

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Property Liability

Policy Number: 16.22

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

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

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

Purpose of Policy (what does it do): This policy acknowledges that, in accordance with Texas Government Code § 403.275, all university employees are liable for the state property that they use.

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

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

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

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

Property Liability

Original Implementation: April 22, 2003

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

Purpose

This policy acknowledges that, in accordance with Texas Government Code § 403.275, all university employees are liable for the state property that they use.

Definition

Reasonable care is defined as taking steps to ensure control and security of the property and being able to locate the property at all times.

General

All employees must complete the property liability acknowledgement form as part of new employee orientation. Employees taking equipment off campus will be required to complete a removal of property from campus request form acknowledging that the person responsible for property is aware of their responsibilities.

The department head will be listed as equipment manager on property records and is responsible for identifying property custodians who have been entrusted with the care and safekeeping of specific pieces of property. Equipment managers will be required to sign a certification of physical inventory when there is a change in department head, accepting responsibility for all department property within 30 days of assuming their duties.

A person is financially liable for any property loss sustained by the university if:

1. property disappears as a result of the failure of the property manager or university employee entrusted with the property to exercise reasonable care for its safekeeping;
2. property deteriorates as a result of the failure of the property manager, or university employee entrusted with the property to exercise reasonable care to maintain and service the property; or
3. property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee.

If the property manager has reasonable cause to believe that any property in the university's possession has been stolen, lost, destroyed, or damaged through the negligence of any state official or employee, the property manager shall report the loss, destruction, or damage to audit services, the

vice president *or president's cabinet member* for the division, the vice president for finance and administration, the *executive* director of *finance and administrative procurement and property services*, the equipment manager and the property custodian. All computer losses, missing or stolen, regardless of negligence, will be reported to the chief information officer.

The property manager in consultation with the equipment manager, the *executive* director of *finance and administrative procurement and property services* and/or the vice president of finance and administration will determine whether replacement of property or reimbursement of property value best meets the needs of the university. The value of the loss to the university will be determined by considering the value of the property and the value to SFA as outlined in the property management manual.

A determination of negligence may be appealed to the property risk management committee within five working days of receiving notification of the determination. The property risk management committee will review the property manager's determination and the written appeal, and will make a final determination that may not be appealed. Appointments to the committee will be made on a case by case basis by the vice president for finance and administration with the property manager and property assistant serving as non-voting ex officio members.

If the property risk management committee upholds the determination of negligence, the negligent employee will be notified to replace the property or reimburse the university for the determined value of the property. If the employee refuses or disregards the determination and request for replacement or reimbursement, the university may pursue action against the employee through the Office of the Attorney General or employ other efforts to obtain reimbursement.

Cross Reference: Tex. Gov't Code §§ 403.275, 2203.004; Property Inventory and Management (17.14)

Responsible for Implementation: Vice President for Finance and Administration

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

Forms: Property Liability Acknowledgement; Removal of Property from Campus Request

Board Committee Assignment: Finance and Audit

Revision History: January 28, 2020
November 7, 2016

October 21, 2013
October 18, 2010