be.

Health Risks

ALCOHOL ABUSE

Alcohol is a primary and continuous depressant of the central nervous system. Impairment of judgment and of recently learned, complex and finely tuned skills begins to occur at blood alcohol concentrations as low as 0.025 percent. These impairments are followed by the loss of more primitive skills and functions, such as gross motor control and orientation at concentrations in excess of 0.05 percent. Alcohol in moderate doses impairs nearly every aspect of information processing, including the ability to abstract and conceptualize, the ability to use large numbers of situational cues presented simultaneously, and the cognitive ability to determine meaning from incoming information. Alcohol consumption can therefore promote action on impulse without full appreciation of, or concern about, the potential negative consequences of such action. Chronic long-term effects of heavy drinking over a period of years can result in brain damage; cancer of the mouth, esophagus or stomach; heart disease; liver damage resulting in cirrhosis, alcoholic hepatitis, and cancer of the liver; peptic ulcer disease; and possible damage of the adrenal and pituitary glands. Prolonged, excessive drinking can shorten life span by 10 to 12 years.

ILLCIT DRUGS

Illicit drugs include narcotics, such as heroin or morphine; depressants, such as barbiturates, quaaludes, or valium; stimulants, such as cocaine or "crack"; hallucinogens, such as PCP, LSD or mescaline; cannabis, such as marijuana or hashish; inhalants, such as nitrous oxide, amyl nitrite (poppers) or various hydrocarbon solvents; and designer drugs, such as α -methylfentanyl (China White),—methamphetamine—(Meth/Crank/Speed),—3,4-methylenedioxy-methamphetamine (MDMA/Ecstasy) or meperidine (Demerol).

Narcotics. Narcotics initially produce a feeling of euphoria that is often followed by drowsiness, nausea and vomiting. Tolerance may develop rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as human immunodeficiency virus (HIV),

endocarditis (inflammation of the lining of the heart) and hepatitis.

Depressants. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but a somewhat larger dose can cause slurred speech, ataxia or unstable gait, and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.

Stimulants. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils; elevated blood pressure, heart and respiratory rate; and increased body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose with long-term use eroding the nasal septum. The injection of cocaine with unsterile equipment can cause human immunodeficiency virus (HIV), hepatitis and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Overdoses occur easily.

Hallucinogens. Include a diverse group of drugs that alter perception (awareness of surrounding objects and conditions), thoughts, and feelings. They cause hallucinations, or sensations and images that seem real though they are not. Hallucinogens can be found in some plants and mushrooms (or their extracts) or can be human-made. Common hallucinogens include the following: ayahuasca, DMT, *D-lysergic acid diethylamide* (LSD), peyote—(mescaline),—and *4-phosphoryloxy-N,N-dimethyltryptamine* (psilocybin). Some hallucinogens also cause users to feel out of control or disconnected from their body and environment. Phencyclidine (PCP) users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens, and senses are dulled. Speech is blocked and incoherent. Chronic PCP users report persistent memory problems and speech difficulties. Mood disorders, such as depression, anxiety and violent behavior, may also occur. In late stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart failure, lung problems and/or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline and psilocybin cause perceptual distortions (mixed senses, such as "seeing" sounds or "hearing" colors) and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have adverse psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

Inhalants. The chemicals in most inhalants are rapidly absorbed in the lungs and exert their central

nervous system effects within seconds, producing an altered mental state for about five to fifteen minutes. Immediate effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination and loss of appetite. Solvents and aerosol sprays can decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite can cause rapid pulse, headaches, and involuntary passing of urine and feces. Inhalation of toluene as well as other hydrocarbons has been associated with kidney and liver damage, peripheral nerve problems, convulsions, encephalopathy (organic brain damage) and other central nervous system disorders. Sudden death associated with both glue sniffing and especially the inhalation of aerosols containing halogenated hydrocarbons (Freon) has been reported and is thought to be secondary to cardiac arrhythmias (abnormal electrical conduction patterns in the heart).

Marijuana. The short term effects of marijuana include distortion of time perception, increased heart rate, dilation of blood vessels and loss of short-term memory. Also decreased are visual perception and psychomotor skills, which have adverse effects on driving ability. The effects of long-term use include loss of motivation, chronic bronchitis, decreased vital lung capacity and an increased risk of lung cancer. Tolerance and psychological dependence develop with marijuana.

Other Illegal Drugs. Designer drugs are synthetic chemical modifications of older drugs of abuse that are designed and manufactured in covert laboratories and sold at great profit for recreational use. These drugs can be several hundred to several thousand times stronger than the drugs they are designed to imitate. Designer drugs similar to opiates include fentanyl, demerol, and "china white." The narcotic analogs of designer drugs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pain. Flunitrazepam (Rohypnol) is a benzodiazepine chemically similar to prescription sedatives such as Valium and Xanax but much more powerful and has been used to commit sexual assaults due to its ability to sedate and incapacitate unsuspecting victims. Similarly, Gamma-hydroxybutyrate (GHB) is a depressant and is sometimes used as a date rape drug.

Synthetic cannabinoids are part of a group of drugs called new psychoactive substances (NPS). NPS are unregulated mind-altering substances that have become newly available on the market and are intended to produce the same effects as illegal drugs. Synthetic cannabinoids are marketed under a wide variety of specific brand names, including K2, Spice, Joker, Black Mamba, Kush, and Kronic. Synthetic cannabinoids are not safe and may affect the brain much more powerfully than marijuana; their actual effects can be unpredictable and, in some cases, more dangerous or even life-threatening. Synthetic cathinones, more commonly known as "bath salts," are human-made stimulants and are included in the group of NPS. Common effects of synthetic cathinones included elevated heart rate, blood pressure, and chest pain. Other effects include delirium, dehydration, breakdown of skeletal muscle tissue, and kidney failure. Intoxication from synthetic cathinones can result in death.

University Penalties

STUDENTS

Students who are found responsible or accept responsibility for alcohol and/or drug violations will be sanctioned through the Student Code of Conduct (10.4) process. Potential sanctions include, but are not limited to, disciplinary reprimand, disciplinary probation (e.g. restrictions on university activities, access to certain university facilities and resources), educational requirements (e.g. required completion of an appropriate rehabilitation program), suspension, and/or expulsion and referral for criminal prosecution, as those terms are defined in the Student Code of Conduct (10.4).

EMPLOYEES

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

Observance of the policy regarding alcoholic beverages and illegal drugs is a condition of employment for all university employees. An employee violating this policy shall be subject to employment discipline up to and including termination, or shall be required to undergo satisfactory participation in a drug abuse assistance or rehabilitation program, such as the Employee Assistance Program of the university.

Any employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract who is convicted of violating a criminal drug statute shall notify his/her immediate supervisor of the conviction no later than five days after the conviction. The immediate supervisor shall promptly report the conviction to the appropriate vice president and the dean of research and graduate studies. On behalf of the university, the dean of research and graduate studies will notify the federal agency grantor or contractor of the conviction within ten days of the university's receipt of notice from the employee or of receipt of other actual notice.

Good Faith Effort

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

Federal Law

Offense	Minimum Punishment	Maximum Punishment
Manufacture, distribution or dispensing drugs (includes marijuana)	A term of imprisonment not more than 20 years, and a minimum fine of \$1,000,000	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$4,000,000 (for an individual) or \$20,000,000 (if other than an individual)
Possession of drugs (including marijuana)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years or not less than 5 years, a fine of not less than \$5,000 plus costs of investigation and prosecution
Operation of a common carrier under the influence of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000

Texas Law

Offense	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substances (drugs)	Confinement in the Texas Department of Criminal Justice State Jail facility for a term of not more than two years or less 180 days, or confinement in a community correctional facility for not more than 1 year, and a fine not to exceed \$10,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs)	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in TDCJ for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Delivery of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000
Possession of marijuana	Confinement in jail for a term of not more than 180 days, and a fine not to exceed \$2,000	Confinement in jail for a term of not more than 2 years or less than 30 days, or confinement in TDCJ for a term of not more than 10 years or less than 2 years and a fine of not more than \$10,000

Driving while intoxicated (includes intoxication from alcohol, drugs, or both)	Confinement in jail for a term of not more than two years or less than 72 hours, and a fine of not more than \$2,000, possible loss of driver's license and license surcharge up to \$2,000 per year for three years.	Confinement in jail for a term of not more than two years or less than 30 days, or confinement in TDCJ for a term of not more than ten years or less than two years and a fine of not more than \$10,000
Public intoxication		A fine not to exceed \$500
Purchase or consumption or possession of alcohol by a minor	Fine of not more than \$500	For a subsequent offense a fine of not less than \$250 nor more than \$2000
Sale of alcohol or furnishing alcohol to a minor	Fine of up to \$4,000 and/or up to 1 year in jail	Both
Purchase of alcohol or furnishing alcohol to a minor at a gathering involving abuse of alcohol, including binge drinking or coercion	In addition to any other penalty, community service for not less than 20 hours, attendance at an alcohol awareness program, and suspension of driver's license for 180 days.	In addition to any other penalty, community service for not more than 40 hours, attendance at an alcohol awareness or driving awareness program, and suspension of driver's license for 180 days.
Driving under the influence of alcohol by a minor	Fine of not more than \$500 and community service related to education about or prevention of misuse of alcohol.	A fine of not less than \$500 or more than \$2,000, confinement in jail not to exceed 180 days and/or both; community service related to education about or prevention of misuse of alcohol.

Limited Immunity When Requesting Medical Assistance

A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor: (1) requests emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance; and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person, the minor remained on the scene until medical assistance arrives and cooperated with medical assistance and law enforcement personnel.

This immunity shall also apply to the imposition of any university sanction.

Limited Immunity When Reporting Sexual Assault

A minor does not commit an offense for consumption or possession of an alcoholic beverage if the minor reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to: (1) a health care provider treating the victim of sexual assault; (2) an employee of a law enforcement agency, including the University Police Department; or (3) the Title IX Coordinator or other university employee responsible for responding to reports of sexual assault. The alleviation of sanctions will not apply to any student found to be responsible for committing a sexual assault.

This immunity shall also apply to the imposition of any university sanction.

Counseling, Treatment and Rehabilitation

STUDENTS

Stephen F. Austin State University, through the counseling services office, provides individual and group counseling, including counseling for alcohol/other drug prevention and intervention, which is available to all students. Services include assistance in abstaining from the use of chemical substances, early intervention when chemical abuse is detected, and referral to community resources for inpatient/outpatient services not available on campus. Medical counseling and printed information on chemical dependency are available through the Student Health Clinic. Students may seek individual counseling or request printed information at either campus location.

Prevention/Education.

Consistent with the overall objective of this policy to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on campus, prevention and education initiatives are designed to: increase awareness of the students, faculty, and staff concerning the psychological and health risks associated with chemical use; provide information to students regarding a variety of wellness issues which promote successful college adjustment; and, orient students, faculty and staff to the services available on campus and locally for treatment options. The Lumberjacks Care Peer Educator program (Student Wellness Action Team) offer presentations to student groups on a variety of topics including alcohol and substance abuse, adult children of alcoholics, assertiveness skills, stress and time management, self-esteem and related issues. Public programming occurs throughout the year across campus including but not limited to, wellness fairs, campus events, passive tabling, and Residence life programs. In addition, student groups, departments, or individual courses, may request private trainings addressing the risk of substance abuse and other wellness programming by contacting the Lumberjacks Care office.

On request, Counseling Services provides presentations on a variety of topics including healthy stress management techniques, maintaining personal wellness, and other mental health related topics, which include information designed to increase awareness of the psychological and health risks associated with chemical use.

Referral/Assessment.

Any SFA student requiring information about, or assistance with, a chemical abuse problem may be referred to counseling services. A student may initiate a self-referral by contacting the counseling office; university faculty and staff may initiate a student referral. Participation by a student is voluntary, except when mandated by the student conduct authority. A counselor conducts an assessment interview on the student's initial visit and provides the student with details regarding confidentiality and record keeping requirements. The counselor informs the student of alternatives and makes recommendations based on the student's needs.

Campus Support System.

Counseling services can assist students in accessing support systems on campus, including providing group counseling support as needed. Support groups function under guidelines established by counseling services.

Community Referral.

Services for chemical dependency are available in the Nacogdoches community and include: private practitioners offering individual counseling or intellectual/psychological assessment and agencies (such as the Alcohol and Drug Abuse Council) which provide a variety of services such as individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous, and inpatient or outpatient treatment.

EMPLOYEES

University employees with supervisory responsibilities should be cognizant of employee behavior related to unacceptable job performance which may result from drug or alcohol abuse. Any decision to initiate employee counseling or a referral to human resources should be based on the employee's unacceptable job performance (which may include violations of this policy). Employee counseling, referral and related record keeping should be conducted with the degree of care and confidentiality appropriate to such personnel matters. Services for employees with a chemical dependency are available in the community, including private practitioners offering individual counseling, self-help groups such as Alcoholics Anonymous and Narcotics Anonymous, and inpatient/outpatient treatment at various health care facilities.

Review and Assessment

It is the intent of Stephen F. Austin State University to continue to strive for a drug-free campus and to comply with state and federal regulations regarding prevention programs established to eliminate the illegal use of drugs and alcohol abuse. To this end, SFA will provide written notice to each student and employee a copy of this policy. Students will receive written notice according to the following schedule:

- On the first business day following the 12th class day of each long semester

- On the first business day following the 8th class day following mid-term in each long semester
- On the first business day following the 2nd class day of Maymester
- On the first business day following the 4th class day of Summer I and II semesters

Employees will receive written notice no later than October 31st of each year, and all new employees will be notified during new employee orientation.

In addition, the university will conduct a biennial review of the program implemented to provide a learning and working environment free of drug and alcohol use. The purposes of the biennial review will be to: 1) determine the effectiveness of the program and implement needed changes; and 2) ensure that the sanctions included in the program are consistently enforced. The university's dean of student affairs will be responsible for initiating the biennial review. The results of this review will be released in July of even numbered years.

Cross Reference: Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707; Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 1011i, 34 C.F.R. §§ 86.1-.411; 21 U.S.C. §§ 812, 841-865; 5 U.S.C. § 551(1); General Appropriations Act; Texas Gov't Code § 2113.012; OMB Circular A-21 Part 200; Tex. Transp. Code § 708.102; Tex. Alco. Bev. Code §§ 106.01-.15; Tex. Penal Code §§ 12.01-.49, 49.01-.12; State of Texas Travel Allowance Guide; Faculty Code of Conduct (7.11); Student Code of Conduct (10.4); Drug and Alcohol Testing (11.6); Discipline and Discharge (11.4); Alcohol Service (13.7)

Responsible for Implementation: President

Contact for Revision: Director of Human Resources, *Assistant Vice President of Student Affairs* and Dean of Students-Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Leaves of Absence and Miscellaneous Leave

Policy Number: 12.11

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

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

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

Purpose of Policy (what does it do): This policy describes administrative leaves of absence and miscellaneous leave for both faculty and staff employees. It excludes all casual employees and employees who are in positions that require them to be a student as a condition of employment.

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

- ☐ Scheduled Review ☒ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: 87th Legislature created new leave provisions for military leave and for mental health leave for peace officers. This revision addresses those additions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Minor wording and formatting changes and clarifications were made, as well.

Reviewers:

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

~~Administrative Leave~~ Leaves of Absence and Miscellaneous Leave (Faculty and Staff)

Original Implementation: September 1, 1981

Last Revision: ~~November 1, 2021~~ July 23, 2019

Purpose

This policy describes ~~administrative~~ *leaves of absence and miscellaneous leave* for both faculty and staff employees. It excludes all casual employees and employees who are in positions that require them to be a student as a condition of employment.

General

The university may grant ~~administrative~~ leave for specific reasons described in the following sections. Each type of leave may have specific documentation requirements that must be completed and/or turned in by the employee prior to approval of the leave request.

Leave Available for Faculty Employees Only

The university may grant a leave of absence with or without pay to faculty, when departmental needs allow, for the following reasons:

1. To pursue additional education or training for the faculty member in order to strengthen his/her performance in his/her position at SFA;
2. To engage in research and writing directly related to responsibilities at SFA;
3. To accept a similar position in a visiting capacity at another institution;
4. To accept a position outside higher education that is directly related to the employee's professional field and has potential for enhancing his/her future contributions to the university.

Leave may be granted to faculty in good faith that they intend to return to their SFA employment at the end of the leave of absence with the following conditions:

1. Requests for a leave of absence will be directed to the president of the university through administrative channels;
2. No paid or unpaid leave will be approved for more than 12 months;
3. Requests for renewal of leave may be considered when submitted in writing through appropriate administrative channels.

Leave without Pay for Faculty and Staff Employees

Leave without pay for faculty and staff of five (5) working days or less or that have been approved for family medical leave (FML) or sick leave pool by human resources ~~than five (5) working days for faculty and staff~~ may be granted at the discretion of the department, subject to approval from human resources.

The president may grant a leave of absence *for faculty and staff for more than five (5) working or more consecutive days or when multiple intermittent leaves without pay are requested and family medical leave (FML) or sick leave pool has not been approved by human resources to faculty and staff* after receiving input from the supervising department regarding departmental needs and subject to the following provisions:

1. All accumulated paid leave entitlements must be exhausted before granting such leave, with the exception of employees taking leave without pay for disciplinary action, military leave and leave taken under worker's compensation. Sick leave must be exhausted only in those cases where the employee is eligible to take sick leave.
2. Such leaves will be limited in duration to twelve (12) months.
3. The employee must report to the supervisor and human resources if he or she will be unable to return to work at the end of the leave period and must provide an acceptable reason for the delay. Failure to return to work from an approved leave of absence by the intended date and to provide an acceptable reason will be considered job abandonment.

The appropriate leave without pay form should be submitted for all approval requests.

Administrative Leave with Pay

As authorized by Texas Government Code 661.911, the administrative head of an agency may grant administrative leave with pay without a deduction in salary as a reward for outstanding performance as documented by employee performance appraisals. Using employee performance appraisals as a basis for doing so, the president may grant administrative leave with pay to staff employed in a position for at least 20 hours per week for a period of at least four and one half months and is not employed in a position for which the employee is required to be a student as a condition of the employment. Full-time staff employees may be granted administrative leave in eight-hour increments and may not exceed 32 hours during a fiscal year. The leave can be reduced proportionately for part-time staff employees.

The president may develop and revise procedures necessary to implement this section in the president's sole discretion, determine the number of hours that will be available in a fiscal year up to the statutory limit of 32 hours, and restrict administrative leave with pay to specific dates or for use throughout the fiscal year.

