AGENDA

THE UNIVERSITY OF WEST FLORIDA
BOARD OF TRUSTEES

Student Affairs Committee Meeting
March 1, 2016

University of West Florida Conference Center, Bldg. 22
11000 University Parkway, Pensacola, FL

Call to Order/Roll Call .................................................. Jay Patel, Chair

Chair's Greetings .......................................................... Jay Patel

Action Item:
1. Promulgation of UWF REG 5.003 Skateboards and Similar Devices

Information Item(s):
1. Student Case Management Services Fall 2015 Frequency Data
2. Office of Student Rights and Responsibilities Spring 2015 Frequency Data

Other Committee Business

Adjournment
UWF Board of Trustees Meeting
Student Affairs Committee
March 1, 2016

Issue: Promulgation of UWF/REG 5.003 Skateboards and Similar Devices

Proposed action: Approve promulgation of regulation in form attached of UWF/REG-5.003 Skateboards and Similar Devices

Background information:

The proposed regulation converts University Policy SA-21.00—05/09 to a university regulation and includes appropriate provisions for similar devices. This is necessary as it also applies to persons outside of the campus community. The intent is to establish a regulation governing the use of skateboards and similar devices on property owned or controlled by the University of West Florida Board of Trustees in order to minimize disruption, injury to persons and damage to property.

Regulation Amendment Procedural History:

The notice of proposed regulation UWF/REG 5.003 was posted to the BOT website on February 19, 2016 and comments were invited. The notice was also published in the February 22, 2015 edition of @UWF and comment was invited. No comments have been received as of the date hereof. The required 30-day notice period for the proposed regulation ends on March 22, 2016.

Recommendation:

Approve promulgation of UWF/REG-5.003 Skateboards and Similar Devices as set forth in the supporting documentation.

Implementation Plan:

Effective immediately upon BOT action.

Fiscal Implications:

None.

Supporting documents:

- BOG Regulation 1.001
- §316.0085, Florida Statutes
- UNIVERSITY POLICY SA- 21.00 - 05/09
- UWF/REG 5.003 Skateboards and Similar Devices Notice with Proposed Regulation

Prepared by: James H. Felder, Associate General Counsel, Office of the General Counsel, jfelder@uwf.edu, 850/474-3420.

Facilitator/Presentor: Peter Robinson, Director of Environmental Health & Safety
1.001 University Board of Trustees Powers and Duties

(1) Pursuant to Article IX, section 7(c), Florida Constitution, the Board of Governors shall establish the powers and duties of the board of trustees as set forth herein and as may be established in Board of Governors’ regulations. This regulation supersedes the delegation of authority to the boards of trustees contained in the Board of Governors’ Resolution dated January 7, 2003. The intent of this regulation is to delegate powers and duties to the university boards of trustees so that the university boards have all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.

(2) Composition of Boards; Membership and Organization.
   (a) Each university shall be administered by a board of trustees, consisting of thirteen members dedicated to the purposes of the State University System. Each university board of trustees includes six members appointed by the Governor and five members appointed by the Board of Governors, all of whom must be confirmed by the Senate. All trustees are required to attend a Board of Governors orientation session, preferably prior to service on the university board. The chair of the faculty senate, or the equivalent, and the president of Student Government, or the equivalent, are also members. Board of trustee members shall serve staggered terms of five years and may be reappointed for subsequent terms, except for the faculty and student representatives who shall serve for the duration of the term of their respective elected offices. All members are public officers subject to the requirements of the Florida Code of Ethics.

   (b) Each board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for two years and may be reselected for one additional consecutive two-year term. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Board of Governors or the Governor, as applicable, in writing whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal.

   (c) The university president shall serve as the chief executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.
(d) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061, Florida Statutes.

(e) Each board of trustees shall establish the powers and duties of the university president.

(f) Each board of trustees shall be a public body corporate with all the powers of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law and equity, and to give and receive donations. In all suits against the board of trustees, service of process shall be made on the chair of the board of trustees or on a university designee.

(g) Each board of trustees shall be primarily acting as an instrumentality of the state pursuant to s. 768.28, Florida Statutes, for purposes of sovereign immunity.

(h) Each board of trustees is subject to the public records and open meetings requirements set forth in Article I, section 24 of the Florida Constitution and laws implementing that section.

(3) University Administration and Oversight.

