

AGENDA

October 19, 2004

4:00 p.m.

UWF Board of Trustees Conference Call Meeting

Building 12/Alumni Room

11000 University Parkway, Pensacola, FL

Roll Call

Chair's Greetings

Mr. J. Collier Merrill

Approval of Minutes

August 20, 2004

Vice Presidential Update

Dr. Cornelius Wooten, VP Administrative Affairs

Student Achievements

Dr. Debbie Ford, VP Student Affairs

President's Report

Dr. John Cavanaugh

Hurricane Brief

Legislative Issues

ACTION ITEMS

Repeal and adopt UWF BOT grievance rules for out-of-unit employees.

DISCUSSION ITEMS

OWC Classrooms

OTHER ITEMS

ADJOURNMENT

Minutes

UWF Board of Trustees Meeting
J. Earle Bowden Building
August 20, 2004

Chair J. Collier Merrill called the UWF Board of Trustees meeting to order at 10:12 a.m. on August 20, 2004 at 120 Church Street, Pensacola, Florida. Faye Bowers, called roll with the following trustees attending:

- Honor Bell
- K.C. Clark
- Marny Gilluly
- Sharon Hess-Herrick
- Retired General Chuck Horner
- Collier Merrill
- JoAnn Morgan (via conference call)
- Eddie Phillips
- Steven Russell
- Roy Smith
- Dr. Pat Wentz

Others who attended:

- Dr. John Cavanaugh, President
- Dr. Sandra Flake, Provost
- Dr. Hal White, Executive Vice President, Office of the President
- Dr. Debbie Ford, Vice President for Student Affairs
- Dr. Dean Van Galen, Vice President for Development
- Dr. Cornelius Wooten, Vice President for Administrative Affairs
- Dr. Wes Little, Vice Provost

Chair's Greetings

Chair Merrill welcomed Trustee Morgan via conference call and stated that Trustee Epps could not attend due to a scheduling conflict. He thanked Mr. John Daniels, Executive Director of West Florida Historic Preservation, Inc., Mr. Richard Brosnaham and their staff for setting up, preparing and hosting our meeting. Chair Merrill extended a welcome to our new Provost, Dr. Sandra Flake who came on board with UWF July 1, 2004. Dr. Flake's response revealed that she finds UWF a pleasure and she is overjoyed to be under the leadership of President Cavanaugh.

The Chair noted during our June meeting BOT Vice Chair Eddie Phillips suggested that we begin looking for ways to enhance our meetings through technology. Thus, we are viewing agenda materials today electronically via Netmeeting on the laptops before you with no intervention required by trustees. Beginning in November, we will webcast our on-campus meetings to reach those unable to join in person. If it is the board's pleasure, we will discontinue the use of printed materials at the November 5th meeting and each one will have a laptop to use during the meeting. Please assess the technology during our meeting and we may discuss further at the end of the meeting, time permitting.

The new UWF academic year begins on Monday, August 23rd with residence halls open today at 100% occupancy. We are anticipating our highest occupancy rate ever at

just fewer than 1400 students. Many events are planned to welcome our new and returning students. Trustees have a complete list in their binders and are encouraged to attend.

There will be a closed session today following the regular Board of Trustees meeting for the BOT and the UWF United Faculty of Florida Collective Bargaining Management Team. This meeting is closed pursuant to Florida Statute 447.605. Those participants are asked to remain.

Approval of Minutes for June 17, 2004 corrections noted by Trustee K.C. Clark through direction of University Counsel Gina Delulio, regarding Finance, Administration and Audit Committee Action Item 4 to be made to actual minutes prior to posting by Faye Bowers with correction following:

4.0 Tuition Rates, Fees, Fines and Penalties

The proposed rule was approved as an emergency & permanent rule approved contingent upon the following changes:

Changes the undergraduate resident matriculation fee per student credit hour to \$68.17 from \$68.16.

Changes the undergraduate non-resident or qualified Alabama resident matriculation fee to \$68.17 from \$71.33. Change the undergraduate out-of-state fee per SCH to \$397.03 from \$393.86.

Change student parking permits and all subsequent parking permit information back to what it was – no changes.

Motion by: Trustee Horner

Second by: Trustee Russell

It passed unanimously

Student Recognition

Dr. Debbie Ford, Vice President for Student Services introduced Vincent Alexander who shared how UWF has inspired and enabled him to pursue his dream. He especially thanked Dr. Debbie Ford and the faculty/staff for making his UWF experience so positive. Vincent spent this summer at Fisk University studying physics and will be returning there upon graduation from UWF and experience even greater opportunities.