The two categories of eligibility for administrative leave are as follows:

Category One

1. The employee must receive a minimum overall rating of "Acceptable" on his/her last annual performance evaluation,
2. The employee must have received no rating below "Acceptable" in any category on his/her last performance evaluation,
3. The employee must have received an "exceeds expectations or exemplary" in at least one category on his/her last performance evaluation, and
4. The employee must not have received any disciplinary action during the last twelve

months excluding oral and written reprimands.

Category Two

1. The employee must have satisfactorily completed his/her most recent performance evaluation without negative ratings in any area,
2. The employee must have made a significant contribution to a university initiative, managed a special project or initiative within his/her department and/or demonstrated exceptional performance beyond his/her tenure during his/her probationary period, and
3. The employee must not have received any disciplinary action during the last twelve months, excluding oral and written reprimands.

Administrative leave with pay is a reward and not an entitlement. Administrative leave is tracked and monitored by the controller's office. The Department of Human Resources maintains procedures to implement administrative leave.

An employee shall not receive payment for administrative leave balances when his/her employment is terminated. Administrative leave balances cannot be transferred to other state agencies.

Additional Categories

Parental Leave - Employees who do not qualify for family and medical leave are entitled to parental leave for the birth of a child or the adoption or foster care placement of a child under the age of three. Parental leave cannot exceed 12 weeks. Such parental leave may be taken only for the birth of a natural child or the adoption or foster care placement with the employee of a child under 3 years of age. The leave period begins with the date of birth or the adoption or foster care placement. (See the Family and Medical Leave policy 12.9 for more information.)

Foster Parent Leave - An employee, who is a foster parent to a child under the protection of the Department of Family and Protective Services (DFPS), is entitled to a leave of absence with full pay for the purpose of attending meetings held by the DFPS regarding the employee's foster child. In addition, the employee may attend, with a paid leave of absence, the admission, review, and dismissal (ARD) meetings held by a school district regarding the foster child.

Emergency Leave - Employees may be granted emergency leave for several reasons.

1. *Bereavement Leave*: Employees will be granted emergency leave for bereavement without a loss in pay when a death occurs in their family. For the purposes of emergency leave due to bereavement, family is defined as the employee's spouse, or the employee's and spouse's parents, children, brothers, sisters, grandparents and grandchildren. The amount of time granted for bereavement leave shall not exceed three days. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, and funeral services. If additional days are needed, a faculty member will be required to use sick leave. Staff employees will be required to use vacation or compensatory time if additional days are

needed. Employees who have exhausted all available leave accruals will be required to take leave without pay if extended leave is approved. Requests for bereavement leave should be submitted to the department official who has the authority to approve leave. Requests for bereavement leave for family members, not mentioned above, or for leaves greater than three days are subject to the approval of the director of human resources, the divisional vice president, and the university president. Employees requesting bereavement leave may be required to provide documentary evidence of the relative's death to qualify for paid leave and attach it to the Bereavement Leave Request form.

2. *Inclement Weather Conditions:* The university president may grant emergency leave in response to inclement weather conditions for the institution as a whole.
3. *Just Cause:* The university president may grant emergency leave for other reasons determined to be for a good cause in good faith that the employee being granted the emergency leave intends to return to his/her position on expiration of the period of emergency leave.
4. *Leave during an Investigation:* The university president may grant emergency leave to an employee who is the subject of an investigation being conducted by SFA or a victim of, or witness to, an act or event that is the subject of an investigation being conducted by SFA.

Emergency Leave Reporting Requirements

1. The university is required to report to the state controller's office no later than October 1 of each year, the name and position of each employee granted more than 32 hours of emergency leave during the previous fiscal year along with the reason the leave was granted.
2. The university is required to report to the state auditor's office and Legislative Budget Board the name of each employee given 168 hours or more of emergency leave due to a SFA investigation during each fiscal quarter.

Educational Activities Leave - An employee may use up to 8 hours of sick leave each fiscal year to attend educational activities for the employee's children who are in pre-kindergarten through twelfth grade. Educational activities are school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs. Employees must give reasonable notice of intention to use sick leave to attend such activities.

Jury Duty - No deduction shall be made from the salary or wages of any employee who is called for jury service. Time allocated to jury duty includes time spent in the jury selection process and serving on a jury during a trial and the sentencing phase of the trial. If an employee is dismissed from jury duty prior to the end of the work day, the employee must return to work or request other appropriate leave for the remaining hours in the workday. Time spent traveling to jury duty location and the workplace shall be considered jury duty.

Military Leave - Employees are eligible for 15 workdays in each federal fiscal year (October 1 through September 30) without loss of pay or benefits to accommodate authorized training or duty for the state's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team. The 15 days of paid leave do not have to be consecutive.

If the employee does not use the 15 days of military leave in a federal fiscal year, the employee is entitled to carry the balance forward to the next federal fiscal year, not to exceed 45 workdays.

The university will adjust the work schedule of a member of the Texas National Guard or United States Armed Forces Reserve so that two of the employee's days off each month coincide with two days of military duty. An employee called to active duty during an emergency to serve in reserve component of the Armed Forces under Title 10 or Title 32 of the U.S. Code is entitled to an unpaid leave of absence. The employee may choose, but is not required, to use all or some portion of another form of paid leave before choosing to go on leave without pay while on military leave.

An employee called to state active duty as a member of the state military forces by the governor because of an emergency is entitled to receive emergency leave without loss of military leave or vacation leave. This leave will be provided without a deduction in salary. This time is not limited and does not count against the 15 days maximum military leave per federal fiscal year.

An employee called to state active duty as (1) a member of the state military forces, (2) a reserve component of the armed forces, or (3) a member of a state or federally authorized urban search and rescue team by the governor or another appropriate authority in response to a disaster is entitled to receive up to seven workdays of paid leave in a fiscal year. The employee will not lose vacation leave, sick leave, earned overtime, or compensatory time during this leave. The employee will not be subjected to loss of time or evaluation rating.

An employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave per calendar year.

A member of the state military forces who is ordered to active state duty by the governor or by other proper authority under the law of this state is entitled to the same benefits and protections provided:

- To persons performing service in the uniformed services in accordance with Title 38 U.S.C. Sections 4301- 4313 and 4316-4319, as that law existed on April 1, 2003; and
- To persons in the military service of the United States in accordance with Title 50 App. U.S.C. Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.

Military Paid Leave and State Service: Employees called to active duty during a national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or 32 of the U.S. Code are entitled to state service for longevity purposes, vacation leave accruals, and sick leave accruals while on an unpaid leave of absence. This leave will be accrued but not posted until the employee returns to state employment. In addition, the employee retains his/her leave balances unless the employee chooses to use any accrued leave (vacation or compensatory time) to maintain benefits for the employee or the employee's dependents while on military duty. Additionally, the employee may continue to accrue service credit with ERS by receiving at least one hour of state pay during each month of active military service. The employee may use any combination of paid

leave to qualify for state pay.

Military Differential Pay: The university shall grant sufficient emergency leave to provide a pay differential if the employee's military gross pay is less than the employee's state gross pay. The combination of gross military pay and emergency leave may not exceed the employee's actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay. The employee should be notified of the university's intent to use emergency leave to supplement his/her military pay to raise it to a rate comparable to the state pay received prior to activation. Only state employees called to active duty in support of a national emergency or Homeland Security mission (under U.S.C. Title 10 or 32) and who's military pay is less than their gross state pay are eligible for differential pay.

Service members involved in routine military training or who are attending military schools are not entitled to this differential pay. If emergency leave is granted to employees activated for military duty, those employees will accrue sick leave and vacation leave, as appropriate, each month they receive pay from the university. The sick and vacation hours will be accrued but not posted until the employee returns to full employment with the university. To determine eligibility, the employee must provide a copy of his/her Military Leave and Earnings Statement each month that emergency leave is going to be granted to look at the total entitlement of military pay received by the service member. The service member's pay may change during the period of active duty because of a promotion or change in entitlements; any increase in pay may reduce or cease the need for state military differential pay.

Military Restoration of Employment: To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five years after induction, enlistment, or call to duty and must be physically and mentally qualified to perform the duties of the job. If an employee is unable to perform the duties of the previous job due to a service-related disability, the veteran is entitled to be restored to a position that he or she can perform with similar or the nearest possible seniority, status, and pay. Veterans whose employment has been restored may not be dismissed without cause within a year of their reinstatement. Eligible veterans must apply for reinstatement within 90 days after discharge or release from service. The application must be made in writing to the president of the university and must include evidence of discharge under honorable conditions. An individual reemployed is considered to have been on furlough or leave of absence during the time that he/she was in military service. As such, the employee may participate in retirement or other benefits to which a state employee is or may be entitled.

Medical and Mental Health Care Leave for Veterans: Veterans receiving health benefits under a program administered by the Veterans Health Administration of the United States are eligible for leave to obtain medical or mental health care administered by Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation. Leave may not exceed 15 days each fiscal year unless the president grants additional leave.

Certified Red Cross Activities***Texas Voluntary Organizations Active in Disaster Leave*** — An Employees who are certified disaster service is a volunteers of the American Red Cross or are in training to become such a volunteer an organization that is a member of the Texas Voluntary

Organizations Active in Disaster may be granted a paid leave of absence not to exceed 10 days each fiscal year to participate in disaster relief services for a state of disaster declared by the governor. The employee must have the approval of his or her supervisor and a formal request from the Red Cross/the president. In addition, the approval of the governor's office is required. An employee on such leave will not lose pay, vacation time, sick leave, earned overtime, and/or compensatory time during this leave. ~~The pool of certified disaster volunteers must not exceed 350 participants at any one time.~~

Amateur Radio Operator Leave - An employee with an amateur radio station license issued by the Federal Communications Commission will be granted a paid leave of absence not to exceed 10 working days each fiscal year to participate in specialized disaster relief services. An employee on such leave will not lose pay, vacation time, sick leave, overtime leave, or compensatory time. The amateur radio operator leave must be authorized by the employee's supervisor and must have the approval of the governor. The number of amateur radio operators eligible for this leave may not exceed 350 state employees at any one time.

Volunteer Firefighters/Emergency Medical Services/Search and Rescue Volunteers Training Leave - Volunteer firefighters, emergency medical services volunteers, and search and rescue volunteers will be granted a paid leave of absence not to exceed five working days each fiscal year for attending training schools conducted by state agencies or institutions of higher education. Such individuals may also be granted leave without a deduction in salary for the purpose of responding to an emergency fire, medical, or search and rescue situation.

Legislative Leave for Peace Officers or Firefighters - A peace officer is entitled to legislative leave to serve in, appear before, or petition a governmental body during a regular or legislative session. Legislative leave is not considered a break in service and is treated as any other paid leave.

To be eligible for legislative leave, a peace officer or firefighter must submit a written application to his or her employer on or before the thirtieth day before the employee intends to begin the legislative leave. The application must state the length of requested leave and that the peace officer or firefighter is willing to reimburse the employer for any wages, pension, or other costs the employer will incur as a result of the leave. The length of the requested leave may not exceed the length of the session.

Mental Health Leave for Peace Officers - A traumatic event is an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

1. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
2. Incidents involving multiple casualties which may include shootings or traffic accidents;
3. Line of duty death or suicide of a department member;
4. Death of a child resulting from violence or neglect;

5. *Officer(s) involved shooting of a person.*

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command except as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of confidentiality shall be grounds for discipline. -Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to themselves or others and department personnel must confer with mental health professionals.

An officer directly involved in a traumatic event may request up to three working days of mental health leave. Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief of Police shall grant the extension(s) upon the receipt of sufficient documentation explaining the need for the extension.

This leave will be provided without a deduction in salary. An officer on such leave will not lose vacation time, sick leave, earned overtime, or compensatory time during this leave.

Assistance Dog Training - An employee with a disability as defined by Texas Human Resources Code, Section 121.002 shall be granted a paid leave up to 10 working days in a fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be utilized by the employee. This leave is in addition to other leave entitlements.

Organ or Bone Marrow Donors - An employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed five working days in a fiscal year to serve as a bone marrow donor or 30 working days in a fiscal year to serve as an organ donor.

Donation of Blood - An employee shall be allowed sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee must obtain approval from his/her supervisor prior to taking off. On returning to work, an employee shall provide his/her supervisor with proof that the employee donated blood during the time off. An employee may receive time off not to exceed more than four times in a fiscal year.

Court Appointed Special Advocate Leave - An employee who is a Court Appointed Special Advocate (CASA) volunteer is entitled to leave not to exceed five hours each month. Leave is to

be used to participate in mandatory CASA training or to perform CASA voluntary services. Employees will not be required to use accrued vacation and sick leave or earned overtime.

Compliance with a Subpoena - An employee may not be discharged, disciplined, or penalized for complying with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding. It will be up to the university's discretion in instances of unofficial testimony to decide whether such an absence is considered good cause.

Time Off to Vote - Employees will be allowed sufficient time off, without a deduction in pay or accrued leave, to vote in each national, state, or local election if there is not sufficient time to vote outside regular working hours.

Cross Reference: Tex. Hum. Res. Code § 121.002; Tex. Gov't. Code §§ 418.004; 437.202; 613.002-.005, 614.003-004, .008, .015, 658.008; 659.005; 661.206, .251-.252, .901(c)-.9075, .909-911, .913-.914, .916-.924; Tex. Lab. Code § 52.051; *Faculty Development Leaves (12.7); Family and Medical Leave (12.9); Sick Leave (12.18); Vacation Leave (12.21); Workers Compensation Coverage (12.23)*

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Bereavement Leave Request form; Administrative Leave Request form; Leave Without Pay form for *Departmental HR* Approval, Leave Without Pay form for *Presidential* Approval.

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Moving Expenses

Policy Number: 3.23

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

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

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

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

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

- ☐ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☒ Other, please explain: Requested review

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision:

Specific rationale for deletion of policy: N/A

Additional Comments:

Reworded to improve efficiency.

Reviewers:

Judith Kruwell, Interim Vice President for Finance and Administration
 Scott Gordon, President
 Damon Derrick, General Counsel

Moving Expenses

Original Implementation: December 1988

Last Revision: *November 1, 2021* ~~April 30, 2019~~

Purpose

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

General

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

Departments may negotiate with the new employee to pay full or partial moving expenses. Payments must be made from non-appropriated funds, provided the funds are available in the department's budget. Moving expenses can be paid by either of two methods:

- Direct payment to vendor (preferred method; requires an approved purchase order and invoice)
- Reimbursement to new employee (Receipts documenting moving expenses must be attached to the Moving Expenses Payment/Reimbursement Form and submitted to the payroll office. Only actual documented expenses will be reimbursed.)

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

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

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Controller

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

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Naming Guidelines

Policy Number: 1.5

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: Vice President for University Advancement

Purpose of Policy (what does it do): Guidelines for naming facilities

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

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: n/a

Specific rationale for each substantive revision: Department Name update.
The president's cabinet has grown to more officers than just vice presidents.

Specific rationale for deletion of policy: n/a

Additional Comments:

Reviewers:

Jill Still, Vice President for University Advancement
Damon Derrick, General Counsel

Naming Guidelines

Original Implementation: January 23, 1971

Last Revision: ~~October 29, 2018~~ November 1, 2021

Buildings and other facilities (including rooms, laboratories and clinics) of Stephen F. Austin State University may be named by the Board of Regents for deceased persons who have made outstanding contributions to the university or its prestige. In extraordinary circumstances, particularly when a significant donation has been made to the university, the Board of Regents may name a building, or other facility, for a living person.

Amounts associated with fundraising necessary for naming consideration are outlined in the university's Overview of Naming Guidelines and Procedures, available in the office of the vice president for university advancement.

The Board of Regents retains the latitude to create alternate naming opportunities within the discretion of the board.

Proposed names may be submitted from any source to the Office of *University Advancement Development* for their recommendation to the president who, if *they* ~~he~~ concurs shall submit such names, together with background reasons, to the Board of Regents for consideration; provided, however, that the Board of Regents may act without receiving a nomination from the Office of *University Advancement Development*, when circumstances justify such action, and particularly when a substantial donation has been made toward the construction of the building or facility to be named. Any such nominations shall be reviewed by the building and grounds committee of the board. Such review shall take place before contact with any prospective nominee.

A plaque shall be placed on each new building. The plaque shall show the names of those occupying the following positions on the date the project is approved by the Board of Regents: the officers of the Board of Regents, the remaining members of the Board of Regents in alphabetical order, the student regent, the president of the university, ~~the vice president for finance and administration, the president's cabinet member vice president(s) for the area involved, the director of physical plant,~~ the architect and the contractor, together with the year the project was approved.

The duration of the naming of facilities, spaces, or programs is governed by the Overview of Naming Guidelines and Procedures. However, ~~in unusual or unforeseen circumstances,~~ the university reserves the right to remove a previously approved name. Examples include, but are not limited to, a donor not fulfilling the terms of a gift agreement upon which the naming was approved, or continuation of the name may compromise the public trust or reputation of the university.

Cross Reference: Overview of Naming Guidelines and Procedures

Responsible for Implementation: Vice President for University Advancement

Contact for Revision: Vice President for University Advancement

Forms: None

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Notary Public

Policy Number: 2.8

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

Date of last revision, if applicable: 10/29/2018

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

Purpose of Policy (what does it do): This policy establishes procedures for ensuring that a sufficient number of notaries are present in order to conduct university business.

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: N/A

Additional Comments:

Minor changes.

Reviewers:

Judith Kruwell, Interim Vice President for Finance and Administration
Damon Derrick, General Counsel

Notary Public

Original Implementation: Unpublished

Last Revision: ~~October 29, 2018~~ November 1, 2021

Purpose

This policy establishes procedures for ensuring that a sufficient number of notaries are present in order to conduct university business.

General

It is the responsibility of each ~~vice president~~ *president's cabinet member* to ensure that a sufficient number of public notaries are present, as needed to conduct university business, in each major university division.

Each ~~vice president~~ *president's cabinet member* shall establish procedures for approving, in writing, an employee's application for notary commission, and be responsible for communicating the state's notary application process. University funds may be used to purchase the necessary supplies. Employees shall obtain all required supplies (notary seal or stamp, notary public record book, etc.) through procurement and property services.

Cross Reference: Tex. Gov't Code Ch. 406

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Vice President for Finance and Administration

Forms: Special Application, State Employee Notary Acknowledgement Form

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Organized Work Stoppage

Policy Number: 11.18

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

Date of last revision, if applicable: 10/29/2018

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

Purpose of Policy (what does it do): This policy establishes guidelines for utilizing sick leave during an organized work stoppage.

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: N/A

Additional Comments:

Minor changes.

