

ARTICAL 26
BENEFITS

26.8 Free University Courses for Faculty and/or Dependents. Full-time faculty members, including faculty on sabbatical or on professional development or grants-in-aid leave, are entitled to up to six (6) credit hours of instruction at the University of West Florida per semester (Fall, Spring, or Summer) without payment of tuition or mandatory fees. The entitlement may be used by the faculty member or his or her dependents, subject to the restrictions listed in (a) through (f), below.

(a) Each faculty member may utilize no more than a total of six (6) credit hours per semester.

(b) The six (6) hours of instruction per semester may be utilized by the faculty member for undergraduate or graduate credit, subject to the restrictions listed in (f), below.

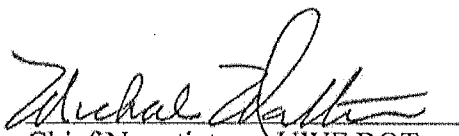
(c) The faculty member's dependents may utilize some or all of the six (6) credit hours. The dependent may utilize the credit for graduate or undergraduate credit, subject to the restrictions listed in (e) and (f), below.

(d) For purposes of this program, a "dependent" is a spouse, any natural, adopted, or step child of the faculty member, or any other child for whom the faculty member is a legal guardian, under the age of twenty-five (25) as of the first day of classes for the semester. A natural, adopted, or step child, or any other child for whom the faculty member is a legal guardian, over the age of twenty-five (25), as long as that child is claimed as a dependent on the faculty member's federal tax return or the faculty member pays for more than 50% of that child's support, as defined by the Internal Revenue Code, is also a dependent for purposes of this program. Special circumstances that suggest consideration of a case not fitting the above definition of "dependent" should be presented to the Director of Human Resources.

(e) The faculty member's dependent may not register for more than sixthree (36) graduate credit hours per semester.

(f) The faculty member or dependent may not use this program for directed studies, practica, internships, music and theater performance, continuing education, and other one-on-one course situations, such as theses and dissertations.

26.9 Tuition Scholarship Program for Dependents. Beginning in the 2022-2023 academic year, the University will make available \$20,000 on an annual basis to fund a Tuition Scholarship Program for in-unit faculty dependents subject to the following conditions:


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(a) The University shall distribute to in-unit faculty on an annual basis, no less than 30 days prior to the application deadline, the criteria and application guidelines for the Tuition Scholarship Program for Dependents.

(b) The definition of "faculty dependent" eligible for the program shall reflect the definition as contained in 26.8(d).

(c) Should funds from the \$20,000 remain unused from the previous academic year, the University is only obligated to maintain the available funds at \$20,000 for the current academic year, inclusive of the previous year's unused funds.


(d) The University may define the terms and eligibility criteria for the scholarship, so long as the terms and eligibility requirements are not in conflict with this Agreement, and the UFF has been provided opportunity to advise on the terms and eligibility requirements prior to the scholarship's implementation.

(e) Should the University determine that funds are not available for the Tuition Scholarship Program for Dependents for a specific academic year, the University may suspend the program for a period of time not to exceed one academic year. Any such suspension of the program shall be noticed in writing to UFF and in-unit faculty.

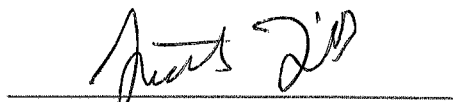
26.109 Employee Assistance Programs. The University may offer an Employee Assistance Program (hereafter "EAP") for assessment, referral, follow-up consultation, short-term counseling, and other services for faculty with personal, family, job stress, or substance abuse problems. Any policies created or revised by the University in the development or operation of its EAP will be discussed in consultation with the UFF.

26.110 Pre-tax Benefits Program. To the extent provided by law, the Board will continue to provide a pre-tax benefits program for faculty which includes the opportunity to: (1) pay for their State insurance premiums on a pre-tax basis and (2) utilize flexible spending accounts for medical and dependent care expenses, (3) voluntary 403(b) investment plan, and (4) state provided deferred compensation plan.