President's Report

Dr. Cavanaugh, in addition to welcoming Provost Flake, thanked Mr. John Daniels for the extra work he and his staff took on for the meeting today. He enlightened the audience and BOT by saying that "I am here to confirm a secret". The secret is out! We're going to be the best university ever, "Making Way for Excellence", to generate excitement throughout Florida.

There will be an editorial in the forthcoming Sunday Pensacola News Journal regarding the Baptist Leadership Institute and UWF as the perfect hometown match. Former trustee, Pam Bilbrey, (BLI) Executive Vice President is highly responsible for its success. Regarding our partnership with Baptist Health Care, seven service teams have been established and we are being bombarded with calls asking "Can I please be a part of the Team?"

The President, then, asked everyone to take a moment to reflect on the lives touched during Hurricane Bonnie's devastating wrath on Florida and that he is pleased Trustee K.C. Clark was not in harm's way.

Dr. Cavanaugh applauded and thanked Vincent Alexander confirming that he is one of 100 UWF/PJC outstanding students with promising leadership.

The President announced September 14th as the date for his State of the University Address at 10:00 a.m. in the UWF Conference Center. He stated that the theme of "Excellence" will continue to fulfill the promise he gave when he came to UWF. "We can start at being good and strive to become excellent." Excellence is built on people – we have the best!

Provost Flake reiterated the President's message saying that although she's been here shortly, UWF is an outstanding university. She is quite pleased to be here.

This weekend celebrates 10,000 students enrolled as we "Welcome the UWF Class of 2008" for the 04-05 school year. Many events are scheduled as students fill the dorms to almost 100% occupancy. Reminding those in attendance of Dustin Hoffman in the Graduate with "plastics" as the real word; saying the real word our students will hear! Excellence!

The faculty and staff are preparing for the SACS visit in March 2005, announced the President, and being a Commissioner, he strongly expressed to the BOT that UWF is armed with high-caliber personnel including Dr. Jane Halonen, Dean of College of Arts and Sciences who is an expert in academic learning.

The Board of Trustees Services Team includes President Cavanaugh, Vice Presidents (Support Committees), Gina Delulio, General Counsel will be responsible for the business, Faye Bowers, Administrative Assistant will be responsible for the administrative duties and Kim Spear, Chief of Staff will be backup. This team is here to assist the BOT which has a new email address: bot@uwf.edu. The teams' communication with the deans, directors, associate vice presidents for their expertise in specific areas will be vital.

Dr. Cavanaugh called on Vice President for Development, Dr. Dean Van Galen who gave the Capital Campaign Update by saying that we are building good relationships with community, state and national alumni, setting up focus groups and coordinating fund raisers. Dr. Van Galen shared, too, that a "case statement" is being developed which outlines UWF's unique mission and needs, as well as projects that will serve as focal points for the campaign. President Cavanaugh will discuss the draft case statement with small "focus groups" during the next two months. In addition, meetings are scheduled for with the FWB Advisory Council under the direction of Vice Provost, Dr. Wes Little; in Atlanta and Tampa. Just last night, we hosted the Japan House fundraiser.

COMMITTEE REPORTS -

i. Finance, Administration and Audit Committee

Action Items

K.C. Clark, Committee chair moved for the full BOT to **ratify** Action Items 1-7 with a second by Trustee Gilluly having unanimous approval during the committee meeting and here as well. (Detailed information may be viewed in committee level minutes.)

- i. Governor's Initiatives
 - Excess credit hours
 - Billing Statements
 - Block Tuition
 - Targeted Degree Programs
- ii. Approve UWF Alternative Tuition Policies
- iii. Approve Naming of UWF Music Wing in honor of the late Grier M. Williams
- iv. Approve FY 05-06 Capital Improvement Trust Fund (CITF) Plan

- v. Approve FY 05-06- 2009/10 Fixed Capital Outlay Plan
- vi. Approve UWF 01-02 Master Plan – Amendment #1
- vii. Approve Parking Rule update to include appeals electronically, as indicated in brochure

Discussion Item

OWC Joint Campus Classrooms – Discussed at committee level.

Informational Item

B. Academic and Student Affairs Committee

Action Item

Committee Chair Roy Smith announced the proposed Master of Education-College Student Personnel Administration did not require ratification by the full BOT but at the committee level only. The proposal for approval will be brought back to the full BOT in February 2005 with anticipated implementation in the Fall of 2005.

Informational Items

Chair Smith noted that 15 courses were deleted last year and every 5 years an auto course purge occurs and funds are reallocated.