(a) Each board of trustees shall be responsible for the administration of its university in a manner that is dedicated to, and consistent with the university’s mission which shall be otherwise consistent with the mission and purposes of the State University System as defined by the Board of Governors.

(b) Each board of trustees may establish committees of the board to address matters including, but not limited to, academic and student affairs, strategic planning, finance, audit, property acquisition and construction, personnel, and budgets.

(c) Each board of trustees shall adopt a strategic plan in alignment with the Board of Governors’ systemwide strategic plan and regulations, and the university’s mission. University strategic plans shall be submitted to the Board of Governors for approval.

(d) Each board of trustees shall prepare a multi-year workplan/report for the Board of Governors that outlines its university’s top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and systemwide goals. The workplan/report shall reflect the university’s distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs.

(e) Each board of trustees shall have a policy addressing conflicts of interest for its members.
(f) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall require that all data and reporting requirements of the Board of Governors are met.

(g) Each board of trustees may promulgate regulations and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(h) Each board of trustees is authorized to secure comprehensive general liability insurance.

(i) Each board of trustees may provide for payment of the cost of civil actions against officers, employees, or agents of its board.

(j) Each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

(k) Each board of trustees may govern traffic on the grounds of the university and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.

(l) Each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students, and campus visitors.

(m) Each board of trustees is authorized to create divisions of sponsored research and establish policies regulating the administration and operation of the divisions of sponsored research.

(4) Academic Programs and Student Affairs.

(a) Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to:
   1. authorization and discontinuance of degree programs;
   2. articulation and access;
   3. admission and enrollment of students;
   4. minimum academic performance standards for the award of a degree;
   5. student financial assistance;
   6. student activities and organizations;
   7. student records and reports;
   8. antihazing, related penalties, and program for enforcement;
   9. reasonable accommodation of religious observances; and
   10. uniform student code of conduct and related penalties.

Such regulations or policies shall be consistent with any applicable Board of Governors’ regulations.

(b) Each board of trustees shall establish a committee to periodically review and evaluate the student judicial system. At least one-half of
the members of the committee shall be students appointed by the student body president.

(c) Each board of trustees shall approve the internal procedures of student government organizations.

(d) Each board of trustees shall require that institutional control and oversight of its intercollegiate athletics program is in compliance with the rules and regulations of the National Collegiate Athletic Association. The university president is responsible for the administration of all aspects of the intercollegiate athletics program.

(5) Personnel.

(a) Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure, and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.

(b) Each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

(c) Each board of trustees shall select its university president subject to confirmation of the candidate by the Board of Governors. A presidential search committee shall be appointed to make recommendations to the full board of trustees. The board of trustees shall select a candidate for confirmation by the Board of Governors. Prior to confirmation, the board of trustees shall submit a written description of the selection process and criteria, and the qualifications of the selected candidate to the Board of Governors for its consideration in confirming the candidate. The candidate selected by the board of trustees shall be required to appear before the Board of Governors at the meeting where confirmation of the candidate will be considered. Such meeting will be held as soon as practicable to ensure a timely transition. A two-thirds vote of the Board of Governors shall
be required to deny confirmation of a candidate selected by a board of trustees.

(d) In the event that a board of trustees selects an interim president, such selection is subject to confirmation of the candidate by the Board of Governors. If it is determined by the board of trustees to be in the best interests of the university, the interim president selected by the board may be delegated full authority to serve as the interim president during the period prior to confirmation by the Board of Governors. Continued service as interim president requires confirmation by the Board of Governors, and the candidate selected by the board of trustees shall be required to appear before the Board of Governors at the meeting where confirmation will be considered. Such meeting will be held as soon as practicable to ensure a timely transition.

(e) Each board of trustees shall develop guidelines for the annual evaluation of the president.

(f) Each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request input from the Chair of the Board of Governors, who may involve the Chancellor, during the annual evaluation process pertaining to responsiveness to the Board of Governors’ strategic goals and priorities, and compliance with systemwide regulations.

(6) Financial Management.

(a) Each board of trustees shall be responsible for the financial management of its university and shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.

(b) Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.

(c) Each board of trustees shall establish waivers for tuition and fees pursuant to regulations established by the Board of Governors.

(d) Each board of trustees shall engage in sound debt management practices for the issuance of debt by the university and its direct support organizations, and shall comply with the guidelines established by the Board of Governors in connection with the authorization, issuance and sale of university and direct support organization debt.

