

NOTICE OF  
**EMERGENCY REGULATION**  
March 14, 2007

University of West Florida

REGULATION TITLE: UWF ER 2007-4- Research and Sponsored Programs at the University of West Florida (EMERGENCY)

STATEMENT OF FACTS AND REASONS FOR EMERGENCY REGULATION. On February 28, 2007, in a case filed by Floridians for Constitutional Integrity, Inc. against the State Board of Education and the Board of Governors, the court declared ten Florida statutes unconstitutional. One of the statutes declared unconstitutional was section 1004.22, Florida Statutes which establishes and governs the Divisions of Sponsored Research at state universities. As a result of the invalidation of the statute, an emergency regulation is necessary in order to continue the operations in the Office of Research and Sponsored Programs at the University of West Florida and to provide continued guidance for research programs. By ensuring continuity of the operations of the Office of Research and Sponsored Programs, the emergency regulation will ensure the continuation of the outside grant funding that has been relied upon in developing University programs. The ability to continue this vital operation is fundamental to the fiscal welfare of the University.

STATEMENT OF REASONS THE PROCEDURE USED WAS FAIR UNDER THE CIRCUMSTANCES

The Emergency Regulation will be posted to the UWF Board of Trustees' website starting March 14, 2007. This regulation is based upon and closely tracks section 1004.22, Florida Statutes and imposes no new or additional requirements. Section 1004.22, F.S. has been in effect since 1963 and has been vetted by and promulgated through the Legislative process. For these reasons, the absence of prior notice should not cause unfairness to any affected parties.

According to Board of Governors Regulation Promulgation Procedure, an emergency regulation is valid for 90 days. If it becomes necessary to retain this regulation as permanent after that time, then the regulation will be promulgated through the regular regulation promulgation process which includes posting for 30 days in which there is a 14 day comment period prior to adoption.

AUTHORITY: Board of Governor's Resolution dated January 7, 2003.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY REGULATION IS: Vicki Knaack, Coordinator at 850-474-3420.

THE FULL TEXT OF THE EMERGENCY REGULATION IS ATTACHED.

NAME OF PERSON ORIGINATING REGULATION: Dr. Chris Cavanaugh, Interim Director of Research and Sponsored Programs.

DATE PROPOSED EMERGENCY REGULATION APPROVED BY AGENCY HEAD: 3/14/07.

CHALLENGES: May be filed in accordance with the procedures set forth in the [Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees](#).

FILED: March 14, 2007

EFFECTIVE: March 14, 2007

## **University of West Florida Emergency Regulation**

UWF ER 2007-4- Research and Sponsored Programs at the University of West Florida (EMERGENCY)

1) The Office of Research and Sponsored Programs shall serve the function of administration and promotion of the programs of research, including sponsored training programs, of the University of West Florida (UWF). The Office of Research and Sponsored Programs created under this Regulation shall be under the supervision of the President of the University or his or her designee.

(2) The University shall set such policies to regulate the activities of the Office of Research and Sponsored Programs as it may consider necessary to effectuate the purposes of this Regulation and to administer the research programs in a manner which assures efficiency and effectiveness, producing the maximum benefit for the educational programs and maximum service to the University and the state. To this end, the Legislature has determined that materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of research may be confidential and exempt from the provisions of Section [119.07\(1\)](#), F.S., as provided by Section 815.045, F.S., and other Florida statutes. However the Office of Research and Sponsored Programs shall make available upon request the title and description of a research project, the name of the researcher, and the amount and source of funding provided for such project.

(3) The President of the University or his or her designee is authorized to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue by reason thereof. The President or his or her designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of such costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited by law.

(4) The Office of Research and Sponsored Programs shall be financed from the moneys of the University which are on deposit or received for use in the research or related programs of the University. Such moneys shall be deposited by the University in a permanent sponsored research development fund.

(5) Moneys deposited in the permanent sponsored research development fund of the University shall be disbursed in accordance with the terms of the contract, grant, or donation under which they are received. Moneys received for overhead or indirect costs and other moneys not required for the payment of direct costs shall be applied to the cost of operating the Office of Research and Sponsored Programs. Any surplus moneys shall be used to support other research or sponsored training programs in any area of the University. Transportation and per diem expense allowances shall be the same as those provided by law in Section [112.061](#), F.S., except that personnel performing travel under a sponsored research subcontract may be reimbursed for travel expenses in accordance with the provisions of the applicable prime contract or grant and the travel allowances established by the subcontractor, subject to the requirements of subsection (7), or except as provided in subsection (11).

(6)(a) The Office of Research and Sponsored Programs shall prepare documents necessary so that the President may submit to the State Board of Governors a report of the activities of the Office of Research and Sponsored Programs together with an estimated budget for the next fiscal year.

(b) RESERVED.

(7) All purchases made through the Office of Research and Sponsored Programs shall be made in accordance with the regulations, policies and procedures of the University; however, as provided in University policy, upon certification addressed to the University President that it is necessary for the efficient or expeditious prosecution of a research project, the President may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirements of the Florida Statutes or of University regulations, policies, and procedures.

(8) The University may authorize the construction, alteration, or remodeling of buildings when the funds used are derived entirely from the sponsored research development fund of the University or from that fund in combination with other nonstate sources, provided that such construction, alteration, or remodeling is for use exclusively in the area of research; it also may authorize the acquisition of real property when the cost is entirely from said funds. Title to all real property

purchased prior to January 7, 2003, or with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund and shall only be transferred or conveyed by it.

(9) RESERVED.

(10) RESERVED.

(11) The Office of Research and Sponsored Programs may pay, by advancement or reimbursement, or a combination thereof, the costs of per diem of University employees and of other authorized persons, as defined in Section 112.061 (2)(e), F.S., for foreign travel up to the current rates as stated in the grant and contract terms and may also pay incidental expenses as authorized by Section 112.061(8), F.S.. This subsection applies to any University employee traveling in foreign countries for sponsored programs of the University, if such travel expenses are approved in the terms of the contract or grant. The provisions of Section 112.061, F.S., other than those relating to per diem, apply to the travel described in this subsection. As used in this subsection, "foreign travel" means any travel outside the United States and its territories and possessions and Canada. Persons traveling in foreign countries pursuant to this section shall not be entitled to reimbursements or advancements pursuant to Section 112.061(6)(a)2., F.S. for such travel.

(12) The Office of Research and Sponsored Programs is authorized to advance funds to any principal investigator who, under the contract or grant terms, will be performing a portion of his or her research at a site that is remote from the University. Funds shall be advanced only to employees who have executed a proper power of attorney with the University to ensure the proper collection of such advanced funds if it becomes necessary. As used in this subsection, the term "remote" means so far removed from the University as to render normal purchasing and payroll functions ineffective.

(13) RESERVED.

*Authority: Board of Governors Resolution dated January 7, 2003.  
New Emergency Regulation UWF ER 2007-4 effective 3/14/07.*