- Deleted/Added Degree Program Specializations – Actions of the Faculty Senate, 2003-2004 supplied by Dr. Carl Backman, Associate VP for Academic Affairs.
- During discussion Board of Governors Resolution on Academic Learning Compacts Trustee Smith stated that “UWF is not opposed in any way and he expressed appreciation for the legislature and BOG accountability to consider planning and internal learning assessment.
- Recognition of Programs recently accredited by National Accrediting Associations with Jill White and Rich Frazee commenting that UWF is one of 350 to be accredited by NCATE with dual accreditation at the national and state level. Provost Flake added that in conjunction with the Health and Leisure Center, UWF will imbed criteria into the curriculum to enhance student proficiency.

Student Services update as follows by Dr. Debbie Ford, VP for Student Affairs with introductions of:

New Staff

Dr. Rick Barth, Dean of Students
Joe Poletto, Assistant Director – Housing & Residence Life
Shana Bubolz, Residence Life Coordinator
Ray Gordon, Residence Life Coordinator
Jennifer Smith, Residence Life Coordinator
Dr. Stephanie Chervinko, Psychologist – Counseling Center
Dr. LaVonne Browne, Psychologist – Counseling Center
Christine Haley, Student Affairs Coordinator

Housing & Residence Life

South Side Renovations
Review of Policies and Procedures
Strategic Plan for Housing & Residence Life
Opening of Residence Halls, August 20, 2004 - 1400 Students

Student Transition Programs

Orientations (Students and Parents), Summer
Freshman Year Experience
New Traditions
Welcome Week

C. Executive Committee

Action Item

Approve Presidential Evaluation – Moved to this meeting the Presidential Evaluation being held over for inclusion of Academic Affairs goals for 2004-05 with those of all divisions. The President's Report follows:

Motion by: Trustee Russell
Second by: Trustee Morgan
It passed unanimously.

***Report to the Board of Trustees
University of West Florida
John C. Cavanaugh, Ph.D., President
Goals 2004-2005
August, 2004***

In response to a request from the Board Chair, I offer the following as my goals for the University of West Florida for 2004-2005. These goals are grounded in the vision I described in my inaugural address, the UWF strategic plan, and the progress we have made to date related to each. I list the categories based on functional areas and not in the order of priority.

I welcome the opportunity to discuss them with you.

Top 5 Goals

- Complete planning process for campaign
- Complete the SACS reaffirmation process
- Engage community in economic development partnership
- Successfully implement and complete baseline measurements for "Making Way for Excellence" program with Baptist Leadership Institute
- Develop and implement accountability measures for student outcomes

Board of Trustees

- Implement the revised Board of Trustees interface and strong committee structure.
- Institute procedures for smooth transition in Board membership when succession occurs.
- Design and conduct orientation sessions for new Board members.
- Design and conduct Board development program.
- Create mechanism for ongoing updates/reports on all DSO's to the Board.

President/President's Division

- Increase UWF's visibility at the state and national levels.
- Design and implement public relations effort for SUPA.

- Implement and evaluate the new personnel system.
- Implement year one of staff compensation program to address salary compression.
- Successfully conclude the contract negotiations with UFF.
- Continue implementing the IT strategic plan by completing phase two and beginning phase three.
- Advocate for a technology fee.
- Advocate for full enrollment funding at the state level.
- Advocate for adequate PECO funding.
- Work with Board of Governors on accountability, strategic planning, and funding issues.
- Advocate for federal funding where possible for UWF programs.
- Explore possibility of web casting Board meetings and implement if feasible.
- Implement new Office of Diversity Programs, including major public outreach and communication efforts to minority community.
- Complete SACS reaffirmation process.
- Implement Military Community Policy Council and show results of their input through modifications of or design of academic programs and their delivery.
- Participate in the implementation of the downtown historic district plan and related follow-up activities.

Academic Affairs

- Build Academic Affairs leadership team through planning, hiring replacements for retiring administrators, and organizing functions to optimize support for academic program excellence.
- Continue ongoing academic program review process, with emphasis on identifying programs of excellence and those requiring attention.
- Develop the leadership support to implement fully on-going, systematic assessment of student learning.
- Identify areas of opportunity for new academic programs that meet strategic regional needs and/or foster economic development.
- Identify program that would be eligible for the Governor's Center of Excellence initiative.
- Bring one online program to global market.
- Begin redesign of continuing education effort, and examine the entrepreneurial opportunities of continuing professional education.
- Implement faculty hiring plan to maximize resources in new and continuing faculty positions.
- Design and implement faculty development program for adjunct faculty.
- Begin ongoing evaluation of all faculty development programs.
- Design and implement incentive policies for recruiting minority faculty.
- Increase grants and contracts awards by 10%.
- Begin design of research/scholarship/creative activity and intellectual capital development benchmarking by identifying peer institutions and collecting comparative data.
- Complete the revision of and implement new intellectual property policy for e-learning.
- Increase enrollment at extended campuses by 5%.
- With Student Affairs, evaluate and redesign student support services organization and delivery; target implementation beginning July 1, 2005.