Reviewers:

John Wyatt, Interim Director Human Resources
 Judith Kruwell, Interim Vice President for Finance and Administration
 Damon Derrick, General Counsel

Organized Work Stoppage

Original Implementation: October 21, 1978

Last Revision: ~~October 29, 2018~~ November 1, 2021

Purpose

This policy establishes guidelines for utilizing sick leave during an organized work stoppage.

General

Participation by any employee in an organized work stoppage has been declared to be against the public policy of the state of Texas. No employee of the university may strike or engage in an organized work stoppage against the university. In any case when there is substantial evidence to indicate that an organized work stoppage exists in any division or department of the university, an employee reporting ill shall send to the administrative head of his/her department or division a doctor's certificate showing the cause or nature of the illness to be entitled to sick leave pay.

Cross Reference: Tex. Gov't Code Ch. 617; *Sick Leave (12.18)*

Responsible for implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Private Support Organizations or Donors

Policy Number: 3.25

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: Vice President for University Advancement

Purpose of Policy (what does it do): Lists requirements of private support organizations or donors

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: n/a

Specific rationale for deletion of policy: n/a

Additional Comments:

No changes.

Reviewers:

Jill Still, Vice President for University Advancement
 Damon Derrick, General Counsel

Private Support Organizations or Donors

Original Implementation: July 9, 1991

Last Revision: ~~October 29, 2018~~ November 1, 2021

Pursuant to Chapter 2255 of the Texas Government Code, the university will recognize only those private support organizations that meet the requirements of this policy as being formed and designated to further the purposes and duties of the university.

Any organization or donor (whether existing as a corporation or as an unincorporated association) that is formed to further the purposes and duties of the university must enter into a written agreement with the university, approved by the Board of Regents. If the board declines to enter into such an agreement, the private support organization or donor is deemed not to further the purposes and duties of the university, and the board expressly forbids the use of the name, property, or employees of the university in any actions or activities on the part of the private support organization or donor. The agreement will address and govern all aspects of conduct of the university and its employees in the relationship between the private support organization or donor and the university and its employees including, but not limited to, the following:

- A. administration and investment of funds received by the organization for the benefit of the university;
- B. use of an employee or property of the university by the donor or organization;
- C. service by an officer or employee of the university as an officer or director of the donor or organization; and
- D. monetary enrichment of an officer or employee of the university by the donor or organization.

Nothing in this policy requires that the university include only the above provisions as subject matter in the agreement between the university and the private support organization or donor. The board has the responsibility to enter into that form of agreement which the board, in the exercise of its statutory authority, determines is in the best interest of the university.

Neither this policy nor any agreement entered into by the university may conflict or supersede a requirement of a state or federal statute regulating the conduct of a university employee or regulating the policies and procedures of the university.

Cross Reference: Tex. Gov't Code § 2255.001

Responsible for Implementation: Vice President for University Advancement

Contact for Revision: Vice President for University Advancement

Forms: None

Board Committee Assignment: Finance and Audit

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Sick Leave

Policy Number: 12.18

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

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

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

Purpose of Policy (what does it do): This policy establishes the eligibility to earn sick leave, defines the rates of accrual and describes related requirements.

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: 87th Legislature created new leave provisions for sick leave to include the creation of a family leave pool. This revision addresses those additions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Minor wording and formatting changes and clarifications were made, as well.

Reviewers:

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

Sick Leave

Original Implementation: Unpublished

Last Revision: ~~October 28, 2019~~ November 1, 2021

Purpose

This policy establishes the eligibility to earn sick leave, defines the rates of accrual and describes related requirements.

Definitions

A **catastrophic injury** or **catastrophic illness** is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee, or the employee's immediate family, that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by the employee and lose sick leave compensation from the state.

A **severe condition** or **combination of conditions** is one that will result in death or is a severely debilitating condition that will result in the individual not meeting the essential functions of their job if not treated promptly or at regularly scheduled intervals (e.g. chemotherapy treatments, radiation treatments, etc.); has been designated as terminal; or fully incapacitates the employee from working for a continuous period of thirty (30) calendar days or more.

Licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

Immediate family is defined as those individuals related by kinship, adoption, or marriage, or foster children who are so certified by the Texas Health and Human Services Commission who are living in the same household. If not in the same household, an immediate family member is strictly limited to the employee's spouse, child or parent who needs care and assistance as a direct result of a documented catastrophic medical condition. Employees may use sick leave pool hours to care for an immediate family member only under circumstances for which an employee would be eligible to use regular sick leave, if available.

Medical incident means a single occurrence of a catastrophic illness/injury.

General

Regular, consistent attendance and punctuality is expected of all university faculty and staff, as well as the proper use of leave time when an absence is necessary.

Accrual of Sick Leave

Employees of the university, whose positions do not require student status as a condition of employment, shall, without deduction in salary, be entitled to sick leave subject to the following

conditions. Employees of the SFA Charter School will earn sick leave according to charter school policy.

Sick leave entitlement shall be earned, beginning on the first day of employment, at the rate of eight (8) hours for each month or fraction of a month of employment, and shall accumulate with the unused amount of such leave carried forward each month. An employee who is on leave the first day of the month may not use the sick leave that the employee accrues for that month until after a return to duty. Such leave accrual shall terminate on the last day of duty.

An employee's accrued sick leave balance will be transferred when an employee moves from employment in one state agency to another, provided the employment is uninterrupted. Part-time employees working at least 20 hours per week accrue sick leave proportionately to their FTE.

Employees employed by multiple agencies cannot accrue sick leave at a rate that exceeds that of a full-time, 40-hour-per-week employee.

Separation from Employment

Employees of the university who separated from employment under a formal reduction in force are entitled to have their sick leave balances restored if they are re-employed by the state within 12 months. Employees separated from the university, for reasons other than a formal reduction in force, and re-employed by SFA may have their sick leave balances restored only if:

1. The employee is re-employed by the university within 12 months after the end of the month in which the employee separates from employment, but only if there has been a break in employment from the university of at least 30 calendar days; or
2. The employee is re-employed by a different state agency or institution of higher education within 12 months after the end of the month in which the employee separated from the university.

The university has no authority to pay out an employee's accrued but unused sick leave balance upon termination. An employee who is restored to employment at the university following military service is entitled to have his/her sick leave balance restored. Employee Retirement System (ERS) retirees who return to state employment will not have their sick leave balances restored.

Funds appropriated for salaries and wages may be paid for all of the employee's accumulated vacation leave and for one-half of his/her accumulated sick leave, or for 336 hours of sick leave (whichever is less), to the estate of an employee when said employee dies while employed by the university. The employee must have had continuous employment with the university for at least six months at the time of death. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.

Sick Leave Utilization

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty, or when a member of the employee's immediate family is actually

ill. For purposes relating to regular sick leave, immediate family is defined as those individuals related by kinship, adoption or marriage that are living in the same household; foster children who reside in the same household; and minor children regardless of whether they live in the same household. Sick leave may be used to care for immediate family members who do not reside in the same household only for a documented medical condition. In this instance only, “immediate family” is interpreted as spouse, parent, or child. An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child. Sick leave may be used for the adoption of a child under the age of three. An employee who must be absent from duty because of illness shall notify their supervisor or cause the supervisor to be notified of that fact at the earliest practical time. Non-faculty employees who return to work following sick leave use must complete a sick leave request using an electronic process or a physical form. The request and approval process must be documented and retained in association with state-regulated records retention requirements.

To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee absent due to illness shall send to the administrative department head a doctor's certificate verifying the employee was out due to medical reasons. If an illness results in the absence of three (3) working days or less, the administrative head has the discretion to require documentation verifying the employee was out due to medical reasons. Upon returning to duty after sick leave, an employee shall immediately complete either a Request for Vacation, Compensatory Time, Sick Leave Taken form, request/report the leave electronically through the system leave request form, or document the leave in a manner established by the department head.

An employee may use sick leave while he/she is on annual leave.

Participation by any employee in an organized work stoppage has been declared to be against the public policy of the state of Texas. In any case when there is substantial evidence to indicate that an organized work stoppage exists in any division or department of the university, an employee reporting ill shall send to the administrative head of his/her department or division a doctor's certificate showing the cause or nature of the illness to be entitled to sick leave.

Sick Leave Utilization for Faculty

Faculty must submit leave forms (as designated by the department head) for all sick leave the faculty member takes if the absence occurs during the normal workday for regular employees, even if no classes are missed.

Faculty are allowed to use their sick leave for personal or family illness and for personal leave within these guidelines:

1. If a faculty member needs to take time off to handle personal business, personal leave may be used for that purpose with prior approval from their department head.
2. If a faculty member misses a class, even if a substitute covers the class, the time missed is to be reported.
3. If a faculty member is out on a continuous basis, two days or more, they must turn in leave for 8 hours for each day.
4. If a faculty member misses office hours, due to illness or personal business, they must turn in

leave for the time missed.

Extension of Sick Leave

Pursuant to sections 661.202(i) and (j) of the Texas Government Code, an extension of sick leave may be granted through the university policies of Family and Medical Leave (12.9) or Leaves of Absence and Miscellaneous Leave (12.11) or utilization of the sick leave pool or family leave pool.

Sick Leave for Educational Activities

An employee may use up to eight (8) hours of sick leave each fiscal year to attend school sponsored educational activities of the employee's children who are in pre-kindergarten through 12th grade, including a parent-teacher conference, tutoring, volunteer program, field trip, classroom program, school committee meeting, academic competition, and athletic, music, or theater program.

Donation of Sick Leave to an Employee

Employees may donate any amount of their accrued sick leave to another employee who is employed by the university and who is eligible to accrue and use sick leave but has exhausted all of their sick leave, including time the employee may be eligible to receive as an award from the sick leave pool.

Employees may not provide or receive remuneration or a gift in exchange for a sick leave donation. The use of sick leave donated to the recipient employee must follow the same conditions as normal accrued sick leave as outlined in this policy. Donated sick leave cannot be used towards ERS retirement service credit. Donated sick leave cannot be transferred to another state agency. Donated sick leave cannot be paid out to the estate of an employee if the recipient employee passes away. Donated sick leave hours will be lost when the recipient employee leaves employment and will not be reinstated if the recipient is rehired by the university at a later date. Donated sick leave hours do not get returned to the donor if the recipient does not use them all.

Sick Leave Pool

The university maintains a sick leave pool to benefit certain regular employees who suffer a catastrophic injury or illness. A sick leave pool has been established and is maintained to provide for the alleviation of the hardship caused to an employee and the employee's family if a catastrophic illness or injury forces the employee to exhaust all accrued leave (including compensatory time, if applicable) and lose compensation with the state.

Eligibility and Other General Provisions

1. All regular faculty and non-probationary staff members who are eligible to accrue and use sick leave in accordance with university sick leave policy 12.18 and have a minimum of one year of service may apply to use sick leave from the sick leave pool. The service must immediately precede the sick leave pool request.
2. Employees may use sick leave pool for their own catastrophic illness or injury or for one in their immediate family, as defined above.

3. The use of sick leave pool hours is limited to 720 hours per medical incident.
4. An employee must exhaust all available leave before being eligible to receive sick leave from the sick leave pool.
5. An employee must have utilized their accrued leave in a responsible manner to be eligible to use sick leave pool unless the leave is specifically donated to the employee. Regular, consistent attendance and punctuality is expected of all university faculty and staff, as well as the proper use of leave time when an absence is necessary. Sick leave used as it is earned is not considered to be responsible use, unless there are extenuating circumstances.
6. An employee utilizing sick leave from the sick leave pool continues to accrue vacation and sick leave entitlement as if on regular sick leave, provided he/she returns to work following the leave.
7. An employee approved for sick leave pool due to a catastrophic illness or injury that is absent from work for a minimum of 30 calendar days and is able to return to work on a part-time basis may continue to utilize the remaining allocated sick leave pool hours on an intermittent basis if the continuing treatment requires the employee to exhaust their leave balance awarded upon their return to work. Employees will be required to provide medical documentation supporting the employee's fitness for duty on a part-time basis and a continuing need for medical treatments and subsequent absences. The treatments and absences must be directly related to the initial qualifying medical incident.
8. Employees who are not covered by FMLA (policy 12.9) and who are offered a bona fide job offer under the university's Return to Work (policy 11.24) must accept the offer or sick leave pool benefits will end.
9. Employees who file for Worker's Compensation Benefits are not eligible to use sick leave from the sick leave pool. In no case may sick leave pool time be used in conjunction with a worker's compensation claim.
10. A routine pregnancy is not considered a catastrophic illness or injury.
11. A regular part-time employee is granted pool leave on a pro-rated basis.
12. One sick leave pool will be administered for all regular faculty and staff employees of the university.

Requesting Sick Leave from the Pool

1. A regular employee may apply for sick leave from the sick leave pool by completing a Request for Sick Leave from the Sick Leave Pool form and routing the form to the pool administrator in human resources.
2. Medical certification is required before the sick leave pool request can be reviewed by the administrator. Weekly documentation of appointments and/or treatment must be submitted to the pool administrator. Failure to return the required certification and documentation may result in loss of pool benefits.
3. The pool administrator verifies that the medical documentation supports the request for sick leave pool. The pool administrator maintains all medical documentation and adheres to standards of confidentiality, to the extent allowed by law. The pool administrator routes the request to the department director for a recommendation for approval, disapproval or an adjustment in the number of sick leave pool hours awarded based upon the employee's previous use of sick leave.
4. The pool administrator, upon receipt of the department director's recommendation approves

all or part of the request, or denies the request. If necessary, the pool administrator may seek additional information from both the supervisor and the employee to clarify the employee's previous use of sick leave or to request additional medical documentation. All practitioner's statements and medical updates are subject to be referred to and reviewed by a university medical review board.

5. The amount of the pool leave granted for each catastrophic illness or injury will be determined by the pool administrator. The amount granted cannot exceed one-third of the balance of hours in the pool. However, in no case may an employee use more than 90 work days from the pool. Initiation and/or renewal of approval for use of such leave shall be subject to review of a current medical report for each approval period, and subject to availability of appropriate balance in the fund.
6. Medical updates are required every 30 days, unless otherwise indicated. Failure to return required medical documentation may result in delay or loss of pool benefits.
7. Any unused balance of leave granted to an employee from the sick leave pool returns to the pool if the employee returns to work prior to using all days granted unless medical documentation is submitted to support the need for reduced hours relating to the initial medical incident. All of an employee's monthly leave accruals (vacation/sick leave) must be utilized towards the medical incident prior to using sick leave pool balances. Medical incidents that require reduced hours on a continuous or permanent basis will be addressed through the SFA accommodations process.
8. The estate of a deceased employee is not at any time entitled to payment for unused leave requested from the sick leave pool.
9. An employee's sick leave pool award will immediately stop once the catastrophic medical condition for which it was granted ceases.

Contributing Sick Leave to the Pool

1. An employee with accrued sick leave may contribute to the sick leave pool in increments of eight hours, with the exception of a retiring employee who may contribute accrued sick leave in increments of less than eight hours.
2. Sick leave contributed to the pool reduces the accrued sick leave balance of the employee making the contribution.
3. Contributions to the pool are strictly voluntary.
4. An employee contributing sick leave to the sick leave pool may not stipulate who is to receive the contribution.
5. An employee who contributes sick leave to the sick leave pool cannot reclaim the contribution unless entitled to use leave from the sick leave pool. An employee who contributes sick leave to the sick leave pool and then exhausts his/her sick leave balance in the same fiscal year may receive the number of hours he/she contributed to the pool in that fiscal year without suffering a catastrophic illness or injury.
6. An employee desiring to contribute sick leave to the sick leave pool should complete an Application to Contribute Sick Leave form, provide a copy to his/her department head, and route the form to the pool administrator in human resources.

Administration of the Pool

1. The pool administrator in the Human Resources Department is responsible for the administration of the sick leave pool. Decisions of the pool administrator may be appealed to the appropriate vice president.
2. Requests for sick leave from the sick leave pool will be forwarded to the pool administrator. Requests will be considered by the pool administrator on a first-come, first-served basis. Employees may submit a request for sick leave pool hours when they are running out of accrued leave. The request will be considered when they have exhausted all accrued time.
3. The pool administrator will have five working days from the date a request is received in which to approve all or part of the request or deny the request.
4. The amount of sick leave granted for each catastrophic illness or injury will be determined by the pool administrator. The amount cannot exceed one-third of the balance of hours in the pool, or 90 working days, whichever is less. The pool administrator shall approve the use of not more than thirty (30) days of such leave by one individual at one time. Initiation and/or renewal of approval for use of such leave will be subject to review of a current medical report for each thirty (30) day approval, and is subject to availability of appropriate balance in the fund.
5. The pool administrator shall design and implement a system of records management and reporting of sick leave pool activity. The total leave time available in the sick leave pool shall be reported annually to the director of human resources and be available upon request to faculty and staff.

Family Leave Pool

The university maintains a family leave pool to benefit certain regular employees who have need for additional leave due to an eligible family leave need. Employees may voluntarily transfer previously earned sick or vacation leave to the family leave pool.

The purpose of the family leave pool is to:

1. *provide eligible employees more flexibility in:*
 - *bonding with and caring for children during a child's first year following birth, adoption, or foster placement; and*
 - *caring for a seriously ill family member or the employee, including pandemic-related illnesses or complications caused by a pandemic; and*
2. *allow employees to apply for leave time under the family leave pool.*

Contributing to the Family Leave Pool

1. *An employee with accrued sick leave or vacation leave may contribute to the family leave pool in increments of eight hours, with the exception of a retiring employee who may contribute applicable accrued leave in increments of less than eight hours.*
2. *Eligible leave contributed to the pool reduces the accrued leave balance(s) of the employee making the contribution.*
3. *Contributions to the pool are strictly voluntary.*
4. *An employee contributing eligible leave to the family leave pool may not stipulate who is to receive the contribution.*
5. *The pool administrator will credit the family leave pool with the amount of time contributed*

by an employee and direct the appropriate office to deduct a corresponding amount from that employee's earned sick or vacation leave as if the employee had used the time for personal purposes.