(e) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by state or federal law.
(f) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(g) Each board of trustees shall establish policies and procedures for the performance of annual internal audits of university finances and operations. All reports generated from such audits must be submitted to the Board of Governors after review and acceptance by the board of trustees, or its designee.

(h) Each board of trustees and each direct support organization shall submit annual financial statements to the Board of Governors.

(7) Property and Purchasing.

(a) Each board of trustees and university direct support organization must obtain prior approval from the Board of Governors before entering into a binding contractual obligation to improve real property that will result in the board or the direct support organization seeking a commitment of state funds for the development, construction, operation, or maintenance of an educational or research facility.

(b) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same, and approve and execute contracts for purchase, sale, lease, license, or acquisition of commodities, goods, equipment, and contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price.

(c) With respect to state-funded real property acquisitions, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

1. The board of trustees may secure appraisals and surveys in accordance with the policies and procedures of the Board of Trustees of the Internal Improvement Trust Fund. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

2. The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the
maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

3. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired thereafter with state funds shall vest in the Board of Trustees of the Internal Improvement Trust Fund. With respect to all other real property acquired by a university, such property shall be titled in the name of the university board of trustees, or as the trustees of the university may deem appropriate.

(d) Each board of trustees shall submit to the Board of Governors, for approval, plans for all new campuses and instructional centers.

(e) Each board of trustees shall administer a program for the maintenance and construction of facilities.

(f) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013, Florida Statutes.

(g) Each board of trustees shall be responsible for the use, maintenance, protection, and control of, and the imposition of charges for, university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.

(h) With respect to any funds or real or personal property designated by will, deed, agreement, or court appointment to be held in trust for the benefit of the university, or its students, faculty members, officers, or employees, or otherwise, or for any educational purpose, a university board of trustees is authorized to act as trustee with full legal capacity as trustee to administer such trust property and, in such event, the title thereto shall vest in the board of trustees as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and duties including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for or appropriate to the administration of such trust or to accomplish the purposes of any such trust. Nothing herein shall be construed to authorize a board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered.
(i) Each board of trustees shall prepare and adopt a campus master plan pursuant to section 1013.30, Florida Statutes.

(j) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to section 1013.30, Florida Statutes.

(k) Each board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities and parking fines.

(l) Each board of trustees shall promulgate regulations that establish basic criteria related to the procurement of commodities and contractual services.

(m) Each board of trustees shall be responsible for the fire safety and sanitation of public educational and ancillary plants.

(8) Miscellaneous Powers and Duties.

(a) Each board of trustees is authorized to form such corporate entities as are necessary to establish and maintain faculty practice plans for the collection, distribution, and regulation of fees generated by faculty members engaged in the provision of healthcare services to patients as an integral part of their academic activities and employment as faculty. Each such faculty practice plan must be adopted by the board of trustees in accordance with regulations of the Board of Governors and approved by the Board of Governors.

(b) Each board of trustees is authorized to establish direct support organizations and university health services support organizations and certify them to use university property, facilities, and services.

(c) Each board of trustees may establish educational research centers for child development.

(d) Each board of trustees is authorized to protect, develop, and transfer the work products of university personnel and other university agents and contractors, which authority shall include but not be limited to licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks on such products. Each board of trustees shall have policies and procedures concerning the work products of university personnel that facilitate technology development and transfer for the public benefit. Such policies must include, without limitation, provisions that take into account the contributions of university personnel in the development of work products and that require any proceeds from such work products be used to support the research and sponsored training programs of the university.
(e) Each board of trustees is responsible for compliance with all applicable laws, rules, regulations, and requirements.

(f) Each board of trustees shall perform such other duties as provided by the Board of Governors, or as each board of trustees may determine are necessary or appropriate for the administration of the university so long as the trustees comply with any applicable laws and Board of Governors’ regulations and policies.

Authority: Section 7(c), Art. IX, Fla. Const.; History: Resolution 1-07-03, New 3-26-09, Amended 09-16-10.
316.0085. Skateboarding; inline skating; freestyle or mountain and off-road bicycling; paintball; definitions; liability

Effective: July 1, 2015

(1) The purpose of this section is to encourage governmental owners or lessees of property to make land available to the public for skateboarding, inline skating, paintball, and freestyle or mountain and off-road bicycling. It is recognized that governmental owners or lessees of property have failed to make property available for such activities because of the exposure to liability from lawsuits and the prohibitive cost of insurance, if insurance can be obtained for such activities. It is also recognized that risks and dangers are inherent in these activities, which risks and dangers should be assumed by those participating in such activities.

