



# **REPORT TO THE BOARD OF REGENTS**

July 23, 24 and 25, 2017  
Meeting 311

**STEPHEN F. AUSTIN  
STATE UNIVERSITY**

**TABLE OF CONTENTS**  
**AGENDA BOOK AND BOARD REPORT FOR JULY 23, 24, AND 25, 2017**  
**BOARD OF REGENTS MEETING 311**

Page

**Sunday, July 23, 2017**

Board of Regents Executive Session Meeting Agenda .....	1
---	---

**Monday, July 24, 2017**

Board of Regents Meeting Agenda .....	3
Academic and Student Affairs Committee Meeting Agenda (Part 1) ....	4
Finance and Audit Committee Meeting Agenda (Part 1) .....	6
Building and Grounds Committee Meeting Agenda .....	10
Finance and Audit Committee Meeting Agenda (Part 2) .....	18
Academic and Student Affairs Committee Meeting Agenda (Part 2) ...	33

**Tuesday, July 25, 2017**

Board of Regents Meeting Agenda .....	48
---------------------------------------	----

**APPROVAL OF PAST MINUTES**

Agenda item

1. Approval of Minutes for April 24 and 25, 2017 Board of Regents Meetings .....	49
--	----

**ADMINISTRATION**

Agenda item

2. Election of the President for 2017-18 .....	50
3. Election of the General Counsel for 2017-18 .....	50
4. Election of the Chief Audit Executive for 2017-18 .....	51
5. Election of the Coordinator of Board Affairs for 2017-18 .....	51

## **PERSONNEL**

### Agenda item

6. Faculty Appointments .....	52
7. Staff Appointments.....	54
8. Changes of Status .....	56
9. Promotions .....	60
10. Tenure.....	61
11. Faculty Leave of Absence without Pay .....	62
12. Retirements.....	63
13. Holiday Schedule for 2017-2018 .....	64

## **ACADEMIC AND STUDENT AFFAIRS**

### Agenda item

14. Approval of Core Curriculum Revision .....	65
15. Request for Departmental Name Change in the Nelson Rusche College of Business.....	66
16. Request to Offer Courses Off-Campus at Collin County Community College, Houston Community College, and Lone Star College.....	67
17. Intercollegiate Athletic Policies and Procedures Manual Revisions.....	68
18. Legal Services – Communications (FCC).....	69
19. Legal Services – Health Law .....	70
20. Legal Services – Intellectual Property .....	71
21. Legal Services – Immigration.....	72
22. Legal Services – Employment .....	73
23. Legal Services – Higher Education .....	74
24. Legal Services – Sports.....	75
25. Approval of Academic and Student Affairs Policy Revisions .....	76

## **BUILDING AND GROUNDS**

### Agenda item

26. Legal Services – Real Estate .....	77
27. Legal Services – Oil and Gas, Mineral Interests, and/or Utilities Matters.....	88
28. Approval of the Fiscal Year 2017-18 Capital Plan .....	79
29. Deep East Texas Electric Co-op Easement for the Water Well at the SFA Beef Farm.....	80

30.	Approval of Building and Grounds Policy Revisions.....	81
31.	Nelson Rusche College of Business Renovation.....	82

## **FINANCIAL AFFAIRS**

### Agenda item

32.	Acknowledge Receipt of Audit Services Report .....	83
33.	Approval of Annual Audit Plan .....	84
34.	Adoption of the Fiscal Year 2017-2018 Capital Budget .....	85
35.	Approval of the Fiscal Year 2017-2018 Institutional Operating Budget .....	86
36.	Information Technology Assessment Contract.....	87
37.	Approval of Amendment to the SFA Website Content Management System Contract .....	88
38.	Interagency Contract with the General Land Office for Natural Gas .....	89
39.	Grant Awards .....	90
40.	Legal Services – Tax.....	91
41.	Legal Services – Wills, Trusts and Estates .....	92
42.	Legal Services – Public Finance and Bond Issuance .....	93
43.	Legal Services – Financial.....	94
44.	Approval of Financial Affairs Policy Revisions .....	95
45.	Fundraising Campaign Feasibility Study Final Report and Recommendation.....	96

## **MINUTES FOR APPROVAL**

April 24 and 25, 2017, Regular Board Meeting

## **APPENDICES**

Appendix 1 – Core Curriculum Revisions

Appendix 2 – Intercollegiate Athletic Policies and Procedures Manual  
Revisions

Appendix 3 – Capital Plan 2017-18

Appendix 4 – Capital Budget 2017-18

Appendix 5 – Higher Education Fund Allocations 2017-18



Appendix 6 – Grant Awards

Appendix 7 – Policy Revisions

**Stephen F. Austin State University  
Board of Regents  
Meeting 311  
Sunday, July 23, 2017  
1:30 p.m.**

<b>Board of Regents Committee of the Whole Call to Order in Open Session</b>	<b>David Alders</b> Board Chair
<b>Recess to Executive Session (Scheduled for 1:30 p.m.)</b>	<b>David Alders</b> Chair
<p>Board Consideration of the following items:</p> <p>Deliberations Regarding the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices. (Texas Government Code, Section 551.076)</p> <ul style="list-style-type: none"><li>• Security items from Accounting Department Audit and Bursar Cash Count</li><li>• Texas Administrative Code Section 202 Information Security Audit</li><li>• Update from chief information officer</li></ul> <p>Deliberations Regarding the Purchase, Exchange, Lease, Sale or Value of Real Property (Texas Government Code, Section 551.072)</p> <p>Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, procurement and contracting, faculty code of conduct, tenure, conflict of interest, and <i>Courtney Christensen vs. SFASU et al.</i> (Texas Government Code, Section 551.071)</p>	

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 information officer, the assistant chief of police, the athletic director, the general counsel, the chief audit executive, the coordinator of board affairs, the vice presidents and the president (Texas Government Code, Section 551.074)

**Adjourn Executive Session  
(Scheduled for approximately 5:00 p.m.)**

**Reconvene Board of Regents in Open Session.**

**Recess Board of Regents Meeting to 8:00 a.m.  
Monday, July 24, 2017.**

**David Alders  
Chair**

**Stephen F. Austin State University  
Board of Regents  
Meeting 311  
Monday, July 24, 2017  
8:00 a.m.**

<b>Board of Regents Committee of the Whole Call to Order in Open Session</b>	<b>David Alders</b> Board Chair
<p>Recess for Committee Meetings:</p> <p>Academic and Student Affairs Committee (Part 1), 8:00 a.m. to 9:30 a.m.</p> <p>Finance and Audit Committee (Part 1), 9:30 a.m. to 12 noon.</p>	<p>David Alders Board Chair</p>

**Academic and Student Affairs Committee Meeting  
(Scheduled for 8:00 a.m.)**

Call to Order in Open Session  
Members: Scott Coleman, Brigettee Henderson,  
Maggie Wright, David Alders

**Nelda Blair**  
Committee Chair

Report: Enrollment Planning

**Steve Westbrook**  
Vice President for  
University Affairs

**Steve Bullard**  
Provost and Vice  
President for  
Academic Affairs

<p>Report from the Deans:</p> <p>College of Liberal and Applied Arts, Dean Brian Murphy</p> <p>College of Fine Arts, Dean Buddy Himes</p>	<p>Steve Bullard Provost and Vice President for Academic Affairs</p>
<p><b>Recess Academic and Student Affairs Committee Meeting (Approximately 9:30 a.m.)</b></p>	<p><b>Nelda Blair Committee Chair</b></p>

**Finance and Audit Committee Meeting  
(Scheduled for 9:30 a.m.)**

Call to Order in Open Session  
Members: Scott Coleman, Ken Schaefer, David  
Alders

**Alton Frailey**  
Committee Chair

Report: Bond Financing, Hilltop Securities

**Danny Gallant**  
Vice President for  
Finance and  
Administration

Report: Marketing and Website Update,  
Richards/Carlberg

**Jill Still**  
Vice President for  
University Advancement



<p>Presentation and Committee Action on Agenda Item 45:</p> <p><u>FUNDRAISING CAMPAIGN FEASIBILITY STUDY FINAL REPORT BY DINI SPHERIS AND RECOMMENDATION</u></p> <p>Explanation:</p> <p>In November 2016 the Board of Regents approved a fundraising campaign feasibility study to be conducted by Dini Spheris for the purpose of assessing campaign readiness. After a full assessment, findings support the university launching a comprehensive fundraising campaign.</p> <p>Recommendation:</p> <p>The administration recommends the Board of Regents authorize the university to solicit bid proposals for a campaign consultant to provide professional counsel and guidance in launching and managing a comprehensive fundraising campaign.</p>	<p>Jill Still Vice President for University Advancement</p>
<p><b>Recess Finance and Audit Committee Meeting (Approximately 12 noon)</b></p>	<p><b>Alton Frailey Committee Chair</b></p>
<p><i>The Board of Regents will recess for lunch at approximately 12 noon. Following lunch, the board members will participate in a 1:00 p.m. ribbon cutting at the Residence Life Operations and University Printing Services Facility and a tour of the STEM Building construction site. A quorum is expected to attend but no action will be taken. The meeting will reconvene at approximately 2:00 p.m.</i></p>	<p>David Alders Board Chair</p>

<b>Board of Regents Committee of the Whole Call to Order in Open Session at approximately 2:00 p.m.</b>	<b>David Alders Chair</b>
<p>Recess for Committee Meetings:</p> <p>Business and Grounds Committee, 2:00 p.m. to 3:00 p.m.</p> <p>Finance and Audit Committee (Part 2), 3:00 p.m. to 4:30 p.m.</p> <p>Academic and Student Affairs Committee (Part 2), 4:30 p.m. to 5:00 p.m.</p>	<p>David Alders Chair</p>

**Building and Grounds Committee Meeting  
(Scheduled for approximately 2:00 p.m.)**

<p>Call to Order in Open Session Members: Ken Schaefer, Ralph Todd, David Alders</p>	<p>Bob Garrett Committee Chair</p>
<p>Presentation and Committee Action on Agenda Item 26:</p> <p><u>LEGAL SERVICES – REAL ESTATE</u></p> <p>Explanation:</p> <p>Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general’s permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university’s pre-approved list of law firms or attorneys in the field of real estate. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.</p> <p>Recommendation:</p> <p>It is recommended that the Board of Regents approve selection of these firms for inclusion on the university’s pre-approved list of outside counsel in the field of real estate through August 31, 2019: Husch Blackwell, LLP; C Bishop Law PC; Norton Rose Fulbright US LLP; Edgardo E. Colon PC; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; Looper Goodwine P.C.; Haglund Law Firm P.C.; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.</p>	<p>Damon Derrick General Counsel</p>

Presentation and Committee Action on Agenda Item 27:

Damon Derrick  
General Counsel

LEGAL SERVICES – OIL AND GAS, MINERAL INTERESTS, AND/OR UTILITIES MATTERS

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of oil and gas, mineral interests, and/or utilities. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of oil and gas, mineral interests, and/or utilities through August 31, 2019: Husch Blackwell LLP; C Bishop Law PC; Norton Rose Fulbright US LLP; Jackson Walker LLP; Looper Goodwine P.C.; Smith Trostle & Huerta LLP; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 28:

APPROVAL OF THE FISCAL YEAR 2017-18 CAPITAL PLAN

Explanation:

The university has a long-term campus master plan that addresses capital renewal, planned maintenance and renovation projects. The 2017-18 capital plan includes academic, student life, building, and life safety initiatives.

Recommendation:

The administration recommends approval of the \$9,211,330 fiscal year 2017-18 capital plan presented in Appendix 3. The administration further recommends project funding as listed, the source of funds as presented, and authorization of the president to sign associated purchase orders or contracts.

Danny Gallant  
Vice President for  
Finance and  
Administration

Presentation and Committee Action on Agenda Item 29:

DEEP EAST TEXAS ELECTRIC CO-OP EASEMENT FOR THE WATER WELL AT THE SFA BEEF FARM

Explanation:

On January 31, 2017, the SFA regents approved and accepted the transfer of a water well from SND Operating, LLC. The water well is located at the SFA Beef Farm and requires an electric feed to operate the unit. To provide electrical power to the well, an easement with Deep East Texas Electric Co-op is necessary. The proposed easement begins near the entrance of the SFA Observatory (adjacent to the Beef Farm) and extends to the well pump building. Deep East Texas Electric Co-op will own and maintain the overhead power line, switchgear, and transformer.

Recommendation:

The administration recommends the granting of an easement to Deep East Texas Electric Co-op to serve the water well at the SFA Beef Farm. The administration further recommends the president be authorized to sign associated documents.

Danny Gallant  
Vice President for  
Finance and  
Administration

Presentation and Committee Action on Agenda Item 30:

APPROVAL OF BUILDING AND GROUNDS POLICY REVISIONS:

Explanation:

The *Board Rules and Regulations* state that the Building and Grounds Committee will consider:

- use and occupancy of university property; and
- planning of, locating of, receiving bids for, awarding contracts for, construction of, and maintenance of buildings, utilities, and other physical facilities of the campus.

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

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented in Appendix 7:

Petitions and Handbills 16.19

Signs and Exhibits 16.24

Use of Amplified Sound on Campus Grounds 16.31

Steve  
Westbrook  
Vice President for  
University Affairs

Steve Bullard  
Provost and Vice  
President for  
Academic Affairs

Damon Derrick  
General Counsel

Report: Current Construction

**Danny Gallant**  
Vice President for  
Finance and  
Administration



Report: Architect's Update on Rusche College of  
Business Renovation

**Danny Gallant**  
Vice President for  
Finance and  
Administration

Presentation and Committee Action on Agenda Item 31:

NELSON RUSCHE COLLEGE OF BUSINESS RENOVATION

Explanation:

In the fall of 2015, the university completed a renovation of certain lobby space and common areas on the first and second floors of the Nelson Rusche College of Business, located in the McGee Building. Fundraising efforts have been ongoing to renovate the third and fourth floors of the building. To fund the project, the university has received over \$436,000 in donations, with written commitments for additional donations of nearly \$689,000. The architectural firm of Goodwin-Lasiter-Strong has provided an initial construction project renovation estimate of \$993,000 to renovate the third and fourth floors of the McGee Building. The renovation is expected to be completed during the summer of 2018.

Recommendation:

The administration recommends that Goodwin-Lasiter-Strong develop construction drawings to begin the project. The university will request construction bids and request project budget approval at a later Board of Regents' meeting.

**Danny Gallant**  
Vice President for  
Finance and  
Administration

**Jill Still**  
Vice President for  
University  
Advancement

**Adjourn Building and Grounds Committee Meeting (Approximately 3:00 p.m.)**

**Bob Garrett**  
Committee Chair

**Finance and Audit Committee Meeting  
(Scheduled at approximately 3:00 p.m.)**

<p>Call to Order in Open Session Members: Scott Coleman, Ken Schaefer, David Alders</p>	<p>Alton Frailey Committee Chair</p>
<p>Presentation and Committee Action on Agenda Item 32:</p> <p><u>ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT</u></p> <p>Explanation:</p> <p>The <i>Board Rules and Regulations</i> state that the chief audit executive shall assist the board in carrying out its oversight responsibilities as they relate to the university's a) financial and other reporting practices, b) internal control, and c) compliance with laws, regulations and ethics. The chief audit executive reports to the Board of Regents on the status of the annual audit plan, internal and external reports, risk assessment and audit/compliance issues.</p> <p>The audit services report as presented includes the following:</p> <ul style="list-style-type: none"> <li>• Accounting Departmental Audit</li> <li>• Mass Communication Departmental Audit</li> <li>• Theatre Departmental Audit</li> <li>• TAC 202 Information Security Audit</li> <li>• Public Funds Investment Act Audit</li> </ul>	<p>Gina Oglesbee Chief Audit Executive</p>

- Contract Management Audit
- University Annual Risk Assessment
- State Auditor's Office Audits
- Update on Financial Aid Audit
- Update on Joint Admission Medical Program (JAMP) Grant Selection
- Course Fee Investigation
- Bursar Office Cash Count
- RFP for Auditing Services for NCAA and SFA Charter School
- RFP for Auditing Services for Information Technology
- Update on Audit Plan

Recommendation:

Pending consideration by the Finance and Audit Committee.

Presentation and Committee Action on Agenda Item 33:

Gina Oglesbee  
Chief Audit Executive

APPROVAL OF ANNUAL AUDIT PLAN

Explanation:

According to the *Board Rules and Regulations*, the chief audit executive shall annually submit information on the annual audit plan, work schedule and staffing plan to the president for review and to the Board of Regents for their approval.

Recommendation:

Pending consideration by the Finance and Audit Committee.

Presentation and Committee Action on Agenda Item 34:

ADOPTION OF THE FISCAL YEAR 2017-18 CAPITAL BUDGET

Explanation:

The university has a long-term campus master plan that addresses capital renewal, planned maintenance and renovation projects. The 2017-18 capital plan includes academic, student life, building, and life safety initiatives.

Recommendation:

The administration recommends adoption of the \$9,211,330 fiscal year 2017-18 capital budget. The administration further recommends project funding as listed in Appendix 4, the source of funds as presented, and authorization of the president to sign associated purchase orders or contracts.

Danny Gallant  
Vice President for  
Finance and  
Administration

Presentation and Committee Action on Agenda Item 35:

ADOPTION OF THE FISCAL YEAR 2017-18  
INSTITUTIONAL OPERATING BUDGET

Explanation:

In accordance with Article III of the State of Texas General Appropriations Act for the 2018-19 biennium, the recommended institutional budget totaling \$254,741,726 for fiscal year 2017-18 is submitted for approval. The proposed budget reflects an increase in debt service funding for the new STEM Building, faculty promotions, a reduction in operating general revenue and significant reallocations to fund strategic initiatives. A detailed Higher Education Fund allocation is included in Appendix 5.

Recommendation:

The administration recommends approval of the 2017-18 annual operating budget that totals \$254,741,726.

Danny Gallant  
Vice President for  
Finance and  
Administration

Presentation and Committee Action on Agenda Item 36:

INFORMATION                      TECHNOLOGY                      SERVICES  
ASSESSMENT CONTRACT

The university seeks to have an assessment of Information Technology Services including but not limited to the areas of staffing, architecture, and security. The Texas Department of Information Resources (DIR) issued a Request for Qualifications for Deliverables-Based Information Technology Services for Information Technology Assessments and Planning. The DIR contract was awarded and an agreement (DIR-SDD-2042) made with Gartner. The university is eligible to use this agreement for services.

Recommendation:

The administration recommends the university be authorized to enter into a contract with Gartner under the Department of Information Resources agreement for Information Technology Assessments and Planning for \$120,000 plus travel expenses with the president authorized to sign the contract and associated documents. The source of funds will be designated funds balance.

**Danny Gallant**  
Vice President for  
Finance and  
Administration

**Steve Bullard**  
Provost and Vice  
President for  
Academic Affairs

**Mary Nelle  
Brunson**  
Associate Provost and  
Vice President for  
Academic Affairs



Presentation and Committee Action on Agenda Item 37:

APPROVAL OF AMENDMENT TO THE SFA WEBSITE CONTENT MANAGEMENT SYSTEM CONTRACT:

Explanation:

The redesign of the SFA website is part of the university's marketing initiative. In order for the university to meet its potential as a marketing tool for the university, it is important to utilize a modern, widely used, and well-supported content management system and hosting provider. The Drupal content management system provides an adaptable user-friendly experience. Acquia, a Texas Department of Information Resources-approved vendor, has expertise with the Drupal system being utilized in the website redesign, and their resources and support services make them the best choice for hosting and support.

In January 2016, the Board of Regents approved a five-year contract with Acquia for hosting and support of the Drupal-based system at a cost not to exceed \$219,500. The first year of the contract included the services of a Technical Account Manager (TAM) team to support the construction of the site, identify potential problem areas and recommend solutions to issues encountered.

Recommendation:

The administration recommends the president be authorized to renew the service of Acquia's TAM team through February 28, 2019, to secure continued assistance with the construction of SFA websites. The cost originally approved by regents will remain at \$219,500, but the term of service will change from five years to three years in order to accommodate the cost of the TAM service.

Danny Gallant  
Vice President for  
Finance and  
Administration

Jill Still  
Vice President for  
University  
Advancement

Presentation and Committee Action on Agenda Item 38:

INTERAGENCY CONTRACT WITH THE GENERAL  
LAND OFFICE FOR NATURAL GAS

Explanation:

Beginning on September 1, 2009, the university has had an interagency agreement with the Texas General Land Office (GLO) to supply natural gas for the institution. Since the interagency relationship began, the GLO has monitored natural gas prices and advised the university about favorable market pricing opportunities. The current contract with the GLO ends on August 31, 2017. Based on favorable market rates, on April 8, 2017, the university locked in 50% of natural gas volume pricing beginning on September 1, 2017 and extending through August 31, 2019.

Recommendation:

The administration recommends ratification of the fixed-pricing contract with the GLO that begins on September 1, 2017, and extends through August 31, 2019. In addition, the administration requests approval to lock in additional natural gas fixed-pricing contracts when the market is favorable. The administration also recommends that the president be authorized to sign natural gas interagency agreements and contracts with the Texas General Land Office.

Danny Gallant  
Vice President for  
Finance and  
Administration

Presentation and Committee Action on Agenda Item 39:

GRANT AWARDS

Explanation:

During fiscal year 2017, the university has received grant awards totaling \$16,653,250, an increase of \$1,347,348 since the April 24, 2017, report. Of this total, grant awards allocable to fiscal year 2017 are currently \$7,180,562, an increase of \$812,848 since the last report.

The grant awards result from extensive faculty research and service engagement across many academic disciplines. The grants include direct federal, federal pass through, state and private awards.

Recommendation:

The administration recommends approval and ratification of the additional fiscal year 2017 grant awards that total \$812,848. The grant awards are detailed in Appendix 6.

Danny Gallant  
Vice President for  
Finance and  
Administration

Presentation and Committee Action on Agenda Item 40:

Damon Derrick  
General Counsel

LEGAL SERVICES – TAX

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of tax law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of the following firm for inclusion on the university's pre-approved list of outside counsel in the field of tax law through August 31, 2019: Husch Blackwell, LLP; Norton Rose Fulbright US LLP; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 41:

Damon Derrick  
General Counsel

LEGAL SERVICES – WILLS, TRUSTS AND ESTATES

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of wills, trusts and estates. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of wills, trusts and estates through August 31, 2019: Husch Blackwell LLP; Norton Rose Fulbright US LLP; Jackson Walker LLP; Haglund Law Firm P.C.; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 42:

Damon Derrick  
General Counsel

LEGAL SERVICES – PUBLIC FINANCE AND BOND  
ISSUANCE

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of public finance and bond issuance. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of public finance and bond issuance through August 31, 2019: McCall Parkhurt & Horton, LLP; Husch Blackwell, LLP; Norton Rose Fulbright US LLP; Edgardo E. Colon PC; Andrews, Kurth, Kenyon LLP; and Locke Lord LLP. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 43:

Damon Derrick  
General Counsel

LEGAL SERVICES – FINANCIAL

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of financial law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of financial law through August 31, 2019: Husch Blackwell, LLP; C Bishop Law PC; Edgardo E. Colon PC; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; Looper Goodwine P.C.; Haglund Law Firm P.C.; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 44:

APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

Explanation:

The *Board Rules and Regulations* state that the Finance and Audit Committee will consider: budgeting and appropriations request processes; all requests for appropriations and budgets covering expenditures of educational and general funds and auxiliary programs including, but not limited to, student housing and the athletic department; handling of university funds, depositories, etc., whether from appropriated or contributed funds; and the auditing function of the university including, but not limited to, annual audit plan, internal and external audit reports, risk assessment, and audit/compliance issues.

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

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented in Appendix 7:

Best Value Procurement 17.1  
Ethics 2.6  
Fixed Rate Tuition Plan 3.4  
Year-End Purchasing 17.24

Danny Gallant  
Vice President for  
Finance and  
Administration

Damon Derrick  
General Counsel



Report: Statutory Contract Update

**Danny Gallant**  
Vice President for  
Finance and  
Administration

**Adjourn Finance and Audit Committee  
(Scheduled for approximately 4:30 p.m.)**

**Alton Frailey**  
Committee Chair

**Academic and Student Affairs Committee Meeting  
(Scheduled at approximately 4:30 p.m.)**

<p>Call to Order in Open Session Members: Scott Coleman, Brigettee Henderson, Maggie Wright, David Alders</p>	<p>Nelda Blair Committee Chair</p>
<p>Presentation and Committee Action on Agenda Item 14:</p> <p><u>APPROVAL OF CORE CURRICULUM REVISION</u></p> <p>Explanation:</p> <p>As directed by legislation, the Texas Higher Education Coordinating Board issued rules requiring a complete revision of core curriculum in all Texas public institutions of higher education with implementation beginning in the fall 2014 semester. Institutions may revise their Texas Core Curriculum once a year. Accordingly, the SFA Core Curriculum Committee reviewed proposals for changes to the core curriculum. The Council of Deans and the provost have approved the following changes to the core curriculum:</p> <p>Add:</p> <p>ICC 101 International and Intercultural Communication: Latin America ICC 102 International and Intercultural Communication: France ICC 103 International and Intercultural Communication: Germany ICC 104 International and Intercultural Communication: Brazil</p>	<p>Steve Bullard Provost and Vice President for Academic Affairs</p> <p>Mary Nelle Brunson Associate Provost and Vice President for Academic Affairs</p>

Delete:

PHY 100 Physics in Society

PHY 100L Physics in Society Lab

Appendix 1 lists the complete core curriculum by the appropriate component area. Following board approval, the changes will be submitted to the coordinating board for review and approval.

Presentation and Committee Action on Agenda Item 15:

REQUEST FOR DEPARTMENTAL NAME CHANGE IN THE NELSON RUSCHE COLLEGE OF BUSINESS

Explanation:

The Nelson Rusche College of Business faculty and dean request a change of name for the Department of Management, Marketing and International Business, to the Department of Management and Marketing. In spring 2015, two new majors were added to the departmental offerings, Human Resource Management and Sports Business. The proposed name change more accurately reflects the programs currently housed in the department.

Recommendation:

The administration recommends approval of the name change of the Department of Management, Marketing and International Business within the Nelson Rusche College of Business to the Department of Management and Marketing.

Steve Bullard  
Provost and Vice  
President for  
Academic Affairs

Presentation and Committee Action on Agenda Item 16:

REQUEST TO OFFER COURSES OFF-CAMPUS AT COLLIN COUNTY COMMUNITY COLLEGE, HOUSTON COMMUNITY COLLEGE AND LONE STAR COLLEGE

Explanation:

SFA Envisioned states that “we will expand our reach” and in keeping with that vision, two colleges are seeking approval to establish off-campus instructional sites. The School of Human Sciences plans to offer the BS in Interior Design at Houston Community College—Central Campus. The Department of Management, Marketing, and International Business plans to offer a program at Collin College—Collin Higher Education Center. Additionally, the department seeks to add the BBA in Sports Business to the SFA offerings at Lone Star College—University Center Montgomery. Following board approval, the changes will be submitted to the coordinating board and SACSCOC for review and approval.

Recommendation:

The administration recommends approval of off-campus instructional sites at Houston Community College—Central Campus, Collin College—Collin Education Center, and the addition of program offerings at Lone Star College.

Steve Bullard  
Provost and Vice  
President for  
Academic Affairs

Mary Nelle  
Brunson  
Associate Provost and  
Vice President for  
Academic Affairs

Presentation and Committee Action on Agenda Item 17:

Robert Hill  
Director of Athletics

INTERCOLLEGIATE ATHLETIC POLICIES AND PROCEDURES MANUAL REVISIONS

Explanation:

In accordance with NCAA requirements, the university adopted an Intercollegiate Athletic Policies and Procedures Manual in 1994. This policy manual is annually reviewed and approved by the board in its July meeting and at other times when necessary. Needed revisions to the current policies are included in Appendix 2.

Recommendation:

It is recommended by the administration that the revisions to the Athletic Policies and Procedures Manual be approved as presented in Appendix 2.

Presentation and Committee Action on Agenda Item 18:

Damon Derrick  
General Counsel

LEGAL SERVICES – FEDERAL COMMUNICATIONS COMMISSION (FCC)

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys for communications (FCC) related matters. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel for communications (FCC) related matters through August 31, 2019: Husch Blackwell, LLP; Wilkinson Barker Knauer LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 19:

Damon Derrick  
General Counsel

LEGAL SERVICES – HEALTH LAW

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of health law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of the following firm for inclusion on the university's pre-approved list of outside counsel in the field of health law through August 31, 2019: Husch Blackwell LLP; Norton Rose Fulbright US LLP; The Stevenson Law Firm, PC; Jackson Walker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.



Presentation and Committee Action on Agenda Item 20:

Damon Derrick  
General Counsel

LEGAL SERVICES – INTELLECTUAL PROPERTY

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of intellectual property. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of intellectual property through August 31, 2019: Meyertons, Hood, Kivin, Kowert & Goetzel, P.C.; Husch Blackwell, LLP; The JL Salazar Law Firm PLLC; Norton Rose Fulbright US LLP; Chalker Flores LLP; Kilpatrick Townsend & Stockton LLP; Jackson Walker LLP; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 21:

Damon Derrick  
General Counsel

LEGAL SERVICES – IMMIGRATION

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of immigration law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of immigration law through August 31, 2019: Monty & Ramirez LLP; Husch Blackwell, LLP; Norton Rose Fulbright US LLP; Jackson Walker LLP; Haglund Law Firm P.C.; Wilson Elser Moskowitz Edelman & Dicker LLP; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 22:

Damon Derrick  
General Counsel

LEGAL SERVICES – EMPLOYMENT

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the Attorney General's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of employment law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of employment law through August 31, 2019: Husch Blackwell LLP; Norton Rose Fulbright US LLP; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; Walsh Gallegos Trevino Russo & Kyle P.C.; Haglund Law Firm P.C.; Wilson Elser Moskowitz Edelman & Dicker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 23:

Damon Derrick  
General Counsel

LEGAL SERVICES – HIGHER EDUCATION

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of higher education law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of higher education law through August 31, 2019: Husch Blackwell LLP; Haglund Law Firm P.C.; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 24:

Damon Derrick  
General Counsel

LEGAL SERVICES – SPORTS

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of sports law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of sports law through August 31, 2019: Husch Blackwell LLP; Jackson Walker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Presentation and Committee Action on Agenda Item 25:

APPROVAL OF ACADEMIC AND STUDENT AFFAIRS  
POLICY REVISIONS

Explanation:

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

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

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented in Appendix 7:

Steve Bullard  
Provost and Vice  
President for  
Academic Affairs

Danny Gallant  
Vice President for  
Finance and  
Administration

Steve  
Westbrook  
Vice President for  
University Affairs

Damon Derrick  
General Counsel

<p>           Academic Appeals by Students 6.3            Academic Program Review 5.1            Course Fees 3.8            Discipline and Discharge 11.4            Early Registration Priority 4.3 NEW            Graduate Assistantships 6.12            Hazing 10.3            In-Resident Requirements 6.15            Leave of Absence (Faculty and Staff) 12.11            Sexual Misconduct 2.13            Student Code of Conduct 10.4            Student Internships 11.29            Volunteer Workers 11.32            Wellness Release Time 13.25         </p>	
<p> <b>Adjourn Academic and Student Affairs            Committee            (Scheduled for approximately 5:00 p.m.)</b> </p>	<p> <b>Nelda Blair</b>            Committee Chair         </p>
<p> <b>Board of Regents Committee of the Whole            Reconvene in Open Session at approximately            5:00 p.m.</b> </p> <p> <b>Recess Board of Regents Meeting to 9:00 a.m.            on Tuesday, July 25, 2017.</b> </p>	<p> <b>David Alders</b>            Chair         </p>

**Stephen F. Austin State University  
Board of Regents  
Meeting 311  
Tuesday, July 25, 2017  
9:00 a.m.**

<b>Call to Order (Scheduled 9:00 a.m.)</b>	<b>David Alders</b> Board Chair
Introduction of Student Regent Maggie Wright	Baker Pattillo President
<p>Pledge to the Flags</p> <p>I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.</p> <p>Honor the Texas flag, I pledge allegiance to thee; Texas, one state under God, one and indivisible.</p>	Regent
Invocation	Regent
<p>Special Introductions and Recognitions</p> <p>SLC Commissioner's Cup Women's All-Sports Trophy National Association of Collegiate Marketing Administrators (NACMA) Award Desmond Haymon Orientation Leaders Student Success Center Luminant</p>	Baker Pattillo President



## BOARD CONSIDERATION OF PAST MINUTES

Board Action on Agenda Item 1:

APPROVAL OF MINUTES OF APRIL 24 AND 25,  
2017, BOARD OF REGENTS MEETING

Explanation:

The minutes of the April 24 and 25, 2017, regular meeting of the Board of Regents are included in this report.

Recommendation:

It is recommended by the administration that the minutes of the April 24 and 25, 2017, meeting be approved.

David Alders  
Chair

## BOARD CONSIDERATION OF AGENDA ITEMS 2-5

<p>Presentation and Board Action on Agenda Item 2:</p> <p><u>ELECTION OF PRESIDENT FOR 2017-2018</u></p> <p>Explanation:</p> <p>The <i>Board Rules and Regulations</i> state that the president serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the president's salary shall be designated in the appointing order.</p> <p>Recommendation:</p> <p>Pending board consideration.</p>	<p>David Alders Chair</p>
<p>Presentation and Board Action on Agenda Item 3:</p> <p><u>ELECTION OF GENERAL COUNSEL FOR 2017-2018</u></p> <p>Explanation:</p> <p>The <i>Board Rules and Regulations</i> state that the general counsel serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the salary of the general counsel shall be designated in the appointing order.</p> <p>Recommendation:</p> <p>Pending board consideration.</p>	<p>David Alders Chair</p>

<p>Presentation and Board Action on Agenda Item 4:</p> <p><u>ELECTION OF CHIEF AUDIT EXECUTIVE FOR 2017-2018</u></p> <p>Explanation:</p> <p>The <i>Board Rules and Regulations</i> state that the chief audit executive serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the salary of the chief audit executive shall be designated in the appointing order.</p> <p>Recommendation:</p> <p>Pending board consideration.</p>	<p>David Alders Chair</p>
<p>Presentation and Board Action on Agenda Item 5:</p> <p><u>ELECTION OF COORDINATOR OF BOARD AFFAIRS FOR 2017-2018</u></p> <p>Explanation:</p> <p>The <i>Board Rules and Regulations</i> state that the coordinator of board affairs serves at the pleasure of the board and shall be elected by the board at the annual budget meeting by affirmative vote of a board majority and that the salary of the coordinator of board affairs shall be designated in the appointing order.</p> <p>Recommendation:</p> <p>Pending board consideration.</p>	<p>David Alders Chair</p>

## BOARD CONSIDERATION OF PERSONNEL AGENDA ITEMS 6 - 13

Presentation and Board Action on Agenda Item 6:

### FACULTY APPOINTMENTS

Explanation:

Faculty appointments are recommended by the department chair and approved by the appropriate dean, provost/vice president for academic affairs and the president. Each appointment states salary and percentage of time employed, designates the semester or academic year (September through May) and states the effective date of employment. In addition, last degree and granting institution are included for first-time appointments.

Recommendation:

It is recommended by the administration that the following faculty appointments be approved.

#### FINE ARTS

Amanda Breitbach, MFA (University of Nebraska), Assistant Professor of Art, at an academic year salary of \$50,000 for 100 percent time, effective September 1, 2017.

Cleo House, Ph.D. (Texas Tech University), Associate Professor of Theatre and Director of the School of Theatre, at an annual salary of \$104,000 for 100 percent time, effective September 1, 2017.

Baker Pattillo  
President

Steve Bullard  
Provost and Vice  
President for Academic  
Affairs

LIBERAL AND APPLIED ARTS

Aaron Moulton, Ph.D. (University of Alabama), Assistant Professor of History at an academic year salary of \$52,000 for 100 percent time, effective September 1, 2017.

Samuel Sutherland, Ph.D. (Ohio State University), Assistant Professor of History, at an academic year salary of \$52,000 for 100 percent time, effective September 1, 2017.

SCIENCE AND MATHEMATICS

Pushkar Ogale, M.S. (Texas Tech University), Assistant Professor of Computer Science, at an academic year salary of \$84,000 for 100 percent time, effective September 1, 2017.

Presentation and Board Action on Agenda Item 7:

STAFF APPOINTMENTS

Explanation:

Staff appointments are recommended by the department chair or director and approved by the appropriate dean (if applicable), vice president and/or president. Each appointment states salary, percentage of time employed, and designates the effective date of employment.

Recommendation:

It is recommended by the administration that the following staff appointments be approved.

ATHLETICS

Alejandro Rodriguez, Athletic Trainer, at an annual salary of \$48,580 for 100 percent time, effective May 22, 2017.

Morgan Spearman, Assistant Softball Coach, at an annual salary of \$33,660 for 100 percent time, effective June 19, 2017.

CAMPUS RECREATION

Benito Telesca, Assistant Director of Campus Recreation, at an annual salary of \$52,000 for 100 percent time, effective April 24, 2017.

LIBRARY

Will Honea, Coordinator of Records Management and Publications, at an annual salary of \$49,500 for 100 percent time, effective April 17, 2017.

Baker Pattillo  
President

Steve Bullard  
Provost and Vice  
President for Academic  
Affairs

Steve Westbrook  
Vice President for  
University Affairs

RESIDENCE LIFE

Erin Pratico, Hall Director, at an annual salary of \$30,000 for 100 percent time, effective July 17, 2017.

Elizabeth Roshell, Coordinator of Residence Life Programs, at an annual salary of \$35,000 for 100 percent time, effective April 17, 2017.

STUDENT AFFAIRS SUPPORT SERVICES

Jennifer Hopson, Nurse Practitioner, at a 10.5-month salary of \$85,680 for 100 percent time, effective May 1, 2017.

Presentation and Board Action on Agenda Item 8:

CHANGES OF STATUS

Explanation:

Changes of status include changes in appointment, percentage of time, salary or semesters. These changes are initiated by the department chair or director and routed through administrative channels for approval.

Recommendation:

It is recommended by the administration that the following changes of status be approved.

ATHLETICS

Desmond Haymon, from Adjunct Faculty in Kinesiology and Health Science at a 4.5-month salary of \$5,000 for 50 percent time, to Assistant Coach of Men's Basketball at an annual salary of \$78,000 for 100 percent time, effective June 1, 2017.

Casey Watkins, from Graduate Assistant at an academic year salary of \$9,000 for 50 percent time, to Coordinator of Athletic Operations at an annual salary of \$41,820 for 100 percent time, effective May 1, 2017.

Alexander Vanvalkenburgh, from Athletic Trainer at an annual salary of \$48,580 for 100 percent time, to Head Athletic Trainer at an annual salary of \$71,745 for 100 percent time, effective May 8, 2017.

Baker Pattillo  
President

Steve Bullard  
Provost and Vice  
President for Academic  
Affairs



#### CHARTER SCHOOL

Holly Franz, from Substitute Teacher at a 9.5-month salary of \$25.40 per hour for 100 percent time, to Teacher at a 9.5-month salary of \$38,300 for 100 percent time, effective September 1, 2017.

Amanda Scanlan, from Substitute Teacher at a 9.5-month salary of \$25.60 per hour for 100 percent time, to Teacher at a 9.5-month salary of \$39,200 for 100 percent time, effective September 1, 2017.

#### BUSINESS

Kelly Noe, from Associate Professor of Accounting at an academic year salary of \$128,511 for 100 percent time, to Associate Professor and Interim Director of Accountancy at an academic year salary of \$128,511 for 100 percent time with an additional stipend of \$3,333 per month for three months for interim duties, effective June 1, 2017.

#### EDUCATION

Troy Davis, from Professor of History at an academic year salary of \$82,216 for 100 percent time, to Professor of History and Interim Chair of Kinesiology and Health Science at an academic year salary of \$82,216 for 100 percent time with an additional stipend of \$1,000 per month for one month, effective June 1, 2017 for interim duties; an additional stipend of \$1,000 per month for two months, effective July 1, 2017, for interim duties ; and an additional stipend of \$1,000 per month for nine months, effective September 1, 2017, for interim duties.

Stacy Hendricks, from Assistant Professor of Secondary Education and Interim Associate Dean of the College of Education at an academic year salary of \$61,203 for 100 percent time, with an additional stipend of \$3,816 per month for nine months for interim duties, to Assistant Professor of Secondary Education and Associate Dean of the College of Education at an 3-month salary of \$29,502 for 100 percent time, effective June 1, 2017.

Christina Sinclair, from Associate Professor of Kinesiology and Health Science and Interim Associate Dean of the College of Education at an academic year salary of \$68,926 for 100 percent time, with an additional stipend of \$905 per month for four and a half months for interim duties, to Associate Professor of Kinesiology and Health Science and Associate Dean of the College of Education at a 3-month salary of \$29,502 for 100 percent time, effective June 1, 2017.

#### FINE ARTS

Wesley Berg, from Visiting Assistant Professor of Art at an academic year salary of \$47,000 for 100 percent time, to Assistant Professor of Art at an academic year salary of \$50,000 for 100 percent time, effective September 1, 2017.

#### FORESTRY AND AGRICULTURE

Matthew McBroom, from Professor of Forestry at an academic year salary of \$72,286 for 100 percent time, to Professor and Interim Associate Dean of Forestry and Agriculture at an academic year salary of \$72,286 for 100 percent time, with an additional stipend of \$1,000 per month for three months, effective June 1, 2017, for interim duties.

Matthew McBroom, from Interim Associate Dean of Forestry and Agriculture at an academic year salary of \$72,286 for 100 percent time with an additional stipend of \$1,000 per month for interim duties to Associate Dean of Forestry and Agriculture at an annual salary of \$115,000 effective September 1, 2017.

Hans Michael Williams, from Associate Dean of Forestry and Agriculture at an annual salary of \$125,502 for 100 percent time, to Interim Dean of Forestry and Agriculture at an annual salary of \$125,502 for 100 percent time, with an additional stipend of \$1,000 per months for three months, effective June 1, 2017, for interim duties.

Hans Michael Williams from Interim Dean of Forestry and Agriculture at an annual salary of \$125,502 for 100 percent time plus an additional \$1,000 per month for interim duties to Dean of Forestry and Agriculture at an annual salary of \$170,000 effective September 1, 2017.

#### INFORMATION TECHNOLOGY SERVICES

Stacy Little, from Programmer/Analyst I at an annual salary of \$38,150 for 100 percent time, to Programmer/Analyst II at an annual salary of \$45,000 for 100 percent time, effective June 1, 2017.

#### LIBRARY

Karrie Roberson, from Web Design Specialist at an annual salary of \$44,750 for 100 percent time, to Database Administrator at an annual salary of \$53,000 for 100 percent time, effective June 1, 2017.

Presentation and Board Action on Agenda Item 9:

PROMOTIONS

Explanation:

Promotions are initiated at the departmental level by one of the following methods: a faculty member submits an application for promotion on his/her own behalf or is recommended for promotion by his/her department chair. The application or recommendation is reviewed, ranked, and recommended or not recommended for approval by the department faculty at or above the rank sought, department chair, dean, provost and vice president for academic affairs and the president. Promotions recommended for approval by the president are submitted to the board for promotion consideration.

Recommendation:

It is recommended by the administration that the following individual be granted promotion to the academic rank indicated:

To Professor Emeritus, effective fall semester, 2017

Roger Dale Perritt, Professor of Agriculture

Steve Bullard

Provost and Vice  
President for Academic  
Affairs

Presentation and Board Action on Agenda Item 10:

TENURE

Explanation:

Tenure is awarded by the Board of Regents to those faculty members who are recommended by the president. Applications of individuals recommended for tenure are reviewed by departmental and college committees and by a department chair, dean and provost/academic vice president prior to recommendation to the president.

Recommendation:

It is recommended by the administration that academic tenure be awarded to the following individual, effective fall semester, 2017.

Cleo House, School of Theatre

Steve Bullard

Provost and Vice  
President for Academic  
Affairs

Presentation and Board Action on Agenda Item 11:

FACULTY LEAVE OF ABSENCE WITHOUT PAY

Explanation:

The university may grant a leave of absence to a faculty member when departmental needs allow, provided the request has been approved through administrative channels. Leave of absence without pay for faculty members must be approved by the Board of Regents upon recommendation by the president. The following faculty member has requested a leave of absence without pay in accordance with university policy 12.11, Leave of Absences (faculty).

Dr. Ginger Kelso, Associate Professor of Human Services, effective fall 2017 for one academic year, to pursue additional training and experience in special education within public schools.

Recommendation:

The administration recommends that the faculty leave of absence without pay for Dr. Ginger Kelso be approved for academic year 2017-18.

Steve Bullard

Provost and Vice  
President for Academic  
Affairs

Presentation and Board Action on Agenda Item 12:

RETIREMENTS

Explanation:

Retirements are initiated at the departmental level and processed through administrative channels.

Recommendation:

It is recommended by the administration that the following retirements be accepted:

Timothy Clipson, Professor of Business Communication and Legal Studies, effective June 1, 2017, with 35 years of service.

Keaton Grubbs, Professor of Business Communication and Legal Studies, effective August 1, 2017, with 16 years of service.

Richard Langley, Professor of Chemistry, effective July 1, 2017, with 34 years of service.

John Moore, Professor of Chemistry, effective June 1, 2017, with 45 years of service.

Michael Pickard, Professor Computer Science, effective June 1, 2017, with 25 years of service.

Alan Sowards, Professor of Elementary Education, effective June 1, 2017, with 22 years of service.

Nagalpura Viswanath, Visiting Professor of Human Services, effective June 1, 2017, with seven years of service.

Steve Bullard  
Provost and Vice  
President for Academic  
Affairs

Presentation and Board Action on Agenda Item 13:

Baker Pattillo  
President

HOLIDAY SCHEDULE FOR 2017-2018

Explanation:

Fourteen holidays are allowed by the state for 2017-2018. The following schedule will allow SFA to be closed for five working days at Thanksgiving, eight working days during Christmas, five working days during Spring Break, Memorial Day, and Independence Day, which totals 20 days. Employees will be required to take two days of vacation or compensatory time on November 20 and 21, two days of vacation or compensatory time on December 28 and 29, and two days of vacation or compensatory time on March 15 and 16. Campus buildings will be closed for nine days during Thanksgiving week, 12 days during the Christmas break, and nine days during Spring Break, which will result in significant energy savings.

November 20-24	Thanksgiving Break
December 21-January 1	Christmas Break
March 12-16	Spring Break
May 28	Memorial Day
July 4	Independence Day

Recommendation:

The administration recommends approval of the holiday schedule for 2017-2018 as presented.



**ACADEMIC AND STUDENT AFFAIRS COMMITTEE  
REPORT:  
Consideration of Agenda Items 14 – 25**

**Nelda Blair**  
Chair

Report and Board Action on Agenda Item 14:

APPROVAL OF CORE CURRICULUM REVISION

Explanation:

As directed by legislation, the Texas Higher Education Coordinating Board issued rules requiring a complete revision of core curriculum in all Texas public institutions of higher education with implementation beginning in the fall 2014 semester. Institutions may revise their Texas Core Curriculum once a year. Accordingly, the SFA Core Curriculum Committee reviewed proposals for changes to the core curriculum. The Council of Deans and the provost have approved the following changes to the core curriculum:

Add:

ICC 101 International and Intercultural Communication: Latin America  
ICC 102 International and Intercultural Communication: France  
ICC 103 International and Intercultural Communication: Germany  
ICC 104 International and Intercultural Communication: Brazil

Delete:

PHY 100 Physics in Society  
PHY 100L Physics in Society Lab

Appendix 1 lists the complete core curriculum by the appropriate component area. Following board approval, the changes will be submitted to the coordinating board for review and approval.

Recommendation:

The administration recommends the board approve the changes to the core curriculum identified in Appendix 1.

Report and Board Action on Agenda Item 15:

REQUEST FOR DEPARTMENTAL NAME CHANGE IN THE NELSON RUSCHE COLLEGE OF BUSINESS

Explanation:

The Nelson Rusche College of Business faculty and dean request a change of name for the Department of Management, Marketing and International Business, to the Department of Management and Marketing. In spring 2015, two new majors were added to the departmental offerings, Human Resource Management and Sports Business. The proposed name change more accurately reflects the programs currently housed in the department.

