**NCURA is Invited to Mexico**

*by Regina H. White*

The University of Quintana Roo in Chetumal, Mexico, was the setting of an important development in strengthening the environment for research and higher education for southeastern Mexico, Central America and the Caribbean - the establishment of a new professional organization of research administrators. On March 29 and 30, at the University's campus on the beautiful Bay of Chetumal, the Asociacion de Administradores de la Investigacion Universitaria de Mexico, Centroamerica y El Caribe held its inaugural meeting. Kathleen Larmett and I were honored to be invited speakers at this conference that included participants from the Mexican federal government, continued on page 12

**Call for Nominations**

The Nominating and Leadership Development Committee (N&LDC) invites all members of NCURA to participate in the process of selecting key members of the national leadership team by nominating (or self-nominating) individuals with the skills, abilities and willingness to serve the organization.

See page 12 for details!

**ERA VI now available on the NCURA Website**

The ‘Stop Talking... Start Doing!’ ERA VI program is on the web (http://www.ncura.edu/meetings/eravi) so take a look and sign up while there are spots available. We have an incredible list of faculty that are excited to be working with you, the participants. Sessions are geared for the experienced eRA administrator as well as the technical support folks. One entire day will be devoted to discussion of eRA solutions. Expanded hands-on labs for the non-technical & techie were designed from your input on the evaluations and surveys. And the location! It can't get any better than Portland, Oregon in August. The conference hotel is downtown for easy access to sites, sounds and food of the Northwest. Don't wait...get on board now.

**Congratulations and Thank You Kathy Larmett!!**

*by Regina H. White*

Kathleen pictured here at the 42nd Annual Meeting with her daughters, Danielle and Adrienne and husband John.

We are celebrating a milestone this year - the twentieth anniversary of Kathy Larmett's association with NCURA!

The NCURA that we support - by teaching, organizing, leading, and volunteering - and that supports us - through professional development, continuing education, collegial relationships, and sharing of information - is one that has benefited enormously from Kathy's professional expertise, management skills and her commitment to the professional development of every member of NCURA.

Kathy's understanding of research administration and the specific issues and challenges our members deal with on a day-to-day basis is remarkable. Understanding the profession means that Kathy can also understand the pressures and stresses that are felt by our members, who contribute so much time and energy to NCURA, in addition to our “day jobs”. Her skillful blending of expertise in research administration and association management provides a balance that ensures NCURA can pursue its mission while judiciously utilizing precious volunteer time.

Kathy's definition of the responsibility of the NCURA office could be said to be analogous to our own relationships with our institutions and faculties. Here is what she had to say about service: “(A) common thread among associations is service to members. Associations are a service industry and the needs of members must be constantly addressed. An organization’s governing body and its professional staff must have the ability to look, listen, and move in positive directions. An association exists only to serve its members, and its staff must understand and embrace this very basic concept.”

This is a philosophy that Kathy puts into practice, and instills in her staff, to the continuing benefit of every member of NCURA.

Kathy, I am so proud and honored to be the President of NCURA during this auspicious year of your twentieth anniversary, and I offer congratulations and appreciation on behalf of all our members. Here's to twenty more!!

Regina H. White is the NCURA President and serves as the Director, Office of Sponsored Programs at the University of Vermont.
Marjorie Piechowski, Director of Sponsored Programs and Research at DePaul University will be retiring from her position July 31, 2001. Marjorie will continue to be active in NCURA and will continue to do grant work as a consultant. Next year, she will be teaching American literature and American studies on a Fulbright Fellowship at the Catholic University of Lublin in Poland. NCURA wishes Marjorie success in her future endeavors.

Kevin Brodrick reports he has moved to Harvard University as Senior Financial Analyst within the Faculty of Arts and Sciences. Until recently, Kevin was Associate Controller for Sponsored Research at Wellesley College in Wellesley, Massachusetts.

State University (representative from NCURA Professional Development Committee) and Bill Sharp, Contracts Officer, University of Kansas (representative from NCURA COMS Committee). Chairing the Community Advisory Committee is Jane Youngers, Director of Grants Management, the University of Texas Health Science Center at San Antonio.

The charge of the Neighborhood Advisory Committee is to coordinate activities across the Neighborhoods, with appropriate NCURA Committees, and with other related organizations.