Requesting Leave from the Family Leave Pool

1. *An employee is eligible to use time contributed to a family leave pool if the employee has exhausted the employee's eligible compensatory, discretionary, sick, and vacation leave because of:*
 - *the birth of a child;*
 - *the placement of a foster child or adoption of a child under 18 years of age;*
 - *the placement of any person 18 years of age or older requiring guardianship;*
 - *a serious illness to an immediate family member or the employee, including a pandemic-related illness;*
 - *an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or*
 - *a previous donation of time to the pool.*
2. *An employee may apply to the pool administrator to request an award from the family leave pool. Applications must be submitted on the form provided by the pool administrator.*
3. *The pool administrator will consider applications in the order in which they are received and will approve or deny an application as soon as practicable after receipt.*
4. *If a pool administrator determines an employee is eligible, the administrator shall approve the transfer of time from the pool to the employee and credit the time to the employee.*
5. *An employee who applies to use time to care for another person under this policy must submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent or must provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.*
6. *If an employee is seeking permission to withdraw time because of a serious illness, including a pandemic-related illness, of an immediate family member or the employee and does not qualify for or has exhausted time available in the sick leave pool, the employee must provide the pool administrator with a written statement from the licensed practitioner who is treating the employee or the employee's immediate family member.*
7. *If an employee is seeking permission to withdraw time because of an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member, the employee must provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.*

Administration of the Family Leave Pool

1. *The pool administrator in the Human Resources Department is responsible for the administration of the family leave pool. Decisions of the pool administrator may be appealed to the appropriate vice president.*
2. *In determining the amount of family leave to be awarded to an eligible employee from the family leave pool, the pool administrator shall take into consideration the information contained in the employee's application, the number of applications then pending, and the amount of family leave available in the pool.*
3. *In no event shall the family leave awarded to an eligible employee from the pool exceed ninety (90) days or one-third (1/3) of the family leave pool balance, whichever is less.*
4. *Upon approval of an employee's application, the pool administrator shall notify the appropriate office of the amount of family leave to be awarded to the employee.*
5. *The employee may use family leave awarded from the pool in the same manner as sick leave earned by the employee and shall be treated for all purposes as if the employee were absent on earned sick leave.*
6. *The estate of a deceased employee shall not be entitled to payment for unused sick leave awarded from the family leave pool.*

Cross Reference: Tex. Gov't Code §§ 661.001-.038, .201-207; Tex. Gov't Code Ch. 617; Tex. Educ. Code § 51.961; Non—Academic Employee Handbook; Organized Work Stoppage (11.18); Family and Medical Leave (12.9); Leaves of Absence and Miscellaneous Leave (~~Faculty and Staff~~) (12.11).

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: Request for Vacation, Compensatory Time, Sick Leave Taken and Sick Leave Donation Form (available from Human Resources)

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Student Code of Conduct

Policy Number: 10.4

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

Date of last revision, if applicable: 7/27/2021

Unit(s) Responsible for Policy Implementation: Vice President of Student Affairs, Assistant Vice President of Student Affairs and Dean of Students, Office of Student Rights and Responsibilities

Purpose of Policy (what does it do): The policy dictates the process and rights for students alleged to have violated University Policies.

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:

Note: Every section in this policy has been adjusted in some way. This update is more akin to a full rewrite of the policy, than merely an update. These updates reflect the mission, values, and goals of the Dean of Students Office and the Office of Student Rights and Responsibilities. This policy change will allow us to continue to educate students while respecting their right to due process.

1. Change in Language - The language used in the policy has been changed to reflect the educational nature of the process, rather than reflect legal terms. The language has also been updated in order to avoid confusion.
2. The entire policy has been reordered to assist in finding information quickly
3. Article III: Violations - Section has been reformatted, and multiple violations have been further clarified, added or removed.
4. Article IV: The Student Conduct Process - Expanded ability to report misconduct, reorganized and clarified the Student Conduct Process, clarified Victim role and rights in the process, clarified roles of those participating in the hearing
5. Article V: Sanctions: Expanded and clarified sanctions
6. Article VI: Appeals: Added an additional method of appeal to allow students or student

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organizations to appeal based on their rights being violated as outlined by this policy.

Article VII: Interim Measures - Moved interim Measures to its own article. Further clarified the definition and right to submit a written request for a review

7. Article VIII: Records - Increased the retention of records to seven years after the outcome of the Student Conduct Process.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Nathan Hendrix, Director - Office of Student Rights and Responsibilities

Andrew Dies, Assistant Vice President of Students Affairs and Dean of Students

Brandon Frye, Vice President of Student Affairs

Damon Derrick, General Counsel

Student Code of Conduct

Original Implementation: January 19, 1988

Last Revision: ~~July 27, 2021~~ November 1, 2021;

This version of the Student Code of Conduct policy is effective January 1, 2022.

General Policy

Choosing to join the Stephen F. Austin (SFA) State University community obligates one to adhere to a code of behavior that embraces academic and personal integrity; respect for the dignity, rights and property of others; and an intolerance of ~~bigotry~~ *discrimination and harassment*. In keeping with this obligation, students and student organizations are expected to comply with the standards outlined in the Student Code of Conduct.

The SFA Way

The SFA community holds itself to a standard called The SFA Way. At its basis, The SFA Way encourages the entire university community to “strive for personal excellence in everything we do.” The SFA Way encourages students to follow the principles of Respect, Caring, Responsibility, Unity, and Integrity.

~~This document is organized into the following sections:-~~

~~Article I: Definitions~~

~~Article II: Proscribed Conduct/Violations~~

~~Article III: Procedures~~

~~Article IV: Non-Discrimination, Interpretation and Revision~~

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Article I: Definitions

ARTICLE I: DEFINITIONS

1. *The term "Advisor" means an individual serving as a guide for a Charged Student, Student Organization, or a Victim during the Student Conduct Process.*
- ~~1. The term "university" means Stephen F. Austin State University.~~
2. *The term "Appeal" means the review by the designated Appeal Officer of the full record of the Student Conduct Process and the Sanctions imposed to determine the adequacy of the procedures used, determination of responsibility, and the fairness of the sanctioning.*
- ~~2. The term "student" includes all persons enrolled at the university. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but have or are expected to have a continuing relationship with the university, or participate in university sponsored activities prior to enrollment, are considered "students;" as are persons who are living in university residence halls, although not enrolled. For the purposes of this regulation, "student" may also include an organization.~~
3. *The term "Appeal Officer" means a person or persons authorized by the Vice President of Student Affairs to consider an Appeal of an Outcome of the Student Conduct Process.*
- ~~3. The "vice president for student affairs" is the person designated by the university president to be responsible for the administration of the Student Code of Conduct.~~
4. *The term "Charged Student" means a Student who has been alleged to have violated one or more provisions within the Student Code of Conduct.*
- ~~4. The term "student conduct administrator" means a university official authorized by the vice president for student affairs to administer the student code of conduct and to recommend sanctions to the dean of students.~~
5. *The term "Conduct Officer" means person authorized by the Vice President of Student Affairs to administer the Student Code of Conduct.*
- ~~5. The term "student conduct hearing board" means individuals who serve upon request to adjudicate student conduct hearings, and to recommend sanctions to the dean of students.~~
6. *The term "Dean of Students" means the individual further designated by the Vice President of Student Affairs with responsibility for administering the Student Code of Conduct. For the purposes of this policy, "Dean of Students" may refer to that individual's designee.*
- ~~6. The term "dean of students" means the individual further designated by the vice president for student affairs with responsibility for administering the Student Code of Conduct. For the purposes of this policy, "dean of students" may refer to that individual's designee.~~
7. *The term "Dean of Students Office" means the department designated by the Vice President of Student Affairs for administering the Student Code of Conduct. The Office of Student Rights and Responsibilities is included within the Dean of Students Office.*
- ~~7. The term "Dean of Students Office" means the department designated by the vice president for student affairs for administering the Student Code of Conduct. The Office of Student Rights and Responsibilities is included within the Dean of Students Office.~~
8. *The term "Email" means the University's recognized medium for means of communicating with Student or Student Organizations per SFA Policy 15.1, Email for University Communication.*
- ~~8. The term "complainant" means an individual who is alleged to have been impacted by a violation of this policy.~~

9. *The term “Faculty” or “Faculty Member” means a person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.*
- ~~9. The term “respondent” means a student or organization accused of violating this Student Code of Conduct.~~
10. *The term “Policy” means the written regulations of the University as found in, but not limited to, the University web page and online policy manuals.*
- ~~10. The term “reporting party” means an individual who submits a report alleging a violation of this Student Code of Conduct. The reporting party and complainant may or may not be the same person.~~
11. *The term “Reporting Party” means an individual who submits a report alleging a violation of this Student Code of Conduct. The Reporting Party and Victim may or may not be the same person.*
- ~~11. The term “responding party” means a student against whom an allegation of prohibited behavior is directed.~~
12. *The term “Student” includes all persons admitted to the University and are enrolled or are eligible to enroll at the University.*
- ~~12. The term “due process” means a respondent has or will be given notice of the accusation and an opportunity for a hearing.~~
13. *The term “Student Organization” means any number of Students who meet as a group, whether as a registered Student organization or as an unaffiliated Student organization, on campus or at a recognized University event. This may also include, but is not limited to, sports clubs, athletic teams, and other types of Student groups. The Student Organization’s executive officer will serve as the representative for the Student Organization during the Student Conduct Process unless the Student Organization designates in writing to the Dean of Students Office another Student member to represent the Student Organization during the Student Conduct Process.*
- ~~13. The term, “university-recognized medium” refers to means of communicating with students. In most cases, this will mean a student’s official SFA email address.~~
14. *The term “University” means Stephen F. Austin State University.*
- ~~14. The term “advisor” means an individual accompanying a respondent or a complainant in a student conduct hearing. An advisor may not participate in the hearing in any capacity other than providing advice and support to the student they are accompanying. A student may select anyone to serve as their advisor but may only have one advisor present during the course of a hearing (informal or formal). If the chosen advisor is an attorney, the student must inform the student conduct administrator in advance to allow for the university’s attorney to also be present.~~
15. *The term “University Premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).*
- ~~15. The term “outcome” means the end result after a hearing (informal or formal).~~
16. *The term “University Official/Staff Member” includes a person employed by the University.*
- ~~16. The term “appeal” means the review by the designated appellate authority of the full record of a disciplinary hearing and the sanction imposed by a student conduct administrator or hearing board to determine the adequacy of the procedures used and the fairness of the sanctioning. The appeal may or may not include a meeting with the respondent and/or complainant.~~
17. *The term “Vice President of Student Affairs” is the person designated by the University President to be responsible for the administration of the Student Code of Conduct.*

17. The term “appellate authority” means a person or persons authorized by the vice president for student affairs or designee to consider an appeal regarding the outcome of the student conduct process
18. The term “Victim” is any individual who has alleged injury or harm by an SFA Student or Student Organization. Victims are entitled to varying levels of participation in the Student Conduct Process, depending on the nature of the allegations. As articulated in the Family Educational Rights and Privacy Act (See 34 C.F.R. § 99.31 and 99.39) a victim who has been subject to Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, or Non-forcible sex offenses (incest or statutory rape) is entitled to be notified of their rights and of the outcome of the disciplinary process. All other victim rights articulated in this regulation apply to all victims.
18. The term “faculty member” means a person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
19. The term “university official” includes a person employed by the university while in the act of performing assigned responsibilities.
20. The term “member of the university community” includes any person who is a student, faculty member, or other person employed by the university. A person’s status in a particular situation shall be determined by the student conduct administrator.
21. The term “university premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).
22. The term “organization” means any number of students who meet as a group, whether as a registered student organization or as an unaffiliated student organization, on campus or at a recognized university event.
23. The term “policy” means the written regulations of the university as found in, but not limited to, the university web page and online policy manuals.
24. The term “shall” is used in the imperative sense.
25. The term “may” is used in the permissive sense.

Article II: Jurisdiction

ARTICLE II: VIOLATIONS

Jurisdiction of the Student Code of Conduct

This Student Code of Conduct shall apply to conduct that occurs on ~~U~~university ~~p~~Premises, at ~~u~~University sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the ~~u~~University and off-campus conduct that adversely affects the ~~u~~University community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a ~~S~~student’s or Student Organization’s conduct even if a ~~s~~Student withdraws from ~~school~~the University while a disciplinary matter is pending. The ~~v~~Vice ~~P~~resident ~~for~~of ~~s~~Student ~~A~~Affairs or designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, at ~~their~~that individual’s sole discretion. ~~Student conduct that may be the result of psychological issues may be reviewed under policy 10.13 (Students Displaying Serious Psychological Problems).~~ Student conduct that may be defined as sex-based misconduct may

be reviewed under university policy 2.13 (~~Sex and Gender Based Discrimination, Violence, Harassment, and Misconduct~~ Title IX).

Article III: Violations

~~A. Conduct~~ Rules and Regulations

1. Harm to others, including but not limited to:

- a. Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury.***
- b. Endangering the physical health or safety of any person or actions that cause a reasonable apprehension of such harm.***
- c. Harassment (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University. This provision shall not be used to discipline a Student or Student Organizations for speech protected by the First Amendment.***
- d. Physical violence of any nature against any person. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; or acting in a manner that threatens or endangers the physical health or safety of any person or causes a reasonable apprehension of such harm.***
- e. Acts of animal cruelty, including but not limited to:***
 - i. Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal.***
 - ii. Failing to provide necessary food, water or care for an animal in the person's custody.***
 - iii. Abandoning an animal in the person's custody.***
 - iv. Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury.***
- f. Sexual Harassment, Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking as defined by SFA Policy 2.13, Title IX, and Other Sexual Harassment and Other Unprofessional/Inappropriate Conduct as defined by SFA Policy 2.11, Nondiscrimination.***
- g. Sexual Exploitation including but not limited to:***
 - i. Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party.***
 - ii. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent.***
 - iii. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent.***
 - iv. Sexual voyeurism.***
 - v. Inducing another to expose one's genitals or private areas.***
 - vi. Prostituting another Student.***
 - vii. Engaging in sexual activity while knowingly infected with an STD.***

- h. Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.*
- 2. Hazing of any kind including but not limited to:**
 - a. Any intentional, knowing, or reckless act occurring on or off campus by one person alone or acting with others, that endangers the mental or physical health or safety of a currently enrolled or prospective Student for the purpose of new member intake, being initiated into, affiliating with, holding office in, or maintaining membership in that organization.*
 - b. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity.*
 - c. Any type of activity which involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other similar activity that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the Student.*
 - d. Any activity which involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance that subjects the Student to an unreasonable risk of harm or that adversely affects the mental or physical health of the Student.*
 - e. Any activity that induces, causes, or requires the Student to perform a duty or task which involves a violation of the Penal Code.*
 - f. Any activity that involves coercing the Student to consume drugs or alcoholic beverage or liquor in any amount that would lead a reasonable person to believe the Student is intoxicated.*
 - g. Soliciting, encouraging, aiding or directing another engaging in hazing.*
 - h. Intentionally, recklessly or knowingly permitting hazing to occur.*
 - i. Having first-hand knowledge that a specific hazing incident is being planned or has occurred and failing to report said knowledge in writing to the Dean of Students, SFA Police, SFA Fraternity and Sorority Life or the Office of Student Rights and Responsibilities.*
 - j. Any other violation of SFA Policy 10.3, Hazing.*
- 3. Dishonesty of any kind, including but not limited to:**
 - a. Providing false or misleading information to the University.*
 - b. Providing false or misleading information to a University Official or Faculty.*
 - c. Forgery, alteration, or misuse of any documents, records, identification, access cards, or keys.*
 - d. Unauthorized possession, duplication or use of keys, access cards, or identification cards.*
 - e. Any action taken to deceive University Officials or Faculty regarding one's identity.*
- 4. Harm to Property including but not limited to:**
 - a. Vandalism of or damaging University property or property of another others.*
 - b. Theft of any kind, including seizing, possessing, selling, or concealing property with knowledge that it has been stolen.*
 - c. Unauthorized entry into, presence in, or use of University facilities, equipment, or property.*
 - d. Any tampering, removal, and/or damage to fire and safety equipment on University property (e.g., residence halls, student center, campus recreation center and all*

- academic buildings, etc.). Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers.*
- e. Using or possessing any University key or access card without proper authorization. No Student or Student Organization is allowed to have a University key duplicated without prior permission from faculty or staff with authority to provide that permission.*
 - f. Obstruction of the free flow traffic on University premises or at University-sponsored or supervised activities.*
 - g. Posting of commercial advertising on University property without approval from University Officials.*
- 5. Disorderly Conduct including but not limited to:**
- a. Disruption or Interference of Students, faculty, administration, staff, the educational mission, or routine operations of the University.*
 - b. Commercial solicitation on campus or with University resources without prior approval from University officials.*
 - c. Failure to comply with a reasonable and lawful request or directive of University Officials.*
 - d. Facilitation of Student misconduct including but not limited to assisting, conspiring, soliciting, or encouraging others to engage in conduct which violates the Student Code of Conduct.*
 - e. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and University policy.*
 - f. Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. This may include but is not limited to the operation of a vehicle, bicycle, skateboard, scooter, and other mobile devices.*
 - g. Failure to present proper identification upon request by University Officials or Faculty, including law enforcement officers.*
- 6. Misuse of Computing Resources including but not limited to:**
- a. Failure to comply with University policies, license agreements, or contracts.*
 - b. Unauthorized alteration or destruction of computer equipment, software, network, data or system performance.*
 - c. Unauthorized copying or distribution of University data.*
 - d. Use of University resources for unauthorized commercial purposes or personal gain.*
 - e. Harmful access, or invasion of privacy.*
 - f. Use of computing facilities and resources to interfere with the work of another Student, faculty member, staff member or University Official.*
- 7. Obstruction of the Student Conduct process which includes but is not limited to:**
- a. Colluding with or intimidating witnesses.*
 - b. Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.*
 - c. Deliberately disrupting or interfering with the Student Conduct process.*
 - d. Tampering with information to be used in a Student Conduct process.*
 - e. Attempting to influence the impartiality of a Student Conduct Hearing Board member.*
 - f. Violating and/or failing to comply with Sanctions assigned through the Student Conduct process.*

- g. *Retaliation against any individual for filing a complaint or report of alleged violations of the Student Code of Conduct or otherwise participating in the student conduct process.*
- 8. *Prohibited possession or use of alcohol which includes but is not limited to:*
 - a. *Possession or consumption of alcohol while under the age of 21.*
 - b. *Purchasing, providing, or distributing alcohol to any individual who is under the age of 21.*
 - c. *Possession and/or use of a common source (keg, beer bongs, etc.) on University property or at a University sanctioned or sponsored event.*
 - d. *Possessing, furnishing, or consuming alcohol in unauthorized areas of the University.*
 - e. *Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol as defined by state law.*
 - f. *Participation in or hosting of drinking games which involve the consumption of alcoholic beverages on University property or at a University sanctioned or sponsored event.*
- 9. *Prohibited possession or use of drugs which includes but is not limited to:*
 - a. *Possession or use of any controlled substance, controlled substance analogues, and/or drug paraphernalia prohibited by SFA Policies or of any federal, state, or local law or ordinance.*
 - b. *Abusing legally obtained drugs by failing to take the drug as directed.*
 - c. *Misuse of non-controlled substances not intended for human consumption (i.e. spice, bath salts, rubbing alcohol) or not in compliance with manufacturer specifications.*
 - d. *Sale or distribution of narcotics, prescription drugs, controlled substances, controlled substance analogues, or drug paraphernalia*
- 10. *Conduct which could constitute a violation SFA Policy or of any federal, state, or local law or ordinance including, but not limited to:*
 - a. *The use or sale of all tobacco and vape products as defined and prohibited by SFA Policy 13.21, Smoking Vaping and Use of Tobacco Products.*
 - b. *Violations of SFA Policy 13.9, Firearms, Explosives, and Ammunition policy.*
 - c. *Violations of Residence Life Community Guidelines.*