Recommendation:

The administration recommends approval of the name change of the Department of Management, Marketing and International Business within the Nelson Rusche College of Business to the Department of Management and Marketing.

Report and Board Action on Agenda Item 16:

REQUEST TO OFFER COURSES OFF-CAMPUS AT COLLIN COUNTY COMMUNITY COLLEGE, HOUSTON COMMUNITY COLLEGE AND LONE STAR COLLEGE

Explanation:

SFA Envisioned states that “we will expand our reach” and in keeping with that vision, two colleges are seeking approval to establish off-campus instructional sites. The School of Human Sciences plans to offer the BS in Interior Design at Houston Community College—Central Campus. The Department of Management, Marketing, and International Business plans to offer a program at Collin College—Collin Higher Education Center. Additionally, the department seeks to add the BBA in Sports Business to the SFA offerings at Lone Star College—University Center Montgomery. Following board approval, the changes will be submitted to the coordinating board and SACSCOC for review and approval.

Recommendation:

The administration recommends approval of off-campus instructional sites at Houston Community College—Central Campus, Collin College—Collin Education Center, and the addition of program offerings at Lone Star College.

Report and Board Action on Agenda Item 17:

INTERCOLLEGIATE ATHLETIC POLICIES AND PROCEDURES MANUAL  
REVISIONS

Explanation:

In accordance with NCAA requirements, the university adopted an Intercollegiate Athletic Policies and Procedures Manual in 1994. This policy manual is annually reviewed and approved by the board in its July meeting and at other times when necessary. Needed revisions to the current policies are included in Appendix 2.

Recommendation:

It is recommended by the administration that the revisions to the Athletic Policies and Procedures Manual be approved as presented in Appendix 2.

Report and Board Action on Agenda Item 18:

LEGAL SERVICES – COMMUNICATIONS (FCC)

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys for communications (FCC) related matters. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel for communications (FCC) related matters through August 31, 2019: Husch Blackwell, LLP; Wilkinson Barker Knauer LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Report and Board Action on Agenda Item 19:

LEGAL SERVICES – HEALTH LAW

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of health law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of the following firm for inclusion on the university's pre-approved list of outside counsel in the field of health law through August 31, 2019: Husch Blackwell LLP; Norton Rose Fulbright US LLP; The Stevenson Law Firm, PC; Jackson Walker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

## Report and Board Action on Agenda Item 20:

### LEGAL SERVICES – INTELLECTUAL PROPERTY

#### Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of intellectual property. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

#### Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of intellectual property through August 31, 2019: Meyertons, Hood, Kivin, Kowert & Goetzel, P.C.; Husch Blackwell, LLP; The JL Salazar Law Firm PLLC; Norton Rose Fulbright US LLP; Chalker Flores LLP; Kilpatrick Townsend & Stockton LLP; Jackson Walker LLP; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

## Report and Board Action on Agenda Item 21:

### LEGAL SERVICES – IMMIGRATION

#### Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of immigration law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

#### Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of immigration law through August 31, 2019: Monty & Ramirez LLP; Husch Blackwell, LLP; Norton Rose Fulbright US LLP; Jackson Walker LLP; Haglund Law Firm P.C.; Wilson Elser Moskowitz Edelman & Dicker LLP; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.



## Report and Board Action on Agenda Item 22:

### LEGAL SERVICES – EMPLOYMENT

#### Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of employment law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

#### Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of employment law through August 31, 2019: Husch Blackwell LLP; Norton Rose Fulbright US LLP; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; Walsh Gallegos Trevino Russo & Kyle P.C.; Haglund Law Firm P.C.; Wilson Elser Moskowitz Edelman & Dicker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Report and Board Action on Agenda Item 23:

LEGAL SERVICES – HIGHER EDUCATION

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of higher education law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of higher education law through August 31, 2019: Husch Blackwell LLP; Haglund Law Firm P.C.; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Report and Board Action on Agenda Item 24:

LEGAL SERVICES – SPORTS

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of sports law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of sports law through August 31, 2019: Husch Blackwell LLP; Jackson Walker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

## Report and Board Action on Agenda Item 25:

### APPROVAL OF ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS

#### Explanation:

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

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

#### Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented in Appendix 7:

Academic Appeals by Students 6.3  
Academic Program Review 5.1  
Course Fees 3.8  
Discipline and Discharge 11.4  
Early Registration Priority 4.3 NEW  
Graduate Assistantships 6.12  
Hazing 10.3  
In-Resident Requirements 6.15  
Leave of Absence (Faculty and Staff) 12.11  
Sexual Misconduct 2.13  
Student Code of Conduct 10.4  
Student Internships 11.29  
Volunteer Workers 11.32  
Wellness Release Time 13.25

**BUILDING AND GROUNDS COMMITTEE  
REPORT:  
Consideration of Agenda Items 26 – 31**

**Bob Garrett**  
Chair

Report and Board Action on Agenda Item 26:

LEGAL SERVICES – REAL ESTATE

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of real estate. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of real estate through August 31, 2019: Husch Blackwell, LLP; C Bishop Law PC; Norton Rose Fulbright US LLP; Edgardo E. Colon PC; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; Looper Goodwine P.C.; Haglund Law Firm P.C.; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Report and Board Action on Agenda Item 27:

LEGAL SERVICES – OIL AND GAS, MINERAL INTERESTS, AND/OR UTILITIES MATTERS

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of oil and gas, mineral interests, and/or utilities. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of oil and gas, mineral interests, and/or utilities through August 31, 2019: Husch Blackwell LLP; C Bishop Law PC; Norton Rose Fulbright US LLP; Jackson Walker LLP; Looper Goodwine P.C.; Smith Trostle & Huerta LLP; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Report and Board Action on Agenda Item 28:

APPROVAL OF THE FISCAL YEAR 2017-18 CAPITAL PLAN

Explanation:

The university has a long term campus master plan that addresses capital renewal, planned maintenance and renovation projects. The 2017-18 capital plan includes academic, student life, building, and life safety initiatives.

Recommendation:

The administration recommends approval of the \$9,211,330 fiscal year 2017-18 capital plan presented in Appendix 3. The administration further recommends project funding as listed, the source of funds as presented, and authorization of the president to sign associated purchase orders or contracts.

Report and Board Action on Agenda Item 29:

DEEP EAST TEXAS ELECTRIC CO-OP EASEMENT FOR THE WATER WELL  
AT THE SFA BEEF FARM

Explanation:

On January 31, 2017, the SFA regents approved and accepted the transfer of a water well from SND Operating, LLC. The water well is located at the SFA Beef Farm and requires an electric feed to operate the unit. To provide electrical power to the well, an easement with Deep East Texas Electric Co-op is necessary. The proposed easement begins near the entrance of the SFA Observatory (adjacent to the Beef Farm) and extends to the well pump building. Deep East Texas Electric Co-op will own and maintain the overhead power line, switchgear, and transformer.

Recommendation:

The administration recommends the granting of an easement to Deep East Texas Electric Co-op to serve the water well at the SFA Beef Farm. The administration further recommends the president be authorized to sign associated documents.



Report and Board Action on Agenda Item 30:

APPROVAL OF BUILDING AND GROUNDS POLICY REVISIONS:

Explanation:

The *Board Rules and Regulations* state that the Building and Grounds Committee will consider:

- use and occupancy of university property; and
- planning of, locating of, receiving bids for, awarding contracts for, construction of, and maintenance of buildings, utilities, and other physical facilities of the campus.

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

Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented in Appendix 7:

Petitions and Handbills 16.19

Signs and Exhibits 16.24

Use of Amplified Sound on Campus Grounds 16.31

Report and Board Action on Agenda Item 31:

NELSON RUSCHE COLLEGE OF BUSINESS RENOVATION

Explanation:

In the fall of 2015, the university completed a renovation of certain lobby space and common areas on the first and second floors of the Nelson Rusche College of Business, located in the McGee Building. Fundraising efforts have been ongoing to renovate the third and fourth floors of the building. To fund the project, the university has received over \$436,000 in donations, with written commitments for additional donations of nearly \$689,000. The architectural firm of Goodwin-Lasiter-Strong has provided an initial construction project renovation estimate of \$993,000 to renovate the third and fourth floors of the McGee Building. The renovation is expected to be completed during the summer of 2018.

Recommendation:

The administration recommends that Goodwin-Lasiter-Strong develop construction drawings to begin the project. The university will request construction bids and request project budget approval at a later Board of Regents' meeting.

Report and Board Action on Agenda Item 32:

ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

Explanation:

The *Board Rules and Regulations* state that the chief audit executive shall assist the board in carrying out its oversight responsibilities as they relate to the university's a) financial and other reporting practices, b) internal control, and c) compliance with laws, regulations and ethics. The chief audit executive reports to the Board of Regents on the status of the annual audit plan, internal and external reports, risk assessment and audit/compliance issues.

The audit services report as presented includes the following:

- Accounting Departmental Audit
- Mass Communication Departmental Audit
- Theatre Departmental Audit
- TAC 202 Information Security Audit
- Public Funds Investment Act Audit
- Contract Management Audit
- University Annual Risk Assessment
- State Auditor's Office Audits
- Update on Financial Aid Audit
- Update on Joint Admission Medical Program (JAMP) Grant Selection
- Course Fee Investigation
- Bursar Office Cash Count
- RFP for Auditing Services for NCAA and SFA Charter School
- RFP for Auditing Services for Information Technology
- Update on Audit Plan

Recommendation:

The Finance and Audit Committee recommends that the Board of Regents acknowledge receipt of the audit services report as presented.

Report and Board Action on Agenda Item 33:

APPROVAL OF ANNUAL AUDIT PLAN

Explanation:

According to the *Board Rules and Regulations*, the chief audit executive shall annually submit information on the annual audit plan, work schedule and staffing plan to the president for review and to the Board of Regents for their approval.

Recommendation:

The Finance and Audit Committee recommends that the annual audit plan be approved as presented.

Report and Board Action on Agenda Item 34:

ADOPTION OF THE FISCAL YEAR 2017-18 CAPITAL BUDGET

Explanation:

The university has a long-term campus master plan that addresses capital renewal, planned maintenance and renovation projects. The 2017-18 capital plan includes academic, student life, building, and life safety initiatives.

Recommendation:

The administration recommends adoption of the \$9,211,330 fiscal year 2017-18 capital budget. The administration further recommends project funding as listed in Appendix 4, the source of funds as presented, and authorization of the president to sign associated purchase orders or contracts.

Report and Board Action on Agenda Item 35:

ADOPTION OF THE FISCAL YEAR 2017-18 INSTITUTIONAL OPERATING BUDGET

Explanation:

In accordance with Article III of the State of Texas General Appropriations Act for the 2018-19 biennium, the recommended institutional budget totaling \$254,741,726 for fiscal year 2017-18 is submitted for approval. The proposed budget reflects an increase in debt service funding for the new STEM Building, faculty promotions, a reduction in operating general revenue and significant reallocations to fund strategic initiatives. A detailed Higher Education Fund allocation is included in Appendix 5.

Recommendation:

The administration recommends approval of the 2017-18 annual operating budget that totals \$254,741,726.

Report and Board Action on Agenda Item 36:

INFORMATION TECHNOLOGY SERVICES ASSESSMENT CONTRACT

The university seeks to have an assessment of Information Technology Services including but not limited to the areas of staffing, architecture, and security. The Texas Department of Information Resources (DIR) issued a Request for Qualifications for Deliverables-Based Information Technology Services for Information Technology Assessments and Planning. The DIR contract was awarded and an agreement (DIR-SDD-2042) made with Gartner. The university is eligible to use this agreement for services.

Recommendation:

The administration recommends the university be authorized to enter into a contract with Gartner under the Department of Information Resources agreement for Information Technology Assessments and Planning for \$120,000 plus travel expenses with the president authorized to sign the contract and associated documents. The source of funds will be designated fund balance.

Report and Board Action on Agenda Item 37:

APPROVAL OF AMENDMENT TO THE SFA WEBSITE CONTENT MANAGEMENT SYSTEM CONTRACT:

Explanation:

The redesign of the SFA website is part of the university's marketing initiative. In order for the university to meet its potential as a marketing tool for the university, it is important to utilize a modern, widely used, and well-supported content management system and hosting provider. The Drupal content management system provides an adaptable user-friendly experience. Acquia, a Texas Department of Information Resources-approved vendor, has expertise with the Drupal system being utilized in the website redesign, and their resources and support services make them the best choice for hosting and support.

In January 2016, the Board of Regents approved a five-year contract with Acquia for hosting and support of the Drupal-based system at a cost not to exceed \$219,500. The first year of the contract included the services of a Technical Account Manager (TAM) team to support the construction of the site, identify potential problem areas and recommend solutions to issues encountered.

Recommendation:

The administration recommends the president be authorized to renew the service of Acquia's TAM team through February 28, 2019, to secure continued assistance with the construction of SFA websites. The cost originally approved by regents will remain at \$219,500, but the term of service will change from five years to three years in order to accommodate the cost of the TAM service.



Report and Board Action on Agenda Item 38:

INTERAGENCY CONTRACT WITH THE GENERAL LAND OFFICE FOR  
NATURAL GAS

Explanation:

Beginning on September 1, 2009, the university has had an interagency agreement with the Texas General Land Office (GLO) to supply natural gas for the institution. Since the interagency relationship began, the GLO has monitored natural gas prices and advised the university about favorable market pricing opportunities. The current contract with the GLO ends on August 31, 2017. Based on favorable market rates, on April 8, 2017, the university locked in 50% of natural gas volume pricing beginning on September 1, 2017 and extending through August 31, 2019.

Recommendation:

The administration recommends ratification of the fixed-pricing contract with the GLO that begins on September 1, 2017, and extends through August 31, 2019. In addition, the administration requests approval to lock in additional natural gas fixed-pricing contracts when the market is favorable. The administration also recommends that the president be authorized to sign natural gas interagency agreements and contracts with the Texas General Land Office.

## Report and Board Action on Agenda Item 39:

### GRANT AWARDS

#### Explanation:

During fiscal year 2017, the university has received grant awards totaling \$16,653,250, an increase of \$1,347,348 since the April 24, 2017, report. Of this total, grant awards allocable to fiscal year 2017 are currently \$7,180,562, an increase of \$812,848 since the last report. The grant awards result from extensive faculty research and service engagement across many academic disciplines. The grants include direct federal, federal pass through, state and private awards.

#### Recommendation:

The administration recommends approval and ratification of the additional fiscal year 2017 grant awards that total \$812,848. The grant awards are detailed in Appendix 6.

## Report and Board Action on Agenda Item 40:

### LEGAL SERVICES – TAX

#### Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of tax law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

#### Recommendation:

It is recommended that the Board of Regents approve selection of the following firm for inclusion on the university's pre-approved list of outside counsel in the field of tax law through August 31, 2019: Husch Blackwell, LLP; Norton Rose Fulbright US LLP; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

Report and Board Action on Agenda Item 41:

LEGAL SERVICES – WILLS, TRUSTS AND ESTATES

Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of wills, trusts and estates. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

Recommendation:

It is recommended that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of wills, trusts and estates through August 31, 2019: Husch Blackwell LLP; Norton Rose Fulbright US LLP; Jackson Walker LLP; Haglund Law Firm P.C.; and Gardere Wynne Sewell LLP. It is further recommended that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

## Report and Board Action on Agenda Item 42:

### LEGAL SERVICES – PUBLIC FINANCE AND BOND ISSUANCE

#### Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of public finance and bond issuance. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

#### Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of public finance and bond issuance through August 31, 2019: McCall Parkhurt & Horton, LLP; Husch Blackwell, LLP; Norton Rose Fulbright US LLP; Edgardo E. Colon PC; Andrews, Kurth, Kenyon LLP; and Locke Lord LLP. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

## Report and Board Action on Agenda Item 43:

### LEGAL SERVICES – FINANCIAL

#### Explanation:

Under Section 402.0212 of the Texas Government Code, the Office of the Attorney General must approve of any contract for legal services between an attorney and the university. Additionally Title 1, Section 57 of the Texas Administrative Code requires the university to issue a Request for Qualifications for Outside Counsel prior to seeking the attorney general's permission to enter into such a contract. The university issued RFQ LEGAL-2017 seeking counsel wishing to be included on the university's pre-approved list of law firms or attorneys in the field of financial law. Outside counsel would ordinarily be selected from that list as needed by the university. The request for qualifications and list is valid through August 31, 2019.

#### Recommendation:

It is recommended by the administration that the Board of Regents approve selection of these firms for inclusion on the university's pre-approved list of outside counsel in the field of financial law through August 31, 2019: Husch Blackwell, LLP; C Bishop Law PC; Edgardo E. Colon PC; Andrews, Kurth, Kenyon LLP; Jackson Walker LLP; Looper Goodwine P.C.; Haglund Law Firm P.C.; Gardere Wynne Sewell LLP; and Callender Law Firm PLLC. The administration further recommends that the president be authorized to sign any associated contracts for legal services not requiring specific board deliberation.

## Report and Board Action on Agenda Item 44:

### APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

#### Explanation:

The *Board Rules and Regulations* state that the Finance and Audit Committee will consider: budgeting and appropriations request processes; all requests for appropriations and budgets covering expenditures of educational and general funds and auxiliary programs including, but not limited to, student housing and the athletic department; handling of university funds, depositories, etc., whether from appropriated or contributed funds; and the auditing function of the university including, but not limited to, annual audit plan, internal and external audit reports, risk assessment, and audit/compliance issues.

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

#### Recommendation:

The administration recommends that the Board of Regents adopt the following policy revisions as presented in Appendix 7:

Best-Value Procurement 17.1

Ethics 2.6

Fixed Rate Tuition Plan 3.4

Year-End Purchasing 17.24

Report and Board Action on Agenda Item 45:

FUNDRAISING CAMPAIGN FEASIBILITY STUDY FINAL REPORT BY DINI SPHERIS AND RECOMMENDATION

Explanation:

In November 2016 the Board of Regents approved a fundraising campaign feasibility study to be conducted by Dini Spheris for the purpose of assessing campaign readiness. After a full assessment, findings support the university launching a comprehensive fundraising campaign.

Recommendation:

The administration recommends the Board of Regents authorize the university to solicit bid proposals for a campaign consultant to provide professional counsel and guidance in launching and managing a comprehensive fundraising campaign.



## REPORTS

<p>Report from the President</p> <ul style="list-style-type: none"> <li>• Upcoming Dates</li> <li>• August Commencement</li> <li>• Legislative Update</li> <li>• Special Session</li> <li>• Regent Appointments</li> </ul>	<p><b>Baker Pattillo</b> President</p>
<p>Report from the Faculty Senate</p> <ul style="list-style-type: none"> <li>• Greetings and Introduction</li> <li>• Review of accomplishments 2016-17</li> <li>• Strategic Goals for 2017-18</li> <li>• Faculty Accomplishments</li> </ul>	<p><b>Le'Ann Solmonson</b> Faculty Senate Chair</p>
<p>Report from the Student Government Association</p> <ul style="list-style-type: none"> <li>• SGA Retreat</li> <li>• Watermelon Bash</li> <li>• Fall 2017 Goals</li> </ul>	<p><b>Jessie Jenkins</b> SGA President</p>
<p style="text-align: center;"><b>Adjournment of Meeting (Approximately 10:30 a.m.)</b></p>	<p><b>David Alders</b> Chair</p>

**Stephen F. Austin State University  
Minutes of the Meeting of the Board of Regents  
Nacogdoches, Texas  
April 24 and 25, 2017  
Austin Building 307  
Meeting 310**

**Monday, April 24, 2017**

The regular meeting of the Board of Regents was called to order in open session at 8:03 a.m. on Monday, April 24, 2017, by Chair Scott Coleman.

**PRESENT:**

Board Members:      Dr. Scott Coleman, Chair  
                             Mr. David Alders  
                             Mrs. Nelda Blair  
                             Mr. Chad Huckaby, student member  
                             Mr. Alton Frailey  
                             Mr. Bob Garrett  
                             Mr. Ralph Todd

President:              Dr. Baker Pattillo

Vice-Presidents:     Dr. Steve Bullard  
                             Dr. Danny Gallant  
                             Ms. Jill Still  
                             Dr. Steve Westbrook

General Counsel:     Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regent Henderson and Regent Schaefer were unable to attend the meeting.

The meeting was recessed for committee meetings.

*The Academic and Student Affairs Committee meeting convened at 8:03 a.m. and adjourned at 8:15 a.m. The Finance and Audit Committee convened at 8:15 a.m. and recessed at 10:13 a.m.; it reconvened at 1:30 p.m. and recessed at 2:25 p.m. The Finance and Audit Committee reconvened at 2:48 p.m. and adjourned at 3:05 p.m. The Building and Grounds Committee meeting convened at 10:13 a.m. and recessed for lunch at 11:58 a.m.; it reconvened at 2:25 p.m. and adjourned at 2:48 p.m.*

The chair called to order the Committee of the Whole in open session at 3:20 p.m. and immediately called for an 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)

- Update from chief information officer
- Security audits

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 vice presidents and the president (Texas Government Code, Section 551.074)

Consultation with Attorney Regarding Legal Advice or Pending and/or Contemplated Litigation or Settlement Offers, including but not limited to reported complaints, procurement and contracting; Title IX; *Courtney Christensen v. SFASU, et al.*; and *Timothy Dugger v. SFASU* (Texas Government Code, Section 551.071)

The executive session ended at 4:50 p.m. The Board of Regents meeting returned to open session and recessed to 7:00 a.m. on Tuesday, April 25, 2017, with no further action.

## **Tuesday, April 12, 2016**

The Board of Regents meeting was reconvened in open session at 7:09 a.m. on Tuesday, April 25, 2017, in the Austin Building Board Room by Chair Scott Coleman and moved directly into executive session. The executive session ended at 8:40 a.m.

The regular meeting of the Board of Regents was called to order in open session at 9:00 a.m.

### **PRESENT:**

Board Members:      Dr. Scott Coleman, Chair  
                             Mr. David Alders  
                             Mrs. Nelda Blair  
                             Mr. Chad Huckaby, student member  
                             Mr. Alton Frailey  
                             Mr. Bob Garrett  
                             Mr. Ralph Todd

President:              Dr. Baker Pattillo

Vice-Presidents:     Dr. Steve Bullard  
                             Dr. Danny Gallant  
                             Ms. Jill Still  
                             Dr. Steve Westbrook

General Counsel:     Mr. Damon Derrick

Other SFA administrators, staff, and visitors

Regent Henderson and Regent Schaefer were unable to attend the meeting.

Regent Frailey led the pledge to the flags and Student Regent Huckaby provided the invocation.

Chair Coleman thanked the university and the regents for their support and encouragement during his term of office. Dr. Coleman acknowledged the chair-elect, David Alders, who thanked Chair Coleman for his leadership and service, introduced the Alders family members present, and took the gavel for the remainder of the meeting.

## **RECOGNITIONS**

Dr. Westbrook introduced the student team responsible for The Big Event, a recent service project for the community. He recognized the Driving Jacks who have celebrated their tenth anniversary. Dr. Westbrook introduced students who won awards from the Texas Intercollegiate Press Association. He introduced Dr. Adam Peck, who presented board members with a copy of his recently published textbook. Spirit Teams were congratulated on their recent national championships.

The marketing team was recognized for recent educational advertising awards from the Higher Education Marketing Report. Dr. Bullard introduced faculty members being recommended for promotion to the rank of professor and retirees being awarded the rank of professor emeritus. He introduced Dr. Patrick Jenlink, being recommended for Regents Professor for 2017-2018. Dr. Bullard introduced students and faculty involved with the Sylvans, who recently hosted and won many competitions at the Southern Forestry Conclave. Student members of the Society for the Advancement of Management were recognized as winners of recent competitions at the national Council for Advancement and Support of Education meeting. Barry Martin was recognized for his selection as a member of the national Disney All-American College Band.

## **APPROVAL OF MINUTES**

### **BOARD ORDER 17-29**

Upon motion by Regent Garrett, seconded by Regent Todd, with all members voting aye, it was ordered that the minutes of the January 23, 2017, telephone meeting, the January 30 and 31, 2017, regular meeting and the March 10, 2017, special meeting of the Board of Regents be approved as presented.

## **PERSONNEL**

### **BOARD ORDER 17-30**

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

### **FACULTY APPOINTMENTS**

#### **EDUCATION**

Jennifer Perry, M.A. (Western Michigan University), Clinical Instructor of Human Services, at an annual salary of \$54,500 for 100 percent time, effective January 1, 2017.

### **STAFF APPOINTMENTS**

#### **ACADEMIC AFFAIRS**

Joseph Shannon, Program Director of University Partnerships, at an annual salary of \$90,000 for 75 percent time, effective June 1, 2017.

#### **ATHLETICS**

Tony Gilbert, Assistant Coach of Football, at an annual salary of \$57,000 for 100 percent time, effective March 8, 2017.

Alexander Vanvalkenburgh, Athletic Trainer, at an annual salary of \$48,580 for 100 percent time, effective February 13, 2017.

## LIBRARY

Kathy Bryson, Program Director of Academic Assistance Resource Center, at an annual salary of \$47,476 for 100 percent time, effective January 1, 2017.

## CHANGES OF STATUS

### EDUCATION

Lydia Richardson, from Instructor of Human Services at an academic year salary of \$62,424 for 100 percent time, to Assistant Professor of Human Services at an academic year salary of \$63,424 for 100 percent time, effective January 1, 2017.

Christina Sinclair, from an academic year salary of \$68,927 for 100 percent time, to Associate Professor and Interim Associate Dean at an academic year salary of \$68,927 for 100 percent time with an additional stipend of \$800 per month for one month for interim duties, effective December 1, 2016.

Christina Sinclair, from an academic year salary of \$68,927 for 100 percent time, to Associate Professor and Interim Associate Dean at an academic year salary of \$68,927 for 100 percent time with an additional stipend of \$905 per month for five months for interim duties, effective January 1, 2017.

### FINE ARTS

Diane Peterson, from Coordinator of Fine Arts Box Office at an annual salary of \$45,247 for 100 percent time, to Coordinator of Fine Arts Box Office with a change in job assignment at an annual salary of \$50,847 for 100 percent time, effective September 1, 2016.

### FORESTRY AND AGRICULTURE

Joey Bray, from Associate Professor and Interim Chair at an annual salary of \$87,863 for 100 percent time, plus a stipend of \$1,000 per month for interim duties, to Associate Professor and Chair at an annual salary of \$105,000 for 100 percent time, effective January 1, 2017.

Dawn Stover, from Research Associate, Educational Program Coordinator at an annual salary of \$47,013 for 100 percent time, to Research Associate, Ornamental Plant Evaluation at an annual salary of \$53,013 for 100 percent time, effective January 1, 2017.

Paul Weatherford, from Lab Associate at an annual salary of \$48,200 for 100 percent time, to Interim Director of Soil, Plant and Water Analysis Laboratory at an annual salary of \$48,200 for 100 percent time with an additional stipend of \$1,000 per month for nine months for interim duties, effective December 6, 2016.

#### LIBERAL AND APPLIED ARTS

Carrie Butler, from Adjunct Faculty at a 4.5-month salary of \$20,000 for 100 percent time, to Clinical Instructor at an 11-month salary of \$65,000 for 100 percent time, effective January 1, 2017.

Cynthia Devlin, from Adjunct Faculty at a 4.5-month salary of \$12,400 for 100 percent time, to Visiting Lecturer at a 4.5-month salary of \$22,222 for 100 percent time, effective January 1, 2017.

Savannah Williamson, from Visiting Lecturer at an academic year salary of \$40,000 for 100 percent time, to Visiting Lecturer with a change in job assignment at an academic year salary of \$46,000 for 100 percent time, effective January 1, 2017.

#### INFORMATION TECHNOLOGY SERVICES

Michael Coffee, from Manager of Network Services at an annual salary of \$75,588 for 100 percent time, to Assistant Director of ITS (Networking and Telecommunications) at an annual salary of \$88,764 for 100 percent time, effective September 26, 2016.

Michael Coffee, from Assistant Director of ITS (Networking and Telecommunications) at an annual salary of \$88,764 for 100 percent time to Interim Chief Information Officer at an annual salary of \$88,764 for 100 percent time with an additional stipend of \$1,500 per month for nine months for interim duties, effective December 8, 2016.

#### PRINTING SERVICES

Gavin McCarty, from Manager of Post Office at an annual salary of \$46,512 for 100 percent time, to Manager of Post Office and Interim Director of Printing Services at an annual salary of \$46,512 for 100 percent time with an additional stipend of \$500 per month for six months for interim duties, effective March 1, 2017.

#### RESIDENT LIFE

Danny Hamilton, from Building Operator II at an annual salary of \$39,208 for 100 percent time to Manager of Residence Life Systems at an annual salary of \$46,220 for 100 percent time, effective February 1, 2017.

#### SCIENCE AND MATHEMATICS

Deborah Dunn, from Professor of Computer Science at an academic year salary of \$112,189 for 100 percent time, to Professor and Interim Chair at an academic year salary of \$112,189 for 100 percent time with an additional stipend of \$1,107 per month for eight months for interim duties, effective January 1, 2017.

Michael Pickard, from Professor and Chair of Computer Science at an 11-month salary of \$136,672 for 100 percent time, to Professor of Computer Science at an academic year salary of \$127,820 for 100 percent time, effective January 1, 2017.

## PROMOTIONS

The following individuals were granted promotion to the academic rank indicated:

To Associate Professor, effective fall 2017:

Scott Bailey, Secondary Education  
Susan Casey, Elementary Education  
Carlos Cuadra, Languages, Culture and Communication  
Nina Ellis-Hervey, Human Services  
Darrell Fry, Chemistry and Biochemistry  
Casey Hart, Mass Communication  
Tracey Hasbun, Elementary Education  
Stacy Hendricks, Secondary Education and Educational Leadership  
Gene Moon, Music  
Tingting Xu, Elementary Education

To Professor, effective fall 2017:

Kenneth Austin, Secondary Education and Educational Leadership  
Linda Jones Black, Secondary Education and Educational Leadership  
Erin Brown, Agriculture  
Ken Collier, Government  
Dana Cooper, History  
Jennifer Dalmas, Music  
Eric Jones, Kinesiology and Health Science  
Matthew Kwiatkowski, Biology  
Michael Martin, English and Creative Writing  
Michael Maurer, Agriculture  
Christine Butterworth McDermott, English and Creative Writing  
Craig Morton, Agriculture  
Joseph Musser, Physics, Engineering and Astronomy

To Professor Emeritus, effective fall 2017:

Tim Clipson, Business Communications and Legal Studies  
John Moore, Chemistry and Biochemistry

## PROMOTION

The provost's recommendation of Dr. Todd Brown to promotion to the rank of Professor of Economics and Finance was approved, effective fall 2017.



## TENURE

Academic tenure was awarded to the following individuals, effective fall 2017.

Kyle Ainsworth, Library  
Susan Casey, Elementary Education  
Carlos Cuadra, Languages, Culture and Communication  
Nina Ellis-Hervey, Human Services  
Darrell Frey, Chemistry and Biochemistry  
Casey Hart, Mass Communications  
Stacy Hendricks, Secondary Education and Educational Leadership  
Jennifer Kennon, Human Services  
Carol Wright, General Business

## FACULTY DEVELOPMENT LEAVE

It was ordered that the faculty members listed below be awarded faculty development leave for the semester indicated:

Summer 2017:

Kyle Ainsworth, Library

Fall 2017:

Andrew Brininstool, English and Creative Writing  
Aryendra Chakravartty, History  
Amanda Rudolph, Secondary Education and Educational Leadership

Spring 2018:

Chris Comer, Forestry

## REGENTS PROFESSORSHIP FOR 2017-2018

A Regents Professorship for the academic year 2017-2018 was awarded to Dr. Patrick Jenlink, professor of secondary education and educational leadership.

## RETIREMENTS

The following retirements were accepted:

James Kendall, Network Support Specialist II in Steen Library, with 17 years of service, effective February 1, 2017.

Wynter Chauvin, Professor of Elementary Education, with 26 years of service, effective January 1, 2017.

Pedro Escamilla, Assistant Professor of Languages, Culture and Communication, with 33 years of service, effective January 1, 2017.

Scott Slough, Professor of Secondary Education, with three years of service, effective March 1, 2017.

## **ACADEMIC AND STUDENT AFFAIRS**

### **BOARD ORDER 17-31**

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

### **CURRICULUM CHANGES**

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

THEREFORE, the undergraduate and graduate curriculum changes listed in Appendix 1 will be effective for fall 2017.

### **ACADEMIC AND STUDENT AFFAIRS POLICY REVISIONS**

The Board of Regents adopted the following policy revisions as presented in Appendix 5:

Academic Advising for Undergraduate Students 6.2  
Concurrent and Dual Credit Enrollment Programs 6.9  
Drug and Alcohol Testing 11.6  
Employee Terminations and Transfers 11.10  
Longevity Pay/Hazardous Duty Pay 12.13  
Parking and Traffic Regulations 13.14  
Public/Student Health 13.16  
Research Enhancement Program 8.11  
Selective Service Registration 11.26  
Sick Leave 12.18  
University Website 15.10

## **BUILDING AND GROUNDS**

### **BOARD ORDER 17-32**

Upon motion by Regent Todd, seconded by Regent Frailey, with all members voting aye, it was ordered that the following Building and Grounds items be approved.

## **STEPHEN F. AUSTIN STATE UNIVERSITY AND THE FENWAY GROUP CORPORATE PARTNERSHIP**

WHEREAS, the board members considered the following: The university has the opportunity to enter into a corporate partnership student success initiative with the Fenway Group. The firm presents itself as an alternative to corporate business-related offshoring. Using a unique business model, the Fenway Group partners with select universities to provide business services for major corporations that include managed services, talent pipeline, and collaborative projects.

To offer a business services alternative to offshoring, the firm hires university students from a university's academic programs that match a client's business service needs. Currently, the firm focuses on and delivers a client's information technology (IT) service needs. Fenway Group has current university partnerships with Suffolk University in Massachusetts, the University of Honolulu, University of Denver and Louisiana Tech University.

Fenway proposes a partnership model whereby the company employs SFA students who perform business services for the firm's corporate clients. Fenway trains the student workers to deliver a client's business needs. The student group is managed by a Fenway "coach contributor" who helps the students develop the skills to provide the respective corporate client's business services. In addition, the coach contributor also helps mentor the students to develop and enhance interpersonal and social skills.

Fenway's request of the university is that SFA provide a dedicated work space for the Fenway student workers. Fenway's request of the students is they sign a work contract with the firm. SFA's requirement is the firm pays a lease rate that is consistent with our local office lease environment, and that as student workers, Fenway employees are guided by and comply with university policies and procedures.

THEREFORE, it was ordered that the university be authorized to enter into a corporate sponsorship contract with the Fenway Group which will allow SFA students to work as Fenway employees. The university will provide campus lease space for Fenway employees and student workers. The president was authorized to sign a contract and associated documents with the Fenway group.

## **APPROVAL OF BUILDING AND GROUNDS POLICY REVISIONS**

The Board of Regents adopted the following policy revisions as presented in Appendix 5:

Firearms, Explosives, and Ammunition 13.9

Training and Certification of University Vehicle Operators 13.23

Vehicle Repair and Maintenance 16.34

## **FINANCIAL AFFAIRS**

### **BOARD ORDER 17-33**

Upon motion by Regent Garrett, seconded by Regent Coleman, with all members voting aye, it was ordered that the following financial affairs items be approved.

## APPROVAL OF AUDIT CHARTER

WHEREAS, the board members considered the following: 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 IIA provides the following guidance: the internal audit charter is a formal document that defines the internal audit activity's position within the organization, including the nature of the chief audit executive's functional reporting relationship with the board; authorizes access to records, personnel, and physical properties relevant to the performance of engagements; and define the scope of internal audit activities. The standards were revised for 2017. The updated audit charter is included as Appendix 2.

THEREFORE, the Board of Regents approved the internal audit charter as presented.

## ACKNOWLEDGE RECEIPT OF AUDIT SERVICES REPORT

WHEREAS, the board members considered the following: The *Board Rules and Regulations* state that the director of audit services shall assist the board in carrying out its oversight responsibilities as they relate to the university's a) financial and other reporting practices, b) internal control, and c) compliance with laws, regulations and ethics. The director of audit services reports to the Board of Regents on the status of the annual audit plan, internal external reports, risk assessment and audit/compliance issues.

The audit services report as presented includes:

- School of Honors Departmental Audit
- Multidisciplinary Programs Departmental Audit
- Economics and Finance Departmental Audit
- Benefits Proportional by Fund Audit
- Payroll Audit
- Follow-up Audit
- Update on Audit Plan
- Risk Assessment

THEREFORE, the Board of Regents acknowledged receipt of the audit services report as presented.

## ADOPTION OF FISCAL YEAR 2015-16 SUMMER BUDGET

WHEREAS, the board members considered the following: The fiscal year 2016-17 summer budget contains two regular summer semesters and a mini-semester. The 2016-17 annual budget includes \$2,415,435 that is available to support summer school salaries and benefits. In addition, \$850,000 of unallocated Education and General revenue and \$368,537 of salary savings are used to support summer budget salaries and initiatives.

THEREFORE, the fiscal year 2016-17 summer budget totaling \$3,633,972 was approved. Funding sources include budgeted expenditures, unallocated revenue and salary savings.

## GRANT AWARDS

WHEREAS, board members considered the following: To date, the university has received multi-year grant awards during fiscal year 2017 totaling \$15,305,902, an increase of \$139,850 since the last report. Of this total, grant awards allocable to fiscal year 2017 are currently \$6,367,714, an increase of \$368,162 since the last report. The grant awards result from extensive faculty research and service engagement across many academic disciplines. The grants include direct federal, federal pass through, state and private awards.

THEREFORE, the additional fiscal year 2017 grant awards totaling \$368,162 were approved and ratified. The grant awards are detailed in Appendix 3.

## EXEMPTIONS FOR STUDENTS TAKING ONLINE-ONLY AND OFF-CAMPUS-ONLY COURSES

WHEREAS, board members considered the following: The Texas Education Code 54.218 authorizes an institution to waive a fee it is authorized to charge if the board determines that a student is enrolled only in distance learning courses or other off-campus courses of the institution. Students eligible for this exemption are subject to the continuation requirements of the Texas Education Code 54.2001, which requires that students maintain satisfactory academic progress and are not subject to the excessive hour rules in order to receive this exemption.

Pursuant to Texas Education Code 54.218, the SFA Board of Regents exempted online-only SFA students from being charged the recreational sports fee and university center fee. In addition, the regents authorized the exemption of the recreational sports fee and university center fee for students who take study abroad courses that last longer than four weeks.

The university would like to waive the recreational sports fee and university center fee for students who register exclusively for online-only, off-campus-only, or a combination of these delivery methods.

THEREFORE, it was ordered that, beginning with the fall 2017 semester, the university be authorized to exempt the recreational sports fee and university center student fee for students who enroll in courses that are exclusively off-campus (including study abroad courses) and/or online.

It was further ordered that students who enroll in online-only courses in the 2017 Maymester or 2017 summer semester(s) will continue with currently authorized fee exemptions and that students who wish to access the SFA recreation center and take online-only, off-campus-only, or a combination of those delivery methods be required to pay the rate currently in effect for on-campus students.

## HUMAN RESOURCES APPLICANT TRACKING AND ONBOARDING SYSTEM

WHEREAS, the board members considered the following: People Admin is a human resources application system that enables the electronic handling of Stephen F. Austin's recruitment and

onboarding processes. The current applicant tracking system contract with People Admin expires on August 31, 2017.

The Human Resources Department reviewed multiple applicant tracking and onboarding systems. After reviews of various system bids, the implementation team selected an updated version of People Admin.

The integrated People Admin cloud-based system allows online access to candidates, hiring managers and newly hired employees of SFA. Functions of the system include an interactive recruitment page for posting jobs and providing detailed information about SFA compensation, benefits and culture. In addition, the system provides online screening tools, the submission of online references, access to new hire paperwork and electronic retention of hiring documentation. The three-year contract cost of the updated People Admin system totals \$115,506.

THEREFORE, the university was authorized to contract with People Admin for a human resources applicant tracking system and associated maintenance costs for a period of three years, through August 31, 2020, at a cost not to exceed \$115,506. Designated funds will be used for the purchase. The president was authorized to sign the associated contract and purchase order(s).

#### DEBT COLLECTION SERVICES

WHEREAS, the board members considered the following: On January 30, 2007, the Board of Regents approved Williams & Fudge, Inc. for student loans and accounts receivable first referral debt collection services and Windham Professionals, Inc. for second referral debt collection services. The most recent Williams & Fudge, Inc. contract was effective from July 1, 2014, through June 30, 2017, with an optional twelve-month extension. The most recent Windham Professionals, Inc. contract was effective from September 1, 2014, through August 31, 2017, with an optional twelve-month extension. A twelve-month extension of these contracts will provide an opportunity for a formal Request for Proposal (RFP) process or use of a state agency contract to select/present new debt collection services providers.

THEREFORE, the Board of Regents approved an extension of the Williams & Fudge contract through June 30, 2018, and Windham Professionals, Inc. debt collection contract through August 31, 2018. The president was authorized to sign the one-year contractual extensions and any associated documents.

#### PROPOSAL TO INCREASE DEBT SERVICE BUDGET

WHEREAS, the board members considered the following: The 84<sup>th</sup> Legislature allocated \$240 million of tuition revenue bond debt service funds to the Texas Higher Education Coordinating Board to be distributed to state institutions approved for tuition revenue bond-funded projects. SFA's bonds were sold in September 2016 to finance the STEM building and refinance two of its previous TRB issues. The first debt service payment on these bonds of \$3,588,841 was made on April 15, 2017.

THEREFORE, it was ordered that the tuition revenue bond debt service budget increase in the amount of \$3,588,841 for fiscal year 2017.

#### ARAMARK AGREEMENT AMENDMENT

WHEREAS, the board members considered the following: the university's agreement with Aramark to provide food service on campus contains a provision for multiple infrastructure investments over the term of the agreement. An increase in the amount of these investments is necessary to fund the on-going renovations and upgrades desired to maintain the high quality food service program our students seek. Aramark has agreed to increase their financial commitment for these updates by \$655,000 to complete an expansion and renovation of the Chick-fil-A location. This addition necessitates an amendment to the original agreement.

THEREFORE, it was ordered that the president be authorized to sign an amendment to the existing food service agreement, increasing Aramark's financial commitment for food service program renovations. The amendment is shown in Appendix 4.

#### APPROVAL OF FEES FOR SUMMER ENGLISH PROGRAMS SPONSORED BY OFFICE OF INTERNATIONAL PROGRAMS

WHEREAS, the board members considered the following: The Office of International Programs has the opportunity to offer English language programs outside of the customary group of students (i.e., those who are conditionally admitted to SFA academic programs pending proof of English proficiency).

In summer 2017, the Office of International Programs is planning to direct two programs:

1) A three-week program for international high school students focusing on ESL, Science and Math (Summer High School Academy). A set fee charged to participants will cover all program costs (teaching, lab modules, etc.), excursions, housing, meal plan, insurance, and local transportation. Housing and meal plans will be charged at the regular SFA summer cost. Other costs have been estimated based on the proposed curriculum and activity schedule. The amount projected to cover costs for these expenditures is \$4,495 per participant. These students will pay for their own international airfare, student visa expenses, and personal items.

2) A one-month ESL program for Mexican teachers and students (Proyecto 100,000 funded by the Mexican government). A set fee charged to participants will cover teaching, lab modules, excursions, and local transportation. The amount projected to cover costs for these expenditures is estimated to be \$1,900. These students will pay for their own international airfare, housing, meal plans, insurance, student visa expenses, and personal items.

The Office of International Programs requests approval to charge a fee for each of these programs. The fees would be set at a cost-recovery basis and will be comparable to fees charged by other institutions for similar programs.

THEREFORE, it was ordered that a fee of \$4,495 per participant for the Summer High School Academy and a fee of \$1,900 for the Proyecta 100,000 program be approved for summer 2017.

#### PURCHASE EXCEEDING \$100,000 FOR DEPARTMENT OF BIOLOGY

WHEREAS, the board members considered the following: The Department of Biology seeks to purchase the following equipment at a cost not to exceed \$190,000:

- A. 2003 Tecnai 12 transmission electron microscope with new 5 megapixel side-mount AMT camera
- B. SSD x-ray microanalysis system for existing Hitachi S-2300 scanning electron microscope

These microscopes replace the department's Hitachi 7000 transmission electron microscope and would be used in tandem for upper-division coursework in electron microscopy, research projects undertaken by undergraduate and graduate students, and departmental faculty. This equipment is necessary to continue offering certain course electives to students and position SFA uniquely among peer institutions in being able to train students on these pieces of scientific equipment. The purchase will be funded with state appropriations, the higher education fund (HEF) and designated funds.

THEREFORE, it was ordered that this purchase as described be approved at a cost not to exceed \$190,000, and the president or designee be authorized to sign associated contracts or purchase orders. Funding sources will be state appropriations, the higher education fund (HEF) and designated funds.

#### ASTRA SCHEDULE CONTRACT RENEWAL

WHEREAS, the board members considered the following: During the April 14 and 15, 2014, board meeting, the Board of Regents approved the purchase of Ad Astra scheduling software (Astra Schedule) to include licensing, maintenance, and hosting services at a cost not to exceed \$225,000. The software assists in the efficient management and utilization of classrooms, laboratories, and auditoriums for both academic, co-curricular, and extra-curricular events. The current Ad Astra contract ends on June 25, 2017.

THEREFORE, it was ordered that the Astra Scheduling contract be renewed through June 25, 2020, at a cost not to exceed \$86,100. The president was authorized to sign the contract and any associated documents. Designated funds will be used for the purchase.

#### ESTABLISHMENT OF ALFRED AND MADELINE DANHEIM QUASI-ENDOWMENTS

WHEREAS, the board members considered the following: The university received an unrestricted gift from the Estate of Alfred E. Danheim, Jr. in the amount of \$188,803.24. According to university policy 3.17, Gifts, Loans, Endowments and Bequests, if a purpose is not specified by the donor, and the amount of the gift is \$100,000 or more, utilization shall be as directed by the Board of Regents after consideration of recommendations by the president and vice president for



development. On January 31, 2017, the board delegated authority to the president to determine the best use of those funds.

THEREFORE, it was ordered that the unrestricted funds received from the Estate of Alfred E. Danheim, Jr. be allocated as follows: 1) \$100,000 to establish a quasi-endowment that allows student scholarships to be awarded on a discretionary basis; and 2) \$88,803.24 to establish the Alfred and Madeline Danheim quasi-endowment that provides discretionary support of the School of Music.

## APPROVAL OF FINANCIAL AFFAIRS POLICY REVISIONS

The Board of Regents adopted the following policy revisions as presented in Appendix 5:

Check Cashing 3.7

Departmental Budgeting and Accounting Responsibilities 3.9

Gifts, Prizes and Awards 3.18

Purchase of Demonstrator or Used Equipment 17.18

Receipts and Deposits 3.26

Returned Payments 3.27

## REPORTS

The president provided a report to the regents on the following topics:

- Upcoming Dates
- Commencement
- Regents Confirmations
- Appointment of New Regents
- Student Regent

Dr. J.D. Salas, faculty senate chair, gave a report on the following topics:

- Faculty Accomplishments
- Resolutions
- Policy Review Process
- Current Sub-Committee Work
- 2017-18 Faculty Senate Session

Jessica Taylor, SGA president, gave a report on the following topics:

- Archie McDonald Speaker Series
- Week of Reflection
- SGA Accomplishments
- Election Results

Chair Alders announced the appointment of board committees for 2017 and 2018 as follows:

Finance Committee: Alton Frailey, Chair; Scott Coleman; and Ken Schaefer

Building and Grounds Committee: Bob Garrett, Chair; Ken Schaefer; and Ralph Todd

Academic and Student Affairs Committee: Nelda Blair, Chair; Scott Coleman; and Brigettee Henderson.

The meeting was adjourned by Chair Alders at 10:54 a.m.

## Stephen F. Austin State University Core Curriculum Revisions 2017\*

### Statement of Purpose

Through the Texas Core Curriculum, students will gain a foundation of knowledge of human cultures and the physical and natural world, develop principles of personal and social responsibility for living in a diverse world, and advance intellectual and practical skills that are essential for all learning.

### Communication Component Area (6 hours)

Courses in this category focus on developing ideas and expressing them clearly, considering the effect of the message, fostering understanding, and building the skills needed to communicate persuasively.