- With Student Affairs and Enrollment Services, develop undergraduate student retention and graduation rate improvement program.
- Revise student recruitment plan with particular attention to meeting the needs of underserved and underrepresented groups.

Administrative Affairs

- Implement "Making Way for Excellence" program with Baptist Leadership Institute and demonstrate significant progress.
- Restructure Office of Accounting and Financial Services to address problems identified in the state operational audit.
- Begin periodic revision of campus physical plan.
- Implement Banner ERP system.
- Continue training of department budget managers for new Banner system.
- Continue campus beautification efforts.
- Improve campus signage and UWF identity based LEAD class recommendations.

Student Affairs

- Implement new Dean of Students administrative model.
- Begin design of new residence hall and dining facility.
- Implement redesigned orientation program for new and transfer students.
- Provide additional student support services at extended campuses.

Development

- Complete the campaign feasibility study.
- Establish financial goal and priorities for campaign.
- Identify campaign chair(s).
- Significantly increase number of visits to major donors/prospects.
- Increase annual giving by 5%.
- Establish another new chapter of the Alumni Association.
- With the President, visit four cities and hold alumni/fundraising events.
- Geographically diversify membership on the Foundation Board.
- In consultation with the Board of Trustees and each DSO Board, develop and implement giving policies for membership.

VII. Presentations/Reports

Mr. John Daniels, Executive Director for West Florida Historic Preservation, Inc., gave a PowerPoint overview of the WFHPI from its beginning in 1967 to the present saying that without the cooperation and concern of UWF, it would not be in existence. WFHPI, in 1997, was the only valid program in the State of Florida. Through legislation directed by Mr. Jerry Maygarden, former SOF Speaker of the House of Representative and former UWF President Morris Marx, the property was moved to UWF for no additional funds. Although, there has been much shifting, the end result is educating K-12 students, playing a big role in the Escambia County Fair, hosting large numbers of visitors, WFHPI is interfacing and utilizing resources in the UWF Public History program, Archaeology Department and Art Department. Mr. Daniels continued saying that the Museums of Commerce and Industry couldn't have survived without the gift of the Wentworth Museum. The WFHPI has a large stake in downtown Pensacola and desires to become stronger with each year.

Mr. Daniels and Board Chair Merrill updated the board regarding a portion of the Dorr House (2nd floor) being used as the UWF Presidential Residence until construction occurs, saying that cooperation on everyone's behalf has been achieved. Chair Merrill conveyed the joy of meeting with the Colonial Dames of whom his mother and 97 year old grandmother are members. Trustee Phillips questioned the possibility of everything not being restored as is, following the building of a Presidential Residence. Mr. Daniels replied that to meet city and county safety codes, it is suggested the kitchen remain at the improved condition.

Discussion Items

- President Cavanaugh talked briefly about BOT Development plan using the Association of Governing Board analysis and recommendations for local BOT committees in order to serve the university best which may result in full-day meetings.
- Bylaws changes would be under the governing committee.
- The possibility of a conflict with SOF statutes on terms of trustees and their roles.

VII. Other Business

Chair Merrill graciously thanked the UWF ITS department for accommodating the meeting with computer setups and asked for feedback from each trustee regarding future meetings.

Action Item

Following the oral reading of Resolution 2004-5 recognizing Erin Sandonato, Chair Merrill asked for a motion to approve
Motion by: Trustee Russell
Second by: Trustee Clark
It passed with unanimous approval.

University of West Florida Board of Trustees
Resolution recognizing Trustee Erin Sandonato

WHEREAS, Ms. Erin Sandonato was elected by her peers to the position of 2003-04 Student Government President, and,

WHEREAS, Ms. Sandonato provided dedicated service to the University of West Florida as a member of the Board of Trustees from May 2003 to May 2004, and;

WHEREAS, Ms. Sandonato used her position as trustee to encourage discussion and interest in the issues affecting University of West Florida students, and

WHEREAS, Ms. Sandonato, served with distinction as an active member of the Academic and Student Affairs Committee, and

WHEREAS, Ms. Sandonato played an extremely energetic role in informing state legislators about the needs of the University of West Florida, taking the lead in representing UWF students and supporting a technology fee, often under intense pressure from her peers at other universities to change her position, now,

THEREFORE BE IT RESOLVED that the University of West Florida Board of Trustees, meeting at the University of West Florida on this 20th day of August, 2004, does hereby commend Ms. Sandonato for her many contributions to the University of West Florida, and does wish her well with her career, and,

BE IT FURTHER RESOLVED that this resolution be included in the minutes of this meeting and a copy be presented to Ms. Sandonato as a token of the Board's appreciation and thanks.