(2) As used in this section, the term:

(a) “Governmental entity” means:

1. The United States, the State of Florida, any county or municipality, or any department, agency, or other instrumentality thereof.

2. Any school board, special district, authority, or other entity exercising governmental authority.

(b) “Inherent risk” means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding, inline skating, paintball, and freestyle or mountain and off-road bicycling.

(3)(a) This section does not grant authority or permission for a person to engage in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling on property owned or controlled by a governmental entity unless such governmental entity has specifically designated such area for skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling. Each governmental entity shall post a rule in each specifically designated area that identifies all authorized activities.

(b) Each governmental entity shall post a rule in each specifically designated area for paintball or mountain and off-road bicycling which indicates that a child under 17 years of age may not engage in such activities until the governmental entity has obtained written consent, in a form acceptable to the governmental entity, from the child's parent or legal guardian.

(4) A governmental entity or public employee is not liable to any person who voluntarily participates in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling for any damage or injury to property or persons which arises out of a person's participation in such activity, and which takes place in an area designated for such activity.
(5) This section does not limit liability that would otherwise exist for any of the following:

(a) The failure of the governmental entity or public employee to guard against or warn of a dangerous condition of which a participant does not and cannot reasonably be expected to have notice.

(b) An act of gross negligence by the governmental entity or public employee that is the proximate cause of the injury.

(c) The failure of a governmental entity that provides a designated area for paintball or mountain and off-road bicycling to obtain the written consent, in a form acceptable to the governmental entity, from the parents or legal guardians of any child under 17 years of age before allowing such child to participate in paintball or mountain and off-road bicycling in such designated area, unless that child's participation is in violation of posted rules governing the authorized use of the designated area, except that a parent or legal guardian must demonstrate that written consent to engage in mountain or off-road bicycling in a designated area was provided to the governmental entity before entering the designated area.

Nothing in this subsection creates a duty of care or basis of liability for death, personal injury, or damage to personal property. Nothing in this section shall be deemed to be a waiver of sovereign immunity under any circumstances.

(6) Nothing in this section shall limit the liability of an independent concessionaire, or any person or organization other than a governmental entity or public employee, whether or not the person or organization has a contractual relationship with a governmental entity to use the public property, for injuries or damages suffered in any case as a result of the operation of skateboards, inline skates, paintball equipment, or freestyle or mountain and off-road bicycles on public property by the concessionaire, person, or organization.

(7)(a) Any person who participates in or assists in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling assumes the known and unknown inherent risks in these activities irrespective of age, and is legally responsible for all damages, injury, or death to himself or herself or other persons or property which result from these activities. Any person who observes skateboarding, inline skating, paintball, or freestyle or mountain or off-road bicycling assumes the known and unknown inherent risks in these activities irrespective of age, and is legally responsible for all damages, injury, or death to himself or herself which result from these activities. A governmental entity that sponsors, allows, or permits skateboarding, inline skating, paintball, or freestyle or mountain or off-road bicycling on its property is not required to eliminate, alter, or control the inherent risks in these activities.

(b) While engaged in skateboarding, inline skating, paintball, or freestyle or mountain or off-road bicycling, irrespective of where such activities occur, a participant is responsible for doing all of the following:

1. Acting within the limits of his or her ability and the purpose and design of the equipment used.

2. Maintaining control of his or her person and the equipment used.

3. Refraining from acting in any manner which may cause or contribute to death or injury of himself or herself, or other persons.
Failure to comply with the requirements of this paragraph shall constitute negligence.

(8) The fact that a governmental entity carries insurance which covers any act described in this section shall not constitute a waiver of the protections set forth in this section, regardless of the existence or limits of such coverage.