Courses involve the command of oral, aural, written, and visual literacy skills that enable people to exchange messages appropriate to the subject, occasion, and audience.

Prefix	Number	Title	Credit Hours	TCCNS
<i>Select one ENG</i>				
ENG	131	Rhetoric and Composition	3	ENGL 1301
ENG	133H	Composition and Rhetoric	3	
<i>Select one COM</i>				
COM	111	Public Speaking	3	SPCH 1315
COM	170	Interpersonal Communication	3	SPCH 1318
COM	215	Small Group Communication	3	

### Mathematics Component Area (3 hours)

Courses in this category focus on quantitative literacy in logic, patterns, and relationships.

Courses involve the understanding of key mathematical concepts and the application of appropriate quantitative tools to everyday experience.

Prefix	Number	Title	Credit Hours	TCCNS
MTH	110	Mathematics in Society	3	
MTH	127	Introduction to Foundations of Math I	3	MATH 1350
MTH	138	College Algebra	3	MATH 1314
MTH	143	Finite Mathematics	3	MATH 1324
MTH	220	Introduction to Probability and Statistics	3	MATH 1342
MTH	233	Calculus I	4	MATH 2413

### *Explanation of Overflow Semester Credit Hours*

MTH 233 Calculus I is a four credit hour course. The extra hour is not included in the Core. MTH 233 is a required math course for many departments who account for the extra hour in their degree programs.

*\*Indicates proposed changes to the core curriculum.*

**Life and Physical Sciences (6 hours)**

Courses in this category focus on describing, explaining, and predicting natural phenomena using the scientific method.

Courses involve the understanding of interactions among natural phenomena and the implications of scientific principles on the physical world and on human experiences.

Prefix	Number	Title	Credit Hours	TCCNS
AGN	110	Crop Science	3	
AST	105	Classical and Modern Astronomy	3	PHYS 1311
AST	105 L	Classical and Modern Astronomy Lab	1	PHYS 1111
BIO	121	Concepts of Biology	4	BIOL 1408
BIO	123	Human Biology	4	
BIO	125	Principles of Ecology and Evolution	4	
BIO	131	Principles of Botany	4	BIOL 1411
BIO	133	Principles of Zoology	4	BIOL 1413
BIO	225	Local Flora or Fauna	3	
BIO	238	Human Anatomy and Physiology	4	BIOL 2401
CHE	101	Conceptual Chemistry	3	
CHE	111	Introduction to Chemistry I	3	CHEM 1305
CHE	111 L	Introduction to Chemistry I Lab	1	CHEM 1105
CHE	133	General Chemistry I	3	CHEM 1311
CHE	133 L	General Chemistry Lab I	1	CHEM 1111
CHE	134	General Chemistry II	3	CHEM 1312
CHE	134 L	General Chemistry Lab II	1	CHEM 1112
ENV	110	Introduction to Environmental Science	4	ENVR 1401
GOL	101	Fundamentals of Earth Science	3	
GOL	131	Introduction to Geology	4	GEOL 1403
GOL	132	The Earth through Time	4	GEOL 1404
<b>*PHY</b>	<b>100</b>	<b>Physics in Society (delete)</b>	<b>3</b>	
PHY	101	General Physics I	3	PHYS 1305
PHY	101 L	General Physics I Lab	1	PHYS 1105
PHY	102	General Physics II	3	PHYS 1307
PHY	102 L	General Physics II Lab	1	PHYS 1107
PHY	110	Fundamentals of Electronics	4	
PHY	118	Acoustical Physics	3	
PHY	131	Mechanics and Heat I	3	PHYS 1301
PHY	131 L	Mechanics and Heat I Lab	1	PHYS 1101
PHY	132	Electricity, Sound, Light, and Optics	3	PHYS 1302
PHY	132 L	Electricity, Sound, Light, and Optics	1	PHYS 1102
PHY	241	Technical Physics I	3	PHYS 2325
PHY	241 L	Technical Physics I Lab	1	PHYS 2125
PHY	242	Technical Physics II	3	PHYS 2326
PHY	242 L	Technical Physics II Lab	1	PHYS 2126

*\*Indicates proposed changes to the core curriculum.*

*Explanation of Overflow Semester Credit Hours*

Under the old core, all but one science course was four credits including a lab. The committee voted that only six hours of science credits will count towards the core, and required that all successful course applications to the Life and Physical Sciences Component Area must include a lab component. In order to meet these requirements several new three credit hour courses, including labs, were created. The committee further stipulated that programs requiring four credit hour science courses must cover the extra credit hours in their appropriate college, department, or program requirements. The proposed system thus satisfies the THECB hour requirements while simultaneously allowing for flexibility as needed by individual programs.

**Language, Philosophy, and Culture (3)**

Courses in this category focus on how ideas, values, beliefs, and other aspects of culture express and affect human experience.

Courses involve the exploration of ideas that foster aesthetic and intellectual creation in order to understand the human condition across cultures.

Prefix	Number	Title	Credit Hours	TCCNS
ENG	200	Introduction to Literature	3	
ENG	209	Mythology	3	
ENG	211	World Literature to 1650	3	ENGL 2332
ENG	212	World Literature from 1650	3	ENGL 2333
ENG	221	British Literature to 1800	3	ENG 2322
ENG	222	British Literature from 1800	3	ENGL 2323
ENG	229	American Literature to 1865	3	ENGL 2327
ENG	230	American Literature from 1865 to Present	3	ENGL 2328
ENG	233 H	Literary Genres	3	
HIS	151	Western Civilization I	3	HIST 2311
HIS	152	Western Civilization II	3	HIST 2312
HIS	161	World History to 1500	3	
HIS	162	World History Since 1500	3	
PHI	153	Introduction to Philosophy	3	PHIL 1301
PHI	223	Introduction to Ethics	3	PHIL 2306

*\*Indicates proposed changes to the core curriculum.*

**Creative Arts (3)**

Courses in this category focus on the appreciation and analysis of creative artifacts and works of the human imagination.

Courses involve the synthesis and interpretation of artistic expression and enable critical, creative, and innovative communication about works of art.

Prefix	Number	Title	Credit Hours	TCCNS
ART	280	Art Appreciation	3	ARTS 1301
ART	281	Art History Survey I	3	ARTS 1303
ART	282	Art History Survey II	3	ARTS 1304
DAN	140	Dance Appreciation	3	DANC 2303
MHL	245	Introduction to Music Literature	3	MUSI 1307
MUS	140	Music Appreciation	3	MUSI 1306
THR	161	Theatre Appreciation	3	DRAM 1310
THR	163	Film and Culture	3	

**American History (6)**

Courses in this category focus on the consideration of past events and ideas relative to the United States, with the option of including Texas History for a portion of this component area.

Courses involve the interaction among individuals, communities, states, the nation, and the world, considering how these interactions have contributed to the development of the United States and its global role.

Prefix	Number	Title	Credit Hours	TCCNS
HIS	133	US History Survey, 1000-1877	3	HIST 1301
HIS	134	US History Survey, 1877-present	3	HIST 1302

**Government/Political Science (6)**

Courses in this category focus on consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas.

Courses involve the analysis of governmental institutions, political behavior, civic engagement, and their political and philosophical foundations.

Prefix	Number	Title	Credit Hours	TCCNS
PSC	141	American Government, Theory	3	
PSC	142	American Government, Structure and Function	3	

*Government/Political Science Transfer Protocol*

*\*Indicates proposed changes to the core curriculum.*

Students at SFA are required to take both PSC 141 (corresponding to GOVT 2301) and PSC 142 (Corresponding to GOVT 2302) to fill the Government/Political Science Component Area. Students transferring with three credits of either GOVT 2305 (U.S. Government) or 2306 (Texas Government) will be required to take PSC 141 to complete the Government/Political Science core requirement.

### **Social and Behavioral Sciences (3)**

Courses in this category focus on the application of empirical and scientific methods that contribute to the understanding of what makes us human.

Courses involve the exploration of behavior and interactions among individuals, groups, institutions, and events, examining their impact on the individual, society, and culture.

Prefix	Number	Title	Credit Hours	TCCNS
ANT	231	Introduction to Cultural Anthropology	3	ANTH 2351
ECO	231	Principles of Macroeconomics	3	ECON 2301
ECO	232	Principles of Microeconomics	3	ECON 2302
GEO	131	World Regional Geography	3	GEOG 1303
PSY	133	General Psychology	3	PSYC 2301
SOC	137	Introduction to Sociology	3	SOCI 1301

*\*Indicates proposed changes to the core curriculum.*

**Component Area Option (6)**

- a. A minimum of 3 SCH must meet the definition and corresponding Core Objectives specified in one of the foundational component areas
- b. As an option for up to 3 semester credit hours of the Component Area Option, an institution may select course(s) that:
  - (i) Meet(s) the definition specified for one or more of the foundational component areas; and
  - (ii) Include(s) a minimum of three Core Objectives, including Critical Thinking Skills, Communication Skills, and one of the remaining Core Objectives of the institution's choice.

Prefix	Number	Title	Credit Hours	TCCNS
Required Writing Course				
ENG	132	Research and Argument	3	ENG 1302
Communication Options- Select One				
BCM	247	Business Communication	3	BUSI 2304
ENG	273	Technical and Scientific Writing	3	
FRE	131	Elementary French I	3	FREN 1411
FRE	132	Elementary French II	3	FREN 1412
GER	131	Elementary German I	3	GERM 1411
GER	132	Elementary German II	3	GERM 1412
POR	131	Elementary Portuguese I	3	PORT 1411
POR	132	Elementary Portuguese II	3	PORT 1412
SPA	131	Elementary Spanish I	3	SPAN 1411
SPA	132	Elementary Spanish II	3	SPAN 1412
SPH	172	Beginning American Sign Language	3	SGNL 1301
SPH	272	Intermediate American Sign Language	3	SGNL 1302
*ICC	101	International and Intercultural Communication: Latin America	3	
*ICC	102	International and Intercultural Communication: France	3	
*ICC	103	International and Intercultural Communication: Germany	3	
*ICC	104	International and Intercultural Communication: Brazil	3	

*Explanation of the Component Area Option*

All six Component Area Option credits were allocated to the Communication Component Area in order to address communication weakness among our students. The CAO requires all students to take an additional writing class, ENG 132, and to take either an additional writing or a modern language course, which includes American Sign Language. All Component Area Option courses, including modern language courses, followed the requirements of the Communication Component Area in terms of content description and core objectives.

*\*Indicates proposed changes to the core curriculum.*



*Continued Attainment of Core Objectives*

In order to further improve student attainment of critical thinking and communication, all students will have in their majors at least two courses that are critical thinking intensive, two courses that are writing intensive, and two courses that are oral communication intensive. These elements may be combined into two courses or separated into as many as six courses.

*\*Indicates proposed changes to the core curriculum.*

<u>POLICY NAME</u>	<u>POLICY #</u>	<u>ACTION/CHANGE</u>
Departmental Organization	301	Title Changes
AAD for Business Affair	302B	Revised job description/title
AAD for Compliance	302C	Revised job description/title
SWA	302D	Revised job description/title
Asst AD for Academics	302K	Revised job description/title
AAD External Affairs	302O	Revised job description/title
Faculty Athletic Representative	302Q	Revised job description
Insurance Coordinator	302W	Revised job description
SA Financial Aid	502D	Minor changes
Summer School Policy	503B	Minor changes
SA Housing	504A	Major revision
SA Awards	505	Added graduation stole policy
SA Medical Policy	506A	Added NCAA health care administrator
Grievance Procedure	506E	Major revision
Department Holidays	508E	Minor changes
Employment Contracts	510A	Deleted NCAA by-law no longer required
Strength Facility	604C	Minor changes

## DEPARTMENTAL ORGANIZATION

The head of Stephen F. Austin State University's Department of Intercollegiate Athletics is the Director of Athletics who reports to the President who in turn reports to the Board of Regents. Reporting directly to the Director of Athletics are:

- The *Senior Associate Athletic Director for Compliance and Student Services*.
- The ~~Assistant~~ *Associate Athletic Director for Academic Services*.
- The ~~Assistant~~ *Associate Athletic Director for Business Affairs*.
- The *Senior Associate Athletic Director for External Affairs*.
- The Supervisor of Facilities and Equipment.
- ~~The Assistant Athletic Director/Senior Woman Administrator, who serves in a dual role as Assistant Athletic Trainer.~~
- Head Athletic Trainer who supervises the Assistant Athletic Trainers.
- The Director of the Wellness Center.
- ~~The Head Coaches for all sports.~~
- Administrative Assistant

In addition, the Director of Athletics works closely with:

- The Faculty Athletic Representative and the
- Intercollegiate Athletic Council.

SFA  
7/20142017

**JOB DESCRIPTION**  
**~~ASSISTANT~~ ASSOCIATE ATHLETIC DIRECTOR FOR BUSINESS AFFAIRS**

**Reports To:** Director of Athletics

**Positions Directly Supervised:**

Coordinator of Athletic Operations  
*Athletics Insurance Specialist*

**Basic Function**

Responsible for directly overseeing the Department business operations and assisting the Director of Athletics with the overall management and control of the Department budget. Attends to daily business operations and financial planning and oversight *as it pertains to the allocation of department financial resources.*

**Duties and Responsibilities**

1. Assists in the development of budgets for all programs, in conjunction with the Director of Athletics, Head Coaches and other administrative staff members. Monitors budgetary compliance.
2. Participates in special planning studies related to income projections. Compiles budget estimate information for athletics program operations and special projects, as requested.
3. Assists coaches and administrative staff with the business operations pertaining to their programs.
4. Aids in the negotiation of all Departmental contracts to include, television and radio rights, business facilities, rental, maintenance and concessions at the direction of the Director of Athletics.
5. Works closely with appropriate University Offices to ensure that all developed contracts meet University, as well as State rules and regulations requirements.
6. Develops and implements capital equipment purchasing procedures and special remodeling/maintenance projects, working with the University's Business and ~~Purchasing~~ *Procurement Offices, as well as, the office of Projects Coordinator within the Physical Plant.*
7. Reviews game guarantees and other appropriate financial arrangements with visiting teams, and prepares contracts for events, as necessary.
8. Oversees the planning and coordination of team travel arrangements, including transportation, lodging, meals, etc., for regular and postseason events.
9. Assists in the development of Southland Conference, and NCAA Championship budgets and financial reports.
10. Keeps the Director of Athletics informed regarding Departmental fiscal operations, providing periodic budget status reports.

11. Interfaces with internal and external auditors, as well as with other University Departments having fiscal management authority.
12. Handles University receipts and has receipt processing duties as per University policy. May receive and/or supervise the receipt of payments for department sponsored activities.
13. *Manages and determines use of product allowance provided by the Department's exclusive outfitter to best maximize benefit to the department.*
14. *Serves as primary contact to the department's exclusive outfitter for ordering and designing future exclusive apparel offerings.*
15. *Works closely with the Department's multi-media rights holder with regard to content, equipment needs and delivery of multimedia materials as needed.*
16. *Coordinates with Department's administrative assistants and secretaries to ensure that all are up to date with policies and procedures of the University as they relate to training, filing University reports and collection of receipts.*
17. *Oversees the operation of the Department's student health insurance program and supervises the Athletics Insurance Specialist.*
18. Attends University, Southland Conference, NCAA and other organizational meetings, as assigned.
19. Participates on University committees and task forces, as required.
20. Initiates or participates in projects as requested by the Director of Athletics.
21. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
22. Compliance matters will also be included in your annual Performance Management Review.
23. Performs additional duties and special projects as assigned by the Director of Athletics.

SFA

7/20152017

## JOB DESCRIPTION

### SENIOR ASSOCIATE ATHLETIC DIRECTOR FOR COMPLIANCE & ~~STUDENT SERVICES~~

**Reports To:** Director of Athletics

**Positions Directly Supervised:** None

#### Basic Function

Responsible for ensuring compliance with University, Southland Conference, and National Collegiate Athletic Association rules and regulations, to include providing managerial oversight of all matters concerning student-athlete recruiting, ~~admissions, eligibility, academic support, financial aid~~ and amateur status. Serves as a primary communication resource and liaison for Departmental administrative staff members.

#### Duties and Responsibilities

1. Ensures compliance with NCAA, Southland Conference, and University rules and regulations related to recruitment, eligibility, admissions, financial aid, housing, academic support and the physical welfare of student-athletes. Monitors institutional adherence to these rules and regulations. Serves as Compliance Officer for the Department.
2. Assists the Director of Athletics with the administration of the Department's athletics programs. Troubleshoots issues in conflict with Department or University policies or procedures, and recommends action plans for resolution.
3. Serves as the Department's primary communication resource for coaching and administrative staff members on behalf of the Director of Athletics and provides overall Department management in the absence of the Director.
4. Formulates and implements compliance strategies and systems for SFA's athletics programs and support services to ensure NCAA rules and regulations are followed.
5. Develops, implements and monitors a systematic reporting and tracking structure for athletics programs and units in compliance with NCAA regulations.
6. Maintains a detailed and current working knowledge of the eligibility and financial aid certification rules and procedures for the University, Southland Conference, and NCAA.
7. Monitors recruitment activities for the Department. Provides guidance to coaches and staff regarding managerial steps for all on-campus recruiting efforts. Approves all official visits of prospects and monitors related activities. Directly assists with the recruitment of prospective student-athletes by evaluating the coaches' recruiting recommendations and assisting them in obtaining the necessary documents for admissions, as necessary.
8. ~~Provides support data and serves as the Department liaison with the Director of Financial Aid and the University's Registrar in preparation of reports on student athletes required by the University, the Southland Conference and/or the NCAA.~~

9. ~~Coordinates all certification of eligibility and oversees financial aid procedures within the Department, in conjunction with campus certification officials. Through the Assistant Athletic Director for Student Services, interfaces with the Director of Admissions on eligibility status matters.~~
10. Coordinates the National Letter of Intent Program with the Southland Conference for the Department.
11. Conducts compliance rules review seminars for Departmental administrator, coaches and student-athletes. Disseminates new Conference, and NCAA legislation and interpretations to coaches and Departmental staff. Consults with coaches and other administrative staff regarding program compliance and provides appropriate training opportunities for athletic staff.
12. ~~Coordinates the summer term and exhausted eligibility financial aid programs for the Department.~~
13. Maintains regular contact with officials from the NCAA and the Southland Conference to obtain current and accurate information regarding regulations and compliance.
14. Develops and implements programs to provide outside athletic support groups with information on NCAA recruiting rules and permissible benefits to student-athletes.
15. ~~Oversees the development of meal lists, rooming lists and room/board monthly allowances to establish confirmation with allowable aid.~~
16. Supervises the development and transmittal of all NCAA Squad Lists to the Southland Conference, to include handling all changes and updates.
17. ~~Serves as Departmental liaison with Campus Housing. Coordinates room lists and assignments for all student athletes living in campus housing.~~
18. ~~Compiles all~~ *Assists AAD for Academic Affairs in compiling* data, annual reports, waivers and appeals as related to the NCAA APR program and Federal Graduation Rate requirements.
19. Serves on University committees and task forces, as required or at the request of the Director of Athletics or the President.
20. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
21. Compliance matters will also be included in annual Performance Management Review.
22. Performs additional duties and special projects as assigned by the Director of Athletics.

SFA 7/~~2011~~2017

**JOB DESCRIPTION**  
**ASSISTANT ATHLETIC DIRECTOR/SENIOR WOMAN ADMINISTRATOR**

**Reports To:** Director of Athletics

**Positions Directly Supervised:** ~~None~~ Head Coaches of assigned women's sports.  
Head Athletic Trainer

**Basic Function**

~~Serves as the highest ranking female administrator involved with the conduct of the intercollegiate athletics program.~~ The Senior Woman Administrator (SWA) is the highest ranking female in the athletic department. The designation of SWA is intended to encourage and promote the involvement of female administrators in meaningful ways in the decision-making process in intercollegiate athletics. The designation is intended to enhance representation of the female experience and perspective at the institutional, conference and national levels and support women's interests.

**Duties and Responsibilities**

1. ~~Interacts with coaches and student athletes to resolve student welfare issues.~~ Supervises and provides administrative support for coaches of women's sports teams; attends practices, home and away games, and conference championships as appropriate to represent the department, assess administrative needs and provide insight and information regarding women's issues.
2. ~~Provides support to the Associate Athletic Director for Compliance and Assistant Athletic Director for Students Services, ensures compliance with NCAA, Southland Conference rules and regulations related to student welfare.~~ Participates in the hiring, evaluation and termination of women's sport coaches.
3. ~~Assists the Director of Athletics in monitoring the objectives and timelines established during the most recent NCAA Athletics Certification pertaining to gender equity and student athlete welfare.~~ Supervises and provides administrative support for the department's sports medicine/athletic training program.
4. ~~Evaluates and monitors women's sports programs and serves as a liaison to female coaches on issues involving their sport.~~ Serves as Deputy Title IX Coordinator for the athletic department responsible for Title IX compliance in matters involving student athletes, coaches and athletic administrators and staff, including training, education communication, and investigation of complaints.
5. ~~Participates in the hiring, evaluation, and termination of women's sport coaches.~~ Assists in formulating and strategizing ways to support and manage gender equity plans and issues.
6. ~~Assesses community needs and develops community outreach programs for intercollegiate athletic teams.~~ Manages and oversees the Student Athlete Advisory Council (SAAC).
7. ~~Acts as an official representative of the University at institutional, Southland Conference and NCAA meetings, as requested by the Director of Athletics.~~ Serves on committees and task forces, as required. Plans and organizes life skill programming for student-athletes and community outreach for the department.



8. *Serves as a member of the athletic appeals committee and renders decisions on athletic scholarship non-renewal appeals and cancellations. ~~Compiles and maintains lettering records for each sport as per policy.~~*
9. *~~Abide by all rules of the NCAA and the Southland Conference.~~ Serves as primary liaison between the department and residence life and manages residence hall room assignments for student-athletes living on campus.*
10. *~~Compliance matters will also be included in annual Performance Management Review.~~ Participates in program and departmental fundraising, public relations, and promotional efforts.*
11. *~~Performs additional duties and initiates special projects, as directed by the Director of Athletics.~~ Adheres to all applicable NCAA, SLC and University rules and regulations.*
12. *Attends University, SLC, NCAA and other organizational meetings as required.*
13. *Compliance matters will also be included in the annual Performance Management Review.*
14. *Performs duties and initiates special projects, as directed by the Director of Athletics.*

SFA  
7/20072017

**JOB DESCRIPTION**  
**ASSISTANT ASSOCIATE ATHLETIC DIRECTOR FOR ACADEMIC SERVICES**

**Reports To:** Director of Athletics

**Positions Directly Supervised:** Academic Services Assistants  
Graduate Assistants  
Tutors

**Basic Function**

~~Serves as a liaison between the academic and athletic branches of the University. Oversees student-athlete academic activities from admissions through graduation. Implements programs and services which help guide and assist student-athletes in their academic endeavors.~~

*Responsible for implementing programs and services with the goals of enhancing academic performance and success and developing personal and academic skills. Responsible for providing managerial oversight of all matters concerning student-athlete admissions, eligibility, academic support, and amateur status. Serves as liaison to coaches and other university departments as it relates to student-athlete academics.*

**Duties and Responsibilities**

1. ~~Develops, implements and coordinates an Academic Counseling Program for student-athletes. Oversees the academic support program for student athletes.~~
2. ~~Proposes and oversees the administration of the Program's annual budget. Coordinates all certification of eligibility and oversees financial aid procedures within department, in conjunction with campus certification officials. Maintains detailed knowledge of eligibility and financial aid certification rules and procedures for the university, SLC, and NCAA.~~
3. Interacts with University faculty concerning issues related to student-athletes and their academic progress.
4. ~~Assists Head Coaches with admissions procedures, interfacing with the Admissions Office and faculty committees, as required. Assists in monitoring the admissions process for student-athletes. Assists head coaches with admissions procedures, interfacing with the Admissions Office and faculty committees, as required. Assists in monitoring the admissions process for student-athletes, including tracking admission status and National Collegiate Athletic Association (NCAA) eligibility center status.~~
5. ~~Monitors the compilation and maintenance of student-athlete academic profiles. Uses this information to develop academic counseling plans and services and to identify resources for these student-athletes. Monitors the progress of student-athletes who have been identified to be in need of special academic support or who are at risk of failing to meet academic expectations.~~
6. ~~Monitors the class attendance and performance of sports specific student-athletes. This is accomplished using the GradesFirst software and direct personal contact with professors. Regularly disseminates academic information to appropriate coaches.~~ Monitors the class attendance and performance of sports specific student-athletes using tracking software and direct personal contact with faculty. Coordinates the regular distribution of this academic information to appropriate coaches.
7. Regularly disseminates essential student-athlete information, in conjunction with the Associate Athletic Director for Compliance and Student Services, to the following individuals:

- a. ~~The Director of Athletics and Athletic Certification Officer: reports on academic progress and eligibility;~~
  - b. ~~The College Deans: general exchange of pertinent information, lists of all student athletes for collection of individual related to degree progress;~~
  - c. ~~The Faculty: questionnaires on academic progress;~~
  - d. ~~The Coaches: Mid semester/final grades, class schedules and eligibility status and tutoring reports; and~~
  - e. ~~The student athletes: notices of academic deadlines; academic deficiencies in course selections or required classes; office appointments and release forms for academic records. Regularly disseminates essential student-athlete information as compiled by the academic services staff to appropriate individuals, including academic progress and eligibility reports, degree progress information, questionnaires, grades, class schedules, tutoring reports, academic deadlines, forms, etc~~
- 
8. ~~Informs sports specific student athletes of all registration procedures and related due dates. Provides pre-registration counseling and registration services for these student athletes. Directs registration and advising activities provided to student-athletes. Provides pre-registration counseling and registration services for these student-athletes.~~
  9. ~~Assists with the creation and maintenance of academic files on all student athletes, including the compilation of academic information on student athletes for Southland Conference, and NCAA eligibility reports and forms. Coordinates the creation and maintenance of academic files on all student-athletes, including the compilation of academic information on student-athletes for Southland Conference (SLC) and NCAA eligibility reports and forms.~~
  10. ~~Counsels student athletes with academic concerns. Refers them to appropriate counseling or support services when needs outside the Academic Counseling Program offerings are identified. Hires, trains, supervises, and evaluates full-time academic services staff, tutors, mentors, and Graduate Assistants. Mentors Athletic Academic counselors; conducts staff meetings; approves portions of payroll and procurement card purchases~~
  11. ~~Assists with the recruiting program by familiarizing prospective student-athletes with the various academic programs and support services available at SFA.~~
  12. ~~Develops and continually updates student files on academic progress. Files will be discussed each semester with student athletes as to current standing and expectations for the upcoming semester. Head coaches will be provided updated copies of all progress reports. Monitors all athletic department Academic Performance Program (APP/APR) information and reports to the NCAA.~~
  13. ~~Coordinates registration and advising activities for student athletes. Directs registration and advising activities provided to student-athletes. Provides pre-registration counseling and registration services for student-athletes.~~
  14. ~~Develops and oversees study programs designed to meet the needs of student-athletes, which include trained tutors, academic support counseling services.~~

15. Supervises Study Hall operations for the Department.
16. Plans and coordinates summer and fall orientation sessions for incoming student-athletes.
17. Refers student-athletes to appropriate University offices (e.g., Office of Admissions, Financial Aid, Housing, and University Counseling Center, etc.) when needs outside the academic counseling area are identified.
18. Assists student-athletes and coaches in rectifying "system problems" that require extended contact with one or more University offices.
19. Interacts with college registrars and faculty advisors to facilitate appropriate course enrollment.
20. ~~Coordinates all student-athlete outreach activities.~~ *Serves as a member of the athletic appeals committee and renders decisions on athletic scholarship non-renewal appeals and cancellations.*
21. Acts as advisor co-chairperson for the Student-Athlete Advisory Board.
22. Attends professional meetings, seminars and continuing education classes (as time allows) to update and increase professional knowledge. Serves on various University committees.
23. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
24. Compliance matters will also be included in your annual Performance Management Review.
25. Performs additional duties and special projects as assigned by the Director of Athletics.

SFA  
7/2012-2017

**JOB DESCRIPTION**  
**Senior Associate Athletic Director for External Affairs**

**Reports To:** Director of Athletics

**Positions Directly Supervised:** Director of Media Relations  
Video Coordinator  
Marketing Coordinators  
Director of Athletic Development  
*Athletic Ticket Manager*

**Basic Function**

Responsible for all external programs conducted on behalf of the athletic department, including the supervision of the development and implementation of marketing plans for the department, and oversight of all athletic promotional, public relations, media relations, fundraising, multi-media sponsorships and ticket sales efforts. Coordinates with appropriate staff as the liaison for the athletic department to the office of development, alumni associations, public relations and booster groups in developing fund raising priorities and strategies. Work with athletic department administrative staff and coaches, university administration and community/state leaders in furthering the presence and image of SFA Intercollegiate Athletics. Coordinates with appropriate staff the development and implementation of strategies to increase ticket sales and overall attendance at athletic events.

**Duties and Responsibilities**

1. Supervise the development and implementation of all comprehensive athletic fund-raising, marketing and promotions plans for the Athletic Department.
2. Coordinate the Athletic Department's public relations effort.
3. Supervise the Director of Athletic Development who coordinates the Athletic Annual Fund.
4. With appropriate staff, coordinate department communications and coordinates activities with all University fund raising agencies, including the Alumni Office, the Advancement office and outside parties.
5. ~~Oversee the planning of all athletic fund raising events.~~ Oversees the department's Athletic Ticket Office operation to include accounting and sale of season tickets, individual event tickets, post season tickets and special seating contracts.
6. ~~Oversee the design of proposals requesting gifts from donors, businesses or corporations and private foundations.~~ Oversees the department's Media Relations office operation including development and implementation of media relation policies and objectives.
7. ~~Ensure that staff informs donors/sponsors on a consistent basis regarding the location of their donations/sponsorships and how it is benefiting the Athletic Department and the University.~~ Oversees external video production including the development of social media content, video board content, and department produced ESPN3 and Facebook Live productions.

8. Manage the University's licensing program, and serves as primary liaison with the University's licensing representative, ~~CLC-IMG College~~.
9. Manage the Athletic Department's on-line store and serve as primary liaison with the Department's vendor, ~~Fanatics~~.
10. ~~Serve as primary liaison with the local general manager for Learfield Sports (Lumberjack Sports Properties, LLC) and provide any assistance and counsel necessary to monetize the Athletic Department's multi-media sponsorship inventory.~~ *Primary liaison with the Athletic Department's multi-media rights holder to facilitate cooperation in corporate partnerships and other sponsored multi-media content to include the department's official website.*
11. Adhere to all applicable NCAA and Southland Conference rules and regulations.
12. Serve as the athletic department liaison with the Office of ~~Public Affairs~~ *University Marketing Communications*.
13. Attend luncheons or meetings to promote the Athletic Department.
14. Engages in speaking commitments to promote the University.
15. ~~Travels in order to locate potential donors.~~
16. Handle university receipts and has receipt processing duties as per university policy.
17. May receive and/or supervise the receipt of payments from corporations, donors, students and others for department sponsored activities
18. Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC).
19. Compliance matters will also be included in your annual Performance Management Review.
20. Perform other duties as assigned by the Athletic Director.

SFA  
7/20162017

**JOB DESCRIPTION**  
**FACULTY ATHLETIC REPRESENTATIVE**

**Reports To:** President

**Positions Directly Supervised:** None

**Basic Function**

The Faculty Athletics Representative (FAR) is involved in the assurance of the academic integrity of the athletics program and in the maintenance of the welfare of the student-athlete. Serves as the senior faculty advisor on intercollegiate athletics to the President.

**Duties and Responsibilities**

1. Chairs the Intercollegiate Athletic Council.
2. Meets ~~monthly~~ with the President to provide advice that reflects the traditional values of the faculty as they pertain to the academic integrity of the athletics program.
3. Meets ~~regularly~~ *as needed* with the Director of Athletics to discuss all aspects of the athletics program.
4. Meets ~~regularly~~ *as needed* with the Associate Athletic Director for Compliance & Student Services and the Assistant Athletic Director for ~~Student Services~~ *Academics* to review academic issues.
5. ~~Reviews the operation of the academic support staff to determine the academic well being of the student athletes.~~
6. ~~Reviews the mid term and final grades of all student athletes, and with the AADSS, counsels the academic at risk students if requested.~~
7. Ensures those academic services such as tutorials, study halls, academic advising and other services are available to student-athletes.
8. Represents the University as a faculty delegate to Southland Conference meetings and any special meetings of the NCAA.
9. Meets as needed with the Senior Woman Administrator to discuss any special concerns related to women's athletics.
10. ~~Monitors~~ *Consults on* Title IX and Gender Equity issues.
11. Exercises meaningful oversight of those aspects of the athletics program that interact with other offices and departments on the campus (e.g., admissions, registrar, financial aid).
12. Monitors the effectiveness of the compliance practices of the Athletics Department.

13. Active in rule-education efforts and aware of all NCAA and Southland Conference rules violations that are detected and reported.
14. Monitors the process and procedure utilized in certifying student-athletes as eligible for practice and competition.

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**JOB DESCRIPTION**  
**Athletics Insurance ~~Coordinator~~ Specialist**

**Reports To:** Assistant Athletic Director – Business Affairs

**Positions Directly Supervised:** None

**Basic Function**

~~Responsible for the management and administration of all phases of the department's student-athlete insurance program to include the submission, payment, and recordkeeping of all student-athlete medical bills. Communicates with student-athletes and their primary insurance carriers as well as health care providers. Coordinates medical claims between primary insurance carriers and SFA's secondary coverage. Manages the student-athlete primary insurance billing program for medical services provided by departmental athletic trainers.~~ Responsible for coordination of health insurance for student-athletes who participate in intercollegiate athletics. Responsible for coordinating student-athlete and spirit squad medical claims, including both student-athlete and spirit squad member primary and SFA athletics secondary insurance; coordinating with medical providers and health insurance providers; and communicating with student-athletes and staff regarding health insurance requirements ensuring compliance with department regulations.

**Duties and Responsibilities**

1. Adheres to and enforces all policies and procedures of the Department and the University, as well as the rules and regulations of the Southland Conference, the NCAA and other authorities that may legitimately influence the intercollegiate sport.
2. ~~Facilitates the exchange of information between the student-athlete's medical providers, primary insurance carrier and the department's secondary insurance.~~ Coordinates third-party health insurance reimbursement for certified athletic training staff.
3. Maintains current health insurance policy information on all student-athletes and spirit squad members.
4. ~~Identifies domestic and international student-athletes without primary health insurance and facilitates securing primary health insurance coverage for them.~~ Accessibility during after work hours and weekends, as needed, for communication with athletic training staff and medical providers to ensure adherence with appropriate medical documentation and department protocols for student-athlete medical insurance claims.
5. ~~Provides follow up communication to medical providers and health insurance companies to request and/or provide information and documentation regarding claims.~~ Comparatively evaluates and analyzes marketplace primary health insurance policies ensuring compliance with department student-athlete insurance coverage requirements and for containing department health insurance costs. Secures budgeting, recordkeeping, and purchase of primary health insurance policies for student-athletes in need.
6. ~~Ensures all qualifying student-athlete medical bills are paid in a timely fashion, and coordinates any necessary reimbursement for out of pocket medical expenses.~~ Cost-containment and comparative analytics for university purchased student-athlete primary health insurance and athletics secondary insurance policies.

7. ~~Files medical claims, tracks payments, and maintains recordkeeping of paid and unpaid medical claims.~~ *Communicates, assists, and provides guidance to student-athletes and their parents in securing health insurance that meets athletic department and NCAA requirements.*
8. ~~Manages the department's secondary insurance policy and analyzes medical claims for cost savings.~~ *Coordinates the submission, payment, recordkeeping, and budgeting of all student-athlete medical claims.*
9. ~~Manages NEXXT web-based medical records software database system for student-athlete injury tracking and insurance billing.~~ *Coordinates, reviews, and updates department policies as related to primary and secondary medical insurance, and third-party reimbursement.*
10. ~~Communicates with student-athletes and parents regarding the department's medical insurance policy and requirements.~~ *Maintains medical records for student-athletes utilizing an Electronic Medical Records (EMR) software database system.*
11. ~~Assists athletic training staff with athletic medical data entry and injury logs.~~ *Trains athletic training staff on using EMR database system to ensure HIPAA compliance for student-athlete medical records and third-party reimbursement.*
12. ~~Prepares necessary paperwork required for student-athlete referrals to medical providers.~~ *Coordinates required billing and insurance paperwork with health providers for student-athlete approved medical expenses.*
13. ~~Analyzes insurance billing claims to maximize revenue potential.~~ *Primary athletics department contact with responsibility for direct communication and decision making on behalf of the athletic department with local and regional medical providers, including the negotiating and repricing of student-athlete's medical claims and services.*
14. ~~Prepares reports as needed to assist departmental staff with annual budgeting and injury analysis.~~ *Primary athletic department contact and decision maker for school sponsored athletic secondary insurance policy and third party reimbursement. Duties include, but are not limited to, claims management and timely filing for payment of student-athlete medical claims and reimbursement.*
15. *Coordination of pre-participation physicals in compliance with NCAA and athletic department policy. Direct communication and coordination between coaches, athletic trainers, student-athletes, and medical providers for securing timely pre-participation physicals and student-athlete personal and health insurance information.*
16. *Abide by all rules of the National Collegiate Athletics Association (NCAA) and the Southland (SLC), and all federal and state law and regulations concerning privacy of student medical information.*
17. *Compliance matters will also be included in the annual Performance Management Review.*
18. *Performs other duties and special projects as requested by the Director of Athletics.*

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## STUDENT ATHLETES: FINANCIAL AID

Stephen F. Austin State University awards financial aid to student-athletes in accordance with University policy, as well as Southland Conference, and NCAA rules and regulations governing financial aid. Athletically related grants-in-aid are limited to bona fide educational expenses such as tuition, fees, room, board and course-related books not to exceed the cost of 30 hours of tuition and fees, room, board and course-related books each academic year (fall/spring). The institution is also permitted to provide additional athletic aid up to the cost of attendance as defined by the Office of Financial Aid. In those instances, such awards would be referred to as athletic miscellaneous expense awards.

The Associate Athletic Director for ~~Compliance~~ *Academic Services* administers the financial aid program for the Department and works with the University's Director of Financial Aid in meeting the financial needs of student-athletes.

While it is understood that athletically related grants-in-aid are awarded on an annual basis and are limited to bona fide educational expenses, the Department of Intercollegiate Athletics is philosophically committed to providing the student-athlete with four (4) years of scholarship funding. Financial aid provided to student-athletes is not considered a reimbursement for services. ~~performed and cannot be graduated or discontinued, on the basis of athletic performance, during the period of its award.~~

However, athletically related aid may be reduced or canceled if the student-athlete becomes academically or athletically ineligible to participate (See Policy 502C, Student-Athletes: Eligibility, in this Manual for additional information).

### Allocation of Grant-in-Aid Awards

Each intercollegiate sport is provided a specific number or amount of grant-in-aid awards, according to budgetary restrictions and within NCAA rules and regulations. Head Coaches are informed early each fiscal year of the amount of scholarship aid available to their programs. Grants-in-aid are allocated upon the recommendation of the Head Coach and with the approval of the Director of Athletics. The University's Office of Financial Aid awards grants-in-aid based on these recommendations. Recipients of financial aid are notified of the offer of award on the Stephen F. Austin State University Athletic Scholarship Agreement form (see Appendix 502D-1) which details the terms and conditions of the grant. Awards are tendered, along with the National Letter of Intent, at the appropriate signing dates, as provided by the NCAA.

Head Coaches are encouraged to work with their prospective student-athletes and their families prior to the award deadline. They should assess each student-athlete's financial need and encourage them to file the necessary paperwork for other types of assistance well before the deadline date. This allows coaches the opportunity to use athletic financial aid award funds in the most effective manner possible for their student-athletes.

Allowable grants-in-aid are calculated according to NCAA guidelines for head-count and equivalency sports, as described below. Further, the number of grants-in-aid for any team may be affected by NCAA sanctions which may be imposed against the Department's sport.

### Head Count and Equivalency Sports

For purposes of financial aid computations, a player is considered a Counter when he/she receives financial aid based on athletic ability, and/or was recruited, receives financial aid and is competing as a member of an intercollegiate team.

- **Head-Count Sports**

A head-count sport is one, designated by the NCAA, in which athletically related aid is calculated by the number of student-athletes receiving any amount of aid, regardless of the amount of aid received by individual team members. Student-athletes designated to receive any type of financial aid, including textbooks only scholarships, are to be included in the number of student-athletes receiving aid in head-count sports.

The following are the maximum awards, allowed by the NCAA, that may be in effect at any one time for the various head-count sports sponsored at SFA:

<b>Sport</b>	<b>Men</b>	<b>Women</b>
Basketball	13	15
Tennis		8
Volleyball		12

- **Equivalency Sports**

Equivalency sports, as designated by the NCAA, are those in which athletically related aid is calculated by the percentage of a full, athletically related scholarship awarded to a team member. The University may administer such awards to any number of recipients on the basis of value (equivalency), provided the total dollar amount expended does not exceed commonly accepted educational expenses at the University multiplied by the number of maximum awards permitted for the particular sport.

The following are the maximum awards, allowed by the NCAA, that may be in effect at any one time for the various equivalency sports sponsored at SFA:

<b>Sport</b>	<b>Men</b>	<b>Women</b>
Cross Country/Track	12.6	18
Golf	4.5	
Women's Golf		6
Bowling		5
Football	63 *	
Soccer		14
Softball		14
Baseball	11.7	

\*In Division FCS Football, there is an annual limit of 30 initial counters and 63 equivalency sports to total 85 annual counters.

Although grant-in-aid allocations within each sport are recommended by the Head Coach, the procedures for administering grants-in-aid are the same for all student-athletes. These procedures are summarized as follows:

#### **Processing of Grant-in-Aid Awards**

Grants-in-aid are allocated upon the recommendation of the Head Coach and the approval of the Director of Athletics and the University's Director of Financial Aid. The Stephen F. Austin State University Athletic Scholarship Agreement forms are prepared by the Associate Athletic Director for Compliance-Academic Services who checks equivalencies to ensure compliance with NCAA grant-in-aid limitations for each sport.

The University's Financial Aid Office awards grants-in-aid based on the recommendations of the Director of Athletics. Copies of ~~Team Rosters~~ *Squad Lists* and Grant-in-Aid lists are kept on file in both the Associate Athletic Director for Compliance and ~~Student Services~~ *Financial Aid Offices* and with each sport's secretary.

### **Prospective Student-Athletes**

Financial aid agreements are issued to prospective student-athletes with the National Letter of Intent (see Appendix 502A-14). Prospects may not be offered financial aid prior to the times and dates permitted by the National Letter of Intent.

To be valid, the National Letter of Intent Agreement must be signed and dated by the prospective student-athlete and his/her parent or guardian within 14 days after it is issued and returned to the Associate Athletic Director for ~~Compliance and Student~~ *Academic Services*.

A copy of the Financial Aid Agreement is forwarded to the Office of Financial Aid. If the student fails to be admitted following the University's regular admission process, the grant-in-aid becomes null and void. (See Policy 502B, Student-Athletes: Admissions, in this Manual for admissions standards and procedures.)

### **Enrolled Students**

A student-athlete eligible for a grant-in-aid who enrolls at the University without having received a financial aid offer may, thereafter, be given aid at any time.

A Head Coach who wishes to make an initial offer of athletically related financial aid to a previously enrolled student must submit a Scholarship Request form to the Associate Athletic Director for ~~Compliance~~ *Academic Services*. Prior to tendering an offer of financial aid to the enrolled student-athlete, it is necessary to verify the eligibility of the student and comply with squad limitations. With the recommendation of the Director of Athletics and the signatory approval of the Director of Financial Aid, the Grant-in-Aid Offer is considered fully executed and ready for the student-athlete's signature.

### **Continuing Student-Athletes**

Athletically related financial aid is awarded on a one year basis and cannot be reduced or discontinued during the period of its award for any athletically related reason. Athletics scholarships may be reduced or canceled during the period of the award if a student-athlete:

- Renders himself or herself ineligible for intercollegiate competition in any manner, including failure to meet academic eligibility requirements or loss of amateur status (e.g., signing with an agent).
- Voluntarily quits the team.
- Fraudulently misrepresents any information on an application, letter of intent, or financial aid agreement.
- Engages in serious misconduct.

Athletics scholarships may not be reduced or cancelled during the period of the award on the basis of:

- A student-athlete's athletics ability, performance, or contribution to a team's success.
- An injury that prevents the student-athlete from participating in intercollegiate athletics.
- Any other athletics reason.

As stipulated by NCAA Bylaw 15, grants-in-aid are renewed on or before July 1st of the academic year in which they are to be effective. Student-athletes are asked to sign and return the agreements by July 15.

Renewal notifications (see Appendix 502D-2 for sample) must be mailed out on or before June 30th. The Associate Athletic Director for ~~Compliance~~*Academic Services* coordinates the processing of scholarship renewals with each sport's Head Coach, sport secretary, the Director of Athletics, the ~~Assistant Athletic Director for Academic Services~~*Senior Associate Athletic Director for Compliance* and the Director of Financial Aid.

### **Non-Renewal or Reduction of Financial Aid**

All head coaches are required to notify the Director of Athletics of any plan to non-renew or reduce athletically related financial aid prior to notifying the student-athlete. The head coach should provide any documentation requested to justify the action. The Director of Athletics may or may not approve the proposed non-renewal or reduction based on all available information.

A student-athlete may appeal a non-renewal or reduction of aid in writing and directed to the Athletic Appeals Committee within ten (10) days of the cancellation notification. The Athletic Appeals Committee is chaired by the *Senior Associate Athletic Director for Compliance* and includes the ~~Assistant~~*Associate Athletic Director for Student Services* and the *Assistant Athletic Director/Senior Woman Administrator*. If the appeal is not granted by the Athletic Appeals Committee, it can be appealed to the SFA Financial Aid Appeals Committee. A decision from this committee is final. Student-athletes must be notified in writing by the Director of Athletics, or his designee, and the Director of Financial Aid by July 1<sup>st</sup> for any non-renewal or reduction of athletic financial aid. All appeals must be completed prior to the start of the new academic year for which the non-renewal or reduction would apply.

**Please note that outside of the period of the award, an athletics scholarship can be reduced or cancelled for any reason - including an athletics reason - at the discretion of the institution.**

### **Summer School**

Summer financial aid is not an entitlement or part of a student-athlete's academic year financial aid agreement. However, financial aid may be extended to cover summer school if attendance is warranted or expected in the sports of basketball and football. The Head Coach of each sport makes a determination regarding those student-athletes to be offered financial assistance for summer school provided funding is available. (See policy 503C SA-Summer School)

Summer school for incoming freshmen prior to initial, full-time enrollment in the fall are required by NCAA legislation to enroll in a minimum of ~~six~~*three* (3) hours of academic course work, other than physical education activity courses, that is acceptable degree credit toward any of the university degree programs.

Recipients of summer school athletic aid will be prioritized in the following manner, provided funding is available:

1. Student-athletes who need the hours to be eligible for fall competition;
2. Student-Athletes who can graduate that summer;
3. Men's and women's basketball participants.
4. Football participants.

5. Student-athletes who have maintained their eligibility for the fall, but who need hours to keep on schedule for graduation at the completion of the fall semester; and
6. Incoming freshmen who may benefit academically.

Once approved, each student-athlete is required to sign a financial aid agreement for summer school reflecting the amount, terms and duration of aid.

Additionally, summer school scholarship recipients will be asked to repay the cost of tuition & fees of any class that was dropped or receives the grade of 'F'.

### **Fifth Year/Injured**

The Department of Intercollegiate Athletics is not able to automatically grant Fifth-Year/Injured financial aid. Therefore, each request is reviewed by the ~~Director of Athletics~~ Associate Athletic Director for Academic Services and recommended to the Director of Athletics who approves/disapproves and grants based on the individual merits of the situation and on the recommendation of the Head Coach for each sport. Post eligibility grants-in-aid will be funded not to exceed the cost of tuition and fees (maximum of 15 hours per semester) or the amount of their last award if it was less.

Requirements to receive this award include:

1. *Must have completed their final season in good standing and ~~Return~~ return academically eligible just as if they still had a season of competition remaining.*
2. *Enroll full-time unless they are in the final semester of degree plan/*
3. *Work at an Athletic Department assigned job for 10 hours each week. This requirement may be waived for degree completion requirements that involve activities such as student teaching, internships, or other out of classroom commitments. Exceptions can also be granted due to medical reasons.*

To receive athletic aid the following semester, the recipient must pass at least 9 new hours towards their degree plan with a GPA of 2.00 or higher.