J. Collier Merrill
Chair, University of West Florida Board of Trustees



John C. Cavanaugh
Secretary, University of West Florida Board of Trustees



Following the resolution, Chair Merrill announced that everyone is invited for the Buffet Lunch being served in Conference Room #2. He reminded the audience that the BOT would meet with the UWF UFF Collective Bargaining Management team for a 30 minute closed session.

VIII. Adjournment occurred at 11:48 a.m.

Respectfully submitted,

Faye H. Bowers

Assistant Secretary to the Board of Trustees

Agenda Action Item:

**UWF Board of Trustees
October 19, 2004**

Issue: Repeal and adoption of University of West Florida Board of Trustee grievance rules for out-of-unit employees.

Proposed action:

1. Repeal rule 6C6-2.012 - Grievance Procedure for Administrative and Professional Staff and Faculty Personnel Not Included in Collective Bargaining Unit
 2. Adopt proposed new rule 6C6-2.029 – Grievance Process for Employees Not Covered by a Bargaining Unit
-

Background information:

The current UWF grievance rule for out-of-unit employees supplements the employee grievance procedures provided by the Board of Regents/Board of Education under the former governance structure. In order to reflect the University of West Florida Board of Trustees as the employer and to provide a University of West Florida Board of Trustees grievance process as required by Section 1001.74(19), F.S., it is recommended that 6C6-2.012, be repealed and the University of West Florida Board of Trustees grievance process set forth in proposed Rule 6C6-2.029, be adopted.

- Supporting documentation:**
1. Executive summary of proposed changes to Grievance Rules
 2. Rule 6C6-2.012
 3. Proposed Rule 6C6.2.029

Prepared by: Anita Schonberger
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Sherell Hendrickson
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Executive Summary of Proposed Changes to Grievance Rules

Prior to July 2004, the employees of UWF were separated into three groups, Faculty, Administrative & Professional (A&P) and University Support Personnel System (USPS). Effective July 1, 2004, with prior approval of this Board, the A&P and USPS employees (except for those covered by a bargaining unit) were combined into one work group called the University Work Force.

Currently, the University has one grievance rule for non-unit Faculty and A&P employees and another for USPS employees. The proposed action consists of the repeal of the Faculty/A&P non-unit grievance rule (6C6-2.012- "Grievance Procedure for Administrative and Professional Staff and Faculty Personnel Not Included in a Collective Bargaining Unit") and adoption of a new grievance rule for University employees not covered by a bargaining unit (6C6-2.029- "Grievance Process for Employees Not Covered by a Bargaining Unit").

The proposed rule makes the following changes:

- Extends deadline times to provide employees more time to file and to allow administrators more time to respond.
- Adds an intermediate step allowing for an additional internal review.
- Provides Arbitration as a Step 3 alternative where substantial interests are at stake.
- Offers employees who have not completed the Orientation Period, OPS employees, temporary and visiting employees an opportunity to resolve disputes through the Informal Dispute Resolution process.
- Explains rights and responsibilities of Grievant and University
- Eliminates grievances for non-reappointment, promotion, work assignment, layoff and recall.
- Limits the types of actions which can be grieved through Step 3 to suspensions, demotions, and disciplinary reduction in pay, terminations and actions affecting substantial interests.
- Restricts the ability to grieve oral reprimands and non-disciplinary matters not involving substantial interests to Step 1.
- Confines the ability to grieve performance evaluations to instances in which it is alleged that the evaluation is based on factors other than performance.
- Clarifies the actions which are not grievable, but does not further limit the number of actions which are grievable.
- Advises that allegations of illegal discrimination will be investigated by the Human Resources office.

The following rule is hereby repealed:

6C6-2.012 Grievance Procedure for Administrative and Professional Staff and Faculty Personnel Not Included in a Collective Bargaining Unit.

(1) — The purpose of this rule is to promote a prompt and efficient procedure for the investigation and resolution of grievances filed by Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit.

(2) — All problems should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that resort to the formal grievance procedure will not normally be necessary.

(3) — It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, if, prior to or while seeking resolution of a dispute under this rule, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University shall have no obligation to entertain or proceed further with the matter pursuant to this rule. Further, since it is not intended that the grievance procedure be a device for appellate review, the response of the President or designee to a recommended order of a presiding officer acting pursuant to Chapter 120, Florida Statutes or to other individual or group having appropriate jurisdiction in any other procedure shall not be an act or omission giving rise to a grievance under this procedure.