Credits

West's F. S. A. § 316.0085, FL ST § 316.0085
Current through the 2015 1st Reg. Sess. and Special A Session of the Twenty-Fourth Legislature
UNIVERSITY POLICY SA- 21.00 – 05/09

TO: University of West Florida Community
FROM: Dr. Judith Bense, President
SUBJECT: Skateboarding as a Means of Transportation
REFERENCE: Section 316.0085, Florida Statutes; Florida Board of Governors Regulation 1.001

Responsible Office/Executive: Student Affairs

I. PURPOSE
The intent is to establish a policy governing the use of skateboards on property owned or controlled by the University of West Florida so as to minimize injury to persons and damage to property.

Visitors are prohibited from skateboarding on any University of West Florida property. Visitors in violation of this policy may be escorted off campus and issued a trespassing warning. Individuals violating State law are subject to arrest. Individuals causing damage to University or other property will be held responsible.

II. ASSUMPTION OF THE RISK
Any person who participates in skateboarding assumes the known and unknown inherent risks in these activities, irrespective of age, and is legally responsible for all damages, injury, or death to himself, herself, other persons or property which result from these activities.

III. GUIDELINES FOR USERS OF SKATEBOARDS
A. The use skateboards is prohibited on any University owned or controlled property except in a manner consistent with the following:
1. Skateboarding is only permitted on the UWF main campus, not other campuses.
2. Skateboarding is only permitted by current UWF students.
3. Skateboarding is only permitted when it is being used as a means of transportation on campus.
4. Skateboarders must yield to pedestrians and vehicular traffic.
5. Skateboarding is only permitted on sidewalks and crosswalks at the main campus. Sidewalks shall be defined as those portions of a street between the curb line or the lateral line of a roadway and the adjacent property lines or the walkway between
buildings, intended for use by pedestrians.

6. Skateboarding is prohibited in all other areas of the campus, including, but not limited to:
   a. Parking lots and roads;
   b. Within 10 feet of all building entrances;
   c. All sidewalks between building 910 (Village East) and the UWF East Entrance;
   d. All sidewalks directly leading to and from building 76 and building 79.

7. Skateboarding is only permitted at reasonable, safe and prudent speeds based upon conditions, including the terrain.

8. Skateboarders shall maintain control of themselves and of their skateboards.

9. Skateboarders shall skateboard within the limits of their abilities, within the guidelines of this policy and within the purpose and design of the skateboards.

10. Skateboarders shall refrain from acting in any manner which may contribute to injury to themselves or other persons or damage to any property.

11. Skateboarding tricks and stunts are not permitted on campus.

12. Skateboarding is not permitted on stairs, tables, ledges, railings, ramps or other structures.

13. Skateboarding is not permitted inside any building.

14. Skateboarders shall not wear headphones while riding skateboards.

B. Students under 17 years old may not skate without written consent from the students’ parents or legal guardian. Written consent may only be obtained by completing the form in Appendix I of this policy.

IV. SANCTIONS
   A. Students
      Students violating this policy are subject to sanctions in accordance with the Student Code of Conduct.

   B. Trespass Warnings
      Campus visitors are not permitted to skateboard. Such individuals are subject to warning and trespass for removal from campus.

Approved By: [Signature]
Dr. Judith Bense, President

Date: 5/19/09
APPENDIX I

UNIVERSITY OF WEST FLORIDA SKATEBOARDING
ASSUMPTION OF RISK, WAIVER, COVENANT NOT TO SUE, AND RELEASE OF LIABILITY
CONSENT FORM

Before students of the University of West Florida ("UWF") who are under the age of 17 participate in skateboarding on the UWF main campus ("UWF campus"), their parents or legal guardians must sign this consent form.

I, __________________________, attest that I am the parent or legal guardian of ________________________, who is a student at UWF. I hereby grant my full approval for my child to engage in skateboarding on the UWF campus. I further attest that there are no medical reasons which preclude or restrict my child’s participation in this activity, and I agree to instruct my child to follow the UWF Skateboarding Policy and all other university policies, rules and regulations, including dress and safety codes at all times. I understand that these policies, rules and regulations are designed for the safety and protection of my child and others and that my child’s failure to adhere to the policies, rules and regulations involved with this activity may result in my child no longer being able to participate in this and other UWF activities presently and permanently.

I understand and agree that my child must do all of the following while skateboarding on the UWF campus and that failure to do so shall constitute negligence:

1. Acting within the limits of his or her ability and the purpose and design of the equipment used;
2. Maintaining control of his or her person and the equipment used;
3. Refraining from acting in any manner that may cause or contribute to the death or injury of himself, herself, or other persons; and
4. Following all requirements in the UWF skateboarding policy, a copy of which has been provided to me.