Lastly, it should be understood that this scholarship award will be made in 3 payments during the semester. The first payment will be 50% of the total cost of tuition and fees, and will be applied to their account at the beginning of each semester. The remaining two payments will be made in equal amounts approximately 30 and 60 days following the first payment. Should a recipient choose not to fulfill their assigned work detail, one or both of the remaining payments will not be applied to the billing statement.

Moreover, post-eligible aid is not awarded to any student-athlete under contract or receiving compensation from a professional sports organization.

### **Non-Institutional Financial Aid**

Should a student-athlete qualify for non-institutional financial aid and exceed the maximum scholarship aid allowed, University funds are reduced dollar-for-dollar. NCAA Manual Bylaw 15, regarding Financial Aid should be consulted to determine the types of outside aid student-athletes may receive without reducing University aid (i.e., non-countable, outside aid) when totals do not exceed NCAA ceilings. Further, a student-athlete may receive a Pell Grant in combination with other institutional financial aid with no limit restrictions.

All outside aid received by a student-athlete must be reported to the University Office of Financial Aid at the beginning of each academic year. Individuals reporting outside aid may have their athletic grant-in-aid reduced to avoid an award in excess of a full-ride amount. permissible outside scholarship awards must meet NCAA criteria and may cause athletic grant-in-aid to be adjusted to NCAA ceiling amounts.

All non-athletically related aid received is to be reported to the Office of Financial Aid. The *Senior Associate Athletic Director for Compliance* is responsible for ensuring that the aid is permissible and for notifying the appropriate parties to make any necessary adjustments to the athletically related aid.

### **University Charges Not Paid by the Department**

Certain expenses which may be incurred by the student-athlete while enrolled at SFA are not covered under his/her grant-in-aid. Per NCAA regulations, only tuition, room, board and required books are legitimate components of athletically related financial aid. The following list of expenses are not part of a grant-in-aid and therefore must be paid by the student-athlete.

They include, but are not necessarily limited to:

- Cost of treatment for non-athletically related injuries.
- Non-legitimate hotel charges (e.g., long distance telephone, laundry, movies, etc.) incurred during travel to away contests.
- Library fines and fines for damage to University property, including residence halls.
- Key deposits or replacement of a lost residence hall key.
- School supplies, reference books, pens, notebooks, paper, drafting kits, etc.
- Vehicle registration fees.
- Parking fines.
- Personal insurance for non-athletically related injuries and illnesses.
- Residence hall penalty fees incurred for breaking contract agreements.
- Late registration fees.
- Graduation fees
- Fees associated with student-teaching and internships.

### **Non-Scholarship Student-Athletes**

The University extends to all non-scholarship (recruited or non-recruited) student-athletes the same benefits as scholarship athletes (excluding grant-in-aid awards). Once certified as eligible to participate, the benefits received are as follows:

- Academic counseling assistance (e.g., tutoring, career and peer counseling, etc.)
- Training room treatment for athletically related injuries.
- Strength and conditioning facility use.
- Referrals for vacation and permanent employment.
- Team travel and equipment use.
- Athletic letter awards.

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## STUDENT-ATHLETES: SUMMER SCHOOL

The Department of Intercollegiate Athletics is aware that time demands placed on student-athletes during the academic year may limit the number of credit hours a student-athlete may be able to handle beyond what is required by NCAA legislation. Summer school is often an option for timely completion of specific academic courses. For entering freshmen it is an opportunity to get a head start on their academics. However, summer school is not automatically financed. The Director of Athletics determines the amount of funding available from budgetary sources, endowments, SAF/SOF funds and private giving. The amount for each sport is determined and reported to each Head Coach prior to the end of the spring semester.

Provided funds are available, summer school attendance for those student-athletes participating in men's or women's basketball and football is expected unless permission is granted by the respective head coach for a student-athlete to not attend one or both sessions. ~~Football freshmen only attend Summer II.~~ Student-athletes in sports other than basketball or football who wish to attend summer school must discuss their decision with their Head Coach. Student-athletes requesting financial assistance for summer school fees must have approval of their Head Coach who in turn will send an official list and the amounts to be awarded, based on the funds available, to the Associate Athletic Director for ~~Compliance~~ *Academic Services* who will enter the financial aid into the Banner system. (see Policy 502D, Student-Athletes: Financial Aid, in this Manual for additional information).

Summer school attendance is highly recommended for student-athletes on academic suspension and in some cases where the student-athlete's eligibility is at risk. Other requests are considered if the student-athlete's Head Coach approves financial aid for summer school based on the following criteria:

- Individual sports' budgetary constraints;
- Class standing (i.e., freshman, sophomore);
- Availability of necessary classes (i.e., only offered during summer);
- Continuing eligibility requirements (i.e., the *requirement* for 24 hours of classes per year);
- Grades achieved in previous course work;
- Course completion necessary for graduation following summer session; and/or
- Course required for post graduate study.

Student-athletes who receive athletic funding for summer school, and drop a class(es) or receive a grade of 'F', will be required to repay all tuition & fee costs associated with class(es). Those charges will be placed directly on the students Billing Statement and will be payable at the Business Office.

Student-athletes wishing to attend summer sessions, at their own expense at another institution must obtain the prior approval of the ~~Assistant~~ *Associate Athletic Director for Academic Services*. Credit is transferred only if a grade of C or better is obtained. Moreover, the grade does not transfer to SFA, only the credit.

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## STUDENT-ATHLETES: HOUSING

Stephen F. Austin State University and the Department of Intercollegiate Athletics are committed to providing all student-athletes with the opportunity to enhance their social and personal values by taking part in a ~~democratic~~, community-living environment. ~~Therefore,~~ student-athletes who live on campus are subject to the same residence hall rules and regulations as the rest of the student body. Although the majority of student-athlete housing is located in Lumberjack Lodge, Lumberjack Village or Lumberjack Landing, the University does not provide dormitories for the exclusive use of student-athletes, nor create segregated areas within residence halls solely for student-athletes. All student-athlete housing assignments are made through the University Housing Office and are within guidelines established by the University, the Southland Conference, and the NCAA. Student-athletes may not receive any special services or material amenities (e.g., ~~stereo~~tech upgrades, room furnishings, etc.) that are not provided to all members of the SFA student body on an equitable basis. General rules and regulations pertaining to residence hall living can be obtained from the University Housing Office.

The Head Coach of each sport is responsible for providing the ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA accurate and timely information regarding his/her students' housing arrangement requirements for the upcoming academic year. The ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA works closely with the SFA Housing Office in coordinating housing for student-athletes. All problems concerning the housing of student-athletes should be referred to the ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA.

### On-Campus Housing

~~The athletic scholarship cost of on-campus housing is funded based on the cost of Hall 20 as part of the standard athletic financial aid package for student-athletes and does not exceed the limits established by the NCAA. Student-athletes that choose to live in more expensive on-campus house must pay the difference in cost.~~

- Incoming Freshmen and Transfers

The Department of Intercollegiate Athletics requires all unmarried student-athletes under the age of 21 and with fewer than 60 hours ~~attempted~~ earned to reside in on-campus housing. However, exceptions may be made under certain specified conditions ~~and at the Head Coach's discretion~~. For additional information on residence requirements see SFA General Bulletin.

Room assignments for incoming freshman and transfer students are requested by the Head Coach and coordinated by the ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA with the University Housing Office Coordinator's assistance.

In April of each year, coaches are asked to submit a list of all incoming freshman and transfers who will require housing. All freshmen are required to live in one of four residence halls. The residence halls for freshman include Hall 14, Hall 16, Steen Hall, and Lumberjack Landing. There are a limited number of beds available for scholarship student-athletes ~~in the new freshman hall~~ Lumberjack Landing and coaches should not assume they have a space without first receiving a confirmation from the ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA who will coordinate freshman housing. Those freshmen not in Lumberjack Landing will be placed in Steen Hall. Each incoming student-athlete ~~must~~ submit a completed Residence Hall Application to the University Housing Office in order to have their request processed. ~~All student-athletes must include a \$50 application fee along~~

~~with their application. Once an actual assignment is made, an additional \$50 contract fee is required. Applications are available by using the student-athlete's mySFA username and password received when the SA applied for admission. By logging into the SA's mySFA account an application for housing can be completed and submitted along with a required \$100 deposit. SA's should check their SFA email account for application confirmation.~~

- Continuing Students

Continuing students are permitted to retain their rooms from year to year, provided they file their renewal request on time *and it is approved by the Assistant Athletic Director/SWA.*

#### Room Change Process

Room changes are often available at the beginning of each semester and can usually be accomplished with the assistance of the *Assistant Athletic Director/SWA and the University Housing Coordinator.* However, all room changes require the permission of the Head Coach, and some room changes may result in a higher room rate.

### Off-Campus Housing

SFA students wishing to live off campus must be over 21 years of age and/or complete a minimum of 60 semester hours of college level work. Head Coaches retain the right to approve or deny the request of their student-athletes to live off campus.

Student-athletes, with the approval of their Head Coach to live off campus, are responsible for selecting suitable housing. There are a variety of apartment complexes, houses, condominiums and duplexes for rent throughout the city. Student-athletes are responsible for all deposits (e.g., damage deposit, electricity, water and phone). Deposits cannot be waived or paid for by the Department of Intercollegiate Athletics.

~~In May~~ Prior to the issuance of scholarship renewals, coaches must provide a list of all student-athletes planning to live and dine off-campus. These lists are submitted to the ~~Associate Athletic Director for Compliance and Student Services~~ Associate Athletic Director for Academic Services for the preparation of scholarship agreements.

Off-campus room and board allotments are based on housing formula's approved by the NCAA and the cost of the 20 meal dining plan and are distributed in a lump sum payment at the beginning of each semester. Payments are mailed or direct deposited, based on the method they have established with the University.

### Preseason Housing

Coaches must obtain the approval of the Director of Athletics to schedule practice or competitive events when school is not in session. Approval is only granted if such a schedule is within the guidelines of the NCAA and there are sufficient funds in the sport's budget to cover related expenses. (See Policy 602B, Scheduling: Practices, in this Manual for additional information.)

Preseason housing is coordinated by the ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA with the SFA University Housing Office Coordinator for student-athletes residing in residence halls. Special needs that require preseason housing prior to the beginning of a semester or after a semester ends are provided. This service is provided to student-athletes, as well as other student groups (e.g., student housing staff, Twirl-O-Jacks, Marching Band,

etc.). Student-athletes living off campus are responsible for coordinating their own preseason housing needs, as required.

### **Break Housing**

Coaches must receive pre-approval for all housing needs for semester break *and holiday* periods. Housing approvals are not granted retroactively. Approval is only granted if scheduling of practices and/or competition is within NCAA, and Southland Conference rules and regulations, and there are sufficient funds in the sport's budget to cover related expenses. Coaches are responsible for submitting the names of all student-athletes requiring housing to the ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA.

### **Summer School Housing**

On-campus housing for student-athletes approved to attend summer school is ~~not scheduled~~ coordinated by the ~~Associate Athletic Director for Compliance and Student Services~~ Assistant Athletic Director/SWA. ~~Students should make their reservations by using on-line application requests found on the Housing website (See Policy 503B, Student-Athletes: Summer School, in this Manual for additional information.)~~ Student-athletes who lived on-campus during the just completed academic year are not required to submit an application for housing however all incoming freshmen or transfers must go through the application process described above.

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## **STUDENT ATHLETES: AWARDS**

At Stephen F. Austin State University recognition for outstanding performance in both athletic and academic endeavors is given to deserving student-athletes each year. These awards may be presented by the Department, the Southland Conference, the NCAA, individuals or national groups. They may be in the form of NCAA approved awards for athletic participation, scholarship awards for academic accomplishments and/or recognition rewards (e.g., Academic All-American teams).

### **ATHLETIC AWARDS**

#### **Department Awards**

As acknowledgment for athletic participation, and in recognition of outstanding performance, the Department of Intercollegiate Athletics permits deserving student-athletes to receive athletic awards in compliance with NCAA and Southland Conference rules and regulations. Athletic awards are presented upon the recommendation of the Head Coach for team honors. Major departmental award winners are determined by a special awards committee made up of support staff members as appointed by the Director of Athletics. The Director of Athletics, Associate Athletic Director for External Affairs in conjunction with the Media Relations Director administer the awards program.

In order to receive an athletic award, student-athletes must be of amateur standing, eligible for athletic participation, as defined by the NCAA, and must have been representing Stephen F. Austin State University at the time they were competing. In addition to athletic performance, other factors which are taken into consideration include a student-athlete's academic standing, as well as his/her attention to college regulations, observance of training rules, sportsmanship and overall conduct.

#### **Permissible Award Restrictions**

A student-athlete may not receive an award of cash or its equivalent (i.e., items that are negotiable for cash or trade). An award of a country club or sports club membership is not permitted even if the cost of membership is less than the allowable award value.

#### **Award Value Limitations**

The total value of a single participation or letter award received in a year by a non-senior student-athlete may not exceed \$225. Multiple awards may be presented only if the total value of all participation awards received during a particular academic year by an individual (non-senior) student-athlete does not exceed \$225.

Multiple awards may be presented to a senior student-athlete only if the total value of all participation awards presented during a particular academic year to a senior student-athlete does not exceed \$425 in each sport in which the student-athlete participates.

Student-athletes may receive participation awards for postseason conference championship contests or tournaments not to exceed \$375. Participation awards for postseason NCAA championships or tournament may not exceed \$375.

Championship awards for regular season conference championships and postseason championships cannot exceed \$325 combined. National championship titles cannot exceed \$415.

Awards for participation in special events (e.g., bowl games, all-star games, featured individual competitions, etc.) may be presented by the University (or the management of the event) when either a

team or an individual has represented the Department in such an event. However, the total value of any single award to a student-athlete may not exceed \$400

For bowl-games or all-star games, student-athletes may receive awards valued at no more than \$550 from the sponsoring agency and additional awards from the institution subject to a separate \$400 limitation.

Furthermore, established national awards received by a student-athlete (e.g., Heisman Trophy) are not subject to a value limitation.

### **VARSITY LETTER AWARDS**

The following are general guidelines that will be used to determine recipients of Varsity Letter Awards.

1. The student-athlete must complete the entire academic year as a member of his/her team in good standing.
2. The student-athlete, to receive his/her letter award must return for the upcoming fall semester meeting all NCAA and SFA satisfactory progress requirements for academic eligibility.
3. A student-athlete will not receive his/her letter award, if during the academic year they had a positive drug test or was involved in serious misconduct as determined by the Director of Athletics.
4. Multiple sport athletes who have lettered in two or more different sports will receive their letter award from their scholarship sport.
5. In sports where letter criteria is based on percentage of time played, a student-athlete who is injured, will not have those competitions factored into their percentages.
6. Awards are based on seasons of competition completed at SFA. Transfer students from 2-year or 4-year institutions are not given letter award credit for competition at these schools.

**Basketball**      Participate in 20% of available minutes during season.

**Cross Country**      Place in the top 15 at the Southland Conference Cross Country Championships, or  
Place in the top 35 in two or more regular season competitions, or  
Be one of the top five finishers for SFA at a competition won by SFA.

**Football**      Participate in 20% of "available" plays for the season. Plays will be based on offensive plays and defensive plays separately.  
First-year freshman will letter if they compete and make the travel squad for at least 50% of the away from home contests.

**Golf**      Must participate in four tournaments during academic year, or  
Play as a member of an SFA team that wins a tournament, or  
Win an individual scoring title at a tournament.

**Managers**      Complete entire season in good standing with team, and  
Travel with team to minimum of 50% of away contests, and  
Meet all academic standards required for student-athletes of same academic class.

**Softball**      Participate in 20% of available innings for regular season (pitchers).

Start 35% of regular season games played  
 Obtain 35% of Team At-Bat appearances based on average of 3 per game. Player will be credited with At-Bat for base-on-ball and sacrifice.  
 Appear in 75% of all games played.

<b>Soccer</b>	Participate in 50% of all halves available during the regular season. Goalkeepers will letter if they compete and make the travel squad for at least 75% of the away from home contests.												
<b>Tennis</b>	Participate in 5 matches during the Spring season against other Division I opponents.												
<b>Track &amp; Field</b>	Score a point in either the Southland Conference Indoor Track Championship or Outdoor Track Championship, or Qualify for the NCAA Indoor or Outdoor Track Championships, or Break or tie an existing SFA track record, or Earn of minimum of eight points during the Indoor Track Regular Season (excluding the SLC Indoor Championship) or fifteen points during the Outdoor Track Regular Season (excluding the SLC Outdoor Championship). These scoring opportunities must be at meets with five or more teams.  Scoring will be: <table> <tr> <td>First Place</td><td>10 pts</td></tr> <tr> <td>Second Place</td><td>8 pts.</td></tr> <tr> <td>Third Place</td><td>6 pts.</td></tr> <tr> <td>Fourth Place</td><td>4 pts.</td></tr> <tr> <td>Fifth Place</td><td>2 pts.</td></tr> <tr> <td>Sixth Place</td><td>1 pt.</td></tr> </table>	First Place	10 pts	Second Place	8 pts.	Third Place	6 pts.	Fourth Place	4 pts.	Fifth Place	2 pts.	Sixth Place	1 pt.
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<b>Trainers</b>	Complete second full year in the Athletic Training Program in good standing, and Meet all academic standards required for student-athletes of same academic class. To qualify for a 4-year letterman's ring: Complete 600 hours of athletic training work during the Fall and Spring semesters. Pass the Texas Athletic Trainers Licensing Exam within 12 months of graduation.												
<b>Volleyball</b>	Participate in 20% of regular season games played, or Be selected as a member of any All-Conference Southland Conference team (except All-Academic).												
<b>Baseball</b>	Position Players: 50 total at bats or appear in 28 games. Pitchers: Appear in 30 innings or appear in 10 regular season games, or A member of a team that wins the SLC baseball tournament, a team that appears in an NCAA regional or a College World Series game.												

#### Letter Awards

<b>Four-Year Letter Winner at SFA</b>	- <b>Ring</b>
<b>All Seniors</b>	- <b>Senior Plaque</b>

The Senior Woman Administrator is responsible for collecting lettering information from each Head Coach and the Assistant Athletic Director for Sports Medicine to determine those student-athletes who have lettered during the academic year. The SWA then compiles a list of those student-athletes and the year(s) they have lettered. This list is submitted to the Assistant Athletic Director for Business who places orders for the letter awards. The awards are awarded during the Champions Dinner for all athletes who

have completed their season of competition. Student-athletes who have not finished their competition season at the time of the Champions Dinner received their awards in the summer.

### **Champions Dinner**

Each spring an end of the year Champions Dinner will be held for the men's and women's sports programs. During this event the Department recognizes the outstanding contributions of its student-athletes. At this time, senior awards, four-year letter awards, and appropriate special awards are provided.

All Champion Dinner events are coordinated by the Assistant Athletic Director for External Affairs working with the Media Relations Director and the Coordinator of Video Operations.

### **Special Departmental Recognition Awards**

In addition to senior awards, the Department also recognizes outstanding team and individual performances by presenting the following awards at the Champions Dinner:

#### **Men's Sports**

- Ralph Todd Outstanding Male Athlete Award;
- Bob Shelton Athletic Award;
- Dick Wright Memorial Sportsmanship Award;
- George Reese Sr. Memorial Golf Award;
- Mart Crawford Football Award;
- Cally Belcher Football Award;
- Outstanding Track & Field Award;
- Molaski Cross Country Award;
- George Johnson Basketball Award;
- Elvin Buddy Lowery Basketball Award;
- Murray Shaw Top Academic Award for each sport; and the
- Jene' Carter SAAC Award.

#### **Women's Sports**

- June Irwin Outstanding Female Athlete of the Year Award;
- Sadie Allison Softball Award
- Lucille Norton Basketball Award;
- Carolyn Barnett Track and Field Award;
- Ed and Gwen Cole Cross Country Award;
- Scottie Bailess Volleyball Award;
- Diane Baker Tennis Award;
- Jene' Carter SAAC Award
- Pam Thorstenson Soccer Award;
- Kathy McGough Top Female Academic Award; and the
- Murray Shaw Top Academic Award for each sport.

#### **Men or Women's Sports**

- Steve McCarty Award



## SOUTHLAND CONFERENCE AND NCAA CHAMPIONSHIP AWARDS

### Team Awards

Letter award recipients who are members of a Southland Conference or NCAA championship team may be given a special award in addition to their letter award. National and Southland Conference championship awards are within NCAA guidelines. An award may also be recommended, at the discretion of the sport's Head Coach with the approval of the Director of Athletics, to a deserving student-athlete who has not fulfilled the award requirements but has made an outstanding contribution to the team.

Additionally, an appropriate award may be given to any member of a varsity team who wins an individual Southland Conference or NCAA championship, even though the team did not win the championship.

### Individual Awards

The Southland Conference presents a number of individual awards during the course of the academic year. Each conference sport recognizes an all-conference team as well as special awards based on individual performance. Player/Athlete of the Week honors are also announced weekly during each sport's season of competition. The Southland Conference also recognizes student-athletes for academic achievement including a student-athlete of the year award for each sport. Individual awards or honors for athletic and academic achievement from a number of outside organizations and media are also made during the academic year.

### Graduation Stoles

*Special graduation stoles that identify the wearer as a student-athlete are awarded prior to each of the three commencement ceremonies held at SFA. The stole is worn as a point of pride for receiving a degree(s) while competing in intercollegiate athletics at SFA. The stoles are administered by the Assistant Athletic Director-Senior Woman Administrator to graduating student-athletes, student athletic trainers, and student team managers on the following basis:*

- *Student-athlete must have completed his/her last season of competition in good standing with the team.*
- *Fifth year student-athlete who no longer has athletic eligibility must have fulfilled all requirements and is in good standing with the Department.*
- *Student-athlete who is no longer able to compete because of a medical condition but has remained in good standing with the Department.*
- *Student athletic trainer and student team managers who have remained in good standing.*

———*Stoles are presented to May graduates during the Champions Dinner. December graduates receive their stole at a special ceremony during halftime of a designated home basketball game. Summer graduates receive their stoles on an individual basis.*

*Student-athletes who were dismissed or voluntarily leave/quit their team(s) prior to the end of the competition season(s) are not eligible to receive the stole regardless of the number of seasons of participation.*

## POSTGRADUATE SCHOLARSHIP AWARDS

SFA student-athletes are eligible for postgraduate scholarships on the University, State, Conference and national level. The Assistant Athletic Director for Student Services assists student-athletes in applying for these awards.

- **Conference Award**

**F.L. McDonald Scholarship** - The Southland Conference annually presents \$1,000 each to senior male and female letter winners in a Conference sponsored sport. The recipients must have compiled the highest grade point averages in the Conference. The award is to be used for graduate school. Should the recipients not choose to attend graduate school the second highest nominee(s) receive the scholarship.

- **National Awards**

**NCAA Post-Graduate Scholarship Award** - The one-time non-renewable scholarships of \$7,500 are awarded three times a year corresponding to each sport season (fall, winter and spring). Each sports season there are 29 scholarships available for men and 29 scholarships available for women for use in an accredited graduate program.

**NCAA Women's Enhancement and Ethnic Minority Scholarships** - The NCAA awards \$7,500 to 13 ethnic minorities and 13 female college graduates who will be entering their initial year of postgraduate studies. The applicant must be seeking admission or have been accepted into a sports administration or program that will help the applicant obtain a career in intercollegiate athletics, such as athletics administrator, coach, athletic trainer or a career that provides a direct service to intercollegiate athletics.

**NACDA/Disney Scholar Athlete Award** - Each year ten (10) scholar athletes from around the country receive a \$5,000 grant for postgraduate studies awarded by the National Association of Collegiate Directors of Athletics (NACDA) and the Walt Disney Company.

**The Walter Byers Postgraduate Scholarship Program** - Annually, one male and one female student-athlete are awarded a \$24,000 Walter Byers postgraduate scholarship in recognition of outstanding academic achievement and potential for success in postgraduate study.

**The John McLendon Memorial Minority Postgraduate Scholarship Awards** - Presented to senior-level minority students who intend to pursue a graduate degree in athletics administration. Each recipient will receive a \$10,000 grant.

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## STUDENT-ATHLETES: MEDICAL POLICY

The Department of Intercollegiate Athletics maintains a comprehensive sports medicine and athletic training program to ensure quality health care for its student-athletes. More specifically, the Athletic Training staff is responsible for the prevention, clinical evaluation, diagnosis, treatment, rehabilitation, and reconditioning of injuries or illnesses sustained as a result of participation in scheduled practices, competitions, or during travel to and from these events.

Maintaining adequate health care is a shared responsibility between the Athletic Training staff, the Head Coaches and student-athletes. The Team Physician has absolute authority in determining the physical fitness of each student-athlete, to include deciding whether an ill or injured student-athlete may participate in practice or competition. Coaches must abide by and/or implement the instructions given by the Athletic Training staff and abide by medical disqualifications and restrictions. Student-athletes must immediately report any injury incurred during a scheduled practice or athletic event to a member of the Athletic Training staff.

### **Athletic Training Staff**

The SFA Athletic Training staff consists of the Team Physician, the Head Athletic Trainer, Assistant Athletic Trainers, Graduate Assistants and Athletic Training Students in consultation with orthopedic consultants and other medical specialists, as required. The Head Athletic Trainer in consultation with the Team Physician, is responsible for ensuring that student-athletes receive proper treatment for athletically-related illnesses or injuries. All members of the Department involved in training, conditioning, coaching or supervision of students participating in University-sponsored intercollegiate athletic events are fully responsible to the Head Athletic Trainer with respect to matters pertaining to health and/or injuries.

*The Head Athletic Trainer serves as the NCAA athletics health care administrator who oversees athletic health care administration and delivery. The athletics health care administrator is an administrative role serving as the primary point of contact to assure compliance with NCAA health and safety legislation and interassociation recommendations.*

All members of the Athletic Training staff will abide by all the rules and regulations of the National Collegiate Athletics Association (NCAA), the Southland Conference (SLC), and State of Texas laws.

### **Operation and Use of Athletic Training Room Facilities**

Athletic Training Room hours of operations begin no later than 8:00 a.m. and remain open until the last in-season sport is finished for the day on a Monday through Friday basis. Hours of operation are extended when additional coverage is necessary for scheduled events or practices especially on Saturdays, Sundays, or holiday breaks. Coverage for usual practice sessions or events must be scheduled by the Head Coach at least one week prior to the event. The Head Athletic Trainer coordinates this coverage.

The Head Athletic Trainer is responsible for the operation and supervision of the Athletic Training Room. Student-athletes are not allowed in the Athletic Training Room without supervision. All therapeutic modalities are administered by a member of the Athletic Training staff because of the potential danger involved. When the Athletic Training Room is not in use, it is to be locked at all times. Student-athletes receiving therapy are supervised at all times; under no circumstances is a patient receiving treatment left unattended.

The Athletic Training Room is strictly for the use of those individuals involved in the intercollegiate athletics program; however, the facility is available to visiting teams on an as-needed courtesy basis.

### **Care Providers and Referrals**

Only medical expenses related to athletic injuries that occur as a direct result of participation in the student-athlete's designated intercollegiate sport are covered. Participation includes voluntary physical activities that prepare the student-athlete for participation, as well as supervised pre-season conditioning, organized practice attended by a member of the coaching staff, or a Department sponsored game, meet or match. (The Department is not responsible for medical expenses incurred when a student-athlete is injured in a non-athletic event, such as playing a recreational sport with friends.)

The Head Athletic Trainer or designee evaluates all athletic injuries and refers student-athletes to specialists, when appropriate. All referrals for off-campus medical care must be authorized in advance by the Head Athletic Trainer. A Department of Athletics Injury Referral Form (see Appendix 506A-1) must be completed by the Head Athletic Trainer, Assistant Athletic Trainer, or the Graduate Assistant Athletic Trainer prior to consultation and accompany the athlete receiving treatment from an outside physician or specialist.

For all illness (night or day), the student-athlete should immediately report to the Head Athletic Trainer, Assistant Athletic Trainer, or Graduate Assistant Athletic Trainer. Once seen, the Athletic Trainer decides if further medical attention is appropriate and arranges for an appointment with an appropriate physician as soon as possible. The student-athlete is responsible for reporting to the Head Athletic Trainer the physician's diagnosis, all drugs or special instructions required, and the advisability of returning to practice or competition.

### **Medical Examinations**

All student-athletes participating in an intercollegiate sports program are required to undergo a comprehensive physical examination prior to any participation in practice or competition. All new student-athletes are required to complete the Medical History form and are given a complete physical examination under the supervision of the Head Athletic Trainer. Thereafter, student-athletes are required to complete an annual health history update, with physical examination or specialty consultation performed only on those areas of the body where a change has occurred from the time of the initial examination. (See Appendix 506A-8 for Annual Health Information and Re-Examination forms.)

Head Coaches are responsible for submitting completed team rosters to the Head Athletic Trainer each spring with updates and additions provided a minimum of two (2) weeks prior to the first day of the fall semester. The Assistant Athletic Trainer(s) or a Graduate Assistant Athletic Trainer is responsible for setting up physical exam appointments and returning the team roster with appointment times and place indicated. Physical exam priorities are established according to official practice starting dates, and are set by the Team Physician and Head Athletic Trainer. Physicals are completed at the University Health Center.

A member of the Athletic Training staff is on hand during the course of all physical examinations to observe the procedures and policies of the attending physician and to assist the physician at his/her discretion. It is the responsibility of the Athletic Training staff to ensure that each

student-athlete has completed his/her physical examination before providing written notification for the issuance of athletic equipment.

Each physical examination focuses on the following areas of concern:

1. Evaluation of Sports Health History Evaluation Form (first year student-athletes);
2. Evaluation of existing medical records;
3. Orthopedic Checks;
4. Sight;
5. Blood analysis to include sickle cell solubility test (no drug screening); and
6. Personal and mental evaluation (at physician's discretion).
7. Baseline neurocognitive tests.

- **Walk-on Student-Athletes Physical Examinations**

Walk-on athletes trying-out for a team are required to show proof of medical insurance and to sign a waiver of responsibility as part of Appendix 506A-8. If selected for participation in a sport, the student-athlete must complete the required Medical History form, and participate in a complete physical examination. It is the responsibility of the Head Coach, or designate, of each sport to ensure that the physical exam has been completed prior to tryouts, practice or participation.

All first-time, walk-on student-athletes are responsible for securing their own athletic physicals and are responsible for any costs incurred. Most physicals can be administered by the student health center on campus. Appropriate forms for the examination are to be obtained from the Head Athletic Trainer.

Walk-on student-athletes who have appeared on a team roster for one complete season, are considered as team members for the purpose of physical exams only and may receive subsequent physical exams and post-eligibility exams at no cost.

### **Sickle Cell Testing**

NCAA legislation effective August 1, 2010, requires institutions, as part of the required medical examination, to include a sickle cell solubility test. All SFA student-athletes who are beginning their initial year of eligibility and student-athletes trying out for a team, including transfers will be tested. All students who have a positive screening will have further testing completed to determine exact sickle cell diagnosis.

Costs associated for this test will be provided, if needed, for scholarship athletes. Students wishing to walk-on or tryout for a team will be required to pay all costs associated with this test.

SFA athletics will accept official documentation from previous testing for this requirement. This could be from previous institutions, labs, or other medical records that provide sickle cell results.

Test results are required for all students before they are permitted to practice or compete.

### **Post Eligibility Examinations**

All student-athletes are given an exit physical examination upon the completion of their eligibility. The examination is designed to ascertain the physical health and well-being of each

student-athlete and to release the Department of Intercollegiate Athletics from any responsibility for injuries sustained by the athlete in competitions other than intercollegiate sports sanctioned by the Department.

### **Medical Records**

A medical record file is created at the time a student-athlete joins the intercollegiate athletics program and completes the initial physical examination. Complete medical records for all student-athletes participating in the intercollegiate athletics program are accurately maintained and up-dated during the time a student-athlete is competing for SFA. All records are kept on-file for a period of seven (7) years following competition.

The medical file contains the appropriate insurance information, medical histories, authorizations, understandings and agreements between the University and the student-athlete and his/her parents or legal guardians, as well as history of athletically related injuries and illnesses, and any treatments rendered. Additionally, the Athletic Training staff maintains complete records of all encounters, medical referrals, medication records, exams, injuries, and other information pertinent to the student-athlete's medical history.

A Daily Treatment Report is maintained in the Athletic Training Room by the Athletic Training staff which reflects all treatments provided on a given day, treatment appointments and medication. The reports are furnished on a daily basis to the appropriate Head Coach.

### **Coverage for Scheduled Practices and Events**

The Athletic Training staff is initially responsible for treating any injury or illness sustained as a result of athletic participation in scheduled practices and games, or during travel to and from those events. For low risk sports, such coverage may be provided by the Athletic Training staff member who is on call or on duty in the Training Room. For high-risk sports, coverage is provided at the site of the practice or competition. Physician coverage is provided as needed.

All Head Coaches and their assistants are responsible for familiarizing themselves with the Department's medical policies. Coaches should be equipped to handle emergency situations in the absence of a member of the Athletic Training staff. Per NCAA legislation all coaches and strength and conditioning staff members will maintain proper first aid, CPR, and AED certifications. Such knowledge is not only vital to the welfare of the student-athlete, but is important in preventing charges of neglect or misconduct from being filed against the coach in charge.

Athletic Training coverage for weight room activity is not mandatory.

### **Preventative Care**

The Athletic Training staff is responsible for not only providing medical care to injured student-athletes, but also preventing injury by identifying risk factors associated with athletic participation, and educating coaches and student-athletes on preventive safety techniques. Additionally, all coaches should be able to recognize the onset of fatigue, dehydration and heat exhaustion and notify a member of the Athletic Training staff when such an event occurs.

It is the responsibility of the coaches, as well as the Head Athletic Trainer and Equipment Manager to make sure that all athletic equipment is in good working order and inspected on a regular basis. Coaches must ensure that each student-athlete is wearing appropriate, properly fitted athletic equipment. When there are adverse climate conditions, extreme care is used to maintain the proper balance of electrolytes.

The Athletic Training staff works with the Director of Wellness Center to provide dietary counseling to student-athletes. More specifically, every effort is made to provide an adequate number of calories and proper nutrition to student-athletes who are actively participating.

Student-athletes needing help with weight control may be referred by the Athletic Training staff to a physician or nutritionist/dietician for evaluation and nutritional consulting.

### **Treatment of Injuries**

All injuries, including dental injuries, and illnesses are to be reported immediately to a member of the Athletic Training staff for emergency first aid and evaluation. If necessary, the student-athlete is referred to the Team Physician for medical diagnosis and prescribed treatment. The Head Athletic Trainer may refer the athlete to orthopedic consultants or other specialists.

The Athletic Training staff provides prophylactic taping, bracing and padding for injured parts, as well as stretching and strengthening exercises for specific injuries. In addition, rehabilitative therapy (strengthening and range of motion exercises and/or treatment with appropriate modalities) is provided by the Athletic Training staff under the Assistant Athletic Director for Sports Medicine or Team Physician's supervision.

It is the student-athlete's responsibility to follow recommended Athletic Training Room procedures related to the care of any athletic injury. Failure to do so may result in an unnecessary, lengthy rehabilitation and a prolonged absence from participation in the sport.

The Athletic Training staff monitors the progress of all student-athletes during treatment in the Athletic Training Room and keeps complete and accurate records on the progress of student-athletes during the treatment period. Required diagnostic tests for injured student-athletes and transportation to medical testing facilities is also coordinated by the Head Athletic Trainer when required.

When surgery or hospitalization of a student-athlete who is a minor is recommended, the Head Athletic Trainer contacts the student-athlete's parents or guardians to inform them of their son's/daughter's diagnosis, prognosis and current health status. Contact must be made with parents or guardians prior to the scheduling of surgery. The student-athletes and his/her parents should be informed of the right to a second opinion when surgery is recommended.

Athletes injured on an away trip should be returned to SFA, if possible. If a member of the Athletic Training staff is not traveling with the team, the coach is responsible for obtaining the assistance of the host school's team physician or certified athletic trainer. Every effort should be made to contact the parents or guardian of a dependent student-athlete prior to hospitalization or surgery, to inform them of the injury. In emergency situations, immediate medical care should be obtained. If a member of the Athletic Training staff is not present on the trip, the Athletic Training staff must be notified concerning the injury.

- **Dental Care**

Mouthpieces can be fitted for those student-athletes participating in contact sports. If the mouthpiece is not worn or has been lost, the Department is not responsible for dental charges.

The Department assumes financial responsibility for dental care which is a direct result of an athletic injury sustained in formal practice or competition in the student-athlete's designated sport. Student-athletes are to immediately (i.e., within 24 hours) report all dental injuries to a member of the Athletic Training staff. The Department will not pay for general dental treatment (e.g., cleaning of teeth or treatment of cavities).

- **Eye Care**

Eye exams are performed as part of the annual physical exam. If eye problems are discovered, the student-athlete is referred by the Head Athletic Trainer to an optometrist or ophthalmologist.

The Department assumes financial responsibility only for eye injuries sustained in training, scheduled practices and competitions in the student-athlete's designated sport.

### **Illness**

Illness is defined as any disease, sickness, disorder, and syndrome that are not directly caused by an athletic related injury episode. This includes, but is not limited to: sickness, mental health, ADD/ADHD, asthma, STD, diabetes, hypertension, sickle cell disorder, OBGYN, skin disorders, etc. SFA does not assume financial responsibility for illness, pre-existing illness, or any testing, diagnostics, prescriptions, or consultations related to the illness.

All referrals for illness should come from the athletic training room. Initial referrals will be made to the SFA Student Health Center. In the event off campus referrals are required by the Health Center or requested by the student-athlete, all charges will be the responsibility of the student-athlete including co-pays, deductibles, lab fees and prescriptions.

### **Mental Health**

Campus Counseling Services will assist student-athletes in overcoming obstacles to their personal and academic goals. This is accomplished through individual and group counseling and through outreach presentations, training and consultation.

In the event a student-athlete displays the need for, self-identifies, or requests mental health counseling services, the sports medicine staff will make a referral to Campus Counseling Services. Services are free to all students and all information (including the fact that a student attends counseling) is confidential within the limits provided by law. No record is made on an academic transcript or credential file.

In the event off-campus professional mental health services are required by a student-athlete, the SFA Athletic Department assumes no financial responsibility.

### **Concussion Assessment, Management, and Return to Play Guidelines**

Policy and procedures on neurocognitive baseline testing and subsequent assessment and management of concussions as well as return to play guidelines has been developed in accordance with the Stephen F. Austin State University Department of Sports Medicine's Mission



Statement utilizing NCAA's framework guidelines to provide quality healthcare services and assure the well-being of each student-athlete.

The Stephen F. Austin State University Department of Sports Medicine recognizes that sport induced concussions pose a significant health risk. Baseline neurocognitive testing pre and post injury will provide significant data for return to competition decisions. This baseline data along with physical examination, and/or further diagnostic testing will be used in conjunction in determining when it is safe for a student-athlete to return to competition.

### **Concussion Definition**

A concussion is a brain injury that is caused by a traumatic force to the head or another part of the body. This injury can occur in any sport (or other activity ie; car accident or fall) and presents itself uniquely in each individual. A concussion can occur even if a person does not lose consciousness.

### **Signs and Symptoms of Concussion**

Certified athletic trainers, athletic training students, and coaches should be aware of the signs and symptoms of concussion to properly recognize and intervene. Recognition of any of the following signs/symptoms should be reported immediately.

#### **CONCUSSION SIGNS – WHAT THE MEDICAL PERSONNEL CAN OBSERVE**

- Appears dazed
- Confused about play
- Moves clumsily
- Answers question slowly
- Personality change
- Forgets plays prior to hit  
Retrograde amnesia
- Forgets plays after hit  
Anterograde amnesia
- Loses Consciousness

#### **CONCUSSION SYMPTOMS – WHAT THE STUDENT-ATHLETE DESCRIBES**

- Headache
- Nausea
- Dizziness
- Balance problems
- Visual changes
- Photosensitivity
- Feeling sluggish
- Feeling foggy
- Cognitive changes

If an athlete has sustained a concussion, those involved in his/her care must be aware of the warning signs and symptoms of post-concussion syndrome as listed below. Immediate medical care is required if symptoms progress rapidly.

Loss of intellectual capacity	Lack of concentration	Sleep disturbances
Poor recent memory	Poor attention	Depressed mood
Personality changes	Fatigue/irritability	Anxiety
Headaches	Phono/photophobia	Twitching/seizures
Dizziness	Nausea/vomiting	Balance issues
Fluid/blood from nose/ears	Loss of consciousness	Weak/numb extremities

### Concussion Management and Return to Play Guidelines

In any circumstance where a concussion is suspected in an athlete, the first priority is to remove the athlete from further competition until a thorough sideline assessment can be made. Furthermore, if there is a question about the state of mental clearing it is best to err in the direction of conservative assessment and withhold the athlete from further competition until a physician assessment can be arranged.

The following are general guidelines based on the recommendations of the NCAA and National Athletic Trainers Association (NATA) to be followed by all certified athletic trainers (ATC) and team physicians when treating student-athletes with concussion like symptoms.

#### Pre-Season Education

- Student-athletes will be provided educational material regarding concussions and will be required to sign an *Assumption of Risk* form in which the student-athlete accepts the responsibility for reporting their injuries and illnesses to the institutional medical staff, including signs and symptoms of concussion. All educational materials will also be disseminated to coaches, parents, team physicians, athletic trainers, and the Athletic Director.

#### Pre participation Assessments

- Stephen F. Austin State University sports medicine staff will record the following baselines: Immediate Post-Concussion Assessment and Cognitive Testing (ImPACT)(Pre and post injury assessment that evaluates symptom status and cognitive function) and X2 Biosystems ICE (mental status & neurological function, BESS balance, Symptom checklist which is SCAT 3 compliant) on each student-athlete prior the first practice. The same assessment tools will be used post-injury at appropriate time intervals. A measure of cognitive function will be performed within 24-48 hours withstanding elevated symptoms where testing would be postponed.

#### Recognition and Diagnosis of Concussion.

- ImPACT and X2 Biosystems ICE will be used post-injury at appropriate time intervals. A measure of cognitive function will be performed within 24-48 hours withstanding elevated symptoms where testing would be postponed.
- At the time of injury or once the injury has been reported, the medical staff will document all information pertinent to the concussive event including: 1) mechanism of injury, 2) initial signs and symptoms, 3) state of consciousness.

- Reporting of concussion-like symptoms can be done in a variety of ways; injured player to medical staff, injured player to coach, injured player to peer, etc. It is the opinion of Stephen F. Austin State University that coaches, student-athletes, and medical staff all have a responsibility in reporting injuries and assisting in maintaining the health and safety for all who participate in intercollegiate athletics.
- At the time of injury, the medical staff will monitor vital signs and level of consciousness after the concussion until the athlete's condition improves or further medical treatment is necessary.
- A student-athlete will be disqualified from competition activity on the day of injury if he/she is evaluated and diagnosed with concussion-like symptoms.
- A student-athlete with a concussion will be referred to a physician or emergency room on the day of injury if he/she: 1) loses consciousness for an extended period of time, 2) experiences increased symptoms, 3) experiences persistent decreased sensory or motor function.

#### **Post-Concussion Management**

- A student-athlete with a concussion who has increased number of post-concussion symptoms, symptoms worsen over time or symptoms interfere with the athlete's daily activities will be referred to a team physician or specialist with concussion management experience.
- Once removed from participation and sent to his/her local residence, the medical staff will give the student-athlete a Home Care Instruction sheet. This sheet outlines care of a concussion and requires the signatures of the student-athlete, observer (person designated to stay with the student-athlete), and medical staff.
- A student-athlete's parent or guardian will be notified by a member of the medical staff after a concussive episode has occurred.  
A student-athlete with a history of concussions will be treated more conservatively; the severity of the concussion may require the athlete to be referred to a team physician or specialist with concussion management experience.

#### **Return to Learn.**

- Student athletes may be returned to classroom activities after a reasonable reduction of symptoms at the discretion of the medical staff.
- If necessary, academic accommodations may be requested by the medical staff. Student-athletes should not return to classes while grossly symptomatic. Proper documentation will accompany the injured student-athlete to present to his/her instructors.
- A student-athlete should not attend practice or team meetings if they are not actively engaged in academic activity and classroom attendance nor should they be allowed to attend games or travel with their team to away contests.
- A student athlete's level of symptoms will be assessed by the medical staff to determined observation of practice or attend team meetings.

#### **Return to Play**

- A 5 step graduated protocol has been established by the medical staff for return to play (RTP) in athletes who sustain concussion. There should be at least one day (24 hrs) between each RTP progression / phase. If there is any return of symptoms during the RTP progression process the student athlete will return to the previous stage
  - a. **RTP 0- NO GO.** Student-athlete continues to report concussion like symptoms. All athletes in the level should focus on rest and having minimal cognitive stimulus. No class or athletic participation.

- b. **RTP-1- Light Exertional Activities.** The student-athlete will begin an exertional progression program starting with light aerobic exercises.. They may also return to meetings.
- c. **RTP 2- Moderate Exertional Activities.** The student athlete will advance to moderate exertional activities and weight training.
- d. **RTP 3- Heavy Exertion and Non-Contact Practice.** The student-athlete may participate in non-contact practice.
- e. **RTP-4 -Contact Practice.** The student-athlete may participate in contact practice.
- f. **RTP – 5- Full Go- Released to full participation.**

Full return to play will only be possible if the student-athlete remains symptom free and has a return to pre injury baseline scores on ImPACT and X2 Biosystems ICE testing. . Final determination will be made by a team physician following direct consultation and evaluation.

- Proper documentation will be kept on file regarding concussive episodes, testing, physician notes, and return to play criteria. As with all injuries, but especially with concussed athletes, all decisions about diagnosis, management, and return to play will be at the discretion of the treating physician.

### **Eligibility for Medical Hardship**

A Head Coach may initiate the request for medical hardship waiver for a player who is ill or was injured during the first half of the sport's traditional playing season and can no longer participate in his/her sport's program for the season in which the injury or illness occurred. Additionally, the student-athlete may not have participated in more than 30% of scheduled competition in his/her sport. The Head Athletic Trainer and/or Team Physician, under the direction of the Director of Athletics, reviews the student-athlete's medical records to determine if the medical hardship waiver option applies.

If the Head Athletic Trainer or appropriate consultant agrees that the student-athlete should be granted a medical hardship waiver, a Southland Conference Hardship Waiver Petition (see Appendix 506A-9) must be completed. This petition must also include the following:

- The date of the injury or illness;
- An anatomical diagnosis of the injury or illness;
- The treatment prescribed; and
- The medical reasons from the treating physician why the student-athlete could not play.

Additionally, a published schedule of events, participated in by the student-athlete should be included. The petition must be signed by the Head Athletic Trainer, Associate Athletic Director for Compliance and the Director of Athletics before being forwarded to the Southland Conference Office for the approval of the Commissioner.

### **Medical Expense and Insurance Coverage**

Medical expenses incurred as a direct result of participation in organized practice or competition at SFA is considered the responsibility of the Department. All student-athletes are required to complete and return the Athlete's Medical Packet (see Appendix 506A-10) to the Athletic Training Room prior to the issuance of equipment for practice. Student-athletes who are on athletic scholarship and not covered by family or individual policies are encouraged to purchase insurance. All non-scholarship student-athletes (walk-ons) are required to present valid proof of health insurance prior to participation.

If proof of health insurance is not provided by a non-scholarship athlete prior to the start of any organized team athletic activity, the student-athlete will be held out of participation until valid proof is presented. It is the responsibility of the student-athlete/family to notify the Head Athletic Trainer or Athletic Insurance Coordinator of any lapse in coverage. Failure to do so could result in the student-athlete/family responsible for medical costs. Non-scholarship student-athletes who experience a lapse in coverage will be held out of participation until valid proof of insurance is presented.

The student-athlete's own insurance policy is used in all instances to cover expenses related to any athletically related injury. If the insurance does not cover an athletically related injury or does not fully cover the charges, the Department, as secondary insurer, is responsible for the balance. Parents are notified by the Head Athletic Trainer or designate. Unauthorized, outside medical expenses are considered to be the responsibility of the student-athlete. In an effort to expedite medical care, student-athletes are encouraged to designate a primary care physician (PCP) located in the Nacogdoches area. This will assist with the referral process that most insurance companies require. All HMO, Medicaid, and other out of network insurance must have prior approval before participation.