~~Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:~~

- 1. ~~**Dishonesty** – Acts of dishonesty, including but not limited to, the following:~~
 - a. ~~Cheating or plagiarism as defined in university policy 4.1 (Student Academic Dishonesty), or other forms of academic dishonesty or breach of integrity such as but not limited to the distribution or selling of lecture notes, handouts, readers or other instructor provided materials without permission.~~
 - b. ~~Furnishing false information to any university official, faculty member, or office.~~
 - c. ~~Forgery, alteration, or misuse of any university document, record, or instrument of identification.~~
 - d. ~~Fraud as defined in university policy 2.7 (Fraud).~~
- 2. ~~**Alcohol** – Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by university policies 13.7, Alcohol Service, and 13.11, Illicit Drugs and Alcohol Abuse), is prohibited on university premises and university-sponsored events. Students are expected to comply with all state and local laws, as well~~

as all Residence Life regulations regarding the presence of alcohol in the residence halls (see also, Residence Life Community Guidelines) including, but not limited to:

- a. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.
 - b. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited.
 - c. Being found in a state of public intoxication or drunkenness is prohibited.
 - d. Possession of common containers (e.g. kegs, trash cans, etc.) on campus is prohibited.
 - e. Operating a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol is prohibited.
 - f. Violating any provision of the Code of Student Conduct while under the influence of alcohol is prohibited.
3. **Illegal Drugs** – The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited.
- a. Abusing legally obtained drugs by failing to take the drug as directed.
 - b. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled substances, drug paraphernalia or dangerous drug is also prohibited. (See also, policy 13.11, Illicit Drugs and Alcohol Abuse)
4. **Harassment** – Any conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the university. This provision shall not be used to discipline students for speech protected by the First Amendment.
5. **Harm to Person** – Actions which cause or may cause injury, create conditions that cause injury, or which cause a reasonable apprehension of physical injury is prohibited.
6. **Disruptive Behavior** – Interference or disruption of students, faculty, administration, staff, the educational mission, or routine operations of the university is prohibited. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to profit from the class or program. To remain in the vicinity of activity that is disrupting normal university functions when requested to leave by a university official is prohibited. Bystanders, if their presence incites or adds to the disruption, as well as more active participants in the disruptive activity, may be in violation of this policy as well. Engaging in physical violence of any nature against any person. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; or acting in a manner that threatens or endangers the physical health or safety of any person or causes a reasonable apprehension of such harm.
7. **Animal Cruelty** – Prohibited conduct includes:
- a. Intentionally, knowingly, or recklessly torturing, causing serious bodily injury to an animal, or killing an animal.
 - b. Failing to provide necessary food, water or care for an animal in the person's custody.
 - c. Abandoning an animal in the person's custody.
 - d. Transporting or confining an animal in a manner that may cause seriously bodily

- injury to any animal without the owner's consent.
- e. ~~Causing one animal to fight with another animal or overworking an animal in a manner that may cause serious bodily injury is prohibited.~~
8. **~~Damage to Property~~** — ~~Intentionally or recklessly causing damage to property or actions that may cause such damage is prohibited. Examples include removal of window restrictors or security screens; dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies, or roofs; and/or unauthorized application of graffiti to property.~~
9. **~~Damage to Fire Safety Equipment~~** — ~~Any tampering, removal, and/or damage to fire and safety equipment on university property (e.g., residence halls, student center, campus recreation center and all academic buildings, etc.). Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. (See also, Texas Penal Code Section 42.06)~~
10. **~~Complicity~~** — ~~being present during the planning or commission of any violation of the Student Code of Conduct in such a way as to condone, support, or encourage that misconduct is prohibited.~~
11. **~~Guest Responsibility~~** — ~~Students are accountable for violations their guests may commit while visiting them or the university community.~~
12. **~~Abuse of the Student Conduct Process~~** — ~~Interfering in any manner with the student conduct process is prohibited. Examples of violating this policy include, but are not limited to:~~
- a. ~~Colluding with or intimidating witnesses.~~
 - b. ~~Providing false or incomplete information that may mislead an investigation/hearing or intentionally omitting relevant information from an investigation or hearing.~~
 - c. ~~Retaliation against any individual for filing a complaint or alleging misconduct.~~
13. **~~Failure to Comply~~** — ~~Students and student organizations are expected to comply with reasonable and lawful requests of university officials in the performance of their duties. University officials include, but are not limited to, faculty, staff, and university police officers. Students are expected to appear at conduct hearings to respond to allegations or testify as a witness upon reasonable notice. A failure to comply with or complete a sanction or obligation resulting from a conduct hearing or adjudication may constitute failure to comply.~~
14. **~~Misuse of Computing Resources~~** — ~~Failure to comply with university regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer security, harmful access, or invasion of privacy are prohibited. Misuse and/or other abuse of computer facilities and resources are also prohibited (See also, policy 9.3, Digital Millennium Copyright and policy 9.2, Reproduction of Copyrighted Works by Educators and Librarians).~~
15. **~~Misuse of Keys/Access Cards~~** — ~~No person may use or possess any university key or access card without proper authorization. No student is allowed to have a university key duplicated without prior permission from faculty or staff with authority to provide that permission.~~
16. **~~Theft~~** — ~~Theft of any kind, including seizing, receiving, or concealing property with~~

knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.

17. **Gambling** – Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law and university policy.
18. **Unauthorized Entry or Use** – Unauthorized entry into, presence in, or use of university facilities equipment or property is prohibited.
19. **Traffic Obstruction** – Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or supervised activities.
20. **Reckless Operation** – Driving in a manner that recklessly endangers the health and/or safety of oneself or others on campus. Driving includes, but is not limited to, vehicles, bicycles, skateboards, scooters, and other mobile devices.
21. **Weapons** – No illegal weapons are allowed on the premise or at university-sponsored events. (see also, policy 13.9 Firearms, Explosives and Ammunition)
22. **Sex-Based Misconduct** – Due to the intersectionality of misconduct between potential violations of policy 10.4, Student Code of Conduct and the Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct policy 2.13, all incidents that allege sex-based discrimination must first undergo assessment, and potential investigation, by the university's Title IX office. If the potential violation is determined not to rise to the level of a policy 2.13 violation, or when deemed appropriate, information may be sent to investigation or sanctioning under policy 10.4, Student Code of Conduct. Misconduct under policy 2.13 includes, but is not limited to: program inequity, domestic/dating violence, sexual assault, stalking, and sexual harassment.
23. **Violation of University Policies** – Violation of any official university policy, rule, or regulation is prohibited. Such rules include, but are not limited to, Residence Life Community Guidelines, Athletics Student Athlete Handbook, Campus Recreation Center Policies and Procedures, Fraternity and Sorority Life policies and procedures, and university Parking Services Regulations.
24. **Violation of Law** – Violation(s) of any federal, state, or local law including, but not limited to:
 - a. Arson
 - b. Robbery
 - c. Burglary, and
 - d. Trespassing

B. Violation of Law and University Discipline

University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the vice president for student affairs or designee.

Findings and sanctions imposed under the Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Article IV: The Student Conduct Process

ARTICLE III: PROCEDURES

Introduction

The following rules of procedure in student disciplinary matters are adopted to ensure that the University will fulfill the requirements of procedural Due Process in student disciplinary conduct proceedings, outlined in the Student Code of Conduct. ~~-(10.4) and Residence Life Community Guidelines, both of which are updated annually. Disciplinary procedures within the university shall be definite and determinable as outlined in the Student Code of Conduct (10.4) and the Residence Life Community Guidelines.~~

These rules of procedure shall be followed in any disciplinary proceeding, subject to the authority of the Board of Regents and the authority delegated to the President of the University to exercise jurisdiction over disciplinary matters of the University. Cases involving sex-based misconduct, including, but not limited to, sexual violence, domestic/dating violence, and/or stalking may be investigated according to university-SFA Policy 2.13 (Sex and Gender-Based Discrimination, Violence, Harassment, and Misconduct Title IX).

The burden of proof in the Student Conduct process is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more likely than not.

1. Determination of Charges

- a. *Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by anyone, including but not limited to, University Police or other University departments, faculty, staff, Students, or third parties. Reports may be sent anonymously; however, this may significantly limit the University's ability to investigate, collect evidence, or take effective action.*
- b. *The Dean of Students Office will review available information to determine if a Student or Student Organization will be charged with a violation of the Student Code of Conduct. The Dean of Students may gather additional information if deemed necessary to assist in their determination.*
- c. *The Dean of Students may choose to withdraw charges if, at any point in the Student Conduct Process, they are no longer deemed warranted.*

2. Educational Conference

- a. *Once a Student or Student Organization has been charged with an alleged violation of the Student Code of Conduct, the first step in the process is an Educational Conference. The Educational Conference is not a hearing. The purpose of the Educational Conference is for a Conduct Officer to review with the Charged Student or Student Organization, and any Victim, the allegations and charges, their rights, the Student conduct process, possible sanctions, and to answer questions. During the Educational Conference the Charged Student or Student Organization will be given the opportunity to accept responsibility for the charges and any assigned sanctions, if applicable.*
 - i. *If the Charged Student or Student Organization accepts responsibility for the charge(s) and any assigned sanctions, then the Charged Student or Student*

Organization will be asked to sign the Educational Conference form indicating that individual's acceptance and their waiving of their right to a hearing and appeal. The Charged Student or Student Organization and any victim will then receive an email documenting their acceptance of responsibility and assigned sanctions within five (5) business days from the Dean of Students Office.

- ii. If the Charged Student or Student Organization does not accept responsibility for the charge(s) or does not agree with the assigned sanctions, then the Charged Student or Student Organization will be asked to sign the Educational Conference form indicating that decision and the case will be referred to a Student Conduct Hearing*
- iii. If the Charged Student or Student Organization fails to attend an Educational Conference or complete the Educational Conference Form, the case will be referred to a Student Conduct Hearing*

3. Student Conduct Hearing

Charged Students or Student Organizations who choose to not accept the outcome of the Educational Conference or do not participate in the Educational Conference, will be referred to a Student Conduct Hearing.

- a. **Hearing Notification:** The Dean of Students Office shall provide notice of the hearing to the Charged Student or Student Organization's SFA email. The notice will set forth the date, time, and place of the hearing; the charges assigned; and the rights of the Student or Student Organization. The Charged Student or Student Organization will be informed that an Advisor may be present during the hearing. The Student or Student Organization must notify the Dean of Students Office if an attorney will serve as an Advisor to allow a representative from the University's General Counsel's Office to attend. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. Failure to do so may result in the hearing being rescheduled. Any request to reschedule shall be made in writing to the Dean of Students Office, who has the authority to reschedule the hearing for good cause. Failure to attend the Student Conduct Hearing will lead to the case being heard in the Charged Student or Student Organization's absence. A Charged Student or Student Organization's lack of attendance shall not be used against the Charged Student or Student Organization in any determination of responsibility and/or sanctions.*
- b. **Victim Hearing Notification:** In cases with a Victim, The Dean of Students Office shall provide notice of the hearing through email. The notice will set forth the date, time, and place of the hearing and the charges assigned. The notice shall be given at least five (5) business days prior to the Student Conduct Hearing. This notification will also advise the victim of his or her rights in the Student conduct process, including but not limited to, the right to submit a list of questions, the right to submit a victim impact statement, the right to request a copy of his or her record, the right to an Advisor, and the right to provide information in a separate room from the Charged Student or Student Organization.*
- c. **Student Conduct Hearing Board:** The Dean of Students Office will choose at least 3 individuals, with at least 1 Faculty/Staff and 1 Student, who are available to serve on the Student Conduct Hearing Board. These Student Conduct Hearing Board members are comprised of those appointed to serve on the Student Conduct Hearing Board. Student Conduct Hearing Board Members are appointed to the Student Conduct*

Hearing Board by the Vice President of Student Affairs. All appointments are for one (1) academic year. Faculty, Staff, and Students may serve an unlimited number of terms.

- d. **Pre-Hearing Information:** The Dean of Students Office will make available, ~~upon request by the Charged Student or Student Organization,~~ pre-hearing information including copies of records that will be presented by the University at the hearing, and a list of potential University witnesses, and a summary of the information the witness(es) may provide. The pre-hearing information will be available at least three business days in advance of the hearing. The Charged Student or Student Organization must provide the Dean of Students Office with a list of potential witnesses and copies of any records that they will present at the hearing at least two (2) business day in advance of the hearing. Evidence and/or witnesses that are not provided at least two (2) business day before the hearing will only be included in the hearing at the discretion of the Student Conduct Hearing Board Chair.
- e. **Advisors:** An Advisor may accompany a Charged Student or Student Organization or a Victim in a Student Conduct Hearing. An Advisor may not directly participate in the Student Conduct Hearing in any capacity other than providing advice and support to the Charged Student or Student Organization or Victim they are accompanying. A Charged Student or Student Organization and a Victim may select anyone to serve as their Advisor as long as this individual is not a witness to or involved in the case. A Charged Student or Organization and a Victim may only have one Advisor present during a Student Conduct Hearing. If the chosen Advisor is an attorney, the Charged Student or Student Organization or Victim must inform the Dean of Students Office at least two (2) business days in advance of the Student Conduct Hearing to allow for a representative of the University General Counsel's Office to attend. Failure to do so may result in the hearing being rescheduled. For the purposes of this policy, an Advisor who is involved in any other part of the Student Conduct Process shall be held to these standards.
- f. **Role of Hearing Board Chair:** A Faculty or Staff Student Conduct Hearing Board member, in attendance at the Student Conduct Hearing, will serve as the Hearing Board Chair. The Hearing Board Chair manages the Student Conduct Hearing Board and is responsible for the decorum of the hearing, and to ensure that all procedures are properly followed. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes, obstructs, or fails to abide by the rulings of the chair. Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee, in which by majority vote shall be final. In case of a tie and a majority is unable to be reached, the vote of the Hearing Board Chair is the deciding vote. The chair may also seek guidance from the Dean of Students Office as needed.
- g. **Order of Proceedings During the Student Conduct Hearing:** The Hearing Board Chair will facilitate the Student Conduct Hearing, determine the presence or absence of the Charged Student or Student Organization and/or Victim, verify the alleged misconduct, determine the presence of an Advisor, and explain any additional procedures to be employed during the hearing. The hearing will be recorded in either audio or video format.

The Charged Student or Student Organization will be given the opportunity to provide an opening statement. This is the opportunity for the Charged Student or Student Organization to state their case and present their evidence. After the Charged Student or Student Organization provides their opening statement, the Student Conduct Hearing Board and any Victim will be given the opportunity to question the Charged Student or Student Organization.

The Dean of Students' and the Charged Student or Student Organization's witnesses, if any, will then be called to provide a statement, present any evidence they may possess, and answer questions posed by the Student Conduct Hearing Board and the Charged Student or Student Organization, and any Victims if applicable. The Dean of Students Office is unable to compel individuals to serve as a Witness. The Charged Student or Student Organization will be responsible for notifying their Witness(es) of the time, date, and location of the Student Conduct Hearing. Witnesses may participate in person, by telephone, or virtually if needed. Only one Witness will be allowed to participate in the Student Conduct Hearing at a time. The Hearing Board Chair may limit the number or disallow completely, character witnesses that have no direct knowledge of the alleged misconduct.

All questions asked by the Charged Student or Student Organizations, Victim, and any Witnesses must be directed to the Chair to determine if they are relevant and appropriate for the case.

After all Witnesses and evidence has been presented, the Charged Student or Student Organization may make a closing statement.

The Student Conduct Hearing Board will then convene in closed session to determine if the Charged Student or Student Organization is responsible or not responsible for the alleged violations of the Student Code of Conduct. If a finding of responsible is made for any of the alleged violations, The Student Conduct Hearing board will determine recommended sanctions. Determination and recommendation of Sanctions are outlined in the Sanctions section of this document (Article V).

The outcome of the Student Conduct Hearing will be sent to the Charged Student or Student Organization, and any victim, through email within five (5) business days following the close of the hearing. This time may be extended for deliberations when necessary and the Charged Student or Student Organization shall be notified of any such extensions. The outcome letter shall contain a decision on each charge, any findings of fact and any applicable sanctions. The Charged Student or Student Organization may appeal a finding of responsible within five (5) business days as outlined in the appeal section of these procedures.

Hearings are closed to the public and all information presented in the hearing is confidential and restricted to only those who have an absolute need to know. In cases involving multiple Charged Students or Student Organizations from the same incident, information obtained at one hearing may be used at another hearing.

A. Filing the Complaint

Any member of the university community may file a complaint against a student alleging a violation of the Student Code of Conduct. Complaints may be submitted to the Office of Student Rights and Responsibilities. Anonymous complaints may be made, however, electing to remain anonymous may significantly limit the university's ability to investigate, collect evidence, or take effective action.

B. Filing a False or Frivolous Complaint

Knowingly filing a false or frivolous complaint to intentionally mislead a university official is expressly forbidden. A frivolous complaint is one that is made in retribution for another student filing a complaint and can be demonstrated as lacking merit. Violators may face charges up to suspension or expulsion. The university is the sole party who may file charges of a false or frivolous complaint.

C. Notice of Allegations

Upon receiving a report of an alleged violation of the Student Code of Conduct, the student conduct administrator will review the report and, if needed, conduct an initial investigation. If there is sufficient evidence to indicate that a violation may have occurred, a notice of allegations will be sent to the respondent through a university recognized medium, including the alleged incident date(s) and instructions to attend an Educational Conference with a student conduct administrator. If at any time during the course of the conduct process the dean of students determines that either charges are not warranted or that insufficient evidence exists to continue, then the charges may be withdrawn, and the respondent will be so notified via email.