[All other language of Article 26 is proposed "Status Quo"]


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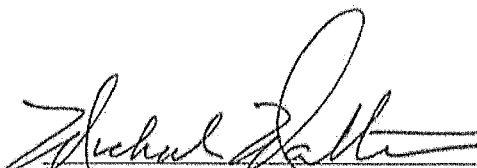
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MEMORANDUM OF UNDERSTANDING


Comes Now the University of West Florida (UWF-BOT) and the United Faculty of Florida Chapter at the University of West Florida (UWF-UFF) and agrees to the following:

1. UFF-UWF and the UWF-BOT agree to resolve the following open Collective Bargaining Agreement articles as "status quo" for the 2021-2022 Reopener Agreement negotiations:

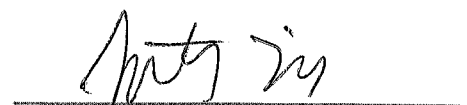
- Article 10 - Assignment of Responsibilities
- Article 20 - Inventions and Works
- Article 14 - Layoff and Recall



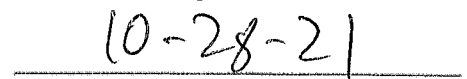
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ARTICLE 21
CONFLICT OF INTEREST/OUTSIDE ACTIVITY

21.1 Policy.

(a) The University of West Florida encourages in-unit faculty to engage in activities supporting their professional growth, creating new knowledge and ideas, and furthering the University's mission of excellence in teaching, research, and service. An in-unit faculty's outside activities or interests must not conflict with their professional obligations to the University of West Florida.

(ab) An in-unit faculty member is bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida (Chapter 112, Part III, Florida Statutes), the advisory opinions rendered with respect thereto, Board of Governors' rules, and University rules. Other provisions of State law govern obligations and responsibilities of faculty members who receive State compensation in addition to their annual salary.

(c) Conflicting Employment or Contractual Relationship. In-unit faculty may not work for or contract with a business entity or agency regulated by or doing business with the University without University approval. In-unit faculty also may not work for or have a contractual arrangement which will impede the full and faithful discharge of his or her public duties. In-unit faculty may not create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties.

(db) Nothing in this Article is intended to discourage an in-unit faculty member from engaging in outside activity in order to increase the in-unit faculty member's professional reputation, service to the community, or income, subject to the conditions stated herein.

21.2 Definitions.

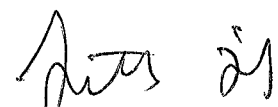
(a) ~~"Outside activity" will mean any private practice, private consulting, additional teaching or research, or other activity, compensated or uncompensated, which is not part of the faculty member's assigned duties and for which the University has provided no compensation.~~

(1) The following outside activities are required to be reported by in-unit faculty:

- a. Activities identified by this Agreement, the Board of Governors, and/or Florida Statutes as requiring reporting and approval
- b. Activities related to an in-unit faculty member's professional expertise (excluding exempted activities defined in 21.2(a)(2))
- c. Employment outside of UWF
- d. Private consulting, or advising


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- e. Teaching and/or research appointments for an entity other than UWF
- f. Seeking an elected public office
- g. Serving as an expert witness or legal consultant
- h. Practicing as a licensed professional
- i. Services on a Board of Directors
- j. Professional activities provided in a foreign country, or directing the activities of others in a foreign country
- k. Activities involving more than incidental use of UWF facilities, equipment, and services
- l. Activities requiring the waiver or assignment of the faculty member's or UWF's rights or interests to any inventions or works that may be developed during the course of or from the activity
- m. Required purchase by students of books, supplies, equipment, or instructional resources at UWF when they are created or published by the faculty member or by an entity in which the faculty member has financial interests
- n. Paid scholarly collaborations at another domestic academic or research institution including but not limited to service on thesis or dissertation committees, comprehensive exam committees, and research or data collection / analysis groups
- o. Paid editorial services for educational or professional organizations
- p. Exempted paid activities identified in 21.2(a)(2) if the payment for the exempted activity exceeds fair market value

(2) The following outside activities are not required to be reported by in-unit faculty:

- a. Unpaid or paid (not in excess of fair market value) peer review of articles, books, grant proposals, or research proposals
- b. Unpaid scholarly collaborations at another domestic academic or research institution including but not limited to service on thesis or dissertation committees, comprehensive exam committees, and research or data collection / analysis groups.
- c. Receiving an honorary degree from another domestic institution
- d. Unpaid editorial services for educational or professional organizations
- e. Conducting unpaid or paid (not in excess of fair market value) workshops for professional societies
- f. Unpaid or paid (not in excess of fair market value) musical or other creative performances and exhibitions that are consistent with the faculty member's discipline
- g. Unpaid or paid (not in excess of fair market value) service as an external evaluator, including but not limited to service on a program review team, as a competition judge, or as a fine arts jury member