### **Primary Health Insurance Medical Billing**

To help offset the increasing costs of providing quality health care coverage for student-athletes, the Athletic Department will bill student-athlete's primary health insurance for treatments and rehabilitation services provided by certified Athletic Training staff for all lost time injuries. All treatments and rehabs provided to student-athletes will follow the injury treatment protocols ordered by and overseen by the team physicians. At no time will student-athletes, parents or guardians be billed for any medical services provided by the Athletic Training staff. Billing will only go to their primary health insurer. The primary health insurance company will be contacted for precertification before any billing will take place. When charges are submitted for treatments and rehabs, student-athletes or parents will receive an Explanation of Benefits (EOB) form from their insurance company detailing any charges, discounts, and payments made. The EOB is not a bill only a statement of activity on the primary health insurance policy. At no time will the policy holder be responsible for any "remaining balance owed" for treatments or rehab provided by the Athletic Training staff.

### **Post-Eligibility Insurance Coverage**

The University realizes that certain injuries which are the direct result of intercollegiate athletics participation may require additional medical attention after a student-athlete has exhausted his or her eligibility. Therefore, secondary insurance coverage is provided for up to two (2) years from the date of injury. This coverage is dependent upon documentation of injury, reasonable adherence to medical advice during rehabilitation and no further evidence of post-competition re-injury. Each case is individually reviewed for strict adherence to these guidelines.

Arrangements for the continuing care of a student-athlete with an athletically related injury are to be made before he/she leaves the University, either as a result of withdrawal or graduation. If prior arrangements for short or long-term care are not made, the University is released from all responsibility.

### **NCAA Catastrophic Injury Policy**

The Department, through its NCAA membership, provides coverage for all student-athletes, student coaches, student managers, student trainers, and student cheerleaders against catastrophic injury while representing Stephen F. Austin State University during qualifying intercollegiate athletics play or practice, or during travel related to these activities. Special catastrophic injury medical insurance provides payment for serious injuries up to \$20 million in lifetime benefits.

The Department assumes no legal liability or moral responsibility for injury to a student-athlete that was not caused by the negligent acts or omissions of an officer, employee, or agent of the Department. Claims by third parties for damages as a result of injury to a student-athlete are investigated in the same manner as any other liability claim against the University.

### **Distribution of Drugs and Medication**

The Department recognizes its responsibility related to controlling the purchase, storage and dispensing of prescription drugs, both narcotic and non-narcotic, as well as the keeping of records related to these activities. All of these activities must be in keeping with state and federal laws, as well as Athletic Training Room procedures, and they must be carried out in such a manner as to provide proper security.

All prescription medications stocked in the Athletic Training Room are labeled and pre-dispensed. The medications are distributed by written prescription from the Team Physician or referral physicians or dentists. Medications unavailable in the Athletic Training Room are referred by written prescription to a designated pharmacy in the community. Non-prescription medications are distributed by the Athletic Training staff following established Athletic Training Room protocol. No other Department personnel are allowed to distribute medications to student-athletes. The Department pays only for medications prescribed by the Team Physician and referral physicians and dentists.

### **Athletic Pregnancy Policy**

The following is for the protection of the student athlete and for the protection of the unborn child, should pregnancy occur. SFA Athletics will not force a student athlete to inform the medical staff or coaches that a student athlete has become pregnant; but encourages the student athlete to do what is in the best interest of the student athlete and unborn child and inform the medical and coaching staffs. The sports medicine department will honor the student athletes request for confidentiality, until such time it is medically necessary to withhold the student athlete from participation.

- **American College of Obstetricians and Gynecologists (ACOG)**  
**Guidelines for Exercise During Pregnancy**
- **NCAA Sports Medicine Handbook Guideline 2Q**

#### **If a pregnancy is suspected**

- Once the athlete suspects that she is pregnant, she should contact her athletic trainer, coach or athletic department personnel because diagnostic testing must be done to confirm or rule out a pregnancy.

- If the athlete believes that she is pregnant or the athletic trainer believes that the athlete is pregnant due to signs and symptoms, the athlete needs to complete a pregnancy test at a medical facility. This testing can be performed at the SFA Student Health Center or an OBGYN physician's office of her choosing.
- The athlete will need to consent to a release of information from the Student Health Center so that results can be given to the athletic trainer and team physician.
- Pregnant student-athletes will never be forced to terminate a pregnancy because of financial or psychological pressure or for fear of losing their institutional grant-in-aid. NCAA Bylaw 15.3.4.3 specifies that institutional financial aid based in any degree on athletics ability may not be reduced or cancelled during the period of its award because of injury, illness, or physical or mental medical condition.
- All medical costs due to pregnancy incurred by the student-athlete will be the financial responsibility of the student-athlete and NOT the Athletic Department.

**A confirmed pregnancy will need to complete the following steps:**

- A gynecological exam and determination must be made as to the stage of the pregnancy. This information must be given to the Team Physician, so that a determination can be made of the athlete's ability to continue their sport along with the Head Athletic Trainer and assigned sport Athletic Trainer.
- An athlete with a confirmed pregnancy will be encouraged to inform her coach. If the athlete declines to allow information to be released to her coach, any withholding from practice will be explained as an "undisclosed medical condition." The team physician will direct the future course of action in relation to the athlete's participation in sports activity.
- Pregnancy is not an automatic disqualifier for participation, but proper medical documentation is required before any participation in athletics can continue.
- In the event of spontaneous miscarriage their OBGYN physician and the team physician will review the case and make a return to activity decision.
- Athletes participating in athletics during pregnancy can be medically disqualified by their OBGYN physician and team physician due to the risks that sport participation may cause to both the unborn child and the athlete.
- If an Athlete with a confirmed pregnancy is granted permission to continue sports participation from their obstetrician and team physician, she will be asked to sign the Participation by Pregnant Student-Athlete Waiver, which outlines risks, limitations, and the allowable activities associated with continued sporting activities. (Appendix: )
- Athletes with pregnancies that do not reach full-term will be evaluated and must be medically cleared by their OBGYN and the Team Physician before returning to any activity.
- Athletes may return to full activity post-delivery but must receive medical clearance by their OBGYN physician and the Team Physician.

**Lightning Policy**

SFA Athletics will follow NCAA guidelines regarding lightning safety. SFA athletic trainers and athletic administration will coordinate decisions regarding removal of student-athletes from practice or competition. SFA athletics utilizes a weather tracking software that tracks storms lightning. In the event lightning occurs within a six mile radius all participation will cease. A 30

minute removal from participation is required after the most recent lightning strike within the six mile radius. Each new lightning strike resets the 30 minute clock. During lightning stoppage all student-athletes, coaches, staff-members, are required to relocate to the nearest safe area.

**Medical Personnel**

The SFA Sports Medicine network is composed of the following personnel:

- Certified Athletic Trainers
- Medical Director / Team Physician (Orthopedic Surgeon)
- Neurosurgeon
- General Practitioner Physicians (SFA Student Health)
- Family Physicians
- Dentistry
- Chiropractor
- Nutritionist
- Neuropsychologist
- Cardiologist
- Athletic Training Students

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## DEPARTMENT OF INTERCOLLEGIATE ATHLETICS STUDENT GRIEVANCE PROCEDURES

The Department of Athletics of Stephen F. Austin State University is committed to resolving all complaints or grievances brought to its attention in the most equitable fashion possible for all persons concerned. It is the expectation of the Department that attempts be made to resolve any complaints or grievances via the informal procedures outlined below. However, if a satisfactory resolution of the problem proves impossible through the informal mechanism, formal grievance procedures may be employed.

NOTE: ~~If you have a~~ *The process for complaints or grievances about a decision regarding your athletic grant-in-aid, the process for grieving that decision is set forth in the "Scholarship Renewal / Non Renewal Process." Complaints or grievances concerning behavior addressed in a separate university policy (e.g. discrimination, sexual misconduct) shall follow the appropriate university policy. The President or Director of Athletics may, in their discretion, refer a complaint or grievance for external investigation and resolution if the use of these grievance procedures is likely to constitute a significant conflict of interest or for other good cause.*

### Informal Procedures

Any student-athlete with a complaint or grievance involving an athletic team, coach, department official, or policy should discuss and attempt to resolve the complaint or grievance with the person(s) involved. All persons involved in the process should make every attempt to resolve the ~~problem~~ *issue* as promptly as possible. In the event that a satisfactory resolution cannot be reached by the parties involved, the following actions may be taken by the grievant:-

1. The grievant may consult informally and confidentially with a third party with whom she/he feels comfortable. Among those who might serve as resources are coaches, faculty athletic representative, academic counselors, members of the Athletic Department administration, members of the Athletic Council or other staff members. With the aid of that person, the grievant may attempt to identify other approaches to resolving the ~~problem~~ *issue*. After consultation, the grievant should make an additional attempt to resolve the ~~problem~~ *issue* with the person(s) involved.
2. If no satisfactory resolution of the complaint or grievance can be achieved, the grievant may request that the resource person call together the persons involved in an attempt to facilitate an informal resolution.
3. At the discretion of the Director of Athletics, the Director or his designee may schedule a meeting with the grievant in a final attempt to resolve the ~~problem~~ *issue* informally. The Director, or his designee, may also wish to contact the person(s) about whom the complaint is being lodged.
4. If a meeting among those involved is not feasible or if the parties are unable to resolve the complaint or grievance to their satisfaction, the grievant may use the formal grievance procedure.

NOTE: The grievant is required to employ the informal procedure prior to taking formal action.

### Formal Procedure

Should the grievant wish to employ formal means to resolve a complaint or grievance, the following action should be taken:

1. The grievant should notify the Director of Athletics of his/her *complaint or grievance* in writing, outlining the ~~complaints~~ *issues*, the persons involved and any other pertinent information.
2. The Director of Athletics or his designee should conduct a preliminary interview with the grievant. The Director, or his designee, may also ~~wish to~~ contact the person(s) about whom the *complaint or grievance* is being lodged.
3. The Director, or his designee, shall conduct a formal meeting involving the grievant, the person(s) about whom the *complaint or grievance* is made and any other relevant parties. Each party may also be accompanied by an advisor, *however, the advisor may not actively represent the party during the meeting. Failure to abide by this rule may result in the advisor being dismissed from the meeting. This meeting may be held with all parties present or separately in the Director's, or his designee's, discretion based on the circumstances.*
4. Within a reasonable time period after the formal meeting, the Athletic Director, or his designee, shall notify the grievant, in writing, of the decision.

### Formal Appeal

Should the grievant be unsatisfied with the decision of the Athletic Director, or his designee, *the grievant may appeal solely on the following grounds: and only (a) if substantial new facts have been discovered that were unavailable at the time of the initial formal meeting; and/or (b) the grievant presents evidence that he or she's constitutional guarantees have been violated. , he or she* If one or both of these factors are met, the grievant may take the following steps:

1. Within 14 days after receipt of a written decision, the grievant ~~should~~ *must* notify the Chairman of the Intercollegiate Athletic Council (IAC) in writing, that he or she wishes to appeal the decision and *identify on what basis an appeal is being filed. The grievant should specify in detail* ~~notify the Chairman of the Intercollegiate Athletic Council of~~ the substantial new facts which were unavailable at the time of the meeting *and/or the basis on which he or she alleges their constitutional guarantees have been violated.*
2. After receiving the request for appeal the Chairman of the ~~Intercollegiate Athletic Council~~ IAC shall conduct a formal meeting to hear the appeal. *The Chairman may consult with appropriate university parties prior to or following the meeting.*
3. Within a reasonable time period after the appeal meeting, the IAC Chair shall notify the grievant, in writing, of the IAC Chair's decision. The decision of the IAC Chair shall be final.

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### DEPARTMENTAL STAFF: HOLIDAYS

The Department of Intercollegiate Athletics adheres to a schedule of observed holidays established by the Board of Regents in accordance with State law. A regular employee, one who is employed to work a minimum of 20 hours per week for a period of at least four and one-half (4 1/2) months, *is* eligible for paid holidays.

The Board of Regents approves the holiday schedule annually.

Additional holidays are published annually in the official University calendar. If a designated holiday falls on a Saturday or Sunday, the holiday is observed on either Friday or Monday, as determined by the University.

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## COACHES: EMPLOYMENT CONTRACTS AND APPOINTMENTS

The Department of Intercollegiate Athletics is committed to employing coaches and administrative staff members who are capable of performing as professionals in an educational community where high standards of integrity and ethical behavior, as well as sportsmanship, are valued and expected (see Policy 101, Philosophy and Objectives). Employment contracts are negotiated within University guidelines by the Director of Athletics and the President of the University.

All SFA Head coaches are hired by letters of appointment or written contracts with terms specified in writing. The Head Football Coach's contract and Football Assistant coaching appointments are renewed on February 1 each year, all other contracts and assistant coaching appointments are renewed on September 1. Assistant coaching appointments in all sports are not for a specified term and serve at the pleasure of the Head Coach.

### Employment Negotiations

The Department recruits and hires personnel who display a quality image in athletics, as well as foster academic success. In order to hire this type of individual, candidates may be recruited from other educational institutions. However, the University does not enter into negotiations with an individual who is under contract to another educational institution without first contacting that institution and securing permission. After negotiations have been completed, the selected candidate is not hired until he/she has been released from all contractual obligations with the other institution..

Likewise, if a coach under contract to Stephen F. Austin State University is contacted by another institution, he/she is expected to notify the Director of Athletics **before** entering into negotiations. Once negotiations have begun, the coach is also expected to keep the University informed regarding the status of those negotiations, and to fulfill all contractual obligations prior to employment by another institutions.

### Commitment to the NCAA

The policies of the Department regarding employment contracts reflect both the philosophy of the University and of the NCAA. All contractual agreements and letters of appointment with coaches are to contain a provision stipulating that the University has the right to terminate an employment contract with any staff member found in violation of NCAA legislation.

~~Recent NCAA regulations also require that all contractual agreements, including letters of appointment (not considered contracts), with full-time and part-time athletics department staff members include a clause requiring the employee to receive prior written approval from the President for all generated athletically related income and/or benefits from sources outside the University. The request must be in writing and include the amount of compensation to be received and the source of the income. NCAA by-laws allow athletic staff members to earn income in addition to their institutional salary through outside employment consistent with university policy related to outside income and benefits (Policy 11.19- Outside Employment).~~

~~Contractual agreements, including letters of appointment, between a full-time or part-time athletics department staff member and an institution shall include the stipulation that the staff member is required to provide a written detailed account annually to the chief executive officer for all athletically related income and benefits from sources outside the institution. In addition,~~

~~the approval of all athletically related income and benefits shall be consistent with the institution's policy related to outside income and benefits for all full-time and part-time employees. Such sources of income shall include but are not limited to the following:~~

- ~~a) Income from annuities~~
- ~~b) Sports camps~~
- ~~c) Housing benefits~~
- ~~d) Country Club benefits~~
- ~~e) Complimentary ticket sales~~
- ~~f) Television and radio programs~~
- ~~g) Endorsements~~
- ~~h) Courtesy Cars~~

### **Contract Provisions**

All contracts must be in compliance with the applicable rules and regulations of Stephen F. Austin State University, the Southland Conference and the NCAA. The University recognizes its moral obligation, as well as its legal responsibility, to uphold all contractual agreements. Likewise, administrative and coaching staff members are expected to represent the University in a positive professional manner, while abiding by all applicable University, Conference and NCAA rules and regulations.

While appointments and contracts with individual staff members may vary according to duties and responsibilities, the sport involved, and the budget and revenue-producing capability of the unit, they all must:

- State clearly all salary and benefit agreements, as well as funding sources;
- Specify any special concessions or additional provisions that are to be included;
- Stipulate the duration of the contract/appointment; and
- Include an NCAA compliance clause.

All Coaches contracts must be reviewed by the General Counsel and are signed by the President with appropriate approvals.

### **Contract Renewal/Non-Renewal**

Employment contracts with head coaches are reviewed annually. Multi-year contracts may be renewed prior to their expiration by recommendation of the Director of Athletics, with the approval of the President and the Board of Regents.

Non-renewal of head coaches' contracts is determined by the Director of Athletics with the approval of the President. Non-renewals are within the discretion of the University and may be with or without cause.

Head coaches whose contracts are not being renewed are notified in writing by the Director of Athletics prior to the recruitment and hiring of replacement staff.

### **Appointments of Assistant Coaches**

Assistant Coaches do not receive employment contracts. They serve without a specified term at the pleasure of the Head Coach. Separation from such appointments may be initiated at any time by the Head Coach, with the approval of the Director of Athletics and the President.

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## FACILITIES: STRENGTH AND CONDITIONING

The Department of Intercollegiate Athletics' strength and conditioning program is designed to enhance the physical well-being of its student-athletes through strength training, flexibility, anaerobic conditioning, nutritional consultation, sports-specific physiological analysis and rehabilitation. The Director of Wellness Center manages the operation of the strength and conditioning programs and reports to the Director of Athletics. Facilitators are delegated responsibility for specific sports' training programs under the direct supervision of the Director of Wellness Center.

NCAA regulations and University liability insurance requirements restrict the use of Departmental strength and conditioning room facilities to enrolled student-athletes and approved staff. Specifically, the strength and conditioning rooms may not be used by high school students or unapproved guests. The Director of Wellness Center retains the right to refuse access to any individual wishing to use the facilities.

Strength and conditioning facility use is restricted to posted operating hours. The Director of Wellness Center retains authority to change hours of operation as necessary. Head Coaches are responsible for ~~scheduling~~ *coordinating* their team's work-outs with the Director of Wellness Center and for reporting team schedule changes as they occur. Scheduled team workouts take priority over individual training.

The strength and conditioning facility is generally available from 6:00 a.m. to 6:00 p.m., Monday through Friday.

### Use of Weight Training Facilities

At the beginning of the academic year, each Head Coach is responsible for scheduling an orientation meeting for his/her team with the Director of Wellness Center. The orientation is designed to familiarize the coaching staff and the student-athletes with Strength and Conditioning policies and procedures. All rules and guidelines governing the facilities and work-outs are disseminated during the orientation. Student-athlete attendance is mandatory prior to being granted work-out privileges.

### Release Form

The Department of Intercollegiate Athletics strength and condition facilities are provided for the exclusive use of currently enrolled, eligible SFA student-athletes and Departmental staff.

With the approval of the Director of Wellness Center and the Director of Athletics, other individuals may be granted access to the facilities on a limited basis, provided their training does not interfere with athletic program requirements. Individuals who may be provided privileges include:

1. Former SFA athletes and professional athletes who train in the area in their off-season;
2. Currently enrolled SFA student-athletes who have completed their eligibility but are continuing their education; *and*
3. ~~SFA faculty and staff members; and~~

4. Individuals approved by the Director of Athletics for facility use.

All individuals approved to use either facility are required to sign a Weight Room Release Form (see Appendix 604C-1), releasing the Department of Intercollegiate Athletics and its staff from liability in the event of injury or accident.

### Rules of Conduct and Operation

All ~~student athletes, students and staff members~~ *individuals* who use the facility are required to comply with the rules of operation regarding conduct and equipment use. Violators of established rules are subject to discipline and possible suspension of training privileges. Respective Head Coaches are notified of all disciplinary actions. Although each facility may establish specific operational procedures, the following rules have been established to ensure a safe environment for both areas.

1. Only authorized personnel and currently enrolled student-athletes are allowed to use the strength and conditioning facility.
2. The strength and conditioning facility is locked at all times unless a trained and authorized supervisor is present. Student-athletes are to lift only when their sport is schedule or during open-lifting periods.
3. Student-athletes are to be mindful of the purpose of Strength and Conditioning Program and give maximum effort during workouts.
4. Present and former athletes using the facilities must have their program approved by the Director of Wellness Center. Any program revision must also be approved.
5. Student-athletes are to consult with the Director of Wellness Center, or designate, whenever they have a training question.
6. A ~~coach~~ *member of the strength and conditioning staff* must be on the floor of the strength and conditioning rooms when the training of individuals or teams is in progress.
7. Every athlete must wear a shirt, shorts or sweats and closed-toed shoes (i.e., no sandals or thongs) at all times. No one will be allowed to lift in street clothes.
8. Soft drinks, food and tobacco products are not allowed in the facilities.
9. Each weight is to be returned to the specifically marked place on the rack after use.
10. All dumbbells must be replaced in sequence on the rack after each use.
11. All lifters must use collars on all sets. Including warm-ups.
12. All lifters must use spotters.
13. All blocks, mats, straps, etc., used during workouts are to be replaced.
14. No rough-housing or improper conduct will be tolerated. Individuals are expected to be courteous to others and respectful of the facility.



15. No equipment is to leave the facilities for any reason.
16. Injuries of any type are to be reported immediately.

**Disciplinary Action**

Disciplinary actions are based on the severity of the rules of conduct or operation violation. As appropriate, the discipline may include physical workouts, required community service or suspension from the facility. The Director of Wellness Center consults with the sport's Head Coach when disciplining student-athletes.

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*Capital Plan Items***1. Baker Pattillo Student Center Grand Ballroom Renovation and Upgrade****Explanation:**

At its July 26, 2016 meeting, the Board of Regents approved the first phase of the Grand Ballroom renovation project at a cost not to exceed \$1,100,000. While Phase I included renovations to pre-function, rooms and hallway areas adjacent to the ballroom, Phase II will include renovation of the interior of the ballroom, the installation of updated video projection equipment, upgraded sound systems and new furniture. Phase II is projected to begin in August 2018.

**Recommendation:**

The administration recommends approval of Phase II of the Baker Pattillo Student Center Grand Ballroom renovation at a cost not to exceed \$2,400,000. Auxiliary fund balance will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

**2. Hall 20 HVAC Upgrade****Explanation:**

Hall 20, opened in 1985, has 358 assignable beds. Each room has an individual Packaged Terminal Air Conditioner (PTAC) unit that is controlled by the occupant. These individual units are difficult to maintain and do not adequately handle moisture in these rooms during certain times of the year, leading to numerous complaints. The Residence Life and Physical Plant staff identified a system that would provide a more energy-efficient solution to heating and cooling the 91,000 square feet in Hall 20 while easing maintenance issues and addressing moisture problems. A Variable Refrigerant Flow (VRF) system has been selected to replace the current PTACs with a central system. This type system has been successfully deployed in other similar settings across the South to address similar issues. Once the PTACs are removed, the holes that remain will be bricked up and painted.

**Recommendation:**

The administration recommends approval of the Hall 20 HVAC upgrade at a cost not to exceed \$1,400,000. Auxiliary fund balance will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

### **3. *Ferguson, Dugas, and Math Buildings Exterior Renovations***

#### **Explanation:**

This project continues state building exterior improvements. The exterior brick veneer, stone, plaster, expansion joints, windows and adjoining concrete need to be cleaned, repaired and water proofing applied.

Math | built 1983 | 3 floors

T.E. Ferguson Liberal Arts | built 1969 | 5 floors

Vera Dugas Liberal Arts North | built 1984 | 4 floors

#### **Recommendation:**

The administration recommends approval of the Ferguson, Dugas, and Math Buildings' exterior renovations at a cost not to exceed \$1,210,000. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

### **4. *ITS Data Integrity Monitoring Software and Hardware and Network Equipment***

#### **Explanation:**

File integrity monitoring software and supporting hardware is needed to examine institutional data. This software will allow us to observe where sensitive data resides and can help ensure security of that data by determining its need to be there. This software will help identify normal data-related activity and help identify abnormal data occurrences. The software will also satisfy TAC 202 SI-7 and others by monitoring activity and security authorizations.

To maintain secure, reliable network connectivity to wired and wireless networks, it is necessary to upgrade and replace networking infrastructure equipment, wireless access points and server and storage environments that support the network. The changes in wireless networking standards and the constant introduction of new wireless enabled devices necessitates that wireless networking equipment be replaced every few years. These funds support a seven-year replacement cycle for wired network equipment and a five-year replacement cycle for wireless networking equipment and the supporting server and storage environment.

#### **Recommendation:**

The administration recommends approval of ITS data monitoring software and hardware, and security network equipment at a cost not to exceed \$680,000. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

## **5. *ITS Upgrade Exadata Hardware***

### **Explanation:**

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, user portal mySFA 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 this December 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.

### **Recommendation:**

The administration recommends approval of an ITS Exadata hardware upgrade at a cost not to exceed \$652,946. The Higher Education Fund (HEF) will be used to fund the purchase. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

## **6. *Hall 20 Furniture Replacement***

### **Explanation:**

The furniture in Hall 20 is due for replacement. The in-use beds and dressers were installed in 1999 while the in-use desks were installed in 1992. Hall 20 has 199 rooms with 358 assignable beds.

### **Recommendation:**

The administration recommends approval of the purchase of new furniture for Hall 20 at a cost not to exceed \$467,500. Budgeted auxiliary funds will be used for the purchase. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

**7. *Classroom Updates and Instructional Delivery Support*****Explanation:**

To enhance instructional delivery, the university continues to replace instructional equipment and update classroom technology. This initiative will provide funds to upgrade classrooms and obtain and/or replace technology-related instructional delivery equipment.

**Recommendation:**

The administration recommends approval to fund classroom updates, equipment and technology support at a cost not to exceed \$300,000. The Higher Education Fund (HEF) will be used to fund the purchase. The administration further recommends presidential authorization to sign associated purchase orders and contracts of \$100,000 or more.

**8. *Mass Communication Broadcasting and Multimedia Facilities Upgrades*****Explanation:**

The SFA television and radio stations require equipment upgrades to ensure that the studios, editing bays, and broadcast equipment reflect current industry standards. Maintaining the mass communications broadcast facilities ensures that our students are working in an environment that is within industry standards as well as providing state of the art public service from the SFA TV 2 television station and KSAU 90.1 radio station. Equipment associated with this action item supports converting the television station and editing bays to industry standard high definition (HD), converting the television studio to industry standard LED lighting, and upgrading associated equipment in the television and radio studios, editing bays, and computer labs.

**Recommendation:**

The administration recommends approval Mass Communication Broadcasting and Multimedia Facilities Upgrades at a cost not to exceed \$295,157. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign associated purchase orders and contracts of \$100,000 or more.

***9. Halls 14 and 16 Exterior Renovations and Upgrades*****Explanation:**

Hall 14 was opened in 1964 and contains 403 assignable beds. Hall 16 was opened in 1966 and contains 409 assignable beds. These halls are scheduled for exterior maintenance to include patching, caulking, waterproofing, and refinishing of the exterior steps. This work would be completed during the summer of 2018.

**Recommendation:**

The administration recommends approval of exterior maintenance on Halls 14 and 16 at a cost not to exceed \$259,881. Budgeted auxiliary funds will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***10. Classroom and Building Safety and Security Upgrades*****Explanation:**

Last year the university undertook an aggressive project to replace door lock mechanisms on all classroom and exterior entry doors in academic buildings. These new locks permit a standard lock-down procedure for emergency situations and provide more everyday access control and building open/close scheduling. The funding requested in this proposal is for the continuation of this project to add similar capability to selected non-academic buildings as well as addressing any additions to the first phase in academic buildings.

**Recommendation:**

The administration recommends life safety and security upgrades in campus classrooms and buildings at a cost not to exceed \$270,000. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***11. Clark Boulevard Entrance Sign*****Explanation:**

The university proposes to construct an entrance sign at the south end of Clark Boulevard at East Starr Avenue. The design will be similar in appearance to the one located at the corner of North and East College Streets but modified and adapted specifically for the location. The project may include potential new sidewalks, accessible curb ramps, and other modifications to the immediate area in which the sign will be constructed.

**Recommendation:**

The administration recommends construction of campus entrance sign at the intersection of Starr Avenue and Clark Boulevard, at a cost not to exceed \$200,000. The Higher Education Fund (HEF) and/or tuition revenue bond proceeds will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***12. Hall 20 Roof Replacement*****Explanation:**

The following residence hall roof is scheduled for replacement:

Hall 20 | 32 years old (1985)

**Recommendation:**

The administration recommends roof replacement for Hall 20 at a cost not to exceed \$178,846. Budgeted auxiliary funds will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***13. Steen Library Architectural Assessment*****Explanation:**

Nationally, university libraries are evolving from vast collections of books and journals into academic commons that house student support services, academic advising, collaborative study space, faculty support areas, and administrative functions as well as traditional library functions. The Steen library has significantly reduced its physical collection eliminating outdated, underutilized, and redundant volumes that can be easily accessed electronically. Development of an academic commons is a critical step towards achieving the vision of student success described in the strategic plan - reaching students where they are, using cutting-edge teaching techniques and advanced research methods both inside and outside the classroom in an open, collaborative, and engaged environment.

**Recommendation:**

The administration recommends approval of a Steen Library architectural study at a cost not to exceed \$150,000. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***14. Miller Science Building HVAC Maintenance*****Explanation:**

Periodically, a building's HVAC system requires certain types of maintenance. The Miller Science Building HVAC ductwork needs a thorough cleaning throughout the building.

**Recommendation:**

The administration recommends approval of a project to perform maintenance on the HVAC system in the Miller Science Building at a cost not to exceed \$150,000. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.



***15. Outdoor Pool Equipment Replacement*****Explanation:**

The Student Recreation Center was opened in 2007. Several items of major equipment at the outdoor pool are in need of replacement. Essential equipment including, but not limited to, the pump, motor, sand filters, and chemical feed system will be replaced after the pool is closed for the season unless failure of one of these critical pieces of equipment makes an earlier replacement necessary.

**Recommendation:**

The administration recommends necessary equipment replacement at the Campus Recreation outdoor pool at a cost not to exceed \$135,000. Designated fund balance will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***16. ITS Security Management Software*****Explanation:**

The software is designed to analyze event data in real time for the early detection of targeted attacks and data breaches, and to collect, store, investigate and report on log data for incident response, forensics and regulatory compliance. This is in direct support of TAC 202 AU-5. This will help us strengthen our security posture of the IT infrastructure across the entire university.

**Recommendation:**

The administration recommends approval of ITS security management software at a cost not to exceed \$125,000. The Higher Education Fund (HEF) will be used to fund the purchase. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***17. ITS Virtual Desktop Infrastructure (VDI) Thin Client Technology*****Explanation:**

This is to replace our aging VDI units. VDI does offer some security advantages to a desktop such as no local data storage, streamlined security patch implementation and no unauthorized programs being installed. Some of the 325 campus VDI clients have been in service for over six years. The current VDI units prevent don't allow an upgrade to the latest version of VMWareView, which is necessary to provide additional functionality.

**Recommendation:**

The administration recommends approval of ITS VDI thin client technology at a cost not to exceed \$115,000. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***18. Baker Pattillo Student Center Freezer Replacement*****Explanation:**

The original seals and gaskets on a walk-in freezer installed in 1964 are breaking down and allow exterior air to enter the freezer compartment. This 400 sq. ft. freezer can no longer be effectively repaired. The freezer serves the food service operations in the Student Center and is essential to that function.

**Recommendation:**

The administration recommends replacement of the referenced freezer in the Baker Pattillo Student Center at a cost not to exceed \$112,000. The source of funds will be budgeted auxiliary funds. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

***19. Human Services Classroom Assistive Technology and Equipment*****Explanation:**

The Department of Human Services specializes in preparing students to work with individuals with a variety of disabilities. Graduates will be expected to work with a variety of assistive instructional technologies and it is imperative that the department's classrooms model these expectations. Additionally, a significant number of the department's students and faculty are in need of assistive classroom technologies to accommodate disabilities.

**Recommendation:**

The administration recommends approval to fund ADA compliant instructional equipment and technology upgrades in the Human Services Department at a cost not to exceed \$110,000. The Higher Education Fund (HEF) will be used to fund the project. The administration further recommends presidential authorization to sign purchase orders and contracts of \$100,000 or more.

**Stephen F. Austin State University**  
**Capital Plan**  
**Fiscal Year 2017-18**

Capital Item	Total Project Budget	Source of Funds			
		HEF	Budgeted Auxiliary Funds	Auxiliary Fund Balance	Designated Fund Balance
Baker Patillo Student Center Grand Ballroom Renovation Upgrade	2,400,000			2,400,000	
Hall 20 HVAC Upgrade	1,400,000			1,400,000	
Ferguson, Dugas, and Math Buildings Exterior Renovations	1,210,000	1,210,000			
ITS Data Integrity Monitoring Software and Hardware and Network Equipment	680,000	680,000			
ITS Upgrade Exadata Hardware	652,946	652,946			
Hall 20 Furniture Replacement	467,500		467,500		
Classroom Updates and Instructional Delivery Support	300,000	300,000			
Mass Communication Broadcasting and Multimedia Upgrades	295,157	295,157			
Halls 14 and 16 Exterior Renovations and Upgrades	259,881		259,881		
Classroom and Building Safety and Security Upgrades	270,000	270,000			
Clark Boulevard Entrance Sign	200,000	200,000			
Hall 20 Roof Replacement	178,846		178,846		
Steen Library Architectural Assessment	150,000	150,000			
Miller Science Building HVAC Maintenance	150,000	150,000			
Outdoor Pool Equipment Replacement	135,000				135,000
ITS Security Management Software	125,000	125,000			
ITS Virtual Desktop Infrastructure (VDI) Thin Client Technology	115,000	115,000			
Baker Patillo Student Center Freezer Replacement	112,000		112,000		
Human Services Classroom Assistive Technology and Equipment	110,000	110,000			
Total Capital Plan	9,211,330	4,258,103	1,018,227	3,800,000	135,000

**Stephen F. Austin State University**  
**HEF Allocation**  
**Fiscal Year 2017-18**

<b>Higher Education Fund Appropriation</b>	<b>11,636,163</b>
Debt Service	1,228,600
SECO Phases 1 and 2 Debt Service	753,218
SECO Phase 3 Debt Service	746,822
Library Materials Acquisition	1,141,300
PC Replacement Fund	719,400
Contingency	1,506,584
Ferguson, Dugas, and Math Buildings Exterior Renovations	1,210,000
ITS - Data integrity Monitoring Software and Hardware and Network Equipment	680,000
ITS - Upgrade Exadata Hardware	652,946
Center for Teaching and Learning Classroom Renovations	300,000
Mass Communications Broadcasting and Multimedia Facilities	295,157
Building Access Control Project	270,000
Academic Affairs College Contingency Funds	216,500
Clark Boulevard Entrance Sign	200,000
College of Fine Arts Instruments and Equipment Fund	160,000
Steen Library Architectural Assessment	150,000
Miller Science Building HVAC Maintenance	150,000
ITS - Security Management Software	125,000
ITS - VDI Thin Client Technology	115,000
Human Services Classroom Assistive Technology and Equipment	110,000
College of Science and Mathematics Instructional and Research Equipment	102,000
Physical Plant Department Maintenance Equipment	101,000
Forestry Building - Replace/Relocate Switchgear	75,000
Steen Library Emerging Technologies Equipment	75,000
University Police Department Campus Surveillance Cameras	75,000
Admissions Department Vehicles	52,660
Agriculture Department Mechanics Shop Roofing and Switchgear Replacement	50,000
Power Plant Mechanical Equipment Replacement	45,000
Boynton Building -Interior Corridor Updates	40,000
College of Science and Mathematics SuperSting Earth Resistivity & IP Imaging System	35,621
HPE Complex - Basement Chlorine Exhaust System	35,000
Rusk Building Smoke Detection Equipment	35,000
Poultry Science Vehicle	30,000
University Police Department Patrol Car	30,000
Forestry Building - Add Initiating/Notification Devices to Old Section	25,000
College of Fine Arts Fire Retardant Materials Replacement	22,355
East Starr Filmmaking Building - New Roof, Eave & Gutter Repairs	20,000
College of Forestry Water Purification System	15,000
Military Science Obstacle Course Training Equipment	15,000
College of Liberal and Applied Arts Carpet Replacement - Department of Government	15,000
Agricultural Engineering Technology Equipment	12,000
<b>Total HEF Allocation</b>	<b>11,636,163</b>

Grants<sup>1</sup> awarded between March 24, 2017 and June 16, 2017

## Fiscal Year 2017 – as of June 16, 2017

**Amounts allocable to FY17** (detailed in this report)

Direct Federal	\$ 494,647
Federal Pass-through	\$ 58,176
State and State Pass-through	\$ 101,294
Private and Local Government	\$ 158,731
<b>TOTAL</b>	<b>\$ 812,848</b>
<b>Cumulative amount allocable to FY17</b>	<b>\$ 7,180,562</b>
<b>New awards</b> (detailed in this report, all project years)	<b>\$ 1,254,848</b>
<b>Cumulative award total, all project years</b>	<b>\$16,653,250</b>

*New, Additional, or Previously Unreported Awards for FY 2017***Direct Federal**

**Title:** \**McIntire-Stennis Cooperative Forestry Research Program FY17*  
**Sponsor:** NIFA-US Department of Agriculture  
Award # NI17MSCFRXXXG011, CFDA 10.202  
**Award Term:** October 1, 2016 – September 30, 2018  
**PI/PD:** Dr. Hans Williams, College of Forestry and Agriculture  
**Total Award:** \$484,647 **Amount Allocable to FY 2017:** \$484,647  
*This formula award provides funds to support forestry research.*

**Previously detailed awards with modifications:**

*Texas Archeological Society Field School, Archeological Survey, and Site Evaluations*

**Award Total:** \$30,074 **Amount Allocable to FY 2017:** \*\$10,000

*Subtotal Federal Amounts Allocable to FY2017 (this report) = \$494,647*

*Subtotal New Direct Federal Awards (total award) = \$494,647*

**Federal Pass-through**

**Title:** \* *Ryan White Part C Capacity Development - Together Towards Tomorrow: WICY Project*  
**Sponsor:** Houston Regional HIV/AIDS Resource Group,  
(Health Resources & Services Administration, DHHS)  
CFDA 93.918  
**Award Term:** August 1, 2016 – July 31, 2017  
**PI/PD:** Dr. Freddie Avant, co-PI Dr. Emmerentie Oliphant,  
School of Social Work  
**Total Award:** \$42,476 **Amount Allocable to FY 2017:** \$42,476  
*Project evaluation services provided under this contract include data collection, report development, and dissemination of results.*

\*New awards or additional funds added to a current award

<sup>1</sup>For this report, the term 'grant' refers to 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 & Sponsored Programs.

Grants<sup>1</sup> awarded between March 24, 2017 and June 16, 2017

**Title:** \* *Laser Profilometry of Decorative Elements on Caddo Ceramics*  
**Sponsor:** Caddo Nation of Oklahoma (NPS)  
 CFDA 15.923  
**Award Term:** December 30, 2016 – September 15, 2017  
**PI/PD:** Dr. Robert Selden, Center for Regional Heritage Research, College of Liberal and Applied Arts  
**Total Award:** \$13,000 **Amount Allocable to FY 2017:** \$13,000  
*Develop 3D models and video of Caddo ceramic shards to identify trends and possibly segregate different makers found at Caddo archeological sites within the Caddo Region.*

**Title:** \* *Change in Surface Area of Lake Mead from 1982 to Present*  
**Sponsor:** Midwestern University (US Geological Survey, US Department of the Interior)  
 Award # SFASU Unger 2, CFDA 15.815  
**Award Term:** March 1, 2017 – June 30, 2017  
**PI/PD:** Dr. Daniel Unger, Forestry  
**Total Award:** \$1,350 **Amount Allocable to FY 2017:** \$1,350  
*This interagency cooperation contract provides funds to support undergraduate research on a remote sensing project at Lake Mead.*

**Title:** \* *Increased Accuracy in Quantifying Hardwood Forests Using Landsat 8 Data*  
**Sponsor:** Midwestern University (US Geological Survey, US Department of the Interior)  
 Award # SFASU Unger 1, CFDA 15.815  
**Award Term:** March 1, 2017 – June 30, 2017  
**PI/PD:** Dr. Daniel Unger, Forestry  
**Total Award:** \$1,350 **Amount Allocable to FY 2017:** \$1,350  
*This interagency cooperation contract provides funds to support undergraduate research to provide data to better manage forestry resources in East Texas.*

**Subtotal Federal Pass-Through Amounts Allocable to FY2017 (this report) = \$58,176**  
**Subtotal New Federal Pass-Through Awards (total award) = \$58,176**

**State and State Pass-through Awards**

**Title:** \* *Control of Giant Salvinia (Salvinia molesta) with an Endocide*  
**Sponsor:** Texas Parks & Wildlife  
**Award Term:** May 11, 2017 – August 31, 2017  
**PI/PD:** Dr. Shiyu Li, National Center for Pharmaceutical Crops, College of Forestry and Agriculture  
**Total Award:** \$89,567 **Amount Allocable to FY 2017:** \$89,567  
*Agreement will continue to evaluate the effectiveness of new measures to control giant salvinia using salvinia liquid extracts.*

\*New awards or additional funds added to a current award

<sup>1</sup>For this report, the term 'grant' refers to 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 & Sponsored Programs.

## Grants<sup>1</sup> awarded between March 24, 2017 and June 16, 2017

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**Title:** \**Engineering Summer Program, FY17*  
**Sponsor:** Texas Higher Education Coordinating Board  
**Award Term:** June 1, 2017 – August 31, 2017  
**PI/PD:** Dr. Dan Bruton, co-PDs Dr. Christopher Aul, Dr. Hector Ochoa, and Collin Timmons, Department of Physics & Astronomy  
**Total Award:** \$11,727 **Amount Allocable to FY 2017:** \$11,727  
*This summer program provides middle and high school students interested in engineering with the opportunity to use CAD software, 3D printers, and to develop code for an EV3 robot.*

**Subtotal State Amounts Allocable to FY 2017 (this report) = \$101,294**  
**Subtotal New State and State Pass-through Awards (total award) = \$101,294**

### Private Entity and Local Government Awards

**Title:** \**NCAA One -Time Division 1 Distribution*  
**Sponsor:** National Collegiate Athletic Association  
**Award Term:** June 1 2017 to August 31, 2020  
**PIs/PDs:** Robert Hill, Athletics  
**Total Award** \$610,187 **Amount Allocable to FY 2017:** \$75,687  
*One-time distribution to fund staff positions and academic support items such as computers, equipment and life skills development support.*

**Title:** \**Etiquette, Eating and Employment With The ECC*  
**Sponsor:** All the Blind Children of Texas  
**Award Term:** May 10, 2017 – July 10, 2017  
**PIs/PDs:** Dr. Michael Munro, Human Services  
**Total Award** \$544 **Amount Allocable to FY 2017:** \$544  
*Funds support an event for children with visual impairments.*

### Previously detailed awards with modifications:

#### **Departmental Research Grant: Basic Chemical Research, FY17-19**

**Award Total:** \$120,000 **Amount allocable to FY 2017:** \*\$40,000

#### *Impact North Lufkin – Appreciative Inquiry*

**Award Total:** \$239,310 **Amount allocable to FY 2017:** \*\$42,500

**Subtotal Private/Local Amounts Allocable to FY2017 (this report) = \$158,731**

**Subtotal New Private and Local Awards (total award) = \$693,231**

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***Note:** Amounts are based on award notices received from the funding entity, not on expenditures or available balances. To reflect approximate availability of funds in a given FY, some current year awards are estimates based on the total award spread over the award period.*

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\*New awards or additional funds added to a current award

<sup>1</sup>For this report, the term 'grant' refers to 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 & Sponsored Programs.



**Policies for Board Review  
July 25, 2017**

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Academic Appeals by Students	6.3	ASA	Added conditions under which the Provost may change a grade and clarified appeals process.	P-4
Academic Program Review	5.1	ASA	Minor wording and clarification.	P-8
Best Value Procurement	17.1	F&A	Contracts must be completed before work is performed.	P-12
Course Fees	3.8	ASA	Account balances must be spent for purposes similar to original request. President may delete course fees.	P-17
Discipline and Discharge	11.4	ASA	Disciplinary probation added.	P-20
Early Registration Priority	4.3 NEW	ASA	Students with unique scheduling circumstances may have registration priority.	P-27
Ethics	2.6	F&A	Disclosure rules apply any time during procurement. Regents are governed by Educ. Code 51.923.	P-29

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Fixed Rate Tuition Rate	3.4	F&A	Students with FRTP have same tuition cap as those who do not. Excessive hour penalties also apply.	P-41
Graduate Assistantships	6.12	ASA	Clarifies flexibility of GA work schedule.	P-44
Hazing	10.3	ASA	Updated referenced policy title.	P-47
In-Residence Requirements	6.15	ASA	Reduced required hours from 42 to 30.	P-51
Leave of Absence (Faculty and Staff)	12.11	ASA	Added leave types, eligibility and approval processes.	P-53
Petitions and Handbills	16.19	B&G	Reviewed with no changes recommended.	P-65
Signs and Exhibits	16.24	B&G	Sponsors should remove all litter that resulted from the activity.	P-68

<b>Policy Name</b>	<b>Policy Number</b>	<b>BOR Cte</b>	<b>Action/Change</b>	<b>Page</b>
Sexual Misconduct	2.13	ASA	Revised language and clarified definitions.	P-74
Student Code of Conduct	10.4	ASA	Standardized to national language. <i>Complainant</i> changed to <i>reporting party</i> .	P-105
Student Internships	11.29	ASA	Clarified differences between employee and volunteer positions.	P-123
Use of Amplified Sound on Campus Grounds	16.31	B&G	Changed requirement for request from 24 to 48 hours.	P-129
Volunteer Workers	11.32	ASA	Updated references to discrimination policy.	P-131
Wellness Release Time	13.25	ASA	Changed approval process to once a year or when employee changes positions.	P-135
Year-End Purchasing	17.24	F&A	Minor wording changes.	P-138

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Academic Appeals by Students

**Policy Number:** 6.3

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

**Date of last revision, if applicable:** 1/26/2016

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

**Purpose of Policy (what does it do):**

**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) The policy committee felt that it makes no sense to list all manner of appeal procedures, and then at the end state that only the instructor can change a grade. The committee researched other schools and found circumstances under which grades could be changed by parties other than the instructor, and felt SFA's policy could benefit from some of these ideas. 2) Therefore, the committee recommends changing the policy from only the faculty member may change a grade, to provide for circumstances under which the provost may change a grade. Such circumstances could include: the instructor being deceased, no longer being at the institution with no way of being contacted, or having been found in violation of any relevant university policy. The authority to change a grade would be with the provost and vice president for academic affairs after consultation and recommendation from the dean and academic head.

**Specific rationale for deletion of policy:**

*Additional Comments:*

STEPHEN F. AUSTIN  
STATE UNIVERSITY  

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Office of the General Counsel

Reviewers:

Faculty Senate

Chairs Forum

Academic Affairs Policy Committee

Deans Council

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

## Academic Appeals by Students

**Original Implementation:** August 31, 1981

**Last Revision:** ~~July 29, 2014~~ July 25, 2017

This policy provides a formal process for students to appeal ~~academic decisions~~ *final grades and determinations of academic dishonesty*. All relevant *written* documentation under consideration at each step will be forwarded to the appropriate parties at the next procedural level. Any further appeal must be made within ten (10) business days from the conclusion of each step. Recommendations or decisions at each level are generally made within four weeks of receiving the appeal. The burden of proof rests with the student throughout the process.

A student may appeal a final grade if ~~inappropriate criteria were used in determining the grade, it can be demonstrated that~~ the instructor did not adhere to stated procedures or grading standards, or *if* other compelling reasons exist to change the grade. A student may not appeal due to general dissatisfaction with a final grade or disagreement with the instructor's professional judgment regarding the quality of the student's work.

It is important to distinguish grounds for grade appeal from questions about quality of instruction. Successful grade appeals must be based on evidence that the student performed at a level sufficient to warrant a different grade. It is important for students to bring to the instructor's and the department's attention perceived deficiencies in instruction, but these by themselves do not normally warrant a change in grade.

~~Aside from final grades, a student may appeal substantial and/or unjustified deviation from academic policies, procedures, and/or requirements.~~

These steps are to be followed when making an academic appeal:

1. Students must first appeal *in writing* to the ~~individual~~ *faculty member* with whom they have an academic dispute. In the case of a final grade dispute, ~~the~~ *students* must appeal to the instructor within thirty (30) calendar days after the first class day of the next long semester. Given extenuating circumstances, exceptions to this deadline may be granted by the academic unit head.
2. If the dispute is not resolved, the student may appeal to the academic unit head. The academic unit head then requests a written statement from the ~~individuals~~ *faculty member and the student* involved in the dispute. The academic unit head provides both parties a written recommendation.
3. If the dispute remains unresolved after appeal to the academic unit head, either individual involved in the dispute may appeal in writing to the academic dean. *The academic unit head will forward all documentation involved in the dispute to the dean.* The dean notifies both parties of the continuation of the appeal and provides a written recommendation.