When an incident has or can be reasonably determined to disrupt the university environment, or occurs at the beginning or end of a semester, the student may be contacted to begin the process immediately. In addition to notices by email, attempts may be made to contact the student by phone or in-person contact by a university employee. This expedited contact is intended to preserve the university living/learning environment and can offer a student found responsible of an infraction options that may be time limited or time based, such as withdrawing prior to financial penalties or beginning a suspension period in a timely manner. Failure by a student to have current contact information on file will not invalidate the notices.

D. Immediate Response

The university reserves the right to take action as may be reasonably appropriate, upon receipt of a complaint, to protect the complainant or university community pending the final outcome of these procedures. Some actions may include, but not limited to, housing reassignments, class schedule changes, restrictions from entering certain buildings and/or participation in certain events. These actions will be handled on a case by case basis.

E. Burden of Proof

The burden of proof is by a preponderance of the evidence, defined as evidence which leads a reasonable person to conclude something is more probable than not. The rules of evidence do not apply in any hearing nor are the proceedings to be conducted as judicial trials, however, care shall be taken to comply with the intent of the procedural safeguards provided by these guidelines.

F. Educational Conference

Once a respondent has been charged with an alleged violation of the Student Code of Conduct, the first step in the process is an Educational Conference. The Educational Conference is not a hearing. The purpose of the Educational Conference is for a student conduct administrator to review with the respondent the allegations and charges, the Student Code of Conduct, the hearing options, the conduct process, possible sanctions, and to answer questions. During the Educational Conference the respondent will be given the opportunity to accept responsibility or not accept responsibility for the charges.

If the respondent accepts responsibility for the charge(s), then the respondent will be asked to sign the Educational Conference Form indicating that individual's acceptance of responsibility and that the individual is waiving that individual's right to a hearing. They will then receive an email documenting the respondent's acceptance of responsibility and assigned sanctions within ten (10) business days from the Office of Student Rights and Responsibilities.

If the respondent does not accept responsibility for the charge(s), then the respondent will be asked to sign an Educational Conference Form indicating that the respondent does not accept responsibility for the charge(s) and would like the case to be referred to a Student Conduct Hearing. The Office of Student Rights and Responsibilities will schedule the hearing providing the respondent with a minimum of five (5) business days' notice.

If the respondent fails to attend an Educational Conference or complete the Educational Conference Form, the case will be referred to a Student Conduct Hearing.

G. Student Conduct Hearing Board

A Student Conduct Hearing Board composed of at least two faculty/staff and one student who will serve upon request to adjudicate alleged violations, and to recommend sanctions if applicable. The faculty/staff members will be selected from a pool of appointees from the vice president for student affairs or designee. The student will be a representative of the general student population with input from the student government association president.

H. Notice of Hearing

The student conduct administrator will provide notice of the hearing transmitted through a university recognized medium. The notice will set forth the date, time, and place of the hearing. The respondent will be informed that an advisor may be present during the hearing. The student must notify the student conduct administrator if an attorney will serve as an advisor to allow the university's attorney to also be present. Failure by the respondent to access notifications transmitted through a university recognized medium shall not invalidate the notice. The notice shall be given at least five (5) business days prior to the hearing, unless a shorter or longer time is granted for good cause. Any request for continuance shall be made in writing to the student conduct administrator, who has the authority to reschedule the hearing if it is determined the request is timely and for good cause.

~~Failure to appear will lead to the case being heard in absentia (without the student being present)~~

~~I. Role of Chair During Formal Hearing~~

~~The chair manages the hearing board during the student conduct hearing. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes, obstructs, or fails to abide by the rulings of the chair. Procedural questions which arise during the hearing not covered by these general rules shall be determined by the chair, whose ruling shall be final unless the chair presents the question to the committee, in which by majority vote shall be final. The chair may also seek guidance from general counsel prior to or during the hearing on procedural issues.~~

~~J. Order of Proceedings During Formal Hearing~~

~~The hearing board chair will preside at the hearing, determine the presence or absence of the respondent, verify the alleged misconduct, determine the presence of an advisor, and explain any additional procedures to be employed during the hearing. The hearing will be recorded in either voice or video format. The student conduct administrator will begin the process by presenting a general overview of the case, the types of evidence to be used, and the findings of any investigation prior to the hearing. However, the student conduct administrator is not a part of the hearing board and serves to provide the board and the respondent with assistance in obtaining the information necessary until the hearing has been concluded.~~

~~The respondent may choose to make opening remarks after the student conduct administrator gives the overview or wait until the conduct in question is presented. The respondent's advisor may advise the respondent, but may not participate in the hearing, for example by questioning witnesses or addressing the board. The hearing board and the respondent may call and cross-examine witnesses and present evidence. The respondent may, but is not required to, testify. Any person testifying, including the respondent, shall be subject to cross examination.~~

~~The respondent will be afforded an opportunity to obtain necessary witnesses and/or provide additional evidence. The student conduct administrator cannot compel other students to appear at a hearing but may assist students being called as witnesses with class absence notifications when necessary. The student conduct administrator will make available any necessary documents and evidence within the university's control, to the extent allowed by law. Depending on the nature of the evidence, it may be made available to the respondent but not released.~~

~~The hearing is meant to be an exchange of information and a presentation of facts by witnesses having direct knowledge of the alleged infraction. The hearing board chair may limit the number or disallow completely, character witnesses that have no knowledge of the alleged incident. Witnesses are called beginning with who the board request. Following, the respondent may call witnesses or present additional evidence relevant to the conduct in question.~~

~~After all witnesses and evidence has been presented, the respondent may make a closing statement.~~

~~The Student Conduct Hearing Board will then convene in closed session to determine if the respondent is responsible or not responsible for the alleged violations of the Student Code of~~

~~Conduct. If a finding of responsible is made for any of the alleged violations, the Student Conduct Hearing board will determine recommended sanctions. Determination and recommendation of sanctions are outlined in Section O. Sanctions.~~

~~The outcome of the Student Conduct Hearing will be sent to the respondent through a university-recognized medium within ten (10) business days following the close of the hearing. This time may be extended for deliberations when necessary and the student shall be notified of any such extensions. The decision letter shall contain a decision on each charge, any findings of fact and any applicable sanctions. The respondent may appeal a finding of responsible within five (5) business days as outlined in Section L. Appeal Procedures.~~

~~Hearings are closed to the public and all information presented in the hearing is confidential and restricted to only those who have an absolute need to know~~

Article V: Sanctions

Charged Student or Student Organizations who accept responsibility or are found responsible for violations of the Student Code of Conduct, will be assigned sanctions based on the violation, any aggravating or mitigating circumstances, and prior violations of the Student Code of Conduct. The Conduct Officer/Student Conduct Hearing Board will recommend sanctions to the Dean of Students or designee, who will make a final determination of sanctions. Recommended sanctions may be adopted, modified, or rejected. When recommended sanctions are not adopted by the Dean of Students or designee, the Dean of Students or designee shall provide the Charged Student or Student Organization with the reasons for not adopting the recommendations in writing. One or more of the following sanctions may be assigned for violations of the Student Code of Conduct:

- 1. Disciplinary Reprimand:** *a written disciplinary sanction notifying a Student or Student Organization that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.*
- 2. Disciplinary Probation:** *a written disciplinary sanction notifying a Student or Student Organization that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more severe sanctions. In addition, restrictions may be placed on a Student or Student Organization's activities.*
- 3. Educational Requirements:** *a Student or Student Organization is required to complete a specified educational sanction related to the violation committed. Such educational requirements may include, but are not limited to, completion of a seminar, written assignment, alcohol or drug assessment, and/or presentation. Fines may be associated with Educational Requirements due to the cost of the assigned assessment/program.*
- 4. Special Action:** *A sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, but are not limited to restitution, community service, counseling suggestions, and restrictions or removal from academic courses, University housing, or extracurricular activities.*
- 5. Suspension:**
 - a.** *A Student who is suspended is required to leave the University for a specified period of time. The Student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period the Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific*

written permission of the Vice President of Student Affairs and the SFA Chief of Police. While serving a suspension a Student is not in good standing.

- b. A Student Organization that is suspended is required to cease all activity during the specified time period. During this time, they are not recognized by the University as outlined in SFA Policy 10.9, Student Organization Formation and Recognition. Special Actions may also be attached to the suspension to enhance the educational intent of the disciplinary process. Suspended Student Organizations must submit a new application as an organization at the end of the suspension period.*
 - c. In certain situations, the Suspension may be placed in a deferred status.*
- 6. *Expulsion:*** A Student who is expelled is permanently barred from attending the University and is ineligible for readmission to the University. The Student may not visit or come onto any SFA campus or attend any SFA sanctioned or sponsored event without specific written permission of the Vice President of Student Affairs and the SFA Chief of Police.

K. Appeal Procedures

~~Students have one level of appeal for every student conduct case. The final appellate authority shall be the vice president for student affairs or designee. There shall be two grounds for appeal, the finding of responsibility or the sanction received.~~

Appeal of the Findings of Responsibility

~~The respondent may appeal the finding of responsibility to the dean of students or designee. The student must submit a signed and dated written appeal to the Office of the Dean of Students no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered.~~

Appeal of the Sanction

~~The respondent may accept the finding of responsibility but appeal the sanction to the vice president for student affairs or designee. The signed and dated written appeal must be submitted to the Office of the Dean of Students no later than 5 p.m. the day of the deadline. The written appeal must contain: the respondent's university identification number, date of the disciplinary action being appealed, the nature of the charges, the grounds which merit an appeal, and any extenuating circumstances the respondent wishes to have considered.~~

Article VI: Appeals

Charged Students or Student Organizations who are found responsible by a Student Conduct Hearing Board have the right to appeal based on certain criteria. Appeals must meet one or more of the following grounds:

- 1. The information contained within the case does not support the finding of responsible.*
- 2. The assigned sanctions are not appropriate for the violation(s).*
- 3. The Student or Student Organization's rights, as outlined by this policy, were violated.*

The Charged Student or Student Organization must submit an appeal to the Vice President of Student Affairs within five (5) business days of the outcome letter being sent from the Dean of Students. This

appeal must describe why they feel their case meets one of the appeal criteria listed.

The Vice President of Student Affairs or Designee may uphold the decision and/or sanctions, modify the decision and/or sanctions, or remand the case for a new hearing. Unless the appeal decision is to remand the case, the appeal decision is considered the final decision of the University. The Charged Student or Student Organization will receive the outcome of the appeal through email.

L. Confidentiality and Records

~~All hearings and records (written, electronic, audio or video recording, etc.) pertaining to hearings will be considered education records and treated as designated by law. Student conduct records are kept for two years beyond a student's final enrollment at the university. Records for cases when a student has been expelled are held permanently.~~

~~Disciplinary actions which result in extended separation from the university and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension, expulsion, or debarment) along with the effective dates of the sanction. A student must request in writing that the notation be removed upon completion of the sanction. Written requests must include the student's name and identification number, and must be submitted to the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities will verify a student's eligibility for the transcript notation to be removed and will notify the Registrar's Office for removal.~~

~~There will be no disclosure of file contents outside of the university without the written permission of the student, unless required or allowed by law. Disclosure within the university is limited to those employees having legitimate need of the information to conduct university business. A student may make a written request for a personal copy of their incident report and receive a redacted copy. Disclosure to victims of violent crimes, nonforcible sex offenses or other offenses with reporting requirements will be handled according to law. All hearings are closed to the public.~~

Article VII: Interim Measures

The Dean of Students may assign Interim Measures to a Student or Student Organization if it is determined that the continued presence or actions of a Student or Student Organization poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal University functions. The Interim Measure will take effect immediately without prior notice to the Student or Student Organization. Interim Measures may include, but are not limited to, interim suspension, restrictions, removal from on-campus housing, or no contact directives. Interim Measures may be lifted by the Dean of Students when deemed appropriate.

In cases of interim suspension, restrictions, or removal from on-campus housing, unless waived in writing by the Student or Student Organization, the Student or Student Organization will have a post-removal hearing with the Dean of Students or designee regarding the Interim Measure. The scope of this hearing is limited solely to the determination of whether that Student or Student Organization's presence or continuation of activities adversely affects the health, safety or welfare of the University community. The Student or Student Organization will be provided with an explanation of the evidence on which the University based its decision concerning the Interim Measure and an opportunity to

respond.

M. Rights of Students in Disciplinary Proceedings

The rights outlined below will be accorded to any student for an alleged violation of the student code of conduct. Both the respondent and complainant shall have the same rights unless additional rights are provided to either party according to law.

- a. to be present at the hearing;
- b. to meet with the student conduct administrator to discuss the disciplinary process;
- c. to submit a written account of the alleged incident;
- d. to be advised of the date, time and location of the disciplinary hearing, and to request rescheduling (a continuance) for good cause;
- e. to be present at the hearing and to be accompanied by an advisor of the student's choosing during the hearing process, although the advisor will not be permitted to speak for the student during the hearing;
- f. to testify at the hearing;
- g. to decline to testify, with knowledge that all relevant evidence will be considered and the alleged violation adjudicated;
- h. to hear or examine evidence presented against the respondent;
- i. to have and cross-examine witnesses, as specified in this policy;
- j. to make any statement in mitigation or explanation of the conduct in question;
- k. to be informed in writing of the finding and any sanction imposed to the extent allowed by law;
- l. to appeal the finding and/or sanction to the proper authority;
- m. to waive rights to a hearing as outlined in these procedures.

Article VIII: Records

All hearings, and records pertaining to hearings, will be considered education records and treated as designated by law. Student or Student Organization conduct records are kept for seven years after the final outcome of the Student Conduct Process. Records for cases where a Student or Student Organization has been expelled or suspended are held permanently.

Disciplinary actions which result in suspension or expulsion from the University and prevent enrollment will be noted on the academic transcript. Information will include the specific sanction (suspension or expulsion) along with the effective dates of the sanction.

There will be no disclosure of file contents outside of the University without the written permission of the Student, unless required or allowed by law. Disclosure within the University is limited to those employees having legitimate need of the information to conduct University business. A Student or Student Organization may make a written request for a personal copy of their incident report and receive a redacted copy. Disclosure to victims of violent crimes, nonforcible sex offenses or other offenses with reporting requirements will be handled according to law. All hearings are closed to the public.

N. Sanctions

The student conduct administrator/student conduct hearing board will recommend sanctions to the dean of students, who will make a final determination of sanctions. Recommended sanctions may be adopted, modified, or rejected. Where the student conduct hearing board's or conduct administrator's recommended sanctions are not adopted by the dean of students, the dean of students shall provide the respondent with the reasons for not adopting the recommendations in writing.

Disciplinary Reprimand: a written disciplinary sanction notifying a student that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.

Disciplinary Probation: a written disciplinary sanction notifying a student that their behavior is in serious violation of university standards. Any additional violations occurring during a probationary period may result in more serious sanctions. In addition, restrictions may be placed on a student's activities. Restrictions that may be imposed during a probationary period may include, but are not limited to, restriction of the privilege to: (a) participate in student activities or in student organizations; (b) represent the university on athletic teams, or in other leadership positions; (c) have access to university housing facilities or other areas on campus; (d) have use of university resources and/or equipment; and/or (e) have contact with specified person(s). When on disciplinary probation a student is not in good standing

Educational Requirements: a student is required to complete a specified educational sanction related to the violation committed. Such educational requirements may include, but are not limited to, completion of a seminar, report, alcohol or drug assessment, presentations, and/or counseling

Special Action: is a sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include, but are not limited to, the requirement of a special program (the cost of this program will be paid by the student), restitution, community service, counseling referrals, and restrictions or removal from academic courses, university housing, or extracurricular activities.

Suspension of an Individual: is a bar from attending the university for a specific period of time and begins at the date and time specified by the dean of students. A suspension also carries with it the following conditions:

- a. Student must remain off the campus during the period of suspension, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- b. Student may not live or board in university facilities.

Suspension of a Student Organization: is a bar from university recognition for a specified period of time as outlined in university policy 10.9 (Student Organization Formation and Recognition).

Student organizations are required to cease all activity during the specified period. Special Actions may also be attached to the suspension to enhance the educational intent of the

disciplinary process. Suspended student organizations must submit a new application as an organization at the end of the suspension period.

Expulsion: is a permanent bar from attending the university whereby a student is not eligible for readmission to the university and begins at the date and time specified by the dean of students. An expelled student's status will carry the following conditions:

- a. Student must remain off campus, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- b. Student may not live or board in university facilities.

Debarment: is equivalent to suspension from the university applied to persons not currently registered at the time the sanction is imposed.

Interim Suspension: The dean of students may suspend a student for an interim period pending disciplinary proceedings when there is evidence that the continued presence of a student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions. The interim suspension may take effect immediately without prior notice to the student. However, the dean of students shall provide notice to the student at a feasible time.

The dean of students shall inform the student of their right to a hearing to be held within five (5) business days from the effective date of the interim suspension. If the student desires, a preliminary hearing shall be held on the following issues only:

- a. the reliability of the information concerning the student's conduct, including the matter of his/her identity;
- b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the university campus poses a substantial threat of harm or bodily injury, damage to property, or threat to the stability and continuance of normal university functions.

If the dean of students finds that the alleged violation is unreliable or that the respondent has been misidentified, the case may be dismissed. If the student dean of students finds that allowing the respondent to remain on campus poses no threat or disruption, the student may be allowed to remain on campus pending the completion of the hearing.

O. Status during Appeal

In cases of suspension or expulsion when an appeal is filed, a student may request the Office of the Dean of Students in writing for permission to continue to reside on campus and/or attend classes pending the ruling of the appeal. The dean of students may permit this request, given that such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community.

P. Hold of Student's Records

The university may place a hold on the records or registration of any student who fails to respond to a university conduct notice, resolve a student conduct issue, or fulfill any sanctions issued by

~~the dean of students.~~

Article IX: Non-discrimination, Interpretation, and Revision

~~ARTICLE IV: NON-DISCRIMINATION, INTERPRETATION AND REVISION~~

Decisions rendered according to this policy will be made based on observations of a ~~S~~student's conduct, actions and statements and not on the basis of a student's race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Any Student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, this request must be made to SFA Disability Services at least three business days in advance of the hearing. If necessary the Hearing Board Chair, or the Dean of Students or designee, may postpone the hearing to provide reasonable accommodations.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the ~~V~~ice ~~p~~President ~~for~~ of ~~S~~student ~~A~~affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the ~~V~~ice ~~P~~resident ~~of~~ ~~S~~student ~~A~~affairs or designee.