(4) — All time limits contained in this rule may be extended by agreement of the parties. Upon failure of the University of West Florida or its representative to provide a decision within the time limits provided in this rule, the grievant may appeal to the next appropriate step. Upon the failure of the grievant or counsel to file and appeal within the time limits provided in this rule, the grievance shall be deemed to have been resolved at the prior step.

(5) — Definitions:

(a) — The term “grievance” means a dispute concerning promotion, non-renewal and termination of employment contracts, salary, work assignment, annual evaluation, layoff and recall, and other rights accruing to grievants pursuant to Chapters 6C-5, and 6C6-2, F.A.C.

(b) — The term “grievant” means a member or members of the University of West Florida Administrative and Professional staff and Faculty personnel not included in a collective bargaining unit whose rights have been directly affected by an act or omission of the University or its representative and who has filed a grievance.

(c) — The term “days” means calendar days. In the event an action falls due on Saturday, Sunday, or a State holiday, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(d) — The term “substantial interest” means an act or omission involving termination, suspension, or other discipline for just cause, non-renewal of employment contract, salary and layoff.

(e) — The term “university” means the University of West Florida.

(6) — Step One — all grievances will be filed with the person designated by the President as step one representative for the area of the University in which the grievant performs duties (such as Academic Affairs, the Colleges, Administrative Affairs, Students Affairs, and University Relations) within 25 days from the date following the act or failure to act giving rise to the grievance, or 25 days from the date the grievant knew or should have known of the act or omission.

~~(a) — The written grievance should contain the grievant's name; name and address of counsel, if any; specific rules or statutes claimed to have been violated; a statement of the grievance, including the acts or omissions which are claimed to have given rise to the grievance; remedy sought; signature and date. A copy of the grievance should be provided by the grievant to the Director of University Personnel Relations.~~

~~(b) — A step one meeting must be scheduled by the step one representative no later than 15 days after receipt of the grievance. In advance of step one meeting, the grievant has the right upon request to a copy of any identifiable documents relative to the grievance. At this meeting, the grievant has the right to present any evidence in support of the grievance.~~

~~(c) — Within 15 days after the scheduled meeting, the step one representative will issue a written decision, stating the reasons for the decision. The decision will include a finding as to whether the grievance concerns a substantial interest of the grievant and/or whether any issue of fact material to the grievance remains in dispute.~~

~~(7) — Step Two.~~

~~(a) — If the grievance is not satisfactorily resolved and it has been determined that a substantial interest of the grievant is not involved, the grievant may file a written request for review to the President within 15 days of the date of receipt of the step one decision. The President or designee will schedule a meeting with the grievant no later than 15 days after the request for review was filed. The meeting will offer the opportunity for the grievant to present written or oral evidence in support of the grievance. No later than 25 days after the meeting, the President will issue to the grievant a written decision on the matter, stating the reasons for the decision.~~

~~(b) — If the grievance is not satisfactorily resolved and it has been determined that a substantial interest of the grievant is involved, the grievant may file with the President a written appeal for review no later than 25 days after receipt of the step one decision. If determined in the step one decision that material facts remain in dispute, the President or designee or a hearing officer assigned by the Division of Administrative Hearings (DOAH) will conduct a hearing according to provisions contained in Section 120.57(1), F.S. If a Section 120.57, F.S., hearing is waived (in writing) by all parties, the hearing may be conducted as provided in paragraph (7)(a) of this rule.~~

~~*Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (6), 120.57 FS. History New 12-8-80, Amended 6-30-81, Formerly 6C6-2.12. Repealed.*~~

6C6-2.029 Grievance Process for Employees Not Covered by a Bargaining Unit

(1) A grievance is an employee's complaint presented in writing and is based on one of the following:

(a) an act or omission by the University which substantially affects a term(s) and/or condition(s) of employment that is unjust.

(b) in non-disciplinary matters, a University Rule or Policy that has been wrongfully applied or applied in a manner that violates a Rule or Policy; or

(c) a disciplinary action taken that is inappropriate.

(2) Definitions:

(a) "Grievant" means an employee who believes his/her rights have been affected by an act or omission of the University and who has filed a grievance.

(b) "Days" in this rule mean calendar days. In the event an action falls due on a Saturday, Sunday, or holiday, the action shall be considered timely if it is accomplished by 5:00 p.m. on the following business day.

(3) Non-bargaining unit Faculty and University Work Force (UWF) employees who have completed their orientation period may file a grievance in accordance with paragraph (1), above.

(4) The following employees may not file grievances, but may resolve disputes, other than termination, through the Informal Dispute Resolution Process.