Prior to making a recommendation, the dean may refer the appeal to the college council. If

the college council has no student members, the dean asks the president of the Student Government Association to recommend no more than two students from that college to be appointed as voting members. The college council reviews all documentation and submits its recommendation to the dean.

4. After a ~~decision~~ *recommendation* is made by the dean, either party may appeal in writing to the provost and vice president for academic affairs. The dean's written recommendation in addition to all documentation is submitted to the provost and vice president for academic affairs. The college council may serve as an advisory body to the provost and vice president for academic affairs. The provost and vice president for academic affairs evaluates all documentation and any ~~additional oral presentations~~ *other information deemed relevant*.
5. The provost and vice president for academic affairs *will* informs the student and all persons involved in the appeal process of the ~~final decision~~ *recommendation*.

Faculty members are responsible for the evaluation of student course work conducted in their class and, under normal circumstances, ~~are the sole judge of the grades received by the students in their course~~ *only the instructor may change a grade. However, under extraordinary circumstances (such as the instructor being deceased, no longer being at the institution with no way of being contacted, disregard for the instructor's grading policies or procedures, or having been found in violation of any relevant university, college, or department policy or procedure), a grade may be changed. The authority to change a grade would be with the provost and vice president for academic affairs, after consultation and recommendation from the dean and academic unit head. If possible, the provost and vice president for academic affairs will inform the student and all persons involved in the appeal process of the final decision.*

**Cross Reference:** Faculty Handbook, Student Handbook and Activities Calendar; *Student Academic Dishonesty (4.1); Sexual Misconduct (2.13); Faculty Code of Conduct (7.11); Discrimination Complaints*

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

**Contact for Revision:** Provost and Vice President for Academic 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:** Academic Program Review

**Policy Number:** 5.1

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

**Date of last revision, if applicable:** 7/29/2014

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

**Purpose of Policy (what does it do):** Describes process for systematic review of programs both for discipline-specific and SACS accreditation.

**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:** Tried to polish wording, remove unnecessary information, punctuation, etc.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Academic Affairs Policy Committee  
Dean's Council  
Steve Bullard, Provost and Vice President for Academic Affairs  
Damon Derrick, General Counsel



## Academic Program Review

**Original Implementation:** April 28, 2005

**Last Revision:** ~~July 29, 2014~~ July 25, 2017

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

The normal cycle for APR is every seven years. *A timeline for program review may be found on the website for the provost and vice president for academic affairs.* All ~~academic programs~~ including certificates and minors, in addition to degree programs, in an academic unit should be reviewed at the same time, ~~making APR a unit as well as degree self-study.~~ If one program in an academic unit is governed by a *discipline-specific* accrediting agency, all programs in the academic unit will be reviewed concurrently and in the same cycle as the accredited review. If accreditation is on a cycle of less than 10 years, that cycle will be followed. If the cycle is 10 years or more, a program review will be required in the interim. Academic units with multiple accrediting agencies should follow the cycle of the accrediting agency most appropriate to the unit. *Notwithstanding accreditation requirements, at a minimum all master's and doctoral degree programs will be reviewed at least once every seven years.*

The APR template guides the development of the self-study report (see APR Handbook). The provost and vice president for academic affairs must approve in advance a deviation from the template. Accreditation reports will substitute for the program review report required by this policy. However, any information required by the APR appendices but not included in the accreditation review must be added.

The following definitions are relevant to the APR process:

- An **academic program** is a structured grouping of course work designed to meet educational objectives leading to a baccalaureate degree, graduate degree, certificate, or teaching credential.
- An **academic unit** (e.g., department, division, school) manages one or more academic programs.
- **Unit Outcomes** are the measureable benefits of the services provided by an academic unit.
- **Program Learning Outcomes** (PLOs) are the knowledge, skills, and abilities students are expected to demonstrate upon completion of an academic program/major.
- **Student Learning Outcomes** (SLOs) define the knowledge, skills and abilities students are expected to demonstrate upon completion of a particular course.

- **Core Objectives (COs)**, as prescribed by the Texas Higher Education Coordinating Board (THECB), are critical thinking skills, communication skills, empirical and quantitative skills, teamwork, personal responsibility and social responsibility.

## PROCESS

The APR process adheres to the standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and the THECB. Academic units are required to evaluate their effectiveness in achieving unit outcomes and learning outcomes to accomplish college and university goals (i.e., mission statements and strategic plans). The APR consists of an Internal Program Review or self-study (including assessment of unit outcomes), an External Program Review, and a Program Improvement Plan. All master's and doctoral program reviews are submitted to THECB according to its established schedule. Master's and doctoral programs in the same discipline are reviewed simultaneously using the same self-study materials and reviewers.

~~The university's mission statement and strategic plan drive APR.~~ Academic units must be engaged in the ongoing assessment of their unit outcomes and program learning outcomes. Academic units with core curriculum courses must conduct an assessment of COs.

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

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

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

**Cross Reference:** 19 Tex. Admin. Code § 5.52; Schedule of Formal Academic Program *Reviews*

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

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

**Forms:** APR Handbook

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

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** Best Value Procurement

**Policy Number:** 17.1

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

**Date of last revision, if applicable:** 7/28/2015

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

**Purpose of Policy (what does it do):** The policy exists to comply with Education Code 51.9335 and provides direction for procurement processes, restrictions and exemptions.

**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:** Added reference in policy documenting all contracts should be fully executed prior to effective date and work being performed.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Kay Johnson, Director of Procurement and Property Services  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Best Value Procurement

**Original Implementation:** January, 1988

**Last Revision:** ~~July 28, 2015~~ July 25, 2017

### PROCUREMENT PROCESSES

Stephen F. Austin State University makes purchases, not otherwise delegated through Delegated Purchasing Authority (17.5), in accordance with Education Code 51.9335 and university policy.

The university purchases goods or service by the method that provides the best value to the university, including:

- A. programs associated with the purchase of goods or services from persons with disabilities as required under applicable state law;
- B. direct negotiation if the aggregate total is \$10,000 or less; except that the limit for federal funds is \$3,000
- C. group/cooperative purchasing programs;
- D. contracts awarded by the state comptroller's office, Department of Information Resources, Council on Competitive Government, State Office of Risk Management, or other state of Texas agencies or institutions of higher education;
- E. contracting with other state agencies or political subdivisions in accordance with Interagency and Interlocal Contracts (17.8);
- F. purchasing on a proprietary basis in accordance with Proprietary Purchases (17.15);
- G. purchase of professional services in accordance with Professional and Consultant Services (17.12);
- H. purchasing from state or federal surplus warehouses in accordance with Purchase of Surplus Property (17.17);
- I. soliciting bids or proposals as follows:
  - 1. informal solicitation if the aggregate total is \$25,000 or less; this limit may be increased to \$150,000 if using federal grant funds;
  - 2. formal solicitation if the aggregate total is over \$25,000; this limit may be increased to \$150,000 if using federal grant funds
- J. purchasing on an emergency basis as long as the procurement is necessary to prevent a hazard to life, health, safety, welfare or property, or to avoid undue additional cost to the university;
- K. purchasing on a best value basis without using one of the above processes as long as the supporting justification is approved by the director of procurement and is in compliance with best value considerations outlined in Education Code 51.9335.

## **ADDITIONAL PROCUREMENT CONSIDERATIONS**

The university may not accept a bid or award a contract that includes proposed financial participation by a person who received compensation from the university to participate in preparing the specifications or request for proposals on which the bid or contract is based. This does not prohibit a bidder or contract participant from providing free technical assistance to the university.

In accordance with Gov't Code Ch. 2252, Subchapter A, the university will apply reciprocity when evaluating informal bids and competitive sealed bids. This requirement does not apply to federal funds.

Contracting with a former employee or retiree for services is prohibited on state funds within 12 months of the employee's separation date from the university. The use of local funds is allowed within 12 months of the employee's separation date with prior approval of the director of procurement and property services, director of human resources, and general counsel.

Contracting with the executive head of a state agency, or with a person who at any time during the four years before the date of the contract was the executive head of a state agency, or with a person who employs a current or former executive head of a state agency is prohibited unless the Board of Regents votes in open meeting to approve the contract, and the Legislative Budget Board is notified no later than the fifth day before the date of the vote, of the terms of the proposed contract.

Contracts that generate revenue may be processed through any of the above procurement processes, through direct negotiation, or through any other process that is determined to represent the best value to the university.

All procurements, regardless of the source of funds, shall comply with laws and rules relating to historically underutilized businesses. Reference Historically Underutilized Businesses (17.7).

Some procurements may require Board of Regents approval prior to purchasing. Reference Items Requiring Board of Regents Approval (1.4).

Some procurements have additional restrictions based on the source of funding. Reference the Funds Guidelines and HEF Guidelines published on the procurement and controller's office websites.

The procurement office shall establish and maintain contract management procedures that provide for consistent contracting policies and practices and contract review procedures, including a risk analysis procedure. The contract review procedures, contract review checklist, and any updates, must be reviewed and approved by the general counsel before implementation.

The procurement office shall establish procedures to identify each contract that requires enhanced contract or performance monitoring. At a minimum new construction projects shall be included in this requirement. Identified contracts shall be reported to the Board of Regents at regularly scheduled meetings, including the following information:

- a. a description of the contract
- b. the vendor awarded the contract
- c. the procurement method by which the vendor was selected
- d. who is managing the contract
- e. any serious issue or risk associated with the contract

The following types of purchases or contracts are excluded from this reporting requirement: a memorandum of understanding, interagency contract, interlocal agreement, or contract for which there is no cost.

*All contracts should be fully executed prior to the effective date and prior to work being performed.*

## **EXEMPT PURCHASES**

The following purchases are exempt from best value procurement processes outlined herein. Submission of a purchase requisition and other rules may apply.

1. Advertising
2. Hotels and meeting rooms for conferences
3. Conference expenses – expenses related to conference room services such as audio/visual/network and food services. (does not include goods purchased for attendees or transportation services)
4. Moving expenses (employee) – see Moving Expenses (3.23)
5. Student travel – expenses related to student travel
6. Library materials and services for Stephen F. Austin State University libraries when such exemption represents the best value to the university
7. Membership dues and associated fees
8. Direct publications only available from a single source as defined in the procurement procedure manual
9. Freight, including shipping, handling, fuel surcharge, hazardous material fee, postage, and other surcharges
10. Intra-agency payments (IDT)
11. Rental of exhibit space
12. Items for resale
13. Internal repairs – repairs for which the extent and cost of such cannot be determined until the commodity is disassembled and evaluated; an internal repair must contain labor and may also include parts

14. Purchases from federal agencies
15. Utilities, other than deregulated electricity
16. Organized activity purchases – goods and services for the Early Childhood Lab, Cole Audiology Lab, Beef Farm, Poultry Farm, Equestrian Program, Broiler Houses, and Swine Farm when the purchase directly affects operations and such exemption represents the best value to the university
17. Group travel – expenses related to group travel when such group travel includes non-university persons and/or is funded by payment from individual travelers; i.e., Art Tour
18. Gifts, prizes and awards for students, employees and non-university individuals
19. Accreditation fees
20. Tournament fees or game guarantees
21. Licensing fees or permits
22. Employee registration or tuition
23. Sponsorships
24. Non-travel-related meals
25. Fees, not otherwise identified herein
26. Notary bonds
27. Guest lecturers, speakers, artists, entertainers, performers, musicians, etc.
28. Educational/training services for university employees
29. Veterinary services
30. Other professional services as defined by the state comptroller's expenditure codes

**Cross References:** Items Requiring Board of Regents Approval (1.4); Historically Underutilized Businesses (17.7); Delegated Purchasing Authority (17.5); Interagency and Interlocal Contracts (17.8); Proprietary Purchases (17.15); Professional and Consultant Services (17.12); Purchase of Surplus Property (17.17); Purchases From Employees (17.21); Moving Expenses (3.23); Purchase Requisition (17.19); Tex. Educ. Code §§ 51.9335, .9337; Tex. Gov't Code § 572.069; Tex. Gov't Code § 669.003; Tex. Gov't Code § 2261.253; Tex. Gov't Code §§ 2252.001-.004, .901; 2 CFR §§ 200.317-.326

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

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** Purchase Requisition, Purchase Voucher

**Board Committee Assignment:** Finance and Audit



STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Course Fees

**Policy Number:** 3.8

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

**Date of last revision, if applicable:** 1/28/2014

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

**Purpose of Policy (what does it do):** Allows course fee deletions prior to the beginning of a semester with president approval.

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

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

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Policy revised to address accumulated balances associated with fees intended to be used during the course of a single semester. President is also granted authority to delete course fees with ratification by Board of Regents at the following meeting.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Academic Policy Committee  
Steve Bullard, Provost and Vice President for Academic Affairs  
Damon Derrick, General Counsel

## Course Fees

**Original Implementation:** April 30, 2001

**Last Revision:** ~~January 26, 2016~~ July 25, 2017

Each course, other than a laboratory class, offered by the university may charge a course fee. Laboratory classes charge a fee for the purpose of providing materials and supplies in the laboratory (see policy 3.22, Laboratory Fees). Course Fees are governed by the Texas Education Code.

The course fee charged must reasonably reflect the actual cost to the university of the materials and services for which the fee is collected. These funds will be used to cover the cost of materials, supplies, and/or services that result in a direct educational benefit to the students currently enrolled, including such things as guest lecturers or travel expenses to off-campus locations.

Fees are normally considered to cover the cost of goods and services to be consumed within the course of one semester. Accounts used to handle fees for consumable goods and services are not intended to accumulate a balance. *However, if a balance is accumulated in a course fee account, the balance will be spent for a similar purpose as outlined on the course fee request form to meet the academic needs of the course. Any changes or deletions will follow the standard approval process.*

Fees may also be assessed to cover the value consumed by students of durable goods (or other equipment or software) in one semester, when the goods have a life span of more than one semester and are not intended or designed to be consumed in one semester. Accounts intended for this purpose may accumulate a balance. *In general, Accumulated balances may only be used to fund the purchase of the goods, equipment, or software specified on the original course fee request.*

Course fees recommended by the academic unit head must be approved by the dean of the college and the provost and vice president for academic affairs. All fees will be reviewed annually at the academic unit level for appropriateness and accuracy. New and changed fees will be submitted to the Board of Regents for approval. *The president is authorized to approve the deletion of course fees. Course fee deletions will be presented to the Board of Regents for acceptance at the next meeting.* All course fees will be published in the appropriate media and will be collected by the controller's office through student billings. The lab and course fee request forms, with appropriate justification, will be retained in the Office of Academic Affairs as long as the fee exists plus three years.

**Cross Reference:** Tex. Educ. Code § 54.504; Laboratory Fees (3.22)

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

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

**Forms:** Lab and Course Fees

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

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Discipline and Discharge

**Policy Number:** 11.4

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

**Date of last revision, if applicable:** 1/27/2015

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

**Purpose of Policy (what does it do):** Policy sets forth the types of disciplinary action utilized by the university.

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

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

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** An additional disciplinary action of Disciplinary Probation was added to provide additional options for discipline.

**Specific rationale for deletion of policy:**

*Additional Comments:*

**Reviewers:**

Loretta C. Doty, Director of Human Resources  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Discipline and Discharge

**Original Implementation:** December 6, 1983

**Last Revision:** ~~January 27, 2015~~ July 25, 2017

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

Supervisory efforts should be concentrated on preventing serious personnel concerns rather than on disciplining employees for misconduct. However, supervisors have the right to discipline or summarily discharge an employee for cause. It is essential that each concern be investigated so that the facts of the situation are known before the discipline measures have been determined. An employee being disciplined should be told what they have done wrong and should be clearly instructed on what is expected of them. Any discharge must first be reviewed by the director of human resources.

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

### Definitions of Minor Rule Violations

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

1. Unauthorized, unexplained, or inexcusable absence or tardiness.
2. Failure to notify supervisor of absence at the earliest practical time.
3. Failure to observe assigned work schedules (starting time, quitting time, rest and meal periods).
4. Soliciting or collecting contributions for any purpose, or selling or offering for sale any goods or service, on university premises in violation of university policy.
5. Unsatisfactory work performance.
6. Loafing or other abuse of time during assigned working hours.
7. Interfering with any employee's work performance or duties by talking or by other distractions.
8. Circulating or distributing written or printed matter on university premises in violation of

the university policy on petitions and handbills.

9. Leaving regularly assigned work location without notifying immediate supervisor.
10. Performing unauthorized personal work on university time.
11. Defacing bulletin boards or notices posted thereon.
12. Minor violations of safety rules.
13. Failure to use the time clock system as instructed.
14. Discourteous treatment of the public or of other employees.
15. Improper political activity of a minor nature.
16. Minor violation of *an* internal department work rules *or university policy or procedure*.
17. Engaging in excessive visiting, personal conversations, or use of the telephone for personal use.
18. Failure to follow any reasonable instructions issued by supervisor related to performing job tasks and/or job duties.
19. Abusive or unruly conduct of a minor nature.

#### Definitions of Major Rule Violations

Major offenses are any act or omissions in violation of university policies or rules to such a degree that further employment of the offending individual may not be desirable for the university. The following are examples of some offenses which subject an employee to a written warning, suspension, or discharge. This list is not all-inclusive.

1. Any act which might endanger the safety or lives of others.
2. Refusal to properly perform work assigned by a supervisor.
3. Violation of university safety rules.
4. Falsifying any university records.
5. Clocking in or out for another employee or allowing one's time to be entered by another employee.
6. Leaving university premises during working hours without permission from the supervisor.
7. Abusing, destroying, damaging, or defacing university property, tools, equipment, or the property of others on university premises.
8. Gambling on university premises.
9. Delaying or restricting work, or inciting others to delay or restrict work.
10. Fighting on university premises.
11. Carrying firearms or other dangerous weapons on university premises in violation of law or university policy.
12. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.
13. Disclosure of confidential university information to unauthorized persons.
14. Theft, misappropriation or unauthorized use of university funds or property, or other dishonest actions.
15. Continued unsatisfactory work performance.
16. Unauthorized, unexplained, or inexcusable leave for more than three days.

17. Excessive absences or tardiness.
18. Physical, mental or emotional inability to perform the job satisfactorily.
19. Major violation of *an* internal department work rules *or university policy or procedure*.
20. Insubordination.
21. Abusive and unruly conduct.
22. Indecent or obscene conduct.
23. Conviction of a felony or of a misdemeanor involving moral turpitude by a trial court.
24. Flagrant or repeated minor rule violations.
25. Sexual misconduct or sexual harassment of any person by an employee.
26. Unlawful discrimination.
27. Bringing or consuming any liquor, marijuana, or narcotics on university premises (this rule applies to any habit-forming or disabling substance not prescribed by a physician).
28. Reporting for duty under the influence of liquor, marijuana, or narcotics (applies to any habit forming or disabling substance not prescribed by a physician).
29. Accepting any gifts or favors, which influence or tend to influence the performance of duties or the granting of service or favors to other university personnel, applicants, clients, or other persons.
30. Refusal to attend state and university mandated trainings within the appropriate timeframe including but not limited to EEO training and Performance Management Plan training.

#### Corrective Disciplinary Actions

For repeated but relatively minor incidents of substandard performance, misconduct, or rule violations, discipline should be progressive. The normal sequence of action is: (1) Oral Warning; (2) Written Reprimand; (3) *Disciplinary probation* (43) Suspension; (54) Demotion; (65) Discharge. Depending on the severity of the case, the action may begin at any of these steps. Any action involving suspension, demotion, or discharge must have prior review from the director of human resources.

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

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

the gravity of the action and should be told that the warning is disciplinary in nature. Supervisors should maintain a complete and accurate written notation of the warning on an Employee Counseling Record form.

**Written Reprimand:** Reprimand involves both a formal interview with the employee and an official memorandum emphasizing the negative effect of the employee's conduct or work performance on their record and opportunities for advancement. If the immediate supervisor does not have the authority to discharge the employee, then the interview should be conducted by the department official who does have discharge authority. A written reprimand should include: the names of everyone involved, dates, a description of the incident or unsatisfactory performance, witnesses (if any), and the action taken. Use the Employee Counseling Record for this purpose. Reference should also include the dates and results of prior oral warning(s), or other written reprimand(s). It should also bear the employee's comments, if any, and the employee's signature. The employee should be informed that their signature indicates they have received a copy of the reprimand, but not necessarily that they agree with its contents. If the employee refuses to sign the reprimand, a witness, preferably another supervisor, should verify that the employee has read the reprimand and refused to sign an acknowledgement. A copy of the reprimand should be sent to the director of human resources to be filed in the employee's permanent file.

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

- *present the employee with a completed Employee Counseling Record indicating disciplinary probation, the period of disciplinary probation, the reasons for the disciplinary probation and attach a performance improvement plan and/or instructions to improve their behavior and/or performance, and;*
- *forward a copy of the Employee Counseling Record to Human Resources for inclusion in the employee's permanent file.*

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

- present the employee with a completed Employee Counseling Record indicating suspension, the period of suspension, and the reasons for the suspension;
- forward a copy of the Employee Counseling Record to Human Resources for inclusion in



the employee's permanent file. The department will then complete a Leave Without Pay Form, removing the employee from the payroll if the suspension is for any period of time that the employee is to be without pay.

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

Demotion: The supervisory official with the authority to discharge an employee also has the authority to demote an employee. An employee who cannot or will not carry out efficiently and effectively the duties of the job for which they are hired or promoted, may be demoted to a job more commensurate with their abilities, skills, and experience or job performance. The immediate supervisor recommending demotion will first review the demotion with the director of human resources. The director of human resources will ensure that the employee has received proper counseling and an adequate trial period for improvement of performance prior to the approval of any recommendation for demotion. Demotion should be considered a last alternative in lieu of termination and may only be considered when a lower job assignment is available in the department in which the employee works.

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

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

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

**Involuntary Terminations Other Than Discharge:** It is not the intent of this policy to prohibit, or in any way restrict, the university and its administrative officials from the right to terminate any employee for any non-disciplinary reason if it is in the best interest of the university to do so. An employee so terminated shall not have recourse through this policy or the Grievance and Appeals procedure. Examples of termination for non-disciplinary reasons include, but are not limited to, terminations due to lack of work or funds (reduction in force), the redesigning of jobs, the termination of grant funding which eliminates positions, termination of a temporary position, and changes in the organizational structure in compliance with university policies and rules, i.e., retirement, nepotism, etc.

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

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

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

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

**Forms:** Employee Counseling Form (available in Human Resources); Notice of Suspension (available in Human Resources); Notice of Discharge (available in Human Resources); Leave Without Pay Form (available on-line)

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

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Early Registration Priority

**Policy Number:** 4.3

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

**Date of last revision, if applicable:**

**Unit(s) Responsible for Policy Implementation:** Academic Affairs

**Purpose of Policy (what does it do):** This policy describes the procedure that has been used at the university with regards to priority registration. It provides the purpose, general criteria, and procedure for priority registration.

**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: This new policy grew out of a perceived need that came forward at the Dean's Council November 2016 meeting.

*Please complete the appropriate section:*

**Specific rationale for new policy:** The deans and provost deemed the creation of such a policy warranted.

**Specific rationale for each substantive revision:**

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Lynda Langham, Registrar

Monique Cossich, Director of Enrollment Management

Academic Affairs Policy Committee

Steve Bullard, Provost and Vice President for Academic Affairs

Damon Derrick, General Counsel

## Early Registration Priority

**Original Implementation:** July 25, 2017

**Last Revision:** None

The primary purpose of priority registration at Stephen F. Austin State University is to ensure that students with special scheduling circumstances have an opportunity to make adequate progress through their curricula toward graduation.

Generally, the criteria for approval to register early may include scheduling constraints related to academic programs or university related activities that cause students to travel away from campus.

Written requests for priority registration may be submitted by appropriate faculty or staff affiliated with student groups. A one-page rationale requesting special status should be sent to the office of the provost and vice president for academic affairs. Requests will be considered on a case by case basis by the Deans' Council.

The registrar will maintain a current list of those groups of students who have priority registration.

**Cross Reference:** None

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

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

**Forms:** None

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

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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:** 7/28/2015

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

**Purpose of Policy (what does it do):** This policy describes the ethical responsibilities of university officers and employees.

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

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

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Policy has been revised to reflect changes in law arising from the legislative session. Section 5 has been revised to clarify that the disclosure rules apply at any time during the procurement process, and makes the section applicable to certain purchase orders. Section 7 has been revised to reflect a change in Government Code 2261.252 which now specifies that conflicts of interest for regents are to be governed by Education Code 51.923.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Damon Derrick, General Counsel

## Ethics

**Original Implementation:** August 8, 1995

**Last Revision:** ~~July 28, 2015~~ July 25, 2017

### General Policy Statement

It is the policy of Stephen F. Austin State University that all officers and employees maintain high ethical standards in the performance of their official duties. 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 (2.11); Sexual Misconduct (2.13); Dual Employment (11.7); Nepotism (11.16); Purchasing Ethics and Confidentiality (17.22); Fraud (2.7); Discipline and Discharge (11.4); Purchases from Employees (17.21); and Financial Aid Code of Conduct (4.7). Officers and employees of the university will receive regular 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. ~~Contact the general counsel for questions and advice~~ *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 do his job differently, or if he thinks the person giving it has the hope he will do his 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 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 would not have been asked to provide but for his 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 intentionally or knowingly violated a law relating to his 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 misapplied anything of value belonging to the government that has come into his custody or possession by virtue of his 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 (16.32).

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. *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.*
- b. *A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).*
- c. *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.*
- d. *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.*
- e. *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, 76<sup>th</sup> 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) ~~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 (17.22). 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 (17.22) 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 his 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 ~~40%~~*one percent* or more of the voting stock or shares of the business entity or owns either ~~40%~~*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 ~~40%~~*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.

~~However, Section 2261.252 prohibits the university from entering into a contract for the purchase of goods or services with a private vendor if a regent or family member within the second degree of affinity or consanguinity has a financial interest. A financial interest is defined as owning or controlling, directly or indirectly, an ownership interest of at least one percent, including the right to share in profits, proceeds or capital gains; or if the regent could reasonably foresee that a contract with the vendor could result in a financial benefit to the employee or official. This section does not include a provision permitting disclosure and recusal prior to a vote to proceed with a contract.~~

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, § 23-22 of the General Appropriations Act as adopted by the 84th-85th 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 (2.11); Sexual Misconduct (2.13); Dual Employment (11.7); Nepotism (11.16); Use of Electronic Information Resources (16.32); Property Inventory and Management (17.14); Purchasing Ethics and Confidentiality (17.22); 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:** Fixed Rate Tuition Plan

**Policy Number:** 3.4

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

**Date of last revision, if applicable:** 7/29/2014

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

**Purpose of Policy (what does it do):** Provides procedures and guidelines related to the optional Fixed Rate Tuition Plan

**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:** Provided clarification of the cap on FRTP, which is the same as the current cap on designated tuition. Revised language relating to the excessive hour penalty to reflect changes made effective summer 2017.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Fixed Rate Tuition Plan

**Original Implementation:** April 15, 2014

**Latest Revision:** ~~July 29, 2014~~ July 25, 2017

Section 54.017 of the Texas Education Code requires governing boards of general academic teaching institutions to offer a fixed tuition price plan to entering undergraduate students, including undergraduate students who transfer to the institution. Eligible freshmen or transfer students must be offered the opportunity to participate in a fixed tuition price plan for 12 consecutive semesters from the point of initial enrollment at a public or private institution, regardless of whether the student enrolls at any institution in those semesters. For purposes of this policy, one or more summer terms occurring in the same summer is considered a semester. Fees charged to a participating student may not exceed fees charged to a non-participating student. The statute permits the Board of Regents to establish restrictions and qualifications. The plan adopted by Stephen F. Austin State University (SFA) to meet the legislative requirements is the Fixed Rate Tuition Plan (F RTP). The F RTP is effective beginning in the fall semester of 2014. The restrictions and qualifications include the following provisions:

- The plan will apply to undergraduate students only.
- Only Texas resident students, or students defined under Texas Education Code Section 54.052 may participate in the F RTP.
- The F RTP is not applicable to any student who has previously enrolled at SFA, except for students that have only taken dual credit courses from SFA.
- An entering eligible student, either freshman or transfer, must accept or reject the F RTP prior to registering for the first semester. Students can change their decision any time prior to the first class day. Students eligible to make this election who enroll after the first class day must make their election prior to enrolling. That decision is non-revocable after they register.
- The fixed rate applies to designated tuition only.
- Entering freshmen who participate in the F RTP will be eligible to have a fixed level of designated tuition for four consecutive academic years that include fall, spring, and summer.
- An academic year will be considered three consecutive “semesters”, with the summer considered as one semester, regardless of whether a student enrolls in any or all of the summer terms—Maymester, Summer I or Summer II.
- Students must enroll in a degree-seeking program.
- Students may voluntarily elect out of the F RTP option and pay the prevailing designated tuition rate in the next subsequent semester, unless they opt out prior to the first class day of the semester. Once a student elects out of the plan, they may not be reinstated.
- ~~The rate of the F RTP will level at the same 16 semester credit hour designated tuition cap available outside the plan.~~ *Students enrolled in the F RTP will be eligible for the same tuition cap as established by the Board of Regents for students enrolled outside the plan.* If changes are made to the designated tuition cap, it will apply to all students.
- For purposes of planning and establishing cohorts, it is presumed that students will enroll in 30 hours a year for four years. Students may take more or less hours, as long as they do not exceed the allowable “consecutive semesters,” based on their assigned cohort.

- Students entering the FRTP will be assigned a cohort based on the date of their initial enrollment at any institution. The rate for each cohort will be set by the Board of Regents.
- The FRTP will be effective for the students for 12 “semesters” from their date of initial enrollment at SFA or another institution.
- Each fiscal year will have a rate assigned for that year based on the projected increases in designated tuition. That rate will apply for that fiscal year’s cohort.
- Transfer students enrolling at other institutions prior to the fall semester of 2011 will not be eligible.
- The FRTP is non-renewable.
- The excessive *undergraduate credit* hours’ penalty *and the 3-peat tuition penalty for repeating classes* will apply to FRTP students. This penalty ~~is imposed at the non-resident tuition rate, and~~ will be charged in addition to the FRTP designated tuition rate *if students meet the conditions for which these penalties apply.*
- ~~The penalty for repeating classes for three or more times will apply to FRTP students.~~
- Students eligible for exemptions and/or waivers will not be allowed to register in the FRTP.
- Students attending under a contract paid by a third party are not eligible to enroll in the FRTP.
- Students participating in the Texas Guaranteed Tuition Plan (formerly the Texas Tomorrow Plan Fund) or the Texas Tuition Promise Fund are eligible to enroll in the FRTP.
- If a student is determined to be eligible for an exemption or waiver after enrollment, the student will no longer be eligible and the non-FRTP rate will be assessed for the current semester. (No retroactive adjustments to the account will be made for prior semesters.)

**Cross Reference:** Tex. Educ. Code §§ 54.017, .052

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

**Contact For Revision:** Controller

**Forms:** None

**Board Committee Assignment:** Finance and Audit

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** Graduate Assistantships

**Policy Number:** 6.12

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

**Date of last revision, if applicable:** 11/7/2016

**Unit(s) Responsible for Policy Implementation:** Academic Affairs

**Purpose of Policy (what does it do):** Describes types of graduate assistantships offered by the university and the qualifications and responsibilities of those positions.

**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:** Clarified graduate assistant and departmental responsibility for work scheduling and reporting.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Graduate Assistantships

**Original Implementation:** Unpublished

**Last Revision:** ~~November 7, 2016~~ July 25, 2017

Stephen F. Austin State University offers three types of graduate assistantships (GAs):

**Teaching Assistantship** - A Graduate Teaching Assistant (GTA) works with students in a specific course or laboratory to provide support for the faculty member in charge, and, in some cases, to teach the course as the primary instructor, under the guidance of a faculty member.

**Research Assistantship** - A Graduate Research Assistant (GRA) is normally employed by the principal investigator of a funded research project or may be employed by an academic department in the pursuit of its broader research mission. The GRA will be assigned a range of duties, such as library searches, fieldwork, laboratory experiments, and preparation of reports. Work on a research project often leads to a thesis or dissertation or a professional presentation or publication, and provides long-range direction for the student's development as a scholar.

**Administrative Assistantship** - A Graduate Administrative Assistant (GAA) works with the administrative staff of a department, college, or campus office primarily in gathering, organizing, and analyzing information. The duties should be more advanced than those performed by undergraduate student assistants.

To be eligible for a GA, a student must have clear or provisional admission to the graduate school and the academic unit, and be in good academic standing. GAs assigned at the 50% rate (50% = full GA) are obligated to the academic unit to which they are assigned for *approximately 320 hours per semester or twenty (20) clock hours per week*. Those assigned to other percentages are obligated for a proportionate number of clock hours. *GA work times and schedules are determined by the needs of the academic unit or department*. The academic unit or department head is responsible for the selection, training, assignment of duties, and supervision of the GAs.

A GA must be enrolled for at least six semester credit hours (SCH) of graduate courses in a fall or spring semester, or three SCH in the summer. Should a GA fall below the required SCH minimum, the GA will not be eligible for an assistantship the following semester.

A GA who receives veteran's benefits or other resources may be required to take nine hours in a fall or spring semester in order to receive the additional benefits. A student eligible for additional benefits should consult the source of the additional funding to determine the number of hours he/she must be enrolled to receive the benefits.

A student must be approved for an assistantship by the academic unit head, dean, director of human resources, and dean of graduate studies. Appointment as a GA is completed only after the candidate has attended a mandatory new employee orientation session in the Department of Human Resources. Except for students in the Ed.D., Ph.D. and M.F.A. programs, or externally funded

grant programs, a student normally may receive an assistantship for no more than four long semesters and two full summers.

**Cross Reference:** Graduate Bulletin

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

**Contact for Revision:** Dean of Graduate School

**Forms:** Application Form for Graduate Assistantships (available from the office of the academic unit head)

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

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM****Policy Name:** Hazing**Policy Number:** 10.3**Is this policy new, being reviewed/revised, or deleted?** Review/Revise**Date of last revision, if applicable:** 7/25/2014**Unit(s) Responsible for Policy Implementation:** Vice President for University Affairs**Purpose of Policy (what does it do):****Reason for the addition, revision, or deletion (check all that apply):**☒ Scheduled Review ☐ Change in law ☐ Response to audit finding☐ Internal Review ☐ Other, please explain:*Please complete the appropriate section:***Specific rationale for new policy:****Specific rationale for each substantive revision:** Updated referenced policy title.**Specific rationale for deletion of policy:***Additional Comments:*

Reviewers:

Dr. Adam Peck, Dean of Student Affairs

Dr. Steve Westbrook, Vice President for University Affairs

Damon Derrick, General Counsel

## Hazing

**Original Implementation:** September, 1987

**Last Revision:** ~~July 29, 2014~~ July 25, 2017

Stephen F. Austin State University is unequivocally opposed to any activity by an organization or individual(s) within the organization that is herein defined as hazing.

### Definitions

**Hazing:** 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.

Hazing acts include but are not limited to:

1. any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity;
2. any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other 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;
3. any activity involving 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;
4. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered at the institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to the acts described in this policy;
5. any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

**Committing an Offense:** The organization and any individual involved in hazing commits an offense by:

1. engaging in hazing;
2. soliciting, encouraging, aiding or directing another engaging in hazing;
3. intentionally, recklessly or knowingly permitting hazing to occur;



4. 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 judicial officer.

**Organization Hazing Offense:** An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

**Consent:** It is not a defense to prosecution of an offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

### **Penalties - University**

**Individual:** Each individual committing an offense is subject to university penalties ranging from probation to expulsion.

**Organization:** Student organizations committing an offense may be placed on university probation and are subject to withdrawal of university recognition.

### **Penalties - Criminal**

**Individual:** Penalties relative to criminal prosecution range from a fine of \$2,000 and/or 180 days in jail for failure to report a hazing incident to a fine of \$10,000 and two years in jail for an incident which causes the death of a student.

**Organization:** The student organization may be penalized with a fine of up to \$10,000 or double the expenses involved due to the injury, damages or loss.

### **Notice of Policy**

**To General Campus Community:** This policy shall be published in the General Bulletin and on the SFA website, so as to cause all students to be aware of the provisions of this policy.

**Of Offenders:** A list of organizations that have been disciplined for hazing or convicted for hazing on or off campus during the previous three years shall be included each time this policy is published. The three-year publication will begin as soon as an organization's name can be placed in the first available printing of one of the above named publications. A date in parenthesis following an organization's name will indicate the last year the organization will be included.

**Cross Reference:** Student ~~Conduct~~ Code of Conduct (10.4); Tex. Educ. Code §§ 37.151-.157, 51.936

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** 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:** In-Residence Requirement

**Policy Number:** 6.15

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

**Date of last revision, if applicable:** 1/26/2016

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

**Purpose of Policy (what does it do):**

**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: 3

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Changed to the required hours in residence requirement from 42 hours to 30 hours in order to bring SFA in line with the majority of our peer institutions.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Faculty Senate  
 Academic Affaris Policy Committee  
 Steve Bullard, Provost and Vice President for Academic Affairs  
 Damon Derrick, General Counsel

## In-Residence Requirement

**Original Implementation:** January 25, 2000

**Last Revision:** ~~January 26, 2016~~ July 25, 2017

The term "in-residence" includes ~~all of the following types of courses~~: on-campus, off-campus, distance education, field-based, practicum, internship, and thesis/dissertation work for master's/doctoral degrees. Only courses offered by Stephen F. Austin State University will be counted toward the in-residence requirement.

### Undergraduate Degree Programs

Undergraduate degrees require a minimum of 4230 semester hours in-residence, *all of which of which 36 hours* must be advanced work (300-400 level). ~~The Registered Nurse—Bachelor of Science in Nursing (RN-BSN) degree requires 30 semester hours in residence, all of which must be advanced (300–400 level).~~

All majors consist of at least 30 semester hours in the discipline and must include at least 18 hours of advanced work, of which at least 12 hours must be advanced work completed in-residence.

Minors consist of 18 - 24 semester hours, of which at least nine hours must be advanced work and six of which must be completed in-residence.

### Graduate Degree Programs

Master's degrees require a minimum of 24 semester hours completed in-residence. Doctoral degree in-residence requirements are determined by each college.

**Cross Reference:** None

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

**Contact for Revision:** Provost and Vice President for Academic 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:** Leave of Absence (Faculty and Staff)

**Policy Number:** 12.11

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

**Date of last revision, if applicable:** 4/14/2015

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

**Purpose of Policy (what does it do):** Policy sets forth the types of additional leave available to faculty and staff and eligibility for their 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: Response to SB 73 approved during legislative session.

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Title of policy changed. Additions were made to the policy to include all leave types granted by Texas Government Code to state employees to include administrative leave, legislative leave for peace officers, mental health leave for veterans, court appointed special advocate leave, and a revised definition of emergency leave. Specific eligibility and approval processes were added to the policy as well as the reporting requirements for emergency leave.

**Specific rationale for deletion of policy:**

*Additional Comments:*

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

Reviewers:

Loretta C. Doty, Director of Human Resources

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

## **~~Leave of Absence~~ Administrative Leave (Faculty and Staff)**

**Original Implementation:** September 1, 1981

**Last Revision:** ~~April 14, 2015~~ July 25, 2017

This policy describes ~~administrative~~ ~~available~~ leaves 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.

### **~~Leaves 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 their performance in their 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 their future contributions to the university.

- ~~4. Health, following the use of all accumulated sick leave, when it is demonstrated that at the end of the leave period the employee will be able to resume duties at SFA.~~

Leaves 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 a leave may be considered when submitted in writing *through appropriate administrative channels*. ~~prior to March 15.~~
- ~~— Individuals who are not planning to return from leave to SFA should notify the department chair before March 15<sup>th</sup>.~~

~~All requests for leave without pay must be submitted to human resources on the Leave without Pay form.~~

### **~~Leaves without Pay available for Faculty and Staff Employees~~ ~~f employees and faculty:~~**

**Leave without Pay:** The president may grant a leave of absence without pay to ~~a faculty and staff and faculty employee~~ 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 leaves, – with the exception of employees taking leave without pay for disciplinary action, military leave and leave taken under worker's compensation. the additional provision that Sick leave must be exhausted only in those cases where the employee is eligible to take sick leave. Employees off due to a worker's~~
- ~~2. compensation injury will not be required to exhaust their accrued vacation and comp time, but their accrued sick leave must be exhausted before leave of absence may be granted.~~

1.

Such leaves will be limited in duration to twelve (12) months.

2.

- ~~3. Except in instances of disciplinary suspension, leave covered by worker's compensation, or active military duty situations:~~

- ~~4. Vacation leave must be exhausted.~~

- ~~5. Sick leave, if appropriate, must be exhausted.~~

- ~~6.3.~~ The employee must report to the supervisor and human resources if *he or she*~~they~~ 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.

### ***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 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 their last annual performance evaluation,
2. The employee must have received no rating below “Acceptable” in any category on their last performance evaluation,
3. The employee must have received an “exceeds expectations or exemplary” in at least one category on their 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 their 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 their department and/or demonstrated exceptional performance beyond their tenure during their 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 Conditions**

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 their employment is terminated. Administrative leave balances cannot be transferred to other state agencies.

**Additional Categories****Leaves available for both faculty and staff:**

Individuals for whom a leave of absence has been approved are responsible for making an appointment with human resources to resolve all questions regarding employee benefits.

Individuals on leave due to a personal serious health condition or to care for a covered relation must contact their supervisor at least once each week, or as often as requested by the supervisor, regarding the status of the condition and the intention to return to work. The supervisor is responsible for reporting this information to human resources as the university is responsible for notifying employees of their rights under the Family and Medical Leave Act (FMLA).

Additionally, the individual is required to call human resources on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month during their leave to report their leave and/or return to work status. Employees on leave due

~~to a worker's compensation claim must contact their supervisor at least once each week, or as often as requested by their supervisor, regarding the status of the condition and the intention to return to work. Additionally, the individual is required to provide a work status report to the university environmental health, safety and risk management office from the treating physician after each appointment. The environmental health, safety and risk management office will provide a form to the physician upon request. The employee is responsible for insuring the information is provided as requested.~~

~~Employees, who are recovering from a worker's compensation injury, are concurrently on FMLA leave, and who have exhausted all accrued paid leave are in leave without pay status (LWOP). These employees must make a written request from the university president for a leave of absence (LOA) not to exceed a 12 month period from the beginning of their leave without pay status. Except as provided for in the following leave provisions, any extended leaves of absence without pay for a period of four and one half (4 1/2) months or more for faculty or exempt staff must be approved by the Board of Regents upon the recommendation of the president.~~

~~**Family Medical Leave** – The Family and Medical Leave Act (FMLA) will, in many circumstances, entitle university employees with more than one year of service and who have worked at least 1,250 hours in the last year, to request up to twelve weeks of medical leave per year. (See the Family and Medical Leave policy 12.9 for more information.)~~

**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 the following reasons:*

1. Bereavement Leave: Employees will be granted *emergency leave* for bereavement leave without a loss in pay when a death occurs in their family. For the purposes ~~of emergency leave due to bereavement leave~~, 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, ~~the~~<sup>a</sup> 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. Administrative Leave: Administrative leave will be granted in only the rarest of circumstances. While employees hold no entitlement to additional leave, they may be granted paid emergency/administrative leave when it is determined that there is good cause for such leave. Such leaves will not normally exceed three workdays per fiscal year. For the purposes of this leave, an emergency is defined as an unforeseen event or combination of circumstances calling for immediate action which if not responded to immediately would present imminent danger to human life or substantial damage to property. Except for extraordinary circumstances, employees accruing sick leave would not be eligible for emergency/administrative leave for their own, or a family member's medical illness.~~

~~Administrative leave may be requested by an employee and approved by the department head for the employee to attend the funeral of a co-worker or other university employee with whom they regularly worked. Department heads, however, must ensure minimum staff levels are maintained in the department.~~

- ~~2. Inclement weather conditions: The university president may grant~~ *The university president may grant* ~~will not constitute just cause for an emergency leave unless approved by the president in response to inclement weather conditions for~~ *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 their position on expiration of the period of emergency leave.~~

~~Requests for emergency/administrative leave will not be approved unless authorized by the employee's immediate supervisor and department head, the director of human resources, the divisional vice president, and the university president. All requests for~~

~~emergency/administrative leave should be routed to the employee's supervisor on the—  
Administrative Leave Request form.~~

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 12<sup>th</sup> 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 they choose 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 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 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 their 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 their 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 their 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 they were 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 Leave** - Employees who are certified disaster service volunteers of the American Red Cross or are in training to become such a volunteer may be granted a paid leave of absence not to exceed 10 days each fiscal year. The employee must have the approval of his or her supervisor and a formal request from the Red Cross. 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 Training Leave** - Volunteer firefighters and emergency medical services 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.

***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.*

*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 30<sup>th</sup> 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.*

*Legislative leave is not considered a break in service and is treated as any other paid 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~~ *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. ~~for emergency leave.~~

**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.

~~All requests for leave without pay must be submitted to human resources on the Leave without Pay form.~~

**Cross Reference:** ~~Family and Medical Leave Act, 5 U.S.C. §§ 6381-6387; Tex. Hum. Res. Code § 121.002; Tex. Gov. Code §§ 613.002-.005, 614.003-004, .008, 658.008; 659.005; 661.206, .251-.252, 901(c)-.907, .909-911, .913-.914, .916-924~~658.008, 661.903-.904; *Tex. Lab. Code* § 52.051

**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

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



STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM****Policy Name:** Petitions and Handbills**Policy Number:** 16.19**Is this policy new, being reviewed/revised, or deleted?** Review/Revise**Date of last revision, if applicable:** 7/25/2014**Unit(s) Responsible for Policy Implementation:** Vice President for University Affairs**Purpose of Policy (what does it do):** provides policy for petition and handbill distribution**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:** Reviewed with no changes recommended.**Specific rationale for deletion of policy:***Additional Comments:*

Reviewers:

Dr. Adam Peck, Dean of Students

Dr. Steve Westbrook, Vice President for University Affairs

Damon Derrick, General Counsel

## Petitions and Handbills

**Original Implementation:** July, 1980

**Last Revision:** ~~July 29, 2014~~ July 25, 2017

These rules shall govern the circulation and distribution of all petitions (a document embodying a formal written request made to an official person or organization) and handbills (a printed sheet that is distributed by hand), on university property.

1. Students, employees, and their approved organizations may circulate and distribute petitions and handbills on university property, except in academic buildings unless otherwise authorized by law.
2. Visitors, defined as any person who is not presently enrolled as a student nor is presently employed by the university, may circulate and distribute petitions and handbills in assigned areas of campus upon approval.
3. Students, employees, and their approved organizations shall require no previous approval to circulate or distribute petitions and handbills on university property so long as the individual or group(s) sponsoring the petitions or handbills is clearly identified in writing on the material itself.
4. All persons or organizations seeking to distribute a petition or handbill without identifying information must complete a registration form with the Office of Student Engagement and deposit a true and correct copy of the petition or handbill to be circulated or distributed.
5. Areas and times of circulation and/or distribution are as follows:
  - a. Students, employees, and their approved organizations may circulate and distribute properly registered (if required by this policy) petitions and handbills on university property at any time and in any location, except in academic buildings unless otherwise authorized by law.
  - b. Visitors may circulate and distribute properly registered petitions and handbills in the area of campus assigned as a part of the registration process. On the days visitors have been approved to be on campus, they may circulate and/or distribute petitions and/or handbills between the hours of 8:00 a.m. and 7:00 p.m. on the days registered for.
  - c. Handbills may not be placed on parked vehicles or any other stationary object, (i.e., table, bench, etc.) as a means of distribution.
6. Registration must be made through the Office of Student Engagement at least twenty-four (24) hours in advance to facilitate orderly scheduling of the circulation and/or distribution area(s).
7. Circulation and distribution by all parties must be conducted in compliance with these rules and university policy and must not:
  - a. result in a breach of peace or violation of law
  - b. interfere with the free and unimpeded flow of pedestrian and vehicular traffic; or
  - c. materially disrupt or interfere with the normal activities of the university.