Cross Reference: Tex. Educ. Code §§ 51.9315, .936, .9364; Fraud (2.7); ~~Discrimination Complaints~~*Nondiscrimination* (2.11); ~~Sex and Gender Based Discrimination, Violence, Harassment, and Misconduct~~*Title IX* (2.13); Student Academic Dishonesty (4.1); Reproduction of Copyrighted Works by Educators and Librarians (9.2); Digital Millennium Copyright (9.3); Hazing (10.3); Student Organization Formation and Recognition (10.9); ~~Students Displaying Serious Psychological Problems~~*Student Involuntary Withdrawal* (10.13); Annual Disclosure of Crime Statistics (13.3); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9); Acceptable Use of Information *Technology* Resources (14.2); Residence Life Community Guidelines

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

Contact for Revision: Assistant Vice President of Student Affairs and Dean of Students

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Students Displaying Serious Psychological Problems

Policy Number: 10.13

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

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

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

Purpose of Policy (what does it do): Creates standard for involuntarily withdrawing a student that may pose a threat to the university community.

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

- ☐ Scheduled Review ☐ Change in law ☐ Response to audit finding
☒ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision:

Policy name changed due to not all behaviors that may pose a risk to the community are a result of psychological problems.

Universities cannot take action on a student that is suicidal due to the changes in the direct threat standard. Suicidality is now covered under the Americans with Disabilities Act.

Removed references to Emergency or Non-Emergency situations because this policy would only be enacted in extreme cases. "Non-Emergency" situations would not be subject to this policy and thus should not be mentioned.

Created Interim Measures within the policy to allow the University to be responsive in extreme situations to protect the university community.

Outlined the specific rights of the student and also notice requirements. This is to ensure appropriate due process.

Outlined the following actions: recommendation parameters from the Behavioral Intervention

STEPHEN F. AUSTIN STATE UNIVERSITY

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Team; decision parameters for the Vice President of Student Affairs; decision parameters for the Executive Vice President and Provost. This is to ensure the consistent and equitable application of this policy and treatment of students as part of this policy.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Behavioral Intervention Team

Brandon Frye, Vice President of Student Affairs

Damon Derrick, General Counsel

Students Displaying Serious Psychological Problems Student Involuntary Withdrawal

Original Implementation: October 12, 1982

Last Revision: ~~July 23, 2019~~ November 1, 2021

Stephen F. Austin State University (*SFA or the University*) is committed to maintaining a learning and working environment that is safe for all ~~S~~students and ~~staff~~employees. This policy establishes guidelines to address *Student behavior that significantly disrupts the University environment or may pose an imminent risk to the University community and where no reasonable accommodation can adequately reduce the disruption or risk.* ~~the needs of students who are experiencing serious psychological problems that may compromise their safety or the safety of others.~~

Definitions

~~Serious psychological problems~~ result in behaviors, occurring on campus, in which a student is a danger to themselves or others or causes significant disruptive activity.

~~Emergency Situation:~~ occurs when a student is an imminent danger to self or others or there is reasonable certainty of this danger occurring in the immediate future. Examples of emergency situations are, but are not limited to, a suicide attempt, threat of a suicide attempt, actual physical harm to another person or threat of imminent harm to another person.

~~Non-emergency Situation:~~ occurs when the student's behavior is such that it is reasonable to believe that further deterioration of the behavior could result in significant disruptive behavior and/or become dangerous to any member of the university community. Examples of non-emergency situations include, but are not limited to, repeated aberrant behavior such as inappropriate outbursts in classrooms or university offices or obvious non-lethal threats of aggression or increased levels of risk from behavioral distress, disturbances or deregulation.

Behavior Intervention Team (BIT): a team composed of ~~u~~University professionals who review and evaluate reported ~~S~~student behavioral situations that are concerning to evaluate the ~~s~~Student's observed conduct and actions. In addition to the evaluation of qualified ~~m~~Mental ~~H~~health and medical providers, the team may evaluate the ~~S~~student's risk level utilizing standardized threat assessment measures. Membership of the BIT may vary depending on the nature of the situation.

Dean of Students: the Assistant Vice President of Students Affairs and Dean of Students is the chair of the Behavioral Intervention Team and is the staff member responsible for the

application and review of this policy, as designated by the Vice President of Student Affairs and the University President.

Involuntary Withdrawal Committee: *a subset group of the Behavioral Intervention Team that meets with Students that are involved in the application of this policy and process. This team will compile all information and present it to the Behavioral Assessment Team.*

Qualified Mental Health Provider: *a professional licensed by a state-recognized board to offer mental health services in Texas or in another state if the sStudent returns to another state for evaluation and/or treatment.*

Psychological Review Board: *composed of a student conduct authority, the assistant dean of student affairs for support services, the ADA coordinator, a staff counselor from Counseling Services, and a physician from the Student Health Center acting as chair. The director of health services acts as the contact person to initiate hearing proceedings and may appoint alternate members when deemed necessary.*

Student: *an individual who is enrolled or is eligible to enroll in classes with the University.*

Student Conduct Authority/Administrator/Conduct Officer: *any person or persons authorized by the Vice pPresident for of university Student aAffairs or Ddesignee to determine whether a student has violated the Student Code of Conduct and to recommend or impose sanctions when a violation has been committed.administer the Student Code of Conduct.*

University: *is Stephen F. Austin State University or SFA.*

Reporting and Response

Anyone with knowledge of a sStudent displaying behaviors that pose a disruption or imminent risk or danger to the University should report these behaviors to one of the following offices.

Behaviors that put an individual or the University community in imminent risk or danger should be immediately referred to the SFA University Police Department (UPD). UPD will coordinate the response to these reports.

Behaviors that do not pose an imminent danger or risk to an individual or the University community should be referred to the Dean of Students Office in a timely manner. The Dean of Students Office will coordinate the response to these reports.behavior that could place the student or others in imminent danger should immediately contact the University Police Department (UPD). UPD will coordinate the response to the incident.

~~Response will be based upon the severity of the behavior and may range from obtaining medical/mental health assistance for the student to taking the student into custody.~~

Emergency Procedures

~~When an incident is deemed to be an emergency situation, UPD will contact a student conduct authority as soon as is reasonably possible after responding to the reported incident. The student conduct authority, under the direction of the vice president for university affairs/designee, may send a letter to the student indicating the student is barred from campus and class attendance until certain conditions are met. These conditions may include, but are not limited to, meeting with the student conduct authority to review the case, an evaluation and release from a qualified mental health provider stating the student is ready to return to campus and class and/or that the student agrees to refrain from the behavior displayed in the incident. Also within the letter, the student will be informed of their right to have a hearing with the Psychological Review Board within five (5) working days for reconsideration of the incident and the required conditions.~~

~~The student may:~~

- ~~a) accept the required conditions stated in the letter and return to campus and class without a hearing, or~~
- ~~b) request a hearing and remain off campus and not attend class until the matter is resolved, or~~
- ~~c) do neither and, after the fifth day, be suspended from the university for at least the remainder of the semester and until the required conditions are met.~~

~~The request for a hearing must be made in writing and delivered to the student conduct authority within two (2) working days of receipt of the letter to preserve the right of a hearing within five (5) days. A request filed after two (2) days but before the end of the fifth day will preserve the right of a hearing but not the right of a hearing within the five (5) day timeframe; however, the university will make every attempt to hold the hearing as quickly as is reasonably possible. Upon receipt of the written request, the student conduct authority will contact the director of health services, who chairs the Psychological Review Board, as soon as is reasonably possible to begin hearing proceedings.~~

~~The student conduct authority may, under the direction of the vice president for university affairs/designee, refer the case immediately to the Psychological Review Board for a hearing within five (5) working days in cases where suspension from the university and/or removal from a class, program or service may be a possibility. The student conduct authority will send a letter to the student with initial notice of the hearing and state that the student is barred from campus and attending class until the hearing is held and the matter is resolved. The formal notice of the hearing date, time and place and the hearing process will follow the procedures outlined in the Hearing Procedures section of this policy.~~

If no imminent danger is found, UPD will contact the student conduct authority who may continue under non-emergency procedures.

Non-Emergency Procedures

A student conduct authority can receive a report of an incident from the University Police Department or anyone with knowledge of a student displaying behaviors described in the non-emergency situation definition of this policy. The student conduct authority will begin an initial investigation into the incident that may include interviewing involved parties and seeking input from appropriate professional resources. The student in question will be directed to report to the student conduct authority as soon as is reasonably possible for an initial meeting. At this meeting, student conduct authority will interview the student and make one of the following findings:

- The student's condition is currently such that the student is an imminent danger to self or others. In this case, the student conduct authority will immediately contact UPD to begin emergency procedures.
- The student's condition is currently such that further deterioration could reasonably result in harm or danger to a member of the university community or the condition continues to display significant disruptive behavior. In this case, the student conduct authority will immediately issue an initial notice to the student that a hearing with the Psychological Review Board will be held within the next five (5) working days and will contact the director of health services as soon as is reasonably possible to begin hearing proceedings. The formal notice of the hearing date, time and place and the hearing process will follow the procedures outlined in the Hearing Procedures section of this policy.
- The student's condition is currently such that counseling or other services would benefit the student. The student conduct authority will assist the student in making the necessary referrals. If the student's condition is drug or alcohol related, the student conduct authority will follow the procedures outlined in the Illicit Drugs and Alcohol Abuse (13.11) policy.
- The student's behavior was not related to a serious psychological problem. The case may, at the discretion of the student conduct authority, be handled through the regular disciplinary procedures outlined in the Student Code of Conduct (10.4).
- The student's condition and behavior is found to require no action.

General

The University may withdraw a Student involuntarily if it is determined the continued presence of the Student in the University community poses a serious risk to the safety of the University community, another person, or property. An involuntary withdrawal is intended to allow the Student to take time to address the behaviors that led to the involuntary withdrawal. At any time prior to the decision to involuntarily withdraw a Student, the Student may voluntarily withdraw themselves from the University for a period of time. If it is determined this process should continue, a registration hold will be placed on the Student's account to prevent them from re-registering. This temporary hold will remain in place through the conclusion of this process.

This Involuntary Withdrawal process is separate from the Student Conduct pProcess under the Student Code of Conduct and one may have no bearing on the other. An involuntary withdrawal is not considered a sanction and is not subject to any Student Conduct pProcess.

The possible outcomes from this process are: Student remains at the University with no conditions; Student remains at the University but has certain conditions put in place; Student is involuntarily withdrawn from the University if they have decided to not withdraw voluntarily.

If a Student is involuntarily withdrawn, they must promptly (typically within 48 hours) vacate their on-campus residence (if applicable) and leave campus in the allotted time and may not participate in Student activities, University events, or use University facilities. In certain situations, and at the discretion of the Dean of Students, Students may be asked to vacate immediately or be escorted by the University Police Department while on-campus. Students involuntarily withdrawn may not re-enroll in classes and may not return to University property unless authorized to do so in writing by the SFA University Police Department Chief or Deputy Chief.

Interim Measures

In situations where the Student's behavior poses an imminent threat to a person or the University community, the Student Conduct Administrator/Conduct Officer, in consultation with the Dean of Students, may involuntarily withdraw a Student on an interim basis. The Student may request a meeting with the Student Conduct Administrator/Conduct Officer within three (3) business days to discuss the interim involuntary withdraw. —After this meeting, the Student Conduct Administrator/Conduct Officer will either uphold the interim involuntary withdrawal or remove it. Removal of the interim involuntary withdrawal does not stop the full involuntary withdrawal process.

Process

The Student in the Involuntary Withdrawal process will be notified in writing to their University email address of the initiation of the process, the rights they have as a Student, and the expectations placed upon them. The Student will also be informed of their right to a meeting with the Involuntary Withdrawal Committee. This meeting will review the information related to the issue (including information provided by the Student) and is also an opportunity for the Student to respond to the information and answer any questions from the Involuntary Withdrawal Committee. The meeting will occur within five (5) business days of the process notification. If Interim Measures have been put in place, the Student may appear before the Involuntary Withdrawal Committee via remote options or in-person with written permission from the Chief of Police or Deputy Chief. If a student elects to attend in-person, they may be escorted by University Police while on-campus. The meeting will be recorded in audio and/or video format and this recording will become part of the information for this case and will be the property of the University.

Depending upon the circumstances, the Involuntary Withdraw Committee may require the Student meet with a Mental Health Provider for an evaluation. The Student will be required to sign all appropriate releases to allow the Mental Health Provider to discuss in-full the Student with the chair of the Involuntary Withdrawal Committee.

The Student has the following rights:

- *To be present, either remotely or in-person, during the presentation of information*
- *To be accompanied by an advisor*
- *To present pertinent witnesses and information*
- *To question any information presented through the chair of the committee*

At the conclusion of the meeting, the Involuntary Withdrawal Committee will meet in private session to discuss the information and determine their recommendation. This discussion and recommendation will assess all available information and information garnered as part of this process. The Involuntary Withdrawal Committee will present their information to the Behavioral Intervention Team for discussion. The Behavioral Intervention Team will draft a recommendation to be submitted to the Vice President of Student Affairs.

The recommendation will be:

- *To involuntarily withdraw the Student until certain specified conditions are met (if applicable)*
- *To allow the Student to continue at the University, under specified conditions*
- *To not involuntarily withdraw the Student and put no conditions in place*

The recommendation will be sent to the Vice President of Student Affairs within five (5) business days of the meeting with the Student.

After receipt of the recommendation from the Behavioral Intervention Team, the Vice President of Student Affairs will assess all information pertaining to the process, including any information provided by the Student, and will make a decision. This decision will be:

- *To concur fully with the recommendation of the Behavioral Intervention Team*
- *To modify the recommendation of the Behavioral Intervention Team*
- *To dissent with the recommendation of the Behavioral Intervention Team*

The Vice President of Student Affairs will notify the Student to their SFA email address of their decision within three (3) business days of receipt of the Behavioral Intervention Team's recommendation.

Behavior Intervention Team

~~If the Behavior Intervention Team convenes, the meeting will incorporate an individual assessment of the student that includes observations of actions that could indicate safety or code of conduct issues. This assessment includes input from qualified health and mental health professionals to help determine the risk of substantial harm and whether a student is "otherwise qualified" to take classes or remain in the residence halls. The members will also determine if there are reasonable ways to accommodate the student to decrease risk and/or to ensure compliance with policies and the Student Code of Conduct. If no reasonable accommodations can be determined, the student will have a right to a hearing before the Psychological Review Board before a final decision is made to dismiss or withdraw the student. In exigent circumstances, the vice president for university affairs/designee may take immediate measures to suspend the student until a final decision is made.~~

Psychological Review Board Procedures

Pre-hearing Process

The chair of the Psychological Review Board will give written notice of the hearing to the student at least three university business days before the date of the hearing. This notice will contain the date, time and place of the hearing; the date(s), time(s), place(s) and a brief description of the behavior in question; and the rights accorded to the student in the hearing. The hearing may be held sooner than three (3) days at the request of the student. The hearing will be closed unless the student requests otherwise. The student conduct authority will be responsible for coordinating the gathering of witnesses and other evidence and delivering a witness list and evidence to the chair.

Hearing Process

At the hearing, the chair will rule on all procedural matters and the admissibility of evidence. The informal nature of this proceeding does not require strict adherence to formal courtroom procedures or rules of evidence. All parties will be afforded the opportunity for reasonable oral argument, to question any participant present in the hearing, and be permitted to file written briefs.

The student has the right to:

- be present during the presentation of all evidence,
- be accompanied by an advisor,
- present such witnesses and documentary evidence as may be pertinent, and
- cross-examine witnesses offered by other parties.

The record of the hearing will consist of the summary notes of the chair or a secretary appointed by the board, a tape recording or transcription of testimony, along with any exhibits admitted as evidence.

Immediately after the hearing, the board will decide upon a recommendation to make to the vice president for university affairs. The recommendation may include withdrawal of the student from the university or any class, program or service. The recommendation, along with the record, will be forwarded to the vice president for university affairs by the chair as soon as possible, but no later than two (2) university working days from the adjournment of the hearing.

Within three (3) university working days following the receipt of the recommendation of the board, the vice president for university affairs will either concur, in whole or in part, with the recommendation of the board and direct appropriate action to implement the recommendation, or will overrule the recommendation. The vice president will inform the

~~student of the action to be taken and is the final authority in these proceedings.~~

Requesting a Review of Decision

The Student as part of this process may request a review of the Vice President of Student Affairs' decision. This review will be conducted by the Executive Vice President and Provost. If a Student wishes to request a review, this request must be submitted in writing to the Executive Vice President and Provost within three (3) business days of receiving the Vice President of Student Affairs' decision. This request should outline the reasons the Student believes a review is necessary. Failure to submit a request within three (3) business days will result in the decision of the Vice President of Student Affairs being final and that there is no further level of review.

The Executive Vice President ~~and~~ Provost will review all information associated with this issue and render a decision within three (3) business days. This decision may be to:

- Uphold the decision of the Vice President of Student Affairs*
- Uphold the decision with modifications*
- Overturn the decision.*

The decision of the Executive Vice President ~~and~~ Provost is final and there is no further level of appeal.

Suspension Procedures

~~In cases where a student is suspended from the university under this policy, occurring through failure to accept to the required conditions, failure to request a hearing or through recommendation of the board, the vice president for university affairs will direct the student conduct authority to notify the student in writing that the student is barred from re-enrollment to the university until the required conditions are met. The student conduct authority will place a bar on the student's university account preventing the student from re-enrollment until approval is obtained from the student conduct authority. Other university offices will be contacted as necessary for completion of the suspension.~~

Retention of the Record and Confidentiality

~~Any records dealing with an incident of a student displaying serious psychological problems will be held. Records pertaining to this process will be kept, indefinitely by the student conduct authority as a confidential file separate from a Student's conduct record.; These records will not be disclosed unless compelled to by state or federal law or at the request of the Student. apart from disciplinary records, to be released or accessed only by those having legitimate need as defined by state and federal laws.~~

Non-Discrimination

Decisions under this policy will be made based on observed behaviors and all best-available information. No decision will be made based upon a Student's actual or perceived disability.~~observations of a student's conduct, actions and statements and not on the knowledge or belief that a student is an individual with a disability.~~

Cross Reference: ~~Illicit Drugs and Alcohol Abuse (13.11)~~ *Course Add/Drop (6.10); Student Medical Appeal (6.24); Student Code of Conduct (10.4)*

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

Contact For Revision: *Assistant Vice President of Student Affairs & Dean of Students* ~~Dean of Student Affairs~~

Forms: None

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Terminal Degrees

Policy Number: 7.30

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: VPAA

Purpose of Policy (what does it do): Terminal degree requirements for faculty

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: copy editing for clarification and minor edits.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee

Deans Council

Lorenzo Smith, Provost and Executive Vice President for Academic Affairs

Damon Derrick, General Counsel

Terminal Degrees

Original Implementation: July 21, 2009

Last Revision: ~~October 29, 2018~~ November 1, 2021

Stephen F. Austin State University is committed to maintaining a high-quality faculty. Toward that end, the university aspires to recruit and retain faculty members with terminal degrees in their disciplines. A terminal degree is defined as the generally accepted highest degree in a field of study.