(b) "Conflict of interest" will generally mean a situation in which regard for a private interest tends to lead to disregard of a public duty or interest, including but not limited to the following:

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(1) Engaging in an outside activity that includes either a faculty member or a business entity in which the faculty member or his or her relative has a material interest doing business with the University; or

(2) A faculty member holding an employment or contractual relationship with any business entity that

a. is subject to the regulation of or is doing business with the University, or

b. that will create a continuing or frequently recurring conflict between the faculty member's private interests and the performance of the faculty member's duties for the University, or

c. that would impede the full and faithful discharge of the faculty member's professional duties, institutional responsibilities or any other obligations the faculty member may have to the University.

(3) Receiving an honorarium in excess of fair market value for the time spent in preparation for the event.


~~(1) any conflict between the private interests of the faculty member and the public interests of the University, the Board of Trustees, or the State of Florida, including conflicts of interest specified under Florida Statutes; or~~

~~(2) any activity which interferes with the full performance of the faculty member's professional or institutional responsibilities or obligations.~~


~~**21.3 Conflicts of Interest Prohibited.** Conflicts of interest, including those arising from University or outside activities, are prohibited. Faculty are responsible for resolving such conflicts of interest, working in conjunction with their supervisor and other University officials.~~

21.3 Use of University Resources. Any in-unit faculty member who wishes to request the use of University facilities, equipment, or personnel in conjunction with an outside activity or employment must submit a written request for such use using the appropriate form. Failure to submit such a request constitutes specific lack of permission to use any University resources in conjunction with an outside activity or employment. Each request will be evaluated on its own merits. The University is under no obligation to grant any such request

21.4 Use of Textbooks. Any in-unit faculty member who wishes to require a class that the in-unit faculty member instructs to purchase a textbook or other educational material that the in-unit faculty member wrote or prepared, must complete the Textbook Authorization form. This form must be completed and approved up through the Provost prior to requiring the purchase of the textbook or other educational materials.


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21.54 Report of Outside Activity and Conflict of Interest.

~~(a) A faculty member who proposes to engage in any outside activity which the faculty member should reasonably conclude may create a conflict of interest, or in any outside compensated professional activity, will report to his or her supervisor, in writing, the details of such proposed activity prior to engaging therein.~~

~~(b) The report, as described in section 21.4(a) will include, where applicable, the name of the employer or other recipient of services; the funding source; the location where such activity will be performed; the nature and extent of the activity; and any intended use of University facilities, equipment, or services.~~

~~(c) A new report will be submitted for outside activity previously reported at:~~

~~(1) the beginning of each academic year for outside activity of a continuing nature; and~~

~~(2) such time as there is a significant change in an activity (nature, extent, funding, etc.).~~

~~(d) The reporting provisions of this section will not apply to activities performed wholly during a period in which the faculty member has no appointment with the University.~~

~~(e) Any outside activity which falls under the provisions of this Article and in which the faculty member is currently engaged but has not previously reported, will be reported within sixty (60) days of the execution of this Agreement and will conform to the provisions of this Article.~~

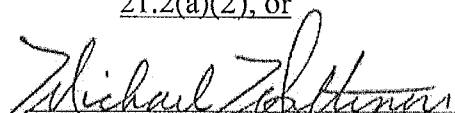
(a) Outside Activity and Conflict of Interest Form.

(1) An Outside Activity and Conflict of Interest Form (the "Form") must be submitted by all in-unit faculty as follows:


a. Each year by August 15. The in-unit faculty member will designate on the Form either that there is an outside activity or conflict of interest to report or that there is no outside activity or conflict of interest to report. Previously approved outside activities must be resubmitted on an annual basis even if there is no substantial change to the activity (e.g. serving on a board, private consulting, etc.) In such circumstances, the faculty member may continue participating in the previously approved outside activity as the outside activity approval renewal is reviewed.

b. Each time there is a significant change in a previously approved outside activity/conflict of interest.

c. Each time an in-unit faculty member plans to engage in a compensated outside activity consistent with 21.2(a)(1) and excluding exempted compensated activities as defined in 21.2(a)(2), or


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d. Where the uncompensated activity, consistent with 21.2(a)(1),:

1. Creates or reasonably appears to create a conflict of interest
2. Interferes or reasonably appears to interfere with the full performance of the in-unit faculty member's professional responsibilities or other University obligations, or
3. Interferes with the in-unit faculty member's primary commitment of time, attention and energies to the University.