8. The person or organization circulating or distribution these materials shall clean and remove any litter which results from this activity.
9. No person or organization may circulate or distribute a petition or handbill that:
  - a. violates the university's policy on solicitation;
  - b. contains material that is obscene or libelous; or
  - c. advocates the deliberate violation of law.

For the purposes of this section "advocacy" means preparing the group addressed for imminent action and directing it to such action with the likelihood of producing that action, as opposed to the abstract espousal of the moral propriety of a course of action.

All decisions regarding prohibition of a petition or handbill based on content would follow the procedures outlined in the signs policy, 16.24, Section IV.

10. In addition to these rules, petitions and handbills to be circulated and distributed by students, faculty, and staff, and their approved organizations, in:
  - a. residence halls must comply with the rules governing residence halls; and
  - b. the Baker Pattillo Student Center must comply with the rules governing this building.
11. These rules do not apply to:
  - a. the university, and its agents, servants, or employees, acting in the course and scope of their agency or employment; and
  - b. the Stephen F. Austin State University Alumni Association and the Stephen F. Austin State University Foundation.

**Cross Reference:** U.S. Const. amend. I; Signs and Exhibits (16.24)

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student Affairs

**Forms:** Registration Form, Student Affairs/Student Engagement

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM****Policy Name:** Signs and Exhibits**Policy Number:** 16.24**Is this policy new, being reviewed/revised, or deleted?** Review/Revise**Date of last revision, if applicable:** 7/25/2014**Unit(s) Responsible for Policy Implementation:** Vice President for University Affairs**Purpose of Policy (what does it do):** Outlines policy for signs and exhibits.**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:** clarified wording to be more consistent with clean up expectations on Petitions and Handbills 16.19 policy.**Specific rationale for deletion of policy:***Additional Comments:*

Reviewers:

Dr. Adam Peck, Dean of Students

Dr. Steve Westbrook, Vice President for University Affairs

Damon Derrick, General Counsel

## Signs and Exhibits

**Original Implementation:** July, 1980

**Last Revision:** ~~July 29, 2014~~ July 25, 2017

### I. Introduction

Stephen F. Austin State University reaffirms its commitment to the freedoms of speech and expression by establishing this policy. Individuals have the right to attempt to attract the attention of others, and corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. This policy outlines the rules that govern the use of signs and exhibits to attract the attention of others.

Students, faculty, and staff are free to express their views, individually or in organized groups by sign or exhibit, on any topic, in all parts of the campus. Persons not affiliated with the university are free to express their views by sign or exhibit in areas designated for that purpose. These postings and exhibits are subject only to rules necessary to preserve the equal rights of others and the functions of the university. Teaching, research, and other official functions of the university shall have priority.

### II. Definitions

"Student" shall mean any person registered for academic credit at the university.

"Faculty" and "staff" shall mean any person employed by the university.

"Official organization" shall mean any organization recognized by the university.

A "sign" means any method of displaying a visual message to others, except transferring possession of a copy of the message will be considered distribution of literature and not a sign.

A "banner" is a sign hung from a structure, or between two buildings, structures, or poles. A banner posted as part of a manned exhibit may be considered to be a "sign".

A "kiosk" is an outdoor structure designated by the university for the posting of signs.

A "yard sign" is a temporary outdoor sign displayed above the ground. Yard signs must not exceed 18 inches x 24 inches in size.

An "exhibit" is a temporary outdoor display used for marketing or informational purposes. This includes all free-standing products, sandwich boards, easels, etc.

“Chalking” is use of water soluble sidewalk chalk on paved areas.

### III. **Applicability**

The rules articulated in this policy apply to all students, faculty, staff and their official organizations, as well as all other persons and groups. Due to practical administrative realities, this policy does not apply to the university and its agents, servants, or employees, acting in the course and scope of their employment. This exception also includes official activities of the SFA Alumni Association and SFASU Foundation.

### IV. **Signs**

A student, faculty member, staff member or their official organization may display a sign by holding it, carrying it; by displaying it at a table, or by posting it on a kiosk, bulletin board, or at another designated location. Signs may not be posted in any other location.

#### A. **Posting Signs on Kiosks**

1. Only students, faculty, staff and their official organizations may post signs on kiosks. No advance permission is required so long as the sponsoring individual or person is clearly identified in writing on the material. Each sign posted on a kiosk must identify the student, employee or organization that posted the sign by using the full name of the individual or organization and contact information.
2. All persons or organizations seeking to display a sign without identifying information must complete a registration form with the Office of Student Engagement and deposit a true and correct copy of the sign to be displayed.
3. Students and employees posting signs as individuals may not post any sign advertising goods or services for sale except at locations designated for that purpose [see Solicitation on Campus (16.25)].
4. Due to space considerations, no sign posted on a kiosk may be larger than 11 inches by 17 inches.
5. Each sign must state the date the sign was posted or the date of the event being advertised.
6. Students, faculty, staff and their official organizations must take care to use the names and marks of the university on postings only in ways that are allowable and never in a way that would give the impression an event was sponsored by the university if that is not the case.
7. Signs may not be posted more than 14 days before the date of the event they advertise.
8. The person or organization that posts a sign on a kiosk must remove that sign no later than 14 days after it was posted, or 24 hours after the event it advertised has

concluded, whichever is earlier. The university reserves the right to remove sign from kiosks after the date of the event has passed.

9. No sign may be posted on a kiosk over another properly posted sign.
10. No person or organization may post more than two of the same signs on any one kiosk at the same time. If space is limited, the university reserves the right to remove multiple signs for the same event, program, or service, or signs sponsored by the same individual or organization, even if each is materially different.
11. A list of all officially designated kiosks and of locations where students, faculty and staff may post signs advertising goods or services for sale will be available in the student engagement office and on their website.

#### **B. Signs in Other Designated Locations**

Each academic or administrative unit of the university may authorize the posting of signs in spaces that unit occupies and controls.

The use of posting space controlled by academic or administrative units may be limited to official statements or business of the unit, or to certain subject matters of interest within the unit, or to signs posted by persons or organizations affiliated with the unit.

#### **C. Removal of Signs**

The dean of student affairs, or their designee, may remove any sign that violates any of the rules outlined in this policy, or any sign that meets the legal standards below:

1. A sign may be removed if it contains expressions that are an incitement to imminent lawlessness. Such removals may be conducted only with the advice of the general counsel and approval of the vice president for university affairs. Careful consideration must be given to the actual circumstances surrounding such expression, and removal can only occur if it appears that such provocation causes an immediate likelihood of violence or illegal acts. Advocacy of lawlessness is insufficient, and the speech must be directed to inciting or producing imminent lawless action and likely to incite or produce such action.
2. A sign may be removed if it contains "fighting words" expressions. Such removals may be conducted only with the advice of the general counsel and approval of the vice president for university affairs. "Fighting words" are similar to expressions of imminent lawlessness, except they are addressed to individuals on a personal scale. Only those "fighting words" that pose an immediate likelihood to provoke the average person to retaliation and thereby cause a breach of the peace should be considered under this exception. Again, careful consideration must be given to the actual circumstances surrounding such expression.

3. Signs may be removed if they contain obscenity. Such removals may be conducted only with the advice of the general counsel and approval of the vice president for university affairs. In determining what constitutes obscene material, a three-part test applies:
  - a. The average person applying contemporary community standards would find that the work taken as a whole, appeals to the prurient interest;
  - b. The work depicts or describes in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
  - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

## **V. Banners, Yard Signs and Exhibits**

Banners, yard signs and exhibits may be posted and displayed only by academic or administrative departments of the university. Those that do not clearly identify the sponsoring department may be removed.

## **VI. Tables**

Students, employees and their official organizations may set up tables from which to display literature and disseminate information, subject to this policy.

### **A. Locations**

Students, employees and their official organizations may set up tables in any outdoor location on the campus and in any indoor location subject to the rules governing the building housing this location.

Persons not affiliated with the university may set up tables in designated locations outdoors on campus and in indoor locations subject to the rules governing the building or grounds of the location.

### **B. Table Permits**

Tables may not be set up without a permit. Reservations for space must be made at least 48 hours in advance using the Grounds Reservation Form. This form is available in the student engagement office and on the student engagement website. This process allows the university the opportunity to provide orderly scheduling of areas that may become crowded.

### **C. Restrictions**



Tables cannot disrupt university functions and/or interfere with vehicular and pedestrian traffic.

Use of amplified sound at tables is governed by the policy, Use of Amplified Sound on Campus Grounds (16.31).

Tables may not be set up on the lower level of the Stephen F. Austin statue plaza.

Tables may only be set up inside any building with permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time. Academic or administrative units may specify additional rules by restricting tables to reasonable locations in spaces occupied by that unit.

Each table must have a sign or literature that identifies the student, faculty, staff or organization sponsoring the table.

Any person or organization sponsoring a table shall remove litter from the area around the table that resulted from tabling activity.

Students, faculty, staff and their official organizations may supply their own tables.

## **VII. Chalking**

Chalking is permitted in approved designated areas as indicated on Grounds Reservation Form.

**Cross Reference:** Use of Amplified Sound on Campus Grounds (16.31); Solicitation on Campus (16.25)

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student Affairs

**Forms:** None

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Sexual Misconduct

**Policy Number:** 2.13

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

**Date of last revision, if applicable:** 7/26/2016

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

**Purpose of Policy (what does it do):** Outlines the process by which the university defines, investigates and sanctions sexual misconduct.

**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:**

Revised language to comply with new legislation from the 85<sup>th</sup> Session.

Clarified definitions.

Realigned definitions to the front of the policy for ease of use.

**Specific rationale for deletion of policy:**

*Additional Comments:*

**Reviewers:**

Peggy Scott, Director of Student Rights and Responsibilities

Michael Walker, Assistant Dean of Student Affairs Support Services

Adam Peck, Dean of Student Affairs

Steve Westbrook, Vice President for University Affairs

Damon Derrick, General Counsel

## Sexual Misconduct

**Original Implementation:** July 27, 2015

**Last Revision:** ~~July 26, 2016~~ July 25, 2017

### 1. General Policy Statement

Stephen F. Austin State University (university) is committed to maintaining a learning and working environment that is free from sex discrimination. Sexual misconduct is a form of sex discrimination and will not be tolerated. Individuals who engage in sexual misconduct will be subject to disciplinary action.

1.1 The university will take prompt disciplinary action against any individuals or organizations within its control who violate this policy. The university encourages any student, faculty, staff, or visitor to promptly report violations of this policy to an individual identified in Section 34.72.

### 2. Applicability

This policy applies to all university administrators, faculty, staff, students, and third parties within the university's control, including visitors and applicants for employment. It applies to conduct regardless of where it occurs, including off university property, if it potentially affects the complainant's education or employment with the university. It also applies regardless of the gender, gender identity or sexual orientation of the complainant or the respondent. In addition, it applies whether the ~~complaint~~*reported policy violation* was made by or against a third party, and whether the ~~complaint~~*reported policy violation* was made verbally or in writing.

### 3. ~~Filing a Complaint and Reporting Violations~~

———*Definitions and Examples*<sup>1</sup>

**Complainant** – refers to the individual(s) who are alleged to have been impacted by a violation of this policy.

**Respondent** – refers to the individual(s) who is accused of violating this policy.

**Consent** – involves a voluntary, ongoing, mutual understanding among all participants that indicates a willingness through words or clear unambiguous actions that demonstrate a knowing, intentional agreement to engage in each instance of sexual activity. Knowledge of

<sup>1</sup> The definitions provided in the main body of the text are the definitions adopted by the uUniversity. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

*consent is the responsibility of each person involved in every instance of sexual activity and consent can be withdrawn at any time.*

### *Examples of Ineffective or Absence of Consent*

*The following list provides examples of when consent has not been obtained or is not effective. This list is not exhaustive:*

*Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary; agreement to engage in each act of sexual activity has been demonstrated.*

*Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated.*

*Consent to one act does not imply consent to another.*

*Past consent does not imply future consent.*

*Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.*

*Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.*

*Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual activity.*

*A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly demonstrates a willingness to engage in each instance of sexual activity.*

*The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.<sup>2</sup>*

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<sup>2</sup> Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor

***Incapacitation*** – A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

***Intimidation*** – Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the person to actual physical attack.

***Coercion*** - the practice of compelling another party to act by use of intimidation or threats.

***Dating Violence***<sup>3</sup> – includes abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined by the individual subjected to the violence -with consideration of the following factors:

- a) The length of the relationship;
- b) The type of relationship; and
- c) The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

***Domestic (Family) Violence***<sup>4</sup> – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the individual subjected to

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compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

<sup>3</sup> Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

(a) an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(1) the length of the relationship;

(2) the nature of the relationship; and

(3) the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Texas Penal Code, Section 22.01 provides the criminal penalties associated with Dating Violence.

<sup>4</sup> Family Violence is defined by the Texas Family Code Section 71.004 as:

*the violence, by a person with whom the individual subjected to the violence shares a child in common, by a person who is cohabitating with or has cohabitated with the individual subjected to the violence as a spouse or intimate partner, by a person similarly situated to a spouse of the individual subjected to the violence under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth subjected to the violence who is protected from that person's acts under the domestic or family violence laws of the state of Texas.*

***Hostile Environment*** – *exists when sex-based harassment is sufficiently severe or pervasive to deny or limit the individual's ability to participate in or benefit from the university's programs or activities or an employee's terms and conditions of employment. A hostile environment can be created by anyone involved in a university's program or activity (e.g., administrators, faculty members, employees, students, and university visitors).*

*In determining whether sex-based harassment has created a hostile environment, the university considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the university must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.*

*To ultimately determine whether a hostile environment exists for an individual or individuals, the university considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment.*

*The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.*

***First Amendment Considerations:*** *This policy does not impair the exercise of rights protected under the First Amendment.*

- 
- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;*
  - (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or*
  - (3) dating violence, as that term is defined by Section 71.0021.*

*Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.*

***Other Inappropriate Sexual Conduct*** – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.

***Preponderance of the Evidence*** – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

***Responsible Employee*** – A university employee who has the duty to report incidents of sexual misconduct to the Title IX coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible Employees include all administrators, faculty, supervisory staff, residence life directors and advisors, and graduate teaching assistants. Any employee with confidentiality obligations related to their primary duties to the university as defined in Section 4.5 is excepted.

***Retaliation*** – Any adverse action threatened or taken against someone because the individual has filed, supported, provided information in connection with a report of sexual misconduct. Retaliation includes, but is not limited to: intimidation, threats, or harassment against any complainant, responding party, witness, or third party.

***Sexual Assaults***<sup>5</sup> – Refers to any sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse and includes but is not limited to any offense that meets the definition of rape, fondling, incest, or statutory rape:

- a) *Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the person.*
- b) *Fondling: The touching of the private body parts of another person for the purpose of sexual gratification; without the consent of the person, including*

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<sup>5</sup> Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) *Causing the penetration of the anus or sexual organ of another person by any means, without that person's consent; or*
- b) *Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or*
- c) *Causing the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.*

*instances where an individual is incapable of giving consent because of the person's age or because of a temporary or permanent mental incapacity.*

- c) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*
- d) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.*

***Sexual Exploitation*** – *Occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted infection (STI) to another.*

***Sexual Harassment*** – *Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in university activities; such conduct is sufficiently severe or pervasive that it interferes with an individual's education, employment, or participation in university activities, or creates an objectively hostile environment; or such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in university activities, or creating an intimidating, hostile, or offensive environment. Sexual harassment is a form of sex discrimination that includes:*

- a) Sexual violence, sexual assault, stalking, domestic violence and dating violence as defined herein.*
- b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:*
  - i. unwelcome intentional touching; or*
  - ii. deliberate physical interference with or restriction of movement.*
- c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:*
  - i. explicit or implicit propositions to engage in sexual activity;*
  - ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;*
  - iii. gratuitous remarks about sexual activities or speculation about sexual experiences;*
  - iv. persistent, unwanted sexual or romantic attention;*
  - v. subtle or overt pressure for sexual favors;*
  - vi. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials; or*
  - vii. deliberate, repeated humiliation or intimidation based upon sex.*



**Sexual Misconduct** – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, stalking, and other inappropriate sexual conduct. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

**Sexual Violence** – Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.

**Stalking<sup>6</sup>** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition--

- a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking behavior.
- c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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<sup>6</sup> Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  - i. bodily injury or death for the other person;
  - ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - iii. that an offense will be committed against the other person's property;
- b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- c) would cause a reasonable person to:
  - i. fear bodily injury or death for himself or herself;
  - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - iii. fear that an offense will be committed against the person's property; or
  - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

#### 4. Reporting Violations

##### 43.1 All Members of the University Community, Third Party, and Anonymously ~~Complainant~~ Reported Policy Violations.

All administrators, faculty, staff, students, and third parties are strongly encouraged to immediately report any incidents of sexual misconduct and other inappropriate sexual conduct to the Title IX coordinator or *one of the* deputy coordinators. *Reporting options and online reporting forms can be found at the following website: [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care). In addition, a link to reporting information will be maintained on the university home page.*

##### a. Anonymity

Individuals wishing to remain anonymous *may report a suspected*~~can file a~~ ~~complaint~~ policy violation by completing the online “*Sexual Misconduct Reporting Form*” without providing any personal identification, or ~~in any manner, including~~ by telephone or written communication with the Title IX coordinator or a deputy coordinator. ~~E; however, electing to remain anonymous may greatly significantly~~ limit the university’s ability to stop the harassment, collect evidence, or take effective action against individuals or organizations accused of violating the policy. Retaliation against a person making a ~~complaint~~ report or participating in an investigation is prohibited as outlined in Section 98.1 of this policy.

##### b. Confidentiality

The university has an obligation to maintain an environment free of sex discrimination, thus many university employees have mandatory reporting and response obligations and may not be able to honor a complainant’s request for confidentiality. ~~Complainant~~ *Complainants and reporting parties* who want to discuss an ~~alleged-complaint~~ policy violation in strict confidence may use the resources outlined in Section 43.5.

##### c. Timeliness of ~~Complaint~~ Report

~~Complaint~~ *Reports of policy violations should be made*~~reported~~ as soon as possible after the *complainant or complainant* reporting party becomes aware of the inappropriate conduct. Delays in reporting can greatly limit the university’s ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.

##### 43.2 Responsible Employees

Incidents of sexual misconduct may also be reported to ~~R~~responsible ~~E~~employees. A ~~R~~responsible ~~E~~employee is a university employee who has the duty to report incidents of sexual misconduct to the Title IX coordinator or other appropriate designee, or an employee whom an individual could reasonably

believe has this duty. Responsible ~~E~~employees include all administrators, faculty, supervisory staff, residence~~e~~t life directors and advisors, and graduate teaching assistants. ~~Any employee, except any employee~~ with confidentiality obligations as defined in Section 43.5 ~~is excepted.~~<sup>7</sup> *Responsible Employees should report incidents of sexual misconduct to the Title IX coordinator as soon as possible using the Responsible Employee - Title IX Reporting Form.* Responsible ~~E~~employees can find contact information for the Title IX coordinator and deputy coordinators at the following website: [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).

#### 43.3 Reporting to Law Enforcement

~~Complaints~~ *Reports* of sexual misconduct may also be made to the Stephen F. Austin State University Police Department at 936-468-2608 (non-emergency) or 911 (emergency) or to the City of Nacogdoches Police Department 936-559-2607 (non-emergency) or 911 (emergency) or to other local law enforcement authorities. The Title IX *Coordinator and* deputy coordinators can ~~help~~ *assist* individuals *in* contacting these law enforcement agencies. Employees and students with protective or restraining orders relevant to a ~~complaint-report~~ are encouraged to provide a copy to the University Police Department. *Individuals are strongly encouraged to report all criminal violations to law enforcement.*

If a ~~report~~ ~~complaint~~ of sexual misconduct is ~~made~~ ~~reported~~ to the University Police Department, it ~~shall~~ *will* advise the complainant of ~~their~~ *his or her* right to file a ~~complaint-report~~ under this policy. To the extent allowed by law and university policy, the University Police Department shall also notify the Title IX coordinator of the ~~complaint-report~~, and provide the Title IX coordinator or the individual investigating the ~~complaint-reported~~ *policy violation* access to any related university law enforcement records, so long as doing so does not compromise any criminal investigation.

#### 43.4 Reporting to Outside Entities

An individual wishing to make a ~~report~~ ~~complaint~~ may also contact the U.S. Department of Education, Office for Civil Rights (OCR) to complain of sex discrimination or sexual misconduct including sexual violence:

Office for Civil Rights  
U.S. Department of Education  
1999 Bryan St., Suite 1620  
Dallas, TX 75201  
Phone: (214) 661-9600  
FAX: (214) 661-9587

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<sup>7</sup> For example, a student may make a ~~complaint-report~~ to an employee in the Office of the Dean of Student Affairs, a faculty member, or residence life staff. Each of these individuals is considered a responsible employee and accordingly each is obligated to report ~~the complaint~~ to the Title IX coordinator or other appropriate designee.

Employees may also contact the U.S. Equal Employment Opportunity Commission or Texas Workforce Commission Civil Rights Division to complain of sex discrimination or sexual harassment:

U.S. Equal Employment Opportunity Commission  
Houston District Office  
1919 Smith St., 6<sup>th</sup> Floor  
Houston, TX 77002  
Phone: (800) 669-4000  
FAX: (713) 651-4987

Texas Workforce Commission  
Civil Rights Division  
101 E 15<sup>th</sup> St., Rm 144-T  
Austin, TX 78778  
Phone: (888) 452-4778

#### 43.5 Confidential Support and Resources

Physical and mental health care professionals (including those who act in that role under the supervision of these individuals), are prohibited by confidentiality laws from reporting any information about an incident to anyone, in any way that identifies the *complainant-victim*, without the *complainant-victim's* permission. *University employees who learn of a reportable violation while providing confidential services outlined above are not required to report identifying information to the Title IX coordinator, but* ~~These parties~~ are required to submit non-personally identifiable reports so that statistical reports can be accurately produced. Thus, students may discuss an incident with a counselor in the SFA Counseling Center or a health care provider in the Student Health Clinic without concern that ~~the personally identifiable information related to the~~ incident will be reported to the Title IX coordinator. Employees may seek assistance from their own personal health care provider or an off-campus resource without concern that the incident will be reported to the Title IX coordinator. More information about university and community resources that provide such confidential services can be found on the following website: [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).

#### 43.6 Immunity

In an effort to encourage reporting of sexual misconduct, the university ~~will~~*may* grant immunity from disciplinary action to a person who voluntarily initiates a report of sexual misconduct or assists a *complainant, or cooperates with the investigation*~~complainant~~, if that person acts in good faith in reporting a

~~complaint~~ *policy violation* or participating in an investigation. This immunity does not extend to the person's own violations of this policy.

#### 43.7 Title IX Coordinator and Deputy Coordinators

These are the SFA officials with responsibility for coordinating the university's efforts to comply with and carry out its responsibilities under Title IX and its implementing regulations, including the investigation of *reported* Title IX ~~complaint~~ *violations*.

Contact information for the Title IX Coordinator and Deputy Coordinators is outlined below. This information is subject to change. The most updated contact information for the Title IX coordinator and deputy coordinators can be found at [www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care).

The SFA Title IX coordinator is the Assistant Dean of Student Affairs for Support Services

Rusk Building, Room 301 | [titleIX@sfasu.edu](mailto:titleIX@sfasu.edu) | (936) 468-8292

Deputy Title IX coordinator for Students is the Assistant Dean of Student Affairs for Programming

Baker Pattillo Student Center, Suite 3.302 | [titleIXstudents@sfasu.edu](mailto:titleIXstudents@sfasu.edu) | (936) 468-7249

Deputy Title IX coordinator for Faculty, Staff, and Third Parties is the Director of Human Resources

Austin Building, Suite 201 | [titleIXemployees@sfasu.edu](mailto:titleIXemployees@sfasu.edu) | (936) 468-2304

Deputy Title IX coordinator for Athletics is the Senior Woman Administrator, SFA Intercollegiate Athletics

SFA Athletic Fieldhouse | [titleIXathletics@sfasu.edu](mailto:titleIXathletics@sfasu.edu) | (936) 468-3751

Deputy Title IX coordinator for the SFA Charter School is the CEO/Principal

SFA Charter School | 2428 Raguet Street | [titleIXcharter@sfasu.edu](mailto:titleIXcharter@sfasu.edu) | (936) 468-5899

### 5. Parties' Rights Regarding Confidentiality

The university has great respect for the privacy of the parties in a *reported policy violation*~~complaint~~. Under federal law, however, Responsible Employees who receive a report of sexual misconduct must share that information with the Title IX coordinator and/or a deputy coordinator. Those individuals may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the *complainant's or complainant reporting party's* request for confidentiality.

In the course of the investigation, the university may share information only as necessary with people who need to know to fulfill the purposes of this policy and applicable law, such as investigators, witnesses, and the respondent. The university will take all reasonable steps to ensure there is no retaliation against a complainant, *responding party, witness, or third party*. The university will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Sec. 51.971, as applicable, and other confidentiality laws as they apply to Title IX investigations. To the extent possible, the university will also protect the privacy of all parties *involved in* ~~to~~ a report of sexual misconduct.

## 6. ~~Victim~~ Resources

### 6.1 Immediate Assistance

SFA Counseling Center  
(936) 468-2401    [counseling@sfasu.edu](mailto:counseling@sfasu.edu)

SFA Student Health Clinic  
(936) 468-4008    [healthservices@sfasu.edu](mailto:healthservices@sfasu.edu)

SFA University Police  
(936) 468-2608    [updemail@sfasu.edu](mailto:updemail@sfasu.edu)

Family Crisis Center of East Texas – Campus Office  
(936) 468-7233  
(800) 828-7233 (24 hour crisis line)

#### A. Healthcare

An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. *Individuals* ~~Victims~~ can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately.

#### B. Police Assistance

The university *strongly* encourages individuals who have experienced sexual misconduct to make a report to the police. It is important to note that a police department's geographic jurisdiction depends on where the sexual misconduct occurred. If the incident occurred on the university campus, a report may be filed with the SFA University Police Department by calling 936-468-2608 or in person at the police headquarters at 232 East College Street, even if time has passed since the assault occurred. SFA university police can also inform the complainant on how to obtain a protective order.

Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a university disciplinary hearing. If the university police are called, an officer will be sent to the scene to take a detailed statement. A report may be filed with the university police even if the assailant is not a university student or employee.

If the incident occurred off-campus a report may be filed with the appropriate law enforcement agency. No matter the location of the incident, SFA university police can assist the complainant in filing a report with the appropriate law enforcement agency. If a report is made to a law enforcement agency, an officer will usually contact the complainant to take a written report.

#### C. Counseling and Other Services

A person who has experienced sexual violence is strongly encouraged to seek medical and psychological care even if *the person* ~~he or she~~ does not plan to report the assault to the police. A person may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted.

*In accordance with this policy, students involved in a case alleging any prohibited behavior related to this policy, including any complainant, reporting party, or responding party, will be offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident, to the greatest extent practicable based on the number of counselors employed by the institution. A referral will be made by the Title IX coordinator or designee to Counseling Services when there is a request made for counseling to inform counseling services of the need for separate appointment times and providers.*

Medical care for students can be provided at the Student Health Clinic, at a local emergency room, or by a private physician. Psychological support for students can be provided by the SFA Counseling Center.

Students desiring counseling should contact:

SFA Counseling Center  
(936) 468-2401

Faculty and staff should contact:

Family Crisis Center of East Texas  
(936) 468-7233  
(800) 828-7233 (24 hour crisis line)

### 56.2 Interim Measures and Ongoing Assistance

In addition to the services provided by on- and off-campus providers, the university will take immediate and interim measures to assure the safety and well-being of the complainant, to maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members.

For example, if the accused is an employee, interim action may include reassignment and/or suspension. If the accused is a student, interim action may include suspension, no contact orders, changing living arrangements, modifying the course schedule, or modifying other aspects of the educational environment. Interim action may also include allowing the complainant to move to a new residence hall, change work schedules, alter academic schedules, and withdraw from or retake a class without penalty. Moreover, the university may be able to provide additional accommodations for a complainant while an investigation is pending.

*At the outset of an investigation, students alleging policy violations involving violence, including but not limited to sexual assault, domestic violence, dating violence, or stalking, and who are enrolled in the same course with a respondent, may withdraw from the course without any academic penalty as an interim measure. This same option is available to the respondent.*

## 7. Intake Procedures and Protocol

### 7.1 Key Officials in an Investigation

#### A. Title IX Coordinator

The Title IX coordinator is the senior university administrator who oversees the university's compliance with Title IX. The Title IX coordinator is responsible for leading the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain university policies and procedures, and provide education on relevant issues. The Title IX coordinator may designate one or more deputy Title IX coordinators.

Any member of the university community may contact the Title IX coordinator or a deputy coordinator with questions.

#### B. Investigators

The Title IX coordinator will ensure that ~~complaint~~ *reported policy violations* are properly investigated under this policy. The Title IX coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this policy.



## 67.2 Assessment of ~~Complaint~~*Reported Policy Violation*

The Title IX coordinator or designee will conduct a preliminary assessment of the ~~complaint~~*reported policy violation* and determine whether a formal resolution or an informal resolution should occur.

## 67.3 Notification to Complainant of University Offices Offering Assistance

After receiving a ~~complaint~~*reported policy violation*, the Title IX coordinator or deputy coordinator shall inform the complainant of available resources and assistance.

## 67.4 Informal Resolution of Certain Sexual Misconduct ~~Complaints~~*Reports*. (OPTIONAL)

Informal resolution may be appropriate:

- (a) With a ~~complaint~~*report* not involving sexual violence as defined in this policy; and
- (b) When both parties are categorically similar (i.e. employee/employee or student/student).

If informal resolution is deemed appropriate by the Title IX coordinator or designee, then the individual will be provided assistance ~~with-in~~ informally resolving the alleged sexual misconduct. Assistance may include, depending on the ~~complaint~~*reported policy violation*, providing the complainant with strategies for communicating with the offending party that ~~the~~*his or her* behavior is unwelcomed and should cease, directing a university official to inform the offending party to stop the unwelcomed conduct, or *other informal resolution designed to stop, remedy and prevent future incidents*~~initiating mediation~~. However, the university may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct. A complainant may end this informal process at any time and proceed with a formal ~~complaint~~*report and investigation*.

### Timeframe

Informal resolutions should be completed no later than 10 business days after the Title IX coordinator receives the request for informal resolution. Should an informal resolution take longer, a justification for the delay will be provided to the parties by the Title IX coordinator.

### Confidentiality and Documentation

The university will document informal resolutions. The Title IX coordinator will retain the documentation. If the complainant *or reporting party* wishes to remain anonymous, the university's ability to establish facts and eliminate the alleged misconduct will be limited. The university will attempt to find the right balance between the complainant's desire for privacy and confidentiality and its responsibility to provide an environment free of sexual misconduct.

## 67.5 Formal Complaint and Investigation

### Formal Complaint

To begin the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the ~~complaint~~ *reported policy violation*, including the complainant's name, signature, and contact information; the name of the person(s) directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any ~~document~~ *documentation* or information that is relevant to the ~~complaint~~ *reported policy violation*. The university may initiate an investigation regardless of the manner in which a ~~complaint~~ *reported policy violation* is received; however a detailed written complaint may enhance the investigation. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the ~~complaint~~ *reported violation* to be after the initial interview and ask the complainant to verify that statement.

### Investigation and Finding(s)

- A. An investigator will be assigned to investigate the ~~complaint~~ *reported policy violation*.
- B. As part of the investigation process, the complainant and the respondent will be provided notice of the ~~complaint~~ *reported policy violation* and be allowed five (5) business days to respond in writing. If the complainant or respondent has evidence that there is a conflict of interest or other bias between them and the Title IX coordinator or investigator assigned to the ~~investigation~~ *complaint*, such individual should describe and provide the evidence ~~offer~~ for the conflict of interest or bias in their response. Substantiated conflicts of interest or other bias will be handled in accordance with Section 87.3 of this policy.
- C. As part of their response, the complainant and the respondent may present any document or information that is believed to be relevant to the ~~complaint~~ *reported policy violation*.

D. Persons thought to have information relevant to the ~~complaint~~*reported policy violation* will be interviewed and those interviews will be appropriately documented. Both the respondent and the complainant may recommend witnesses for interview and suggest questions that should be asked. Neither the complainant nor the respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.

~~E. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. The complainant, respondent, and Title IX coordinator should be provided updates on the progress of the investigation and issuance of the report. In investigations exceeding 60 calendar days, a justification for the delay will be presented by the investigator to the Title IX coordinator.~~

~~E~~E. After the investigation is complete, a written reports will be issued to the Title IX coordinator and the appropriate administrator. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty, employee, or third party). The report shall include a summary of the ~~complaint~~*reported policy violation* and investigation, factual findings, and a conclusion regarding whether a policy violation occurred (based on a “preponderance of the evidence” standard).

~~G~~F. After the written report is completed, the complainant and respondent shall be informed concurrently in writing of the finding(s). Each will be allowed to inspect the report or, at the university’s discretion, *be* provided letters summarizing the findings in the report in keeping with FERPA and Texas Education Code, Section 51.971 to the extent applicable.

~~H~~G. If the respondent is found responsible for violation of this policy, after the appeal process in Section 67.6 has concluded, the matter will be referred to the appropriate administrator who will impose disciplinary action or sanction(s) in accordance with applicable policies and procedures dependent on the status of the respondent (i.e. student, faculty, or employee).

## 67.6 Appeal

Each party will have five (5) business days from the date the report/letter is issued via e-mail to each party to submit a written appeal of the finding(s) *using the “Sexual Misconduct Appeal of Investigation Findings” online form* to the Title IX coordinator. ~~Appeals should be in writing and must include:~~

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<sup>8</sup> Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971, to the extent applicable.

~~the appealing party's name, university identification number (if applicable), and the grounds for the appeal.~~ An appeal is not intended to re-hear or re-argue the matter and is limited to the following grounds:

- (a) ~~s~~Substantive procedural error that resulted in preventing a fair, impartial, or proper investigation. Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
- (b) ~~d~~Discovery of substantial new evidence that was unavailable at the time of the investigation; and which reasonably could have affected the findings of the investigator; and/or
- (c) ~~f~~Finding(s) not supported by the evidence.

If an appeal is filed, the other party will have two (2) business days to file a response to the appeal.

Appeals will be reviewed within seven (7) business days after being received. The Title IX coordinator will submit all appeal materials to an appeal panel consisting of three (3) members from a pool of trained individuals, typically deputy Title IX coordinators or investigators not affiliated with the matter. The appeal panel may:

- (a) ~~a~~Affirm or uphold the determination;
- (b) ~~r~~Request further investigation into the ~~complaint~~ *reported policy violation*; or
- (c) ~~t~~Take such other action as may be warranted under the circumstances.;

The complainant and the respondent shall be informed concurrently in writing of the decision.

#### 67.7 Standard of Proof

All investigations under this policy will use the preponderance of the evidence standard to determine violations of this policy.

#### 67.8 Timelines

Barring any unforeseen and reasonable delays, the university will endeavor to resolve ~~complaint~~ *reported policy violations* under this policy no later than sixty (60) calendar days after the initial report was received by the ~~R~~esponsible Employee. If the investigation and resolution exceeds sixty (60) calendar days, the university will notify all parties in writing of the reason for the delay and the expected time frame adjustment. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the university may defer its fact-gathering until after the initial stages of a criminal investigation. The university will nevertheless communicate with the complainant regarding ~~their~~<sup>his/her</sup> rights, procedural options, the status of the investigation, and the implementation of interim measures to ensure ~~the~~<sup>his/her</sup> safety and well-being *of the complainant*. The university will also communicate with the respondent regarding ~~the~~<sup>his/her</sup> rights, procedural options and information regarding the status of the investigation *as they relate to the respondent*. The university will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time.

The university will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The university has an independent duty to investigate ~~complaint~~<sup>reported policy violations</sup> of sexual misconduct.

The filing of a complaint under this policy does not excuse the complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the university's investigation of the ~~complaint~~<sup>reported policy violation</sup>.

#### 67.9 Remedies

In addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the university will take appropriate action(s), including but not limited to those below to resolve ~~complaint~~<sup>reported policy violations</sup> of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

- (a) Imposing sanctions against the respondent, including attending training, suspension, termination or expulsion;
- (b) Ensuring the complainant and respondent do not share classes, working environments, or extracurricular activities;
- (c) Making modifications to the on campus living arrangements of the respondent or complainant (if the complainant requests to be moved);
- (d) Providing comprehensive, holistic ~~victim~~<sup>support</sup> services including medical, counseling, and academic support services, such as tutoring;
- (e) Providing the complainant extra time to complete or re-take a class or withdraw from a class without ~~an academic or financial~~ penalty, *and minimizing any financial implications to the extent permitted by applicable law or regulation*;
- (f) Determining whether sexual misconduct adversely affected the complainant's university standing;
- (g) Conducting, in conjunction with university leaders, a university climate check to assess the effectiveness of efforts to ensure

that the university is free from sexual misconduct, and using that information to inform future proactive steps that the university will take;

- (h) Providing targeted training for a group of students or employees if, for example, the sexual misconduct created a hostile environment in a residence hall, ~~or department, student organization, fraternity or sorority,~~ or on an athletic team. Bystander intervention and sexual misconduct prevention programs may be appropriate;
- (i) Issuing policy statements or taking other steps to clearly communicate that the university does not tolerate sexual misconduct and will respond to any incidents and to any individual who reports such incidents.

These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the university's investigation. If the complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the complainant declined as an interim measure. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

#### 67.10 Sanctions and Discipline

Disciplinary action against faculty and employees will be handled under the university's policies for discipline and dismissal of faculty and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal. The vice president for university affairs, or designee, will impose disciplinary action, if any, against a student under the university's student disciplinary procedures. Student disciplinary actions may include, but are not limited to, probation, suspension, or expulsion.

In accordance with federal law, when disciplinary action is commenced because of a violation of this policy, both parties will have equal opportunities in all aspects of the sanctioning process including notices and advisor ~~assistance, representation.~~ Further, the standard of proof in determining the outcome will be the "preponderance of the evidence," as defined in this policy.

### 78. Provisions Applicable to the Investigation

#### 78.1 Assistance

During the investigation process, a complainant or respondent may be assisted by an advisor of their choosing, however, the advisor may not actively represent the complainant or respondent in any meeting or interview. Failure to abide by

this policy may result in the advisor being dismissed from the meeting or interview.

#### 78.2 Documentation

The university shall document ~~complaint~~*reported policy violations* and their resolution and retain copies of all materials in accordance with state and federal records laws and university policy.

#### 78.3 Conflicts of Interest

In the event a conflict of interest (or related bias) exists between a complainant/respondent and a university official responsible for any part of the investigation or disposition of the ~~complaint~~*reported policy violation*, the university will determine if a conflict of interest (or other related bias) exists, and, if so, make appropriate substitutions for that individual's role in the process.

### 89. Additional Conduct Violations

#### 89.1 Retaliation

*Any administrator, faculty member, student, or employee who knowingly and intentionally engages in any retaliatory action or behavior against any individual(s) involved in a case or investigation is subject to disciplinary action up to and including dismissal or separation from the university. Individuals considered involved in a case or investigation include, but are not limited to, the complainant(s); respondent(s); any witness(es); and anyone who has submitted a reported violation, provided information in connection with a violation, and/or participated in an investigation or disciplinary process of a reported violation.* ~~Any administrator, faculty member, student or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint under this policy, participated in an investigation or disciplinary process of such a complaint, or opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the university.~~

#### 89.2 False ~~Complaint~~Reports

A charge of filing a false ~~report~~*complaint* may be made by the university against any person who knowingly and intentionally files a false ~~complaint~~*report* under this policy. An individual found responsible is subject to disciplinary action up to and including dismissal or separation from the university. A finding of non-responsibility does not indicate a report was false.

#### 89.3 Interference with an Investigation

Any person who knowingly and intentionally interferes with an ongoing investigation conducted under this policy is subject to disciplinary action up to

and including dismissal or separation from the university. Interference with an ongoing investigation may include, but is not limited to:

- (a) ~~a~~ Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
- (b) ~~r~~ Removing, destroying, or altering documentation relevant to the investigation; or
- (c) ~~p~~ Providing false or misleading information to the investigator, or encouraging others to do so.

#### 89.4 No Effect on Pending Personnel or Academic Actions Unrelated to the ~~Complaint~~ *Reported Policy Violation*

The filing of a ~~complaint~~ *complaint-report* under this policy will not stop or delay any action unrelated to the ~~complaint-report~~, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated university rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a university employee. Nothing in this section shall limit the university's ability to take interim action.

### 910. Dissemination of Policy and Educational Programs

#### 109.1 – *Policy Availability and Access*

This policy ~~will be made~~ *is available to the public university community* online at <http://www.sfasu.edu/policies/>; *additionally, a direct link to the policy can be found on the Lumberjacks-Care website ([www.sfasu.edu/lumberjacks-care](http://www.sfasu.edu/lumberjacks-care)) to provide additional related information and resources identified in the policy. References to this policy and related resources will also appear in other university publications.* Periodic notices will be sent to university administrators, faculty, staff, and students about the university's sexual misconduct policy. *All currently enrolled students will be sent email notices at the start of each academic term before the official reporting date.* The notice will include information about sexual misconduct, including the ~~complaint~~ *reporting* procedure, and about university disciplinary policies and available resources, such as support services, health, and mental health services. The notice will specify the right to file a complaint under this policy and with law enforcement and will refer individuals to designated offices or officials for additional information.

#### 910.2 – *Ongoing Sexual Misconduct Prevention Training and Lumberjacks Care Public Awareness Campaign*



The university's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained university personnel. The university will regularly educate and train employees and supervisors regarding the policy and conduct that could constitute a violation of the policy. Preventive education and training programs will be provided to university administrators, faculty, staff, and students and will include information about risk reduction, including bystander intervention. Training on sexual harassment and sexual violence policy and procedures will be provided to law enforcement personnel, including training on their obligation to advise university administrators, faculty, staff, and students of their rights to file a complaint under this policy and their right to file a criminal complaint. *More information about training and our Lumberjacks Care public awareness campaign can found at <http://www.sfasu.edu/Lumberjacks-Care/>*

#### 910.3 –Training of Coordinators and Investigators

All Title IX coordinators, deputy coordinators, investigators, and those with authority over the administration of this policy shall receive training each academic year on the elements of this policy.

### 10. Annual Reporting and Notice

The university's non-discrimination statement will be made available to all students, faculty, and employees online, in required publications, and in specified departments. On a regular basis, and upon any updates to this policy, the university will send notice of its compliance with Title IX as required by law. The notice shall designate the Title IX coordinator and deputy coordinators, explain which offenses are prohibited and where to report violations of this policy, provide information regarding *available* ~~victim~~-resources, and provide a link to this policy and other related university websites.

### 11. Definitions and Examples

**~~Consent — A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.~~**

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<sup>9</sup> The definitions provided in the main body of the text are the definitions adopted by the University. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

~~Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity.~~

~~A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.~~

~~The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.<sup>10</sup>~~

~~Dating Violence<sup>11</sup>—Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.~~

~~The existence of such a relationship shall be determined by the victim with consideration of the following factors:~~

~~The length of the relationship;~~

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<sup>10</sup> Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

<sup>11</sup> Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

(a) an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(1) the length of the relationship;

(2) the nature of the relationship; and

(3) the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Texas Penal Code, Section 22.01 provides the criminal penalties associated with Dating Violence.

~~The type of relationship; and~~

~~The frequency of interaction between the persons involved in the relationship.~~

~~Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.~~

~~Domestic (Family) Violence<sup>12</sup>—includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Texas.~~

~~Hostile Environment—exists when sex-based harassment is sufficiently severe or pervasive to deny or limit the individual's ability to participate in or benefit from the university's programs or activities or an employee's terms and conditions of employment. A hostile environment can be created by anyone involved in a university's program or activity (e.g., administrators, faculty members, employees, students, and university visitors).~~

~~In determining whether sex-based harassment has created a hostile environment, the university considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the university must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.~~

~~To ultimately determine whether a hostile environment exists for an individual or individuals, the university considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment.~~

~~The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be~~

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<sup>12</sup> Family Violence is defined by the Texas Family Code Section 71.004 as:

- ~~(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;~~
- ~~(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or~~
- ~~(3) dating violence, as that term is defined by Section 71.0021.~~

~~Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.~~

sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

**First Amendment Considerations:** This policy does not impair the exercise of rights protected under the First Amendment. The university's sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the university applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

**Incapacitation**—A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

**Intimidation**—Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Other Inappropriate Sexual Conduct**—Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.

**Preponderance of the Evidence**—The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

**Responsible Employee**—A university employee who has the duty to report incidents of sexual misconduct to the Title IX coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.5. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to responsible employees.

**Retaliation**—Any adverse action threatened or taken against someone *because* the individual has filed, supported, provided information in connection with a complaint *report* of sexual misconduct or engaged in other legally protected activities. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, witness or third party.

**Sexual Assault<sup>13</sup>**—An offense that meets the definition of rape, fondling, incest, or statutory rape:

***Rape:*** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the person victim.

***Fondling:*** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

***Incest:*** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

***Statutory Rape:*** Sexual intercourse with a person who is under the statutory age of consent.

**Sexual Exploitation**—Occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

**Sexual Harassment**—Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in university activities; such conduct is sufficiently severe or pervasive that it interferes with an individual's education, employment, or participation in university activities, or creates an objectively hostile environment; or such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in university activities, or creating an intimidating, hostile, or offensive environment. Sexual harassment is a form of sex discrimination that includes:

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<sup>13</sup> Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person's consent; or
- b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- c) Causing the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

a) ~~Sexual violence, sexual assault, stalking, domestic violence and dating violence as defined herein.~~

b) ~~Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:~~

~~i. unwelcome intentional touching; or~~

~~ii. deliberate physical interference with or restriction of movement.~~

c) ~~Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:~~

~~i. explicit or implicit propositions to engage in sexual activity;~~

~~ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;~~

~~iii. gratuitous remarks about sexual activities or speculation about sexual experiences;~~

~~iv. persistent, unwanted sexual or romantic attention;~~

~~v. subtle or overt pressure for sexual favors;~~

~~vi. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or~~

~~deliberate, repeated humiliation or intimidation based upon sex.~~

~~Sexual Misconduct—A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, stalking, and other inappropriate sexual conduct. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.~~

~~Sexual Violence—Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.~~

~~Stalking<sup>14</sup>—Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition--~~

~~Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.~~

~~Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.~~

~~Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~

**Cross Reference:** Faculty Code of Conduct (7.11); Faculty Disagreements (7.25); Tenure (7.29); Discipline and Discharge (11.4); Grievance and Appeals (11.15); Student Code of Conduct (10.4); 42 U.S.C. § 2000e, e-2, e-3; 42 U.S.C. § 1981; 20 U.S.C. §§ 1681, 1684; 42 U.S.C. § 12101; 29 U.S.C. § 623; 29 U.S.C. § 794; 29 U.S.C. § 206(d); 8 U.S.C. § 1101; *Pub. L. 88-352*; *Pub. L. 102-166*; *Pub. L. 110-233*; Tex. Lab. Code Ch. 21; Tex. Penal Code § 39.03; *Tex. Educ. Code* §§ 51.9363-.9366 *Pub. L. 88-352*; *Pub. L. 102-166*; *Pub. L. 110-233*; *85R SB968*

**Responsible for Implementation:** President

**Contact for Revision:** Title IX Coordinator

**Forms:** *Sexual Misconduct Reporting* Complaint Form, *Sexual Misconduct Appeal of Investigation Findings* Appeal Form, *Responsible Employee - Title IX Reporting Form*

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<sup>14</sup> Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
  - i. bodily injury or death for the other person;
  - ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - iii. that an offense will be committed against the other person's property;
- b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- c) would cause a reasonable person to:
  - i. fear bodily injury or death for himself or herself;
  - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - iii. fear that an offense will be committed against the person's property; or
  - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

**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:** 7/26/2016**Unit(s) Responsible for Policy Implementation:** Dean of Student Affairs**Purpose of Policy (what does it do):** Delineates acceptable student conduct and procedures for violations**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:**

- Standardize to national language: The term "complainant" was changed to "reporting party."