(a) Faculty and University Work Force (UWF) employees who have not completed their orientation period.

(b) Other Personal Services (OPS) employees

(c) Temporary or visiting employees

(5) The following actions may not be grieved:

(a) Administrative leave

(b) Voluntary reduction in pay

(c) Voluntary demotion

(d) Oral and written counselings (these are not disciplinary actions)

(e) Removal of pay additives or temporary pay increases

(f) Correction of overpayments

(g) Separation With Advance Notice

(h) Termination of an employment contract or appointment that states, in substance, that employment shall cease on the date indicated in the appointment with no further notice of cessation of employment required.

(i) Voluntary resignation by an employee

(j) Notice of layoff or layoff

(6) Disciplinary Actions may only be grieved as follows:

(a) Oral Reprimands through Step 1.

(b) Written reprimands through Step 2.

(c) Suspensions, demotions, disciplinary reductions in pay and terminations through Step 3.

(7) Non-disciplinary matters that do not involve a substantial interest are grievable through Step 1. Non-disciplinary matters that involve a substantial interest are grievable through Step 3.

(8) A performance evaluation may not be grieved unless it is alleged that the evaluation is based on factors other than performance. Such evaluations are grievable through Step 1.

Comment:

(9) Claims of illegal discrimination shall be investigated by the University's Human Resource Office or designee.

(10) The University encourages open communication between employees and supervisors to address employee concerns before an employee believes it is necessary to file a grievance.

(11) It is the intent of the grievance process to provide a complete response to a grievant, but not to encourage multiple processing of the same issue. Therefore, if prior to or while seeking resolution of the dispute under this rule, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University shall have no obligation to entertain or proceed further with the matter, but may choose to do so at its discretion.

(12) Upon failure of the University of West Florida to provide a decision within the time limits within this rule, the Grievant may appeal to the next step, where appropriate.

(13) In any non-disciplinary matter or as to any non-disciplinary issue, the Grievant has the burden of proof and the burden of going forward at all times.

(14) In any disciplinary matter or as to any disciplinary issue, the University has the burden of proof and the burden of going forward at all times.

(15) Step 1 of the Grievance Process

(a) To maintain his/her rights, an employee must submit a Step 1 Grievance to Human Resources. The Grievance must be received in Human Resources within thirty (30) days of the act(s) or omission(s) which, the employee knows or should have known, constitutes the basis for the Grievance.

(b) The Step 1 Grievance must be in writing, signed by the Grievant, and must include the following information, at a minimum:

1. The name of the Grievant and of the Grievant's representative, if any, including contact information;

2. A statement specifying which University Rule(s) or Policy(s) the Grievant believes was violated, if any;

3. A brief description of the act(s) or omission(s) which the Grievant alleges is the basis for the grievance;

4. The names (including contact information) of any witnesses or of those who have direct knowledge of the alleged act(s) or omission(s); and

5. An explanation of what the Grievant is seeking in order to resolve the matter. A Grievant may also provide any documents that he/she believes support the grievance and is encouraged to do so.

(c) If the Grievant fails to file a signed, Step 1 Grievance, by the deadline or to include all of the information required for a Step 1 Grievance, the Grievant has no right to further processing of the grievance. The University shall be under no further obligation to process the grievance, and shall so notify the Grievant .

(d) Human Resources shall forward a properly filed Grievance to the University's Step 1 Representative. The Step 1 Representative shall schedule a Step 1 meeting with the Grievant within thirty (30) days after the Step 1 Representative receives the Grievance. The purpose of the Step 1 meeting is to provide the Grievant with an opportunity to present his/her grievance.

(e) In advance of the Step 1 meeting, the grievant has the right to request a copy of identified public records relevant to the Grievance.

(f) At the Step 1 meeting, the Grievant may present information or documents for consideration by the Step 1 Representative. The Step 1 Representative may review and/or use business records of the University that are believed to be relevant to the processing of the Grievance.

(g) The Step 1 Representative must issue a written decision no later than thirty (30) days after the Step 1 meeting, unless the Step 1 Representative and the Grievant mutually agree to an extension in writing.

(16) Step 2 of the Grievance Process - Grievance Review

(a) If the Grievant is not satisfied with the Step 1 decision and the matter involves a written reprimand, suspension, disciplinary reduction in pay, demotion, termination and/ or substantial interest, the Grievant may request a Step 2 Review. The Step 2 Review Request must be received by Human Resources within thirty (30) days of the date of the Step 1 decision.

(b) The purpose of the Step 2 Review is to provide the grievant with the opportunity to obtain a review of his/her grievance.