(2) The Form and all related documentation must be submitted and approved prior to engaging in the activity. The approval process takes approximately 30 days, so in-unit faculty are encouraged to plan accordingly. If the faculty member has not received a determination on the status of a submitted Form following the thirty (30) days from the Form's submission, the faculty member may submit a formal query as to the Form's status. A response will be given to the in-unit faculty member who submitted the formal query within five (5) business days. The university also recognizes that some outside activity opportunities may arise that need approval on a timeline less than thirty (30) days. In such circumstance the faculty member will document this need for an expedited review of the activity when submitting the form, and the university, where practicable, will endeavor to provide a review of the form in a timely manner.


(3) Submitted Forms will be reviewed at appropriate levels of supervision. If a conflict of interest is identified, the in-unit faculty member will be notified to resolve the conflict. If the Form is pending approval, the in-unit faculty member should not pursue the outside activity.

(b) University Representation. An in-unit faculty member engaging in an outside activity (regardless of whether the activity requires the submission of the Form) shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that the in-unit faculty member is engaging in such outside activity as a private citizen and not as an in-unit faculty member, representative, or spokesperson of the University or on behalf of the University.

If the Form is pending approval, the in-unit faculty member should not pursue the outside activity.

(c) Failure to Report/Insufficient, Inaccurate Reporting.

(1) An in-unit faculty member's failure to fully and properly report outside activities and other interests as required by the Collective Bargaining Agreement or failure to follow any conditions imposed pursuant to the University's approval of such activities, may be grounds for disciplinary action, up to and including dismissal, as governed by Article 17: Disciplinary Action.


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(2) Where approval for an outside activity is based upon a report containing incomplete or inaccurate information provided by the in-unit faculty member, the approval is null and void.

(3) In accordance with Florida Statutes Section 1012.977, any in-unit faculty member engaged in the design, conduct, or reporting of research who failed to disclose an outside activity related to their UWF area of expertise or any financial interest shall be suspended without pay pending the outcome of an investigation which shall not exceed 60 days. Upon conclusion of the investigation, the university may terminate the contract of the in-unit faculty member. Failure by an in-unit faculty member to comply with Florida Statutes Section 1012.977 or a conflict of interest monitoring or management plan may result in disciplinary action, as governed by Article 17: Disciplinary Action, up to and including termination for just cause.

21.6 Additional Requirements for Federally Funded Research

In-unit faculty who apply for or utilize external funding to perform research activities are required to adhere to additional requirements for disclosing outside activities, relevant financial interests, and related matters as controlled by federal regulations, state statute, or University policy.

21.75 Expedited Grievance Procedure.

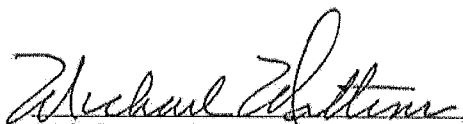
(a) In the event the proposed outside activity is determined to constitute a conflict of interest, and the faculty member disagrees with that determination, the in-unit faculty member may file a grievance under the expedited grievance procedure contained in Article 22 (Grievance Procedure and Arbitration), section 22.16.

(b) The in-unit faculty member may not engage in such outside activity pending a resolution of the matter pursuant to section 21.75(a).

(c) If the resolution of the matter is that there is a conflict of interest, the in-unit faculty member will cease such activity immediately and may be required to turn over to the University all or part of compensation earned therefrom.

~~21.6 Use of University Resources. A faculty member engaging in any outside activity will not use the facilities, equipment, or services of the University in connection with such outside activity without prior approval of the President or representative. Approval for the use of University facilities, equipment, or services may be conditioned upon reimbursement for the use thereof.~~

~~21.7 No University Affiliation. A faculty member engaging in outside activity will take reasonable precautions to ensure that the outside employer or other recipient of services~~

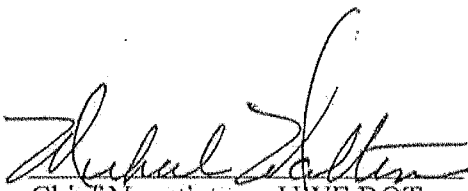

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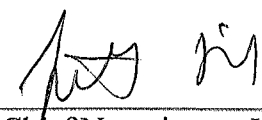

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~~understands that the faculty member is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the University.~~


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