**Specific rationale for deletion of policy:***Additional Comments:*

Reviewers:

Dr. Adam Peck, Dean of Student  
Dr. Steve Westbrook, Vice President for University Affairs  
Damon Derrick, General Counsel

## Student Code of Conduct

**Original Implementation:** January, 1998

**Last Revision:** ~~July 26, 2016~~ July 25, 2017

Choosing to join the SFA community obligates one to adhere to a code of civilized behavior that embraces academic and personal integrity; respect for the dignity, rights and property of others; and an intolerance of bigotry. In keeping with this obligation, students and student organizations are expected to conform to the standards outlined in the Student Code of Conduct.

Additionally, at SFA, the 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.” While the Student Code of Conduct articulates the minimum expectations of those in the community, the university encourages students to “hold themselves and others accountable” to the higher standards of The SFA Way.

This document is organized into the following sections:

Article I: Definitions

Article II: Proscribed Conduct

Article III: Procedures

Article IV: Non-Discrimination, Interpretation and Revision

### ARTICLE I: DEFINITIONS

1. The term “university” means Stephen F. Austin State University.
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 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.
3. The “vice president for university affairs” is the person designated by the university president to be responsible for the administration of the Student Code of Conduct.
4. The term “student conduct administrator” means a university official authorized by the vice president for university affairs or his/her designee to impose sanctions upon any student(s) found to have violated the Student Code of Conduct.
5. The term “student conduct authority” means any person or persons authorized by the vice president for university affairs or designee to determine whether a student has violated the Student Code of Conduct and to recommend or impose sanctions when a violation has been committed.
6. The term “respondent” means any student accused of violating this Student Code of Conduct.
7. The term “~~complainant~~ *reporting party*” means any person who submits a charge alleging a student has violated this Student Code of Conduct.
8. The term “due process” means a respondent has or will be given notice of the accusation and an opportunity for a hearing. In a case involving a *reporting party* ~~complainant~~, the *reporting party* ~~complainant~~ will have the same access to due process as the respondent.

9. The term, “university-recognized medium” refers to means of communicating with students. In most cases, this will mean the student’s official SFA email address.
10. The term “student conduct hearing” means a meeting between the student conduct authority and a respondent(s) to determine, through a sharing of information, whether the student(s) has violated the Student Code of Conduct as well as the need for any sanction.
11. The term “administrative disposition” means a hearing with a Student Conduct Authority to determine whether a student has violated the Student Code of Conduct and imposing sanctions on students found responsible for violations.
12. The term “advisor” means an individual accompanying a respondent or a ~~complainant~~ *reporting party* in a student conduct hearing. An advisor may not participate in the hearing in any capacity other than providing advice to the student they are accompanying.
13. 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 student conduct 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~~ *reporting party*.
14. The term “appellate authority” means any person or persons authorized by the vice president for university affairs or designee to consider an appeal regarding a student conduct authority’s determination as to whether a student has violated the Student Code of Conduct or regarding the sanctions imposed by the student conduct administrator.
15. The term “faculty member” means any 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.
16. The term “university official” includes any person employed by the university while in the act of performing assigned responsibilities.
17. The term “member of the university community” includes any person who is a student, faculty member, university official or other person employed by the university. A person’s status in a particular situation shall be determined by the student conduct administrator.
18. 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).
19. The term “organization” means any number of students who have met as a group, whether as a registered student organization or not.
20. The term “policy” means the written regulations of the university as found in, but not limited to, the Student Code of Conduct, the student handbook, residence life handbook and/or community guidelines, the university web page and online policy manual, computer use policies, graduate and undergraduate general bulletins and the schedule of classes.
21. The term “complicity” means 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 violation. Students who anticipate or observe a violation of the Student Code of Conduct are expected to remove themselves from association or participation and are encouraged to report the violation.
22. The term “interim suspension” refers to the suspension of a student after notice but prior to a student conduct hearing.
23. The term “shall” is used in the imperative sense.
24. The term “may” is used in the permissive sense.

## **ARTICLE II: PROSCRIBED CONDUCT**

### **A. Jurisdiction of the Student Code of Conduct**

This Student Code of Conduct shall apply to conduct that occurs on university premises, at university sponsored activities, in electronic communities/instructional sites that exist because of or are associated with the university and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The vice president for university 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, in his/her sole discretion. Student conduct which may be the result of psychological issues may be reviewed under policy 10.13 (Students Displaying Serious Psychological Problems). Student conduct which may be defined as sexual misconduct will be reviewed under policy 2.13 (Sexual Misconduct).

### **B. Conduct—Rules and Regulations**

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

1. 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. Disorderly conduct, disruption or obstruction of teaching, research, administration, living environments, disciplinary proceedings, other university activities, including public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises. These acts include, but are not limited to:
  - a. Making or causing any false report, warning, or threat of fire, explosion, or other emergency.
  - b. Interfering with police, fire or emergency service.
  - c. Failure to evacuate a building or area when directed.
  - d. Willfully disregarding any emergency or fire alarm signal.
  - e. Disorderly conduct or disruptions in classrooms, other instructional areas and university events.
  - f. Violation of rules set forth in the Residence Life Community Living Guidelines.
3. Physical abuse, fighting, assault, verbal abuse, threats, intimidation, harassment, bullying, coercion, stalking, or other conduct defined in university policies 13.3 (Annual Disclosure of Crime Statistics) or 2.13 (Sexual Misconduct), which threatens or endangers the health or safety of any person that is not an exercise of constitutional rights.

4. Discrimination, as defined in university policy 2.11 (Discrimination Complaints), sexual assault, sexual abuse, and other sexual misconduct defined in university policies 13.3 (Annual Disclosure of Crime Statistics) or 2.13 (Sexual Misconduct).
5. Attempted or actual theft of and/or damage to property of the university or property of a member of the university community or other personal or public property, on or off campus. This includes possession of stolen property and other related conduct defined in university policy 13.3 (Annual Disclosure of Crime Statistics).
6. Hazing, as defined in university policy 10.3 (Hazing).
7. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
8. Wrongful use of university goods, services or information including but not limited to:
  - a. Unauthorized possession, duplication or use of keys to any university premises or unauthorized entry to or use of university premises.
  - b. Unauthorized possession or use of security codes, long distance access codes or calling cards, or cable service.
  - c. Sale or use of university property for personal gain.
  - d. Misuse of proctoring, tutoring, testing or student accommodation services.
9. Violation of any university policy, rule, or regulation published in hard copy or available electronically on the university website.
10. Violation of any federal, state or local law including, but not limited to:
  - a. Arson,
  - b. Robbery,
  - c. Burglary,
  - d. Forgery,
  - e. Gambling, and
  - f. Trespassing.
11. Use, possession, manufacturing, or distribution of any illegal substance as delineated in university policy 13.11 (Illicit Drugs and Alcohol Abuse), or a simulated illegal substance, or drug paraphernalia.
12. Use, possession, manufacturing, or distribution of alcoholic beverages or products (except as expressly permitted by university policy 13.11 regarding Illicit Drugs and Alcohol Abuse), or public intoxication or other alcohol-related crime. Alcoholic beverages or products may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
13. Illegal or unauthorized possession of firearms, ammunition, explosives, fireworks, other weapons, or dangerous chemicals, as outlined in university policy 13.9 (Firearms Explosives and Ammunition) or use of any item, such as a weapon replica, even if legally possessed, in a manner that harms, threatens or causes fear to others. Possession of weapon replicas will be determined on a case-by-case basis.
14. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
15. Theft, destruction or other abuse of computer facilities and resources, as delineated in university policies including, but not limited to: university policies 14.2 (Computer and Network Security), 9.3 (Digital Millennium Copyright), or 9.1 (Computing Software Copyright). Examples of prohibited acts in these policies include:

- a. Unauthorized entry into a file or account, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer, copying or download of a file or software.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or university official.
  - e. Use of computing facilities and resources to send obscene or abusive messages.
  - f. Use of computing facilities and resources to interfere with normal operation of the university computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.
  - h. Violation of any departmental or lab policy.
  - i. Use of any device that interferes with the normal operations of the university computing system.
16. Interfering with the freedom of expression of others on university property or at university-sponsored events.
17. Abuse of the student conduct system, including but not limited to:
- a. Failure to obey the notice from a student conduct hearing board or university official to appear for a meeting or hearing as part of the student conduct system.
  - b. Falsification, distortion, or misrepresentation of information before a student conduct hearing board.
  - c. Disruption or interference with the orderly conduct of a student conduct hearing board proceeding.
  - d. Institution of a student conduct code proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
  - f. Attempting to influence the impartiality of a member of a student conduct hearing board prior to, and/or during the course of, the student conduct hearing board proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct hearing board prior to, during, and/or after a student conduct code proceeding.
  - h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
  - i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
  - j. Retaliating against any party involved in the student conduct process.
18. Violating any rule, regulation, or law for which the university could be penalized including but not limited to fire, safety or environmental codes.
19. Failure to complete required student trainings/assessments within the timeframe determined by university officials.

### **C. 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 this 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 university affairs or designee.

Determinations made or sanctions imposed under this 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.

When a student is charged by federal, state, or local authorities with a violation of law:

- a. The university will not request or agree to special consideration for that individual because of his or her status as a student.
- b. The university may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the university community.
- c. The university will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with campus rules or sanctions.
- d. Individual students and other members of the university community, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

### **ARTICLE III: PROCEDURES**

#### **A. 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 proceedings, that the Stephen F. Austin State University Student Conduct Code and Residence Life Community Living Guidelines may be secured to all students and that the disciplinary procedures within Stephen F. Austin State University shall be definite and determinable.

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 sexual misconduct will be investigated according to university policy 2.13 (Sexual Misconduct). Sanctioning and appeals of sanctions in cases involving sexual misconduct will be conducted under this policy.

#### **B. Overview of the Process**

When a complaint is received in the Office of Student Rights and Responsibilities, the respondent will be contacted through a university-recognized medium or personal delivery. The student will be provided with a notice to appear for an administrative disposition with the student conduct authority. Details of administrative disposition procedures are provided below. Once a decision has been made, either the respondent, ~~complainant~~ *reporting party* or both shall have the right to request a hearing under the hearing procedures after the conclusion of an administrative disposition. Details of hearing procedures are provided below. A student may appeal the finding of the hearing to the dean of student affairs or his/her designee. If a student desires, they may waive their right to a hearing in favor of a hearing with the dean of student affairs or designee so

long as they are appealing the sanction received and not the findings of the student conduct authority. The ruling of the dean of student affairs or designee shall be final. Procedures governing appeals are provided below.

### **C. Filing the Complaint**

Any member of the university community may file a complaint against a student alleging a violation or violations of the Student Code of Conduct. Complaints may be submitted in writing to the Office of Student Rights and Responsibilities. Anonymous complaints may be made; however, limited involvement by the ~~complainant~~ *reporting party* could impact the ultimate finding of responsibility.

### **D. Filing a False or Frivolous Complaint**

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

### **E. Notice of Allegations/Charges**

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/charges will be sent to the respondent, including the alleged incident date and the nature of the charges, with instructions to appear in person at a designated location within five (5) business days to begin the student conduct process. The official means of contacting a student will be through university email or postal mail. If the student does not respond as instructed, another notice will be sent allowing another five (5) business days to respond. Failure to respond to the second notice may lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place at least until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed. Appeals to student conduct findings and/or sanctions heard in absentia must be filed within five (5) business days of the student conduct authority or student conduct hearing board's decision.

Where an incident has or can be reasonably expected to greatly disrupt the university environment, falls within the category of a suspendable offense, or occurs at the beginning or very near the end of a semester, the student may be contacted to come in immediately to begin the process. In addition to notices by email and postal mail, attempts will be made to contact the student by phone or by 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.



## **F. Immediate Response**

The university reserves the right to take any action as may be reasonably appropriate, upon receipt of a complaint, to protect the ~~complainant~~*reporting party* or university community pending the final outcome of these procedures. These actions may include housing reassignments, class schedule changes, and/or restrictions from entering certain buildings or participation in certain events. These actions will be handled on a case-by-case basis.

## **G. Investigation**

The student conduct administrator, or designee, will begin an investigation of the case as an impartial party, not as a representative of the ~~complainant~~*reporting party*. The investigator will interview the ~~complainant~~*reporting party*, the accused and any other persons who may have pertinent factual information about the case. The process and the potential outcomes will be explained to both the ~~complainant~~*reporting party* and the accused, especially the use of the investigatory results in the student conduct process. All persons interviewed will be advised that this is a confidential investigation.

The investigator will meet with the respondent and provide the student access to the written complaint. The respondent may choose to respond verbally in the interview or in writing within a specified time. If the respondent accepts responsibility for the complaint allegations, the case can be resolved at that time through an administrative disposition or other remediation and the ~~complainant~~*reporting party* contacted with the outcome to the extent allowed by law, as well as the Title IX and ADA coordinators as appropriate. Both students have the right to request a hearing under the hearing procedures after the conclusion of an administrative disposition or to appeal the outcome as outlined in the appeals section of this policy.

The investigator may also gather and examine documents and other evidence relevant to the complaint and may consult with appropriate personnel for advice and guidance as applicable. The investigation should be completed within 20 business days. The investigator will document any reasons for an investigation taking longer than 20 business days. The investigation includes the preparation of the report of findings and recommendations (if appropriate).

## **H. 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.

## **I. Administrative Disposition**

Administrative dispositions will be conducted with a single-member student conduct authority who will review the initial report, allow the student to respond or offer additional evidence, render a decision and determine sanctions as deemed appropriate. The ability to present witnesses to the alleged incident may be limited in this format. If the student conduct authority is unable to render a decision, or if the details of the case make a hearing more advisable, he/she may refer the case to the student conduct hearing board for a hearing. Otherwise, a student must request a hearing under the hearing procedures after the conclusion of an administrative disposition or appeal the sanction to the dean of student affairs or designee within five (5) business days of the decision or

the decision becomes final.

### **J. Hearing**

A multi-member board composed of at least three individuals (typically two faculty/staff and one student) will conduct hearings. The faculty/staff members will be selected from a pool of appointees from the vice president for university affairs. The students will be selected from and representative of the general student population with input from the student government association president. A respondent will be advised of the board members in the hearing notification described below and have one business day to challenge a board member's participation based on known facts that would impact impartiality or conflict of interest. The university may replace the student member of the board for certain cases that require additional training or involve sensitive student information. Any alterations to the typical board composition will follow the same notification procedure.

### **K. Notice of Hearing**

The hearing board chair will provide notice of the hearing, transmitted either through a university-recognized medium or personal delivery to the respondent. The notice will set forth the date, time and place of the alleged violation, the conduct in question, and the date, time and place of the hearing before the student conduct hearing board. The respondent will be informed that an advisor may accompany the respondent to the hearing. The student must notify the student conduct hearing board chair if an attorney is chosen as an advisor to allow the university's attorney to also be present. Failure by the respondent to have a current local address on record with the university or to access notifications transmitted through a university-recognized medium shall not invalidate the notice. The notice shall be given at least five (5) consecutive calendar days prior to the hearing, unless a shorter or longer time is fixed by the chair for good cause. Any request for continuance shall be made in writing to the chair, who has the authority to reschedule the hearing if it is determined the request is timely and for good cause.

If a new hearing must be set for either the failure of the respondent to show or for a continuance, the chair will notify the student conduct administrator and the respondent of the new date for the hearing. Failure to appear for the newly scheduled hearing will lead to the case being heard in absentia (without the student being present) and holds placed on the student's account. Holds will remain in place at least until the student contacts the student conduct administrator to receive case resolution information or until any sanction has been completed.

Appeals to student conduct findings and/or sanctions must be filed within five (5) business days of the student conduct authority's decision as outlined in the appeal section of these procedures.

### **L. Role of the Chair in Hearings**

The chair manages the hearing according to the procedures outlined in this document and ensures it is conducted in a manner consistent with the ascertainment of the truth and the orderly process of justice. Each person in attendance is expected to exhibit proper dignity, courtesy, and respect. The chair may dismiss any person from the hearing who interferes with or obstructs the hearing 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 at their request, in which event the ruling of the committee by majority vote shall be final. The chair may also seek guidance from the general counsel prior to or during the hearing on procedural issues.

#### **M. Role of the Student Conduct Administrator**

In serving both the student conduct hearing board and the respondent, the role of the student conduct administrator is impartial and supportive in nature and there is no involvement in the final determination of the board. The student conduct administrator provides a summary of the case and initial investigations and can also be called to testify about the outcomes of previous similar cases and the conduct background of the respondent for consideration by the student conduct hearing board for sanctioning if the student is found responsible for a violation of the student code of conduct.

#### **N. Order of Proceedings**

The student conduct hearing board chair will preside at the hearing, determine the presence or absence of the respondent, verify the receipt of notices of charges by the respondent, call for or report any continuances (rescheduling) requested or granted, determine the presence of any advisor of the respondent and explain any special or extraordinary 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 to the board outlining the basic nature of the case, the types of evidence to be used, and the findings of any investigation prior to the hearing. This information is prepared at the direction of the student conduct hearing board chair after a review of the initial report of the alleged incident. The student conduct administrator is not a part of the student conduct hearing board and serves to provide the board and the respondent with assistance in obtaining the information necessary for as full a hearing of the facts as possible.

The respondent can choose to make opening remarks after the student conduct administrator gives the overview or wait until any defense witnesses or evidence are 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 student conduct hearing board and the respondent may call and cross-examine witnesses and present evidence. The respondent may address the board and inspect and copy the board's findings and determinations. The respondent can, but cannot be required to, testify. Any person testifying, including the respondent, shall be subject to cross-examination, subject to other provisions specified in this policy.

The respondent will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The student conduct administrator will assist in securing the cooperation of witnesses. The student conduct administrator cannot compel other students to appear at a hearing but can assist students being called as witnesses with class absence notifications when necessary. The student conduct administrator will make available any necessary documents and other 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 during normal university business hours but not released to the respondent and/or in an alternate format such as a photograph or recording.

The hearing is meant to be an exchange of information and a presentation of facts and evidence by witnesses having direct knowledge of the alleged infraction. The student conduct hearing board chair may limit the number of, or disallow completely, character witnesses that have no knowledge of the alleged incident. Witnesses are called beginning with those the student conduct hearing board requested. The board members and the respondent may both ask questions.

The board chair may direct the respondent to direct questions to the chair to be asked on the respondent's behalf at the chair's discretion. When this process is completed, the respondent may call any witnesses or present any additional evidence or information relevant to the current complaint.

After all witnesses and evidence has been presented, the respondent may make a closing statement, if desired. The chair may then call on the student conduct administrator for a range of sanctions for the alleged infraction. At this time, the student conduct administrator, the respondent, and any advisor are excused, the recording stopped, and the student conduct hearing board analyzes the information gathered, determines what it believes are the facts of the case, renders a finding of responsible or not responsible, and an appropriate sanction, if necessary. These findings are to be delivered to the student conduct administrator within 3 business days where an outcome letter will be prepared for the respondent. The respondent may appeal the decision within five (5) business days of the date of the letter of findings as outlined in the appeal section of these procedures.

Hearings are closed to the public. The general counsel may be consulted in procedural matters of the student conduct hearing board and may be present at hearings. All information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

#### **O. Hearing Procedures with a Complainant/Reporting Party**

When a hearing is held with a student complainant/reporting party, the process will follow the general pattern of the regular hearing in this manner:

- a. Summary of the case and initial investigations by the student conduct administrator
- b. Opening statement by the complainant/reporting party (five minutes)
- c. Opening statement by the respondent if the respondent chooses (five minutes)
- d. Presentation of witnesses and evidence by complainant/reporting party
- e. Presentation of witnesses and evidence by respondent
- f. Closing statement by the complainant/reporting party (five minutes)
- g. Closing statement by the respondent if the respondent chooses (five minutes)

The burden of proof is by a preponderance of the evidence. Cross-examination of the witnesses is allowed by both parties. In cases of alleged victimization, the parties shall not be permitted to directly question each other. The student conduct hearing board is permitted to question the parties and/or witnesses at any time during the proceeding. At the conclusion of the complainant/reporting party's closing statement, the student conduct administrator, the complainant/reporting party, the respondent, and any advisors are excused, the recording stopped, and the student conduct hearing board analyzes the information gathered, determines what it believes are the facts of the case, renders a finding of responsible or not responsible, and an appropriate sanction, if necessary. These

findings are to be delivered to the student conduct administrator within three (3) business days where an outcome letter will be prepared and sent to the respondent and the ~~complainant~~*reporting party* to the extent allowed by law and to the Title IX and/or ADA coordinator as appropriate. Any appeal to the board's decision must be made within five (5) business days of the date of the letter of findings as outlined in the appeal section of these procedures.

Hearings are closed to the public. The general counsel may be consulted in procedural matters of the student conduct hearing board and may be present at meetings. All information presented in the hearing is confidential and restricted to only those who have an absolute need to know.

In addition to the procedures outlined elsewhere, the following will also apply:

- a. Both the respondent and the ~~complainant~~*reporting party* will receive the notice of the hearing.
- b. Both the respondent and the ~~complainant~~*reporting party* will have the right to challenge a board member's participation based on known facts that would impact impartiality or conflict of interest. This selection must be made prior to the hearing, within one day of receiving the notice.
- c. Both the respondent and the ~~complainant~~*reporting party* have the right to have an advisor present.
- d. Both the respondent and the ~~complainant~~*reporting party* may ask for a continuance.
- e. Both the respondent and the ~~complainant~~*reporting party* will have the same opportunity to obtain witnesses and evidence and have the assistance of the university as described.
- f. Both the respondent and the ~~complainant~~*reporting party* will have the right to testify or refuse to testify.
- g. Both the respondent and the ~~complainant~~*reporting party* will have opportunity to cross-examine all witnesses and are subject to cross-examination if choosing to give testimony. An intercom or other remote audio or video device may be used in hearings to allow a ~~complainant~~*reporting party* to testify and respond to questions and cross-examinations without face-to-face contact with the respondent.
- h. Both the respondent and the ~~complainant~~*reporting party* will have the ability to submit a written response to the charges.

## **P. Appeal Procedures**

Students have one level of appeal for every student conduct case. The final appellate authority shall be the vice president for university affairs or his/her designee. There shall be two grounds for appeal. The first is appealing the findings of responsibility and the second is an appeal of the sanction received. Respondents sanctioned under this policy for violation of the Sexual Misconduct policy (2.13) may only appeal the sanction(s) administered under this policy.

### *Appeal of the Findings of Responsibility*

The respondent may appeal the finding of responsibility to the dean of student affairs. The student must file a signed and dated written appeal in the Office of the Dean of Student Affairs 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, any extenuating circumstances the respondent wishes to have considered and a request(s) to continue to reside on campus and/or attend classes during the appeal process.

*Appeal of the Sanction*

The respondent may accept the finding of responsibility and appeal the sanction to the vice president for university affairs or his or her designee. The signed and dated written appeal must be filed in the Office of the Dean of Student Affairs 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, any extenuating circumstances the respondent wishes to have considered and a request(s) to continue to reside on campus and/or attend classes during the appeal process.

**Q. Confidentiality and Records**

All hearings and records (written, electronic, audio or video recording, etc.) pertaining to hearings will be considered education records and will be treated as designated by current law. Student conduct records are kept for two years beyond a student's final enrollment at the university. Records for cases where a student has been suspended or expelled are held permanently. Disciplinary actions are not noted on a student's academic transcript.

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. Incident reports are generally not released to students to protect the privacy rights of other students involved in the incident. 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 current law.

Hearings are audio and/or video recorded. All hearings are closed to the public.

**R. Rights of Students in Disciplinary Proceedings**

The rights outlined below will be accorded to any student in an administrative disposition or hearing for an alleged violation of the student code of conduct. Both respondent and complainant/reporting party shall have the same rights under this Student Code of Conduct unless additional rights are provided to either party under the 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 hearing deadlines as outlined in these procedures.

### **S. Additional Rights of ~~Complainant~~*Reporting Parties* in Disciplinary Proceedings Involving Victimization**

Some actions that violate university policy involve victimization of one or more students by another student(s). This behavior may include physical violence and other acts that endanger the safety of others in the university community. Individuals initiating a complaint involving victimization or respondents in these cases are entitled to certain rights during the disciplinary process. Cases involving victimization defined as sexual misconduct will be investigated according to university policy 2.13 (Sexual Misconduct).

If a complaint is filed with the student conduct administrator, it is important to remember that the respondent is being charged with violating a university rule or regulation; therefore, the university is ultimately responsible for investigating, initiating charges, imposing sanctions if the respondent chooses to admit the violation, implementing the hearing process, and determining sanctions following a finding of responsibility. Although a ~~complainant~~*reporting party's* input may be sought during the disciplinary process, the ultimate disposition of the case rests with the university. If a ~~complainant~~*reporting party* withdraws a complaint during the course of the disciplinary proceeding, the university reserves the right to proceed with the case on the basis of evidence other than the testimony of the ~~complainant~~*reporting party*.

During the course of a disciplinary proceeding, a ~~complainant~~*reporting party* in cases involving victimization has the following rights:

- a. to meet with the student conduct administrator to discuss the disciplinary process;
- b. to have reasonable assistance from the university in remediating any situation where the victim must be in contact with the respondent, such as a change in residence hall or course section assignment or restrictions on entering specific buildings or attending certain events;
- c. to make an impact statement, either in person or in writing, to the student conduct hearing board for consideration during the sanctioning phase;
- d. to know the outcome of the process as allowed by laws related to the particular incident.

### **T. Penalties**

**Admonition:** is a warning.

**Conduct Probation:** is for a specified period of time and requires that a second offense will result in disciplinary probation or suspension.

**Disciplinary Probation:** is for a specified period of time and may carry with it other conditions to be met (e.g., restriction of participation in extracurricular activities, holding student office, pledging or joining campus organizations).

**Special Action:** is a sanction designed to enhance the educational intent of the disciplinary process. Examples of sanctions include the requirement of a special program or class (the cost of this program will be paid by the student), removal from university housing, payment of damages, extracurricular activity restrictions, community service, educational sanctions, counseling referrals, removal from any class or program, or restrictions on enrollment in any class or program.

**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 student conduct authority considering the case. A suspension also carries with it the following conditions:

- A. The respondent 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. A student under suspension may not live or board in university facilities.

**Suspension of a Student Organization:** is loss of 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 activities during the specified period. Student organizations that continue to function during the suspension will be considered in violation of their suspension. 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 the student is not eligible for readmission to the university and begins at the date and time specified by the student conduct authority considering the case. An expelled student's status will also carry the following conditions:

- A. The expelled student must remain off the campus, except when summoned by a university official or when an appointment with an official has been arranged in advance.
- B. A student under expulsion 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 penalty is imposed.

**Interim Suspension:** The student conduct authority may, with the approval of the vice president for university affairs, suspend a student for an interim period pending disciplinary proceedings when there is evidence 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. The student conduct authority may provide for the interim suspension to become immediately effective without prior notice to the student.

However, the student conduct authority shall provide notice to the student at the first reasonable



opportunity.

The student conduct authority shall inform the student that he/she is entitled to a hearing to be held within five (5) university business days from the effective date of the interim suspension. If the student desires a preliminary hearing shall then 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 student conduct authority finds the information concerning the respondent's conduct is unreliable or that the respondent has been misidentified, charges may be dismissed. If the student conduct authority 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 process.

#### **U. Status during Appeal**

In cases of suspension or expulsion where an appeal is filed within the required time, a respondent may petition the Office of the Dean of Student Affairs in writing for permission to continue to reside on campus and/or attend classes pending final determination of the appeal. The officer may permit either of these requests under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the university or constitute a danger to the health, safety or welfare of the university community.

### **ARTICLE IV: NON-DISCRIMINATION, INTERPRETATION AND REVISION**

Decisions under this policy will be made based on observations of a student's conduct, actions and statements and not on the basis of a student's race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Any question of interpretation or application of the Student Code of Conduct shall be referred to the vice president for university affairs or designee for final determination.

The Student Code of Conduct shall be reviewed annually under the direction of the vice president for university affairs or designee.

**Cross Reference:** Fraud (2.7); Discrimination Complaints (2.11); Sexual Misconduct (2.13); Student Academic Dishonesty (4.1); Computing Software Copyright (9.1); Digital Millennium Copyright (9.3); Hazing (10.3); Students Displaying Serious Psychological Problems (10.13); Annual Disclosure of Crime Statistics (13.3); Computer and Network Security (14.2); Illicit Drugs and Alcohol Abuse (13.11); Firearms Explosives and Ammunition (13.9)

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** 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:** Student Internships**Policy Number:** 11.29**Is this policy new, being reviewed/revised, or deleted?**    Review/Revise**Date of last revision, if applicable:****Unit(s) Responsible for Policy Implementation:** Vice President for Academic and Student Affairs**Purpose of Policy (what does it do):** Policy sets forth the guidelines for approving and providing oversight of volunteer workers.**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 was changed to clearly delineate between a paid and non-paid student internship. Language was added to allow departments to partner with academic departments to provide meaningful internships to SFA students and non-SFA student for majors not offered at SFA. The policy offers guidance on selecting student internships to SFA departments.

**Specific rationale for deletion of policy:***Additional Comments:*

Reviewers:

Loretta C. Doty, Director of Human Resources  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Student Internships

**Original Implementation:** July 29, 2014

**Last Revision:** ~~None~~ July 25, 2017

This policy describes the process to *place or employ a student intern at SFA* ~~determine and determine~~ *whether student-the internships at SFA* must be paid or unpaid. The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as ~~including~~ “to suffer or permit to work.” *When it is determined that SFA employees* ~~Those who meet that broad FLSA definition, those employees are~~ “suffered or permitted” to work must be compensated ~~under the law~~ for the services they perform.

### ***Volunteer (Unpaid) Internships***

~~If the test below is not met, the individual is required to be paid at least the minimum wage and overtime compensation for hours worked over forty in a work week.~~

### **Definition**

There are some circumstances ~~whereby under which~~ a student who participates in an internship or training program may do so without compensation. The determination of whether an internship or training program meets this exemption from pay depends upon all the facts and circumstances of each such program. The following six criteria must be applied when making this determination:

- The student internship, even though it includes actual operation of the facilities, is similar to training which would be given in an educational environment (*This often occurs where a college or university exercises oversight over the internship program and provides educational credit.*);
- The internship experience is for the benefit of the intern;
- The intern does not displace regular employees, but works under close supervision of existing staff;
- The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
- The intern is not necessarily entitled to a job at the conclusion of the internship; and
- The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all the factors listed above are met, an employment relationship does not exist under the FLSA, and the minimum wage and overtime rules do not apply to the intern. The intern may be unpaid.

### ***Liability and Indemnification***

*Volunteer interns are required to execute the intern release form or other form approved by the general counsel prior to the start of their internship. If the university intern is a minor, the form must be signed by a parent or legal guardian.*

*Volunteer interns at SFA are not covered under the university's workers' compensation insurance program and are encouraged to secure a personal health insurance policy.*

*Volunteer interns are prohibited from performing any of the following activities in the course and scope of their authorized activities:*

- *Operating heavy equipment;*
- *Operating university or state-owned vehicles (including golf carts) except with the express written permission of a university official;*
- *Working with hazardous materials, including stored energy (e.g. steam, electricity, hydraulics) prior to completing appropriate training from the Department of Environmental Health, Safety, and Risk Management; and*
- *Acting as a representative of the university, including but not limited to entering into any contract on behalf of the university, making public statements on behalf of the university, or incurring financial obligations.*

### ***Safety Evaluations***

*Any volunteer intern placement at SFA that requires services to be performed in a lab, health care facility, or any other setting where the intern may be exposed to hazardous materials, machinery, or health-related situations must be evaluated and approved by the director of environmental health, safety, and risk management, or their designee, prior to the commencement of the intern services. In such cases, safety training must be completed prior to the initiation of any activities with potential for hazardous materials exposure. Any plan or guidelines developed by the Department of Environmental Health, Safety, and Risk Management must be implemented and followed or the intern situation must terminate.*

### ***Paid Internships***

There are, ~~however,~~ advantages for providing compensation to the interns, such as:

- Being able to attract skilled interns;
- Increasing intern commitment and reward for contribution;
- Reducing financial burdens that may require a student to work a second job during their internship ~~(or limit internship opportunities to only those students who can afford them);~~

- *Providing flexibility for departments to allow intern to support duties and responsibilities of regular workers during peak periods.*

*A department that offers paid internships must fund or secure funding for those paid student internships. The hiring process must follow the same procedural and approval process used for other student assistant positions.*

## **Placement**

Departments wishing to place a student intern *whether paid or unpaid* must follow the procedures provided by the Department of Human Resources. *Departments are allowed to partner with university schools and colleges to provide internships in fields of study applicable to the department.*

## **Policy Compliance**

Consistent with SFA's policy on non-discrimination, university employees shall not illegally discriminate against interns on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, ~~and~~ veteran status, *sexual orientation, gender identity, or gender expression.*

*Those who are selected for a student internship* ~~Once selected for an internship at SFA, the intern will be~~ required to submit to a criminal history check and complete any position specific training.

*All* ~~P~~paid interns will complete appropriate new employee paperwork, and comply with appropriate procedures required by the Department of Human Resources.

## **Placement of Relatives**

*Neither a paid or unpaid intern can* ~~An intern cannot~~ be supervised by a relative, nor can ~~such a~~ family member make decisions about an *internship* placement or the terms and conditions of the placement (See policy 11.16, Nepotism).

## **Safety Evaluations**

~~Any intern placement at SFA that requires services to be performed in a lab, health care facility, or any other setting where the intern may be exposed to hazardous materials, machinery, or health related situations must be evaluated and approved by the director of environmental health, safety, and risk management, or their designee, prior to the commencement of the intern services. In such cases, safety training must be completed prior to the initiation of any activities with potential for hazardous materials exposure. Any plan or guidelines developed by the Department of Environmental Health, Safety, and Risk Management must be implemented and followed or~~

~~the intern situation must terminate.~~

### **Issues for International Students**

International students seeking an internship need to obtain work authorization for paid internships, as well as any unpaid internships that do not qualify under the U.S. Department of Labor guidelines. Failure to do so could jeopardize a student's visa status. Departments selecting an international student should check with the Department of International Programs before pursuing any internship for an international student to be sure of what authorization will be required.

### **Responsibilities and Rights**

~~Interns shall abide by all university policies and external laws and regulations that govern their actions including, but not limited to, those relating to ethical behavior, safety, confidentiality, protected health and student information, computer use, financial responsibility, and drug use.~~

~~Interns are prohibited from performing any of the following activities in the course and scope of their authorized activities:~~

- ~~• Operating heavy equipment;~~
- ~~• Operating university or state-owned vehicles (including golf carts) except with the express written permission of a university official;~~
- ~~• Working with hazardous materials, including stored energy (e.g. steam, electricity, hydraulics) prior to completing appropriate training from the Department of Environmental Health, Safety, and Risk Management; and~~
- ~~• Acting as a representative of the university, including but not limited to entering into any contract on behalf of the university, making public statements on behalf of the university, or incurring financial obligations.~~

### **Liability and Indemnification**

~~Interns are required to execute the intern release form or other form approved by the general counsel prior to the start of their internship. If the university intern is a minor, the form must be signed by a parent or legal guardian.~~

~~Interns at SFA are not covered under the university's workers' compensation insurance program and are encouraged to secure a personal health insurance policy.~~

### **Termination**

~~An intern's service may be terminated at any time and without prior notice *whether the service is as a volunteer or paid.*~~

**Cross Reference:** Discrimination Complaints/~~Sexual Harassment~~ (2.11); Nepotism (11.16); U.S. Department of Labor Wage and Hour Division Fact Sheet #71: Internship programs Under the Fair Labor Standards Act; Fair Labor Standards Act, 29 U.S.C. § 203(g)

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

**Contact for Revision:** Human Resources

**Forms:** Student Internship Release Form

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



STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM****Policy Name:** Use of Amplified Sound on Campus Grounds**Policy Number:** 16.31**Is this policy new, being reviewed/revised, or deleted?**    Review/Revise**Date of last revision, if applicable:****Unit(s) Responsible for Policy Implementation:** Vice President for University Affairs**Purpose of Policy (what does it do):** Regulates use of amplified sound.**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:** require 48 hours in advance, which is time frame for similar requests. Added the wording "or designee" for occasions when the dean is not available.**Specific rationale for deletion of policy:***Additional Comments:*

Reviewers:

Dr. Adam Peck, Dean of Students

Dr. Steve Westbrook, Vice President for University Affairs

Damon Derrick, General Counsel

## Use of Amplified Sound on Campus Grounds

**Original Implementation:** September 17, 1982

**Last Revision:** ~~July 29, 2014~~ July 25, 2017

Application to use amplified sound on campus shall be made to the Office of Student Engagement at least 2448 hours in advance of the proposed use. In general, amplified sound equipment will not be approved for use on campus grounds if such use would be disruptive to the learning and work environment. Amplified sound will not be approved before 8:00 p.m. or after 11:00 p.m. Monday – Friday, or anytime classes are in session, unless approved by the dean of student affairs, *or designee*.

This rule does not apply to the university and its agents, servants, or employees, acting in the course and scope of their agency or employment; nor does it apply to the Stephen F. Austin State University Alumni Association or the Stephen F. Austin State University Foundation.

**Cross Reference:** SFA Web pages

**Responsible for Implementation:** Vice President for University Affairs

**Contact for Revision:** Dean of Student Affairs

**Forms:** Reservation for Campus Grounds

**Board Committee Assignment:** Building and Grounds

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Volunteer Workers

**Policy Number:** 11.32

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

**Date of last revision, if applicable:**

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

**Purpose of Policy (what does it do):** Policy sets forth the guidelines for approving and providing oversight of volunteer workers.

**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:** Updated references to discrimination policy.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Loretta C. Doty, Director of Human Resources  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Volunteer Workers

**Original Implementation:** July 29, 2014

**Last Revision:** ~~None~~ July 25, 2017

This policy is designed to provide guidance and conditions on the university's use of volunteers, reduce volunteer risk and protect the interest of the university, its volunteers, and the community it serves.

### Definition

According to the U.S. Department of Labor, an individual who performs services for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, is considered to be a "volunteer" during such hours. The individuals shall be considered volunteers only where their services are offered freely and without pressure or coercion, direct or implied, from an employer. For SFA, a "university volunteer" is defined as any uncompensated individual who is authorized by a university department to perform humanitarian, charitable or public services on behalf of the university.

### Eligibility

Any individual is eligible to serve as a university volunteer, subject to the following eligibility requirements:

- The individual must have adequate experience, qualifications, and training for the task(s) he or she will be asked to perform as a university volunteer.
- Mandatory cash and receipts training is required of all volunteers whose job duties include the acceptance, record keeping, and deposit of university receipts.
- All required training for volunteer positions must be current at the time volunteer work is performed.
- A current employee of SFA may not serve as a university volunteer in any capacity in which he or she is employed at the university, or which is essentially similar to or related to the individual's regular work at the university. A current employee may volunteer for special events, such as United Way events, commencement, Showcase Saturdays, and other similar events.
- An individual who is under the age of eighteen (18) may only become a university volunteer with the written consent of a parent or legal guardian. Volunteer opportunities for minors are limited to only non-hazardous environments and activities. The sponsoring department must contact Human Resources for approval prior to the minor being permitted to volunteer.
- An individual who will be working with sensitive populations or who will have access to cash, checks, or other forms of liquid assets for the university may only become a

university volunteer after the completion of a satisfactory background check. Human Resources will initiate the background check upon request of the sponsoring department and after receipt of a consent form signed by the potential volunteer. The sponsoring department is responsible for the cost of the background check.

- “Sensitive populations” are individuals under 18 years of age and other individuals entitled to enhanced supervision or protection based on university practice or state or federal law.
- Those volunteers who are authorized to accept funds for university business must have written approval from the bursar and follow the Receipts and Deposits policy.

### **Responsibilities and Rights**

University volunteers shall abide by all university policies and external laws and regulations that govern their actions including, but not limited to, those relating to ethical behavior, safety, confidentiality, protected health and student information, computer use, financial responsibility, and drug use.

University volunteers are not covered by the Fair Labor Standards Act and are not considered SFA employees for any purpose. Therefore, university volunteers are not eligible for compensation or any university benefits as a result of their volunteer association with SFA.

### **Prohibited Activities**

University volunteers are prohibited from performing any of the following activities in the course and scope of their authorized activities:

- Operating heavy equipment;
- Operating university or state-owned vehicles (including golf carts) except with the express written permission of a university official;
- Working with hazardous materials, including stored energy (e.g. steam, electricity, hydraulics); and
- Acting as a representative of the university, including but not limited to entering into any contract on behalf of the university, making public statements on behalf of the university, or incurring financial obligations.

### **Liability and Indemnification**

University volunteers are required to execute the volunteer release form or other form approved by the general counsel, prior to the start of their volunteer service. If the university volunteer is a minor, the form must be signed by a parent or legal guardian.

University volunteers are not covered under the university’s workers’ compensation insurance program and are encouraged to secure a personal health insurance policy.

### **Sponsorship, Supervision, and Documentation**

All university volunteers must be sponsored, supervised, and documented by their sponsoring university department.

When engaging the services of an eligible university volunteer, it is the department's responsibility to make sure the volunteer meets all of the eligibility requirements, as stated above, and to adhere to any procedures developed by human resources implementing this policy.

All documentation related to a university volunteer's service, including the volunteer release form, must be maintained for the applicable retention period as specified in the university retention schedule.

Consistent with SFA's policy on non-discrimination university employees shall not unlawfully discriminate against volunteers on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, ~~or~~ veteran status, *sexual orientation, gender identity, or gender expression*.

### **Termination**

A university volunteer's service may be terminated at any time and without prior notice.

**Cross Reference:** Fair Labor Standards Act (FLSA), 29 U.S.C. § 203(e)(4)(a); 29 C.F.R. § 553.101, .103; 29 C.F.R. Part 570; ÷Tex. Educ. Code § 51.937; Tex. Gov't Code Ch. 2109; Discrimination Complaints/~~Sexual Harassment~~ (2.11); Receipts and Deposits (3.26)

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

**Contact for Revision:** Human Resources

**Forms:** Release and Indemnification Agreement for Volunteers; Background Check – Disclosure Consent Form

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

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM****Policy Name:** Wellness Release Time**Policy Number:** 13.25**Is this policy new, being reviewed/revised, or deleted?**    Review/Revise**Date of last revision, if applicable:****Unit(s) Responsible for Policy Implementation:** Vice President for Finance and Administration**Purpose of Policy (what does it do):** Policy details the requirements of receiving paid time off to participate in on-campus wellness activities.**Reason for the addition, revision, or deletion (check all that apply):**

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

*Please complete the appropriate section:***Specific rationale for new policy:****Specific rationale for each substantive revision:** Changed requirement for approval to once a year or when employee transfer to another position to eliminate redundancy in the approval.**Specific rationale for deletion of policy:***Additional Comments:***Reviewers:**

Loretta C. Doty, Director of Human Resources  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Wellness Release Time

**Original Implementation:** July 29, 2014

**Last Revision:** ~~None~~ July 25, 2017

The Stephen F. Austin State University employee wellness program is designed to benefit full-time employees and is a voluntary program of physical exercise and wellness activities designed to improve the health and well-being of employees.

As part of the employee wellness program, the university will provide wellness release time which provides full-time, benefits-eligible employees 30 minutes of release time during normal work hours up to three (3) times a week for participation in physical exercise and wellness activities offered at the campus recreation center, employee wellness program locations, or walking on campus. Off-campus activities are not included unless sponsored by the employee wellness program.

Prior to participation in release time, the employee must complete the employee wellness participant profile, including the waiver of liability and hold harmless agreement in full. Employees should consult with a physician before undertaking any physical activity program.

Wellness release time is paid time, does not have to be made up, cannot be accrued, and may not be split or carried over from one day to another. Those employees using the time-clock system will be required to enter the appropriate task code for their release time. Wellness release time will not be counted toward *Fair Labor Standards Act* (FLSA) overtime.

Each ~~semester/fiscal year of participation, (no later than September 30) fall, spring and the summer session~~ or when transferring to a new position, employees must secure approval from their immediate supervisors and/or department heads prior to participation.

Immediate supervisors and department heads are expected to make reasonable efforts to accommodate requests for wellness release time. However, it must be recognized that participation may be disapproved if it is determined that the workflow and operation of the employee's department will be negatively impacted by the employee's absence due to participation in release time. If an application is denied, the supervisor or department head will indicate the reason(s) for the denial.

Abuse of the privilege to participate in release time will subject the employee to revocation of the privilege and/or disciplinary action. Supervisors have the right to review records of employees' utilization of the campus recreation center and the employee wellness program to verify hours of involvement.

**Cross Reference:** Tex. Gov't Code § 664.061

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



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

**Forms:** Wellness Release Time Approval Form

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

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

## POLICY SUMMARY FORM

**Policy Name:** Year-end Purchasing

**Policy Number:** 17.24

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

**Date of last revision, if applicable:** 7/29/2014

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

**Purpose of Policy (what does it do):** The policy exists to provide direction for the appropriate fiscal year to charge for purchases made at year-end.

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

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

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Minor wording changes only.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Kay Johnson, Director of Procurement and Property Services  
 Danny Gallant, Vice President for Finance and Administration  
 Damon Derrick, General Counsel

## Year-end Purchasing

**Original Implementation:** April 5, 1984

**Last Revision:** ~~July 29, 2014~~ July 25, 2017

The state fiscal year is September 1 through August 31 and the following rules and regulations apply to year-end transaction processing.

**Consumables/expendable supply items** are to be charged to the fiscal year in which they are delivered. The cost of consumable supplies ordered in one fiscal year and delivered in the next fiscal year may be charged to the prior year only if the following conditions exist:

1. delay causing delivery in the later fiscal period was beyond *the university's reasonable control of the agency*;
2. delivery could have reasonably been expected to occur during the fiscal year in which the order was placed; and
3. the quantity ordered could have been consumed during the fiscal year in which it was ordered had delivery occurred as originally anticipated.

**Services** are to be charged to the fiscal year in which they are ~~provided~~ delivered.

**Capital equipment purchases (non-consumable with a useful life of more than one year)** are to be charged to the fiscal year in which they are ordered, except that capital purchases may be charged to the year of delivery as long as the appropriation for the year in which delivery will occur exists, (General Appropriations Act has been signed by the governor) and payment is not made prior to September 1 of the new fiscal year. Payments under a lease-purchase agreement are to be charged to the fiscal year in which the payment is made.

~~Internet connections, S~~**subscriptions, maintenance contracts, post office box rentals, insurance, internet connections and surety or honesty bonds** are chargeable to the fiscal year in which they begin and may be paid in full from that fiscal year regardless of whether the purchase covers more than one fiscal year. This rule supersedes other rules relating to consumable items, services, or capital equipment.

**Seminar and conference expenses** related to conducting or attending the same are to be paid from the fiscal year in which the seminar or conference occurs, unless it is determined to be cost-effective to use current fiscal year funds to pay for conducting or attending a seminar or conference that will occur partly or entirely during a different fiscal year. This rule supersedes other rules relating to consumable items, services, or capital equipment.

**Utility services** are to be charged to the fiscal year in which the service is provided except that a prior fiscal year may be used to pay for September services of the next fiscal year. This rule

supersedes other rules relating to consumable items, services, or capital equipment. Utility service is defined in the Texas State Comptroller's eXpendit website.

**A combined purchase** of at least two consumable items, services and capital assets should follow the year-end rules according to the dominant purpose of the contract.

**A purchase option** that is contractually exercised to purchase a consumable item, service, or capital equipment should follow the year-end rules according to the good or service for which the option is exercised.

### **Department Notification**

~~Each spring,~~ the purchasing department establishes and notifies departments of deadlines for receipt of approved requisitions for the current fiscal year to comply with state guidelines and allow adequate order processing time for current year orders.

Requisitions received prior to the established deadline dates will be processed on current fiscal year funds unless properly identified as a next fiscal year requisition following the instructions provided through the purchasing listserv. Requisitions received after the established deadline dates will be processed on next fiscal year funds.

### **Exceptions**

Exceptions to the established deadline dates will be made if necessary to comply with year-end guidelines established by the state comptroller or for emergency reasons. The director of procurement may use discretion in the best interest of the university when applying or exempting the established deadlines or above rules when using non-appropriated funds.

**Cross Reference:** 34 Tex. Admin. Code § 5.56; Texas State Comptroller eXpendit website

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

**Contact for Revision:** Director of Procurement & Property Services/HUB Coordinator

**Forms:** None

**Board Committee Assignment:** Finance and Audit