I understand the specific risks my child may come in contact with include, but are not limited to the following: torn/pulled muscles, bruises, hand injuries, foot injuries, broken or fractured bones, shoulder injuries, fatigue, heat exhaustion, heat stroke, head injuries, loss of breath, bleeding or contact with blood, scrapes, cuts, concussion, permanent disability, increased stress and all other injuries and damages reasonably foreseeable.

Any parent or legal guardian whose child participates in or assists in skateboarding assumes the known and unknown inherent risks in these activities irrespective of age, and is legally responsible for all damages, injury, or death to his or her child; other persons or property, which may result from these activities.

I understand that insurance is not provided by UWF to cover physical, mental, or property damage sustained from my child’s participation in skateboarding, and I recognize that I am encouraged to ensure my child’s insurance needs before he or she participates in skateboarding. I further agree to take full responsibility for expenses from any such damages that may occur. I have inspected the designated area for skateboarding and acknowledge that there are not any dangerous conditions which my child does not and cannot reasonably be expected to have notice. I acknowledge that the designated area is in good and anticipated condition for skateboarding. I acknowledge that UWF is not required to eliminate, alter, or control the inherent risks in these activities.

In consideration of my child’s participation in skateboarding on the UWF campus, I forever agree to hold harmless, release, covenant not to sue and forever discharge the State of Florida, the Florida Board of Governors, the University of West Florida Board of Trustees, the University of West Florida, and their respective officials, employees, agents, assigns, volunteers, and guests (hereinafter referred to as “Released Parties”) from any and all liability resulting from the ordinary negligence of those involved. I hold harmless the Released Parties from any claim or lawsuit by me, my spouse, my family, estate, heirs or assigns arising out of my child’s participation in skateboarding at the UWF campus.

I expressly agree that this release and waiver is intended to be as broad and inclusive as permitted by the laws of Florida and that if any portion is held to be invalid, it is agreed that the balance of the agreement shall continue in full legal force and effect.
Finally, I hereby declare and represent that in making, executing and tendering this Statement of Assumption of Risk, Waiver, Covenant Not to Sue, Informed Consent and Release of Liability, I have read this consent form, understand the risks involved with this activity, voluntarily assume these risks, understand the contents of this statement, sign it of my own free will and choice and that I have discussed all requirements of this document with my child.

I have executed this document this _____ day of __________, 20__.

Printed Name of Parent
Or Guardian

Printed Name of Parent’s or Legal Guardian’s Child

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before this _____ day of __________ 20__ by __________________________, who is either personally known to me or produced ______________ as identification.

__________________________
NOTARY PUBLIC, STATE OF FL
[Affix Notary Stamp]
UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION

REGULATION TITLE:  UWF/REG 5.003  Skateboards and Similar Devices

SUMMARY:  The proposed regulation converts University Policy SA-21.00—05/09 to a university regulation and includes appropriate provisions for similar devices.  This is necessary as it also applies to persons outside of the campus community.  The intent is to establish a regulation governing the use of skateboards and similar devices on property owned or controlled by the University of West Florida Board of Trustees in order to minimize disruption, injury to persons and damage to property.

AUTHORITY:  BOG Regulation 1.001(3)(j); 1.001(3)(l); 1001(7)(g); §316.0085, Florida Statutes

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:
  Peter Robinson, Director of UWF Environmental Health & Safety

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:
  James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750.  Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before March 20, 2016 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:
  February 19, 2016

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”:
  February 22, 2016

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:

UWF/REG 5.003  Skateboards and Similar Devices

I. PURPOSE
The intent is to regulate the use of skateboards and similar devices on property owned or controlled by the University of West Florida in order to minimize disruption, injury to persons and damage to property.

II. DEFINITIONS
A. Skateboard: A device propelled by human power with wheels and a floorboard designed to be stood upon when riding.
B. Transportation Use: For the purposes of this regulation, transportation use is defined as a means of conveyance while traveling from point-to-point on or through University property.
C. Recreational Use: For the purposes of this regulation, recreational use is defined as use of described devices for entertainment. Entertainment uses might include practicing tricks or stunts.
D. Motorized: Motorized, as defined for this regulation, is as any transportation device that is powered by a gas or electric engine.
E. Sidewalks: Those portions of a street between the curb line or the lateral line of a roadway and the adjacent property lines or the walkway between buildings, intended for use by pedestrians.