(c) The Step 2 Representative must issue a written decision no later than thirty (30) days after the Step 2 meeting, unless the Step 2 Representative and the Grievant mutually agree to an extension in writing.

(17) Step 3 of the Grievance Process -- Administrative Hearing or Arbitration.

(a) Request for Administrative Hearing-

1. If the Grievant is not satisfied with the Step 2 decision and the matter involves a substantial interest, the Grievant may request an Administrative Hearing in accordance with Chapter 120, Administrative Procedure Act, F.S., and Chapter 28-106, F.A.C., Decisions Determining Substantial Interests, by submitting a request to Human Resources with a copy to the Office of the General Counsel, within twenty (20) days of the date of the Step 2 decision.

2. It is the Grievant's obligation to file the Request for an Administrative Hearing in accordance with Chapter 120. If a Grievant fails to file the request by the deadline, to sign the request, or to include all of the information required, the Grievant has no right to further processing of the request for an Administrative Hearing. The University will be under no further obligation to process the Administrative Hearing Request and will notify the Grievant of the reasons why the Administrative Hearing will not be conducted.

(b) Request for Arbitration-

1. If the Grievant is not satisfied with the Step 2 decision and the matter involves a substantial interest, the Grievant may request Arbitration. A request for Arbitration must be filed with Human Resources within thirty days (30) of the date of the Step 2 decision.

2. The Arbitration Request must be signed by the Grievant and must include the following:

a. A copy of the Step 1 Grievance and all associated documents;

b. A copy of the Step 1 and Step 2 decisions;

c. If applicable, a list of the Rule(s) and/or Policy(s) the Grievant believes may have been inappropriately applied in the Step 2 decision; and

d. A brief description of the basis for challenging the Step 2 decision.

e. The Grievant may also provide any documents that he/she believes will support the Request for Arbitration.

3. Selection of the Arbitrator

a. Human Resources shall select an arbitrator on a rotational basis from an odd-numbered panel of at least seven (7) arbitrators maintained by the University and shall notify the employee of the arbitrator selected. If the parties do not agree on the arbitrator selected, the selection shall be made by alternately striking names from the panel. The right of first

strike shall be determined by a coin toss.

b. The University will coordinate with the arbitrator to arrange the date, time, and place of the arbitration, and such communication will not be deemed to be an inappropriate, unethical, or ex parte communication.

4. For purposes of this section only, all notices and/or objections must be received by the other party within the required time period, unless extenuating circumstances interfere with the party's ability to comply.

5. The arbitrator's authority is to determine whether the University complied with University Rules and Policies. The arbitrator shall not review managerial decisions other than to ensure that such actions are in accordance with the applicable procedures under review.

6. The arbitrator may award back salary where it is determined that an employee did not receive the appropriate salary; however, the award may not be retroactive to earlier than fourteen (14) working days prior to initiation of the Arbitration Request. The arbitrator may not award other monetary damages, punitive damages or penalties and may not award attorney fees to either party.

7. The arbitrator shall issue his/her decision within sixty (60) calendar days of the completion of the Arbitration. The arbitrator's decision is binding.

8. Neither party may appeal the arbitrator's decision except in accordance with Florida law.

(c) Election of Remedies-

1. The election of Arbitration in accordance with this Rule constitutes the Grievant's waiver of any right to a Request for Administrative Hearing and the election of Request for Administrative Hearing in accordance with this Rule constitutes the Grievant's waiver of any right to request Arbitration.

2. The election of either Arbitration or Request for Administrative Hearing constitutes the Grievant's waiver of any right to any other processes, rights, and/or remedies that may be available. Once the election is made, a Grievant may not withdraw the Request for Arbitration or Request for Administrative Hearing for the purpose of initiating another type of review or process. A Grievant's withdrawal of a Request for Administrative Hearing or Arbitration will constitute a dismissal of the action with prejudice.

Specific Authority [1001.74\(4\)](#), [\(19\) FS](#). Law Implemented [1001.74\(4\)](#), [\(34\)](#), [1001.75\(3\)](#), [\(16\) FS](#). History--New xx-xx-04.

UWF Board of Trustees
Conference Call Meeting
October 19, 2004

Issue: OWC Joint Classroom

Proposed action: Discussion

Background information: UWF has a joint campus with OWC in Fort Walton Beach. There has been a need for additional classroom and office space for several years on the joint campus. The Division of Colleges and Universities previously gave joint campuses special PECO allocations. However, in recent years, the DCU has not provided a joint campus PECO allocation. Although, this item was briefly discussed during the Finance, Administration and Audit Committee meeting on August 20, 2004, time did not permit further discussion at the full BOT meeting.

Supporting documentation: none

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