As a general rule, possession of an earned doctorate or other recognized terminal degree from an accredited institution in an area appropriate to the individual's discipline ~~is~~ will be required for appointment to a tenure-track or tenured faculty position.

Exceptions to the ~~general rule~~ requirement of a terminal degree may be allowed. Upon recommendation of the academic unit head and the dean of the college, ~~made by the provost and executive vice president for academic affairs, but only upon recommendation of by the academic unit head and dean of the college.~~ They may approve the following circumstances in lieu of ~~may justify approval of an exception to the requirement of a~~ recognized terminal degree in a discipline-related field: (a) well-documented preparation and experience appropriate to the discipline that meets accreditation standards; or (b) exceptional preparation and experience for instruction in a discipline when the faculty member has a recognized terminal degree in another area.

Terminal degree requirements for appointment to a tenure-track position will be clearly stated in position announcements. ~~Where~~ appropriate, an offer of employment will provide the time period in which the terminal degree must be completed. Verification of a completed terminal degree will require an official transcript sent directly to the Office of Academic Affairs by the degree-granting institution.

Cross Reference: Academic and Professional Qualifications (7.1); Academic Appointments and Titles (7.2); File Maintenance for Faculty Personnel Files (4.6)

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

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

Forms: Faculty Certification of Credentials; Recommendation for Appointment

Board Committee Assignment: Academic and Student Affairs

STEPHEN F. AUSTIN

STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Vending

Policy Number: 16.35

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

Date of last revision, if applicable: 10/29/2018

Unit(s) Responsible for Policy Implementation: Vice President of Student Affairs, Auxiliary Enterprises

Purpose of Policy (what does it do): Identifies responsible parties for vended products on campus

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

☒ Scheduled Review ☐ Change in law ☐ Response to audit finding

☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Title and division name changes

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Carrie Charley, Executive Director of Campus Living, Dining, and Auxiliary Enterprises
 Brandon Frye, Vice President of Student Affairs
 Damon Derrick, General Counsel

Vending

Original Implementation: Unpublished

Last Revision: ~~October 29, 2018~~ November 1, 2021

The food and beverage vending machines located on campus are the responsibility of the respective contract vendors. This responsibility shall include furnishing, servicing and maintaining machines, purchasing goods for resale, and collecting funds. These vendors shall place vending machines in accordance with the negotiated contract. Specific exceptions to this policy are:

1. Coin-operated copy machines, which are the responsibility of the individual department; and
2. Coin-operated game machines, which are the responsibility of the director of ~~student services~~ *the Baker Pattillo Sstudent Ceenter*.

Other exceptions or requests shall be considered on an individual basis, and should be addressed in writing to the vice president ~~of university~~ *student* affairs.

Cross Reference: None

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

Contact for Revision: ~~Director of Student Services/Director of Student Center~~ *Executive Director of Campus Living, Dining and Auxiliary Enterprises*

Forms: None

Board Committee Assignment: Building and Grounds

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Workplace Accommodations for Lactation/Breastfeeding

Policy Number: 11.33

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

Date of last revision, if applicable: 10/29/2018

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

Purpose of Policy (what does it do): The university is committed to providing and promoting a work environment that is supportive of nursing mothers. The university will provide reasonable accommodations for employees for the purposes of expressing breast milk during the workday. Human resources will oversee the accommodation process.

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: N/A

Additional Comments:

Reviewers:

John Wyatt, Interim Director Human Resources
Judith Kruwell, Interim Vice President for Finance and Administration
Damon Derrick, General Counsel

Workplace Accommodations for Lactation and Breastfeeding

Original Implementation: November 2, 2015

Last Revision: ~~October 29, 2018~~ November 1, 2021

Purpose

The university is committed to providing and promoting a work environment that is supportive of nursing mothers. The university will provide reasonable accommodations for employees for the purposes of expressing breast milk during the workday. Human resources will oversee the accommodation process.

Definitions

Employee means an individual who is employed full-time, part-time, or in a temporary capacity as faculty or staff, or who is required to be a student as a condition of employment.

General

Nursing mothers may take a reasonable amount of break time as needed for the expression of breast milk. The frequency and duration of these breaks may vary as determined by the needs of the mother. Ideally, this break time will run concurrently with an employee's paid break time. Supervisors will make separate or additional time available if it is not feasible for the lactation time to correspond with regular breaks. The additional time may be unpaid. If needed or desired, vacation time, compensatory time, or flexible scheduling may be used for this accommodation. If leave balances are used or if the time is unpaid, this time may count towards an employee's family and medical leave (FMLA) entitlement.

Designated Areas

The university will provide appropriate and accessible space for employees to breastfeed or express milk in private. This location may be the employee's regularly assigned workspace if there is adequate privacy to perform the activity. The location provided must be shielded from view and free from intrusion from other employees and the public. Areas such as restrooms or open cubicles are not considered appropriate spaces for the university to provide under this policy.

Responsibilities

Supervisors may not deny a lactating employee the right to express milk during the workday and should ensure that accommodations are administered consistently, equitably, and fairly.

Employees are to plan and organize their time to meet the job responsibilities established by their supervisor. Employees are expected to complete or account for the required number of work hours in their respective workweek, unless otherwise agreed to by their supervisor or limited by their healthcare provider. Employees are to notify their supervisor of any changes needed to the agreed upon schedule in advance.

Retaliation

An employee may not be discriminated against, harassed, or otherwise retaliated against for asserting their right to express breastmilk.

Cross Reference: Tex. Gov't Code §§ 619.001 - .006.

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs

Report to the Board of Regents – October 2021
 Grants¹ awarded between and July 1, 2021 and September 30, 2021

Summary Report – Fiscal Year 2021

Amounts allocable to FY21 (detailed in this report)

Federal funds (direct and pass-through)	\$ 1,349,269
State Funds (direct and pass-through)	\$ 57,155
Private and Local Government	\$ 61,700
TOTAL	\$ 1,468,124

New awards, FY21 (detailed in this report, all project years) **\$ 357,432**

Cumulative amount allocable to FY21 **\$ 34,109,561**

Cumulative award total FY21, all project years **\$108,458,662**

Federal Financial Aid Funds (not included in ORGS totals) **\$ 8,987,986**

New, Additional, or Previously Unreported Awards for FY 2021

Federal Funds (direct and pass-throughs)

Title * *Collaborative Research: Investigating STEM Teacher Preparation and Rural Teacher Persistence and Retention (TPR2)*

Sponsor: National Science Foundation

Award # 2050108

Award Term: July 1, 2021 to June 30, 2025

PI/PD: Dr. Keith Hubbard, Mathematics & Statistics

Total Award: \$141,577 **Amount Allocable to FY 2021:** \$20,120

A four-year collaborative research project to investigate educator preparation for high-needs rural classrooms across the U.S. to identify the features that have an impact on STEM teachers' decisions about teaching in rural schools.

Previously Described Awards:

CARES Act: Stephen F. Austin State University Higher Education Emergency Relief – Strengthening Institutions Program (SIP)

Judith Kruwell, Finance and Administration

Award Total: \$2,570,844 **Amount allocable to FY 2021:** *\$1,329,149

Subtotal Federal Amounts Allocable to FY 2021 (this report) = \$1,349,269

Subtotal New Federal Awards (total award) = \$2,712,421

Federal Financial Aid Funds (not included in ORGS totals)

Agency: Department of Education

Manager: Rachele Garrett, Financial Aid

PELL FY22 \$8,987,986

**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 – October 2021
 Grants¹ awarded between and July 1, 2021 and September 30, 2021

State Funds (direct and pass-through)

Title * *Texas State Parks Visitor Market Analysis*
Sponsor: Texas Workforce Commission
Award Term: July 24, 2021 to January 31, 2023
PI/PD: Dr. Pat Stephens-Williams, Forestry
Total Award: \$127,000 **Amount Allocable to FY 2021:** \$30,000
Research funds award to conduct a comprehensive market analysis of current state park visitors

Title * *Economic Impact of the Purchasing from People with Disabilities Program*
Sponsor: Texas Workforce Commission
Award Term: August 1, 2021 to February 28, 2022
PI/PD: Dr. Mikhail Kouliavtsev, Economics and Finance
Total Award: \$27,155 **Amount Allocable to FY 2021:** \$27,155
Research project to determine direct and indirect benefits resulting from individuals with disabilities employed with the State Use Program.

Subtotal State Amounts Allocable to FY 2021 (this report) = \$57,155
Subtotal New State Awards (total award) = \$154,155

Private Entity and Local Government Awards

Title * *COVID-19 Information/Education and Broadband Technology Action Plan*
Sponsor: Hogg Foundation for Mental Health
Award Term: May 1, 2021 to May 31, 2022
PI/PD: Dr. Stephen Cooper, School of Social Work
Total Award: \$51,700 **Amount Allocable to FY 2021:** \$51,700
Research project to develop a broadband technology action plan to address internet connectivity in the rural Nacogdoches County area, and to provide education and outreach for COVID education.

Title * *Bottlenose Dolphin Cognition - anthropogenic noise and vocalizations*
Sponsor: Dolphin Quest
Award Term: March 21, 2021 to March 19, 2022
PI/PD: Dr. Jason Bruck, Biology
Total Award: \$10,800 **Amount Allocable to FY 2021:** \$7,000
Research project involving dolphins and the effects of noise on attention, learning, and memory.

**New awards or additional funds added to a current award*

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Report to the Board of Regents – October 2021
Grants¹ awarded between and July 1, 2021 and September 30, 2021

Previously Described Awards:

****Career Exploration FY21***

Center for Career and Professional Development

Award Total: \$3,000

Amount allocable to FY 2021: \$3,000

Subtotal Private and Local Amounts Allocable to FY2021 (this report) = \$61,700

Subtotal New Private and Local Awards (total award) = \$65,500

**New awards or additional funds added to a current award*

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Report to the Board of Regents – October 2021
 Grants¹ awarded between and July 1, 2021 and September 30, 2021

Fiscal Year 2022 – as of September 30, 2021

Amounts allocable to FY22 (detailed in this report)

Federal funds (direct and pass-through)	\$23,357,732
State Funds (direct and pass-through)	\$ 3,272,932
Private and Local Government	\$ 306,401
TOTAL	\$26,937,065

New awards, FY22 (detailed in this report, all project years)	\$27,757,603
Cumulative amount allocable to FY22	\$26,937,065
Cumulative award total FY22, all project years	\$76,821,287

New, Additional, or Previously Unreported Awards for FY 2022

Federal Funds (direct and pass-throughs)

Title * *Talented Teachers in Training for Texas eXpended (T4X)*
Sponsor: National Science Foundation
 Award # 2050397
Award Term: September 1, 2021 to August 31, 2026
PI/PD: Dr. Keith Hubbard, Mathematics & Statistics
Total Award: \$1,437,990 **Amount Allocable to FY 2022:** \$120,231
Collaborative research project to expand the knowledge base of STEM teacher preparation by working with multiple junior colleges and ISDs.

Title * *Correlates of Amphibian Communities on SRS EFRs and R8 National Forests*
Sponsor: US Forest Service, US Department of Agriculture
 Award # 21-JV-11330170-037
Award Term: August 24, 2021 to July 31, 2026
PI/PD: Dr. Christopher Schalk, Forestry
Total Award: \$25,000 **Amount Allocable to FY 2022:** \$25,000
Award funds will be used to fund a PhD student to study spatial and temporal patterns of pond amphibians to address questions on the response of biodiversity to agents of global change.

Title * *Sediment Control Approved Products List*
Sponsor: Texas Department of Transportation (prime - US Department of Transportation)
 Award # 0-7100
Award Term: September 1, 2021 to August 31, 2023
PI/PD: Dr. Christopher Schalk, Forestry
Total Award: \$10,683 **Amount Allocable to FY 2022:** \$5,342
Faculty research to create a sediment control plan to help reduce sediment generated during construction.

**New awards or additional funds added to a current award*

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Report to the Board of Regents – October 2021
 Grants¹ awarded between and July 1, 2021 and September 30, 2021

Previously Described Awards:

CARES Act: Stephen F. Austin State University Higher Education Emergency Relief-Students

Erma Nieto-Brecht, Admissions

Award Total: \$25,869,845

Amount allocable to FY 2022: *\$7,934,922

CARES Act: Stephen F. Austin State University Higher Education Emergency Relief – Institutional Aid

Judith Kruwell, Finance and Administration

Award Total: \$32,045,018

Amount allocable to FY 2022: *\$13,391,239

CARES ACT: Higher Education Emergency Relief Fund-Strengthening Institutions Program (SIP) Judith Kruwell, Finance and Administration

Award Total: \$2,570,844

Amount allocable to FY 2022: *\$722,284

Visually Impaired Preparation (VIP) FY21-22

Dr. Shannon Darst, Education Studies

Award Total: \$1,204,000

Amount allocable to FY 2022: \$602,000

****McIntire-Stennis Cooperative Forestry Research Program FY21***

Dr. Hans, Williams, Forestry

Award Total: \$472,877

Amount allocable to FY 2022: \$472,877

****Special Education Consolidate Grant FY22 (IDEA-B)***

Lysa Hagan, Education Studies

Award Total: \$35,871

Amount allocable to FY 2022: \$35,871

Expanding Opportunities in Agriculture for Under Represented Populations

Dr. Candis Carraway, Agriculture

Award Total: \$90,000

Amount allocable to FY 2022: \$28,903

La Nana Bayou Watershed Protection Plan (WPP) Development

Dr. Matthew McBroom, Forestry

Award Total: \$33,127

Amount allocable to FY 2022: \$16,563

Establishment Of Silvopasture Demonstration Area Using Native Grasses

Jason Grogan, Forestry

Award Total: \$75,000

Amount allocable to FY 2022: \$2,500

Subtotal Federal Amounts Allocable to FY 2022 (this report) = \$23,357,732

Subtotal New Federal Awards (total award) = \$24,030,866

State Funds (direct and pass-through)

**New awards or additional funds added to a current award*

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Report to the Board of Regents – October 2021
 Grants¹ awarded between and July 1, 2021 and September 30, 2021

Title * *The Survivability and Habitat use of Alligator Snapping Turtles via Radiotelemetry*
Sponsor: Texas Comptroller of Public Accounts
 Award # 27-7336BG
Award Term: August 30, 2021 to December 31, 2023
PI/PD: Dr. Christopher Schalk, Forestry
Total Award: \$227,279 **Amount Allocable to FY 2022:** \$110,838
Research project for telemetry work on alligator snapping turtles and assess survivability of the released turtles.

Title * *2021-2023 ESSER Supplemental (ESSER-SUPP) Grant Program*
Sponsor: Texas Education Agency (prime – CARES ACT - US Department of Education)
 Award # 21528043174801
Award Term: September 1, 2021 to August 31, 2023
PI/PD: Lysa Hagen, Education Studies
Total Award: \$137,750 **Amount Allocable to FY 2022:** \$68,875
Supplemental formula grant.

Previously Described Awards

SFA Charter School (ADA, non-grant)

Lysa Hagan, Charter School

Award Total: \$9,593,804 **Amount allocable to FY 2022:** *\$2,546,312

SFA Jacks Teach

Dr. Jane Long, Mathematics and Statistics

Award Total: \$640,000 **Amount allocable to FY 2022:** \$280,000

Child Welfare Professional Development Project FY17-21

Dr. Freddie Avant, School of Social Work

Award Total: \$1,029,742 **Amount allocable to FY 2022:** \$167,081

Texas State Parks Visitor Market Analysis

Dr. Pat Stephens-Williams, Forestry

Award Total: \$127,000 **Amount allocable to FY 2022:** \$87,000

Joint Admission Medical Program (JAMP) FY20-23

Dr. Kevin Langford, Biology

Award Total: \$38,660 **Amount allocable to FY 2022:** \$12, 826

Subtotal State Amounts Allocable to FY 2022 (this report) = \$3,272,932

Subtotal New State Awards (total award) = \$2,911,341

Private Entity and Local Government Awards

**New awards or additional funds added to a current award*

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Report to the Board of Regents – October 2021
 Grants¹ awarded between and July 1, 2021 and September 30, 2021

Title: * *Better Together (Nacogdoches County Community Collaborative phase 2)*
Sponsor: Hogg Foundation for Mental Health
Award Term: July 1, 2021 to June 30, 2026
PIs/PDs: Dr. Stephen Cooper, School of Social Work
Total Award \$750,000 **Amount Allocable to FY 2022:** \$153,216
Research project to continue work with partners to develop and implement a plan to address mental health, health, wellness, and well-being needs for all residents of Nacogdoches County.

Title: * *Identifying Salt Suture Zones and Lithological Changes of the Louann Salt across the Gulf of Mexico Basin, TX*
Sponsor: American Chemical Society
Award Term: September 1, 2021 – August 31, 2023
PIs/PDs: Dr. Julie Bloxson, Geology
Total Award \$55,000 **Amount Allocable to FY 2022:** \$27,142
This grant will cover student research (one graduate and two undergraduates) for two years to research geochemical analysis of well samples from the Texas Bureau of Economic Geology.

Title: * *Course Hero/Woodrow Wilson Fellow for Excellence in Teaching*
Sponsor: Institute for Citizens and Scholars
Award Term: March 29, 2021 – June 30, 2022
PIs/PDs: Dr. Jason Bruck, Biology
Total Award \$10,396 **Amount Allocable to FY 2022:** \$10,396
Excellence in Teaching award to Dr. Bruck to support his innovative teaching initiatives.

Previously Described Awards:

Evaluating Woody Ornamentals for Galveston Island in an Era of Rapid Climate Change

Dr. David Creech, SFA Gardens

Award Total: \$195,601 **Amount allocable to FY 2022:** \$ 66,847

Departmental Research Grant: Basic Chemical Research FY20-22

Dr. Odutayo Odunuga, Chemistry

Award Total: \$135,000 **Amount allocable to FY 2022:** \$ 45,000

Bottlenose Dolphin Cognition - anthropogenic noise and vocalizations

Dr. Jason Bruck, Biology

Award Total: \$10,800 **Amount allocable to FY 2022:** \$ 3,800

**New awards or additional funds added to a current award*

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Report to the Board of Regents – October 2021Grants¹ awarded between and July 1, 2021 and September 30, 2021

Subtotal Private Amounts Allocable to FY 2022 (this report) = \$306,401***Subtotal New Private Awards (total award) = \$815,396***

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*

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