III. ASSUMPTION OF THE RISK

All persons who participate in skateboarding on property owned or controlled by the University of West Florida assume the known and unknown inherent risks in this activity, irrespective of age, and is legally responsible for all damages, injury, or death to himself, herself, other persons or property which result from their participation in such activities.

IV. GUIDELINES FOR USERS OF SKATEBOARDS AND SIMILAR DEVICES
A. The use of skateboards is prohibited on any University owned or controlled property except in a manner consistent with the following:
   (1) Skateboarding is only permitted on the UWF main campus for transportation use, not on other property owned or controlled by the University of West Florida. Skateboarding for recreational use is prohibited on all property owned or controlled by the University of West Florida.
   (2) Skateboarding is only permitted on the UWF main campus by current UWF students, faculty, and staff.
   (3) Skateboarders must yield to pedestrians and vehicular traffic.
   (4) Skateboarding is only permitted on sidewalks and crosswalks of the UWF main campus, unless otherwise provided by signage or regulation. Under no circumstances will skateboarding be allowed on ramps, curbs, benches, steps, stairs, or other such structures.
   (5) Skateboarding is prohibited in all other areas of the campus, including, but not limited to:
      i. Parking lots and roads;
      ii. Within 10 feet of all building entrances;
      iii. All sidewalks between building 910 (Village East) and the UWF East Entrance;
      iv. All sidewalks directly leading to and from building 76 and building 79.
   (6) Skateboarding is only permitted at reasonable, safe and prudent speeds based upon conditions, and all wheels must maintain contact with the sidewalk or paved surfaces at all times. Wearing headphones or ear-buds while operating such devices is prohibited.
   (7) Skateboarders must maintain control of themselves and of their skateboards.
   (8) Skateboarders must refrain from acting in any manner which may contribute to injury to themselves or other persons or damage to any property.
   (9) Skateboarding is not permitted inside any building. Skateboards may be carried (but not
ridden) into campus buildings and classrooms as long as they do not create an obstruction, trip hazards or damage to University property.

(10) The use of motorized skateboards, scooters, hoverboards, and other similar devices are prohibited on the UWF main campus.

B. Students under 17 years of age may not engage in skateboarding on the UWF campus without written consent from the students' parents or legal guardian. Written consent may only be obtained through submission of the completed form found at:


The completed form must be submitted to envhs@uwf.edu prior to participation.

V. VIOLATIONS

A. Anyone causing property damage may be required to render restitution as appropriate.

B. Employees of the University who violate this regulation may be subject to disciplinary actions.

C. Students of the University who violate this regulation may be subject to student disciplinary proceedings.

D. Persons not affiliated with the University may be subject to a ban from University property by the University Police.

E. Skateboards used for recreational use on property owned or controlled by the University of West Florida, or otherwise in violation of this regulation may be subject to confiscation by the University Police.

F. Individuals violating State law are subject to arrest.

Authority §316.0085, Florida Statutes; BOG Regulations 1.001(3)(j); 1.001(3)(l); 1001(7)(g).
History–New _______________.
Issue: Student Case Management Services Fall 2015 Frequency Data

Proposed action: Informational item for review

Background information:

Fall 2015 frequency data for student case management services will be reviewed.

Recommendation: N/A

Implementation Plan: N/A

Fiscal Implications: N/A

Supporting documents: PPT

Prepared by: Dr. Lusharon Wiley, Sr. Associate Dean/Director of Case Management Services

Presenter: Dr. Lusharon Wiley, Sr. Associate Dean/Director of Case Management Services
Issue: Office of Student Rights and Responsibilities - Spring 2015 Frequency Data

Proposed action: Informational items for review

Background information:

Fall 2015 frequency data for student conduct and academic misconduct cases will be reviewed.

Recommendation: N/A

Implementation Plan: N/A

Fiscal Implications: N/A

Supporting documents: PPT

Prepared by: Brandon A. Frye, Ph.D., AVP/Dean of Students, 850-474-2384, bfrye@uwf.edu

Presenters: Brandon A. Frye, Ph.D, AVP/Dean of Students, 850-474-2384, bfrye@uwf.edu
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