Chief among the Committee’s goals are to expand the current offerings on the three neighborhoods with better links to resources, establishment of topic-specific listservs and bulletin boards, FAQs, and other items which would be useful to the NCURA membership at their desk top. The Advisory Committee also envisions the construction of areas ancillary to the neighborhoods such as corners for research compliance, topics for less-intensive research institutions, and the like.

One of the most exciting neighborhood ventures will be chat rooms where individual NCURA members can gather on-line to discuss a specific topic. Watch for chats beginning in late summer.

The NCURA Neighborhood project is gathering steam. Any comments and advice members have that would make the neighborhoods a place where they will drop in are welcome.

Jane A. Youngers is the Chair of the Community Advisory Committee and serves as the Director of Grants Management at the University of Texas Health Science Center at San Antonio.

When the prototype of the Neighborhood project debuted on the NCURA home page last October, members got a glimpse of the future where resources, timely discussions, and other information would be available at the click of their mouse. The Neighborhood project has taken another step forward through the creation of the Community Advisory Committee. The members of the Committee are Garry Sanders, Assistant Vice President for Research, University of Albany; Frank LeMire, Director, Research Administration, Worcester Polytechnic Institute; Glenda Island, Coordinator of Grant Development, Grambling State University.

Also serving as members of the Committee in their capacity of the Neighborhood Sub-Committees are Pat Fitzgerald, Director of Cost Analysis, Massachusetts Institute of Technology (Financial research administration neighborhood); Sally Tremaine, Associate Director, Grant and Contract Administration, Yale University (Pre-award neighborhood); and Denise Wallen, Special Assistant to the Associate Provost for Research, University of New Mexico (ERA neighborhood). Serving as ex-officio members to the Committee are Bob Killoren, Assistant Vice President for Research, Pennsylvania State University (representative from NCURA Professional Development Committee) and Bill Sharp, Contracts Officer, University of Kansas (representative from NCURA COMS Committee). Chairing the Community Advisory Committee is Jane Youngers, Director of Grants Management, the University of Texas Health Science Center at San Antonio.

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Jane A. Youngers is the Chair of the Community Advisory Committee and serves as the Director of Grants Management at the University of Texas Health Science Center at San Antonio.
Guidance, Policy, or Regulation –
Is There a Difference?

The issuance by the Office of Research Integrity of the proposed educational requirements for the responsible conduct of research has generated a very serious debate over a number of questions. To what extent can federal agency policy be binding? Can sanctions be legally attached to it? Or does rulemaking alone have that enforcement power? Are we better off with policy because it has less bite? Or should we challenge agencies to go through the rulemaking process in all cases?

In the case of the ORI policy mentioned above, in addition to the many comments from the research community objecting to the breadth and overly prescriptive nature of the policy, a group of concerned scientists appealed for help from Congress. This resulted in a letter from a powerful committee chairman to the Director of ORI, essentially insisting that ORI overstepped its authority in issuing this sweeping directive as policy, and ORI withdrew the policy for reconsideration. While we may be pleased with this outcome in the short term, we do have to be concerned that ORI will move to issue the same requirements as regulation. Generally speaking, regulations provide us much less flexibility in implementing reasonable variations that might satisfy a policy but fail to meet the more precise standards in a rule.

Equally troublesome are so-called “guidance” documents, such as those issued by the Office for Human Research Protections and another by ORI. These covered financial conflicts of interest and special procedures for allegations of scientific misconduct in clinical trials. Containing language that describes what institutions “must” or “shall” do or comply with, they at least have the tone of a regulation rather than true guidance. Traditionally we have leaned towards favoring policy and guidance to stricter rulemaking, but when it appears the formal rulemaking process is being bypassed, it is not surprising that assistance is sought from sympathetic ears in Congress. While rules are more prescriptive, they at least offer certain protections and often serve to bind the agencies themselves.

A new document provides some direction for other agencies on this topic. It is a recent notice published by the Food and Drug Administration called Good Guidance Practices. The FDA document addresses clearly the legal effect of guidance documents, stating that it is not legally binding on the agency or the public. The regulated entity is bound to comply with the regulation but may fulfill the mandates in ways that differ from the agency guidance. FDA states that the guidance represents the agency’s best thinking on the topic at the current time but is subject to change as more is learned. FDA uses wording appropriate for guidance, and provides a useful question and answer section.

Some regulatory agencies like FDA are required by law to develop and codify its policies and procedures for the development, issuance, and use of guidance documents. A great idea, and one we can heartily recommend to our colleagues in the research funding agencies.

Tony DeCrappeo is a Staff Associate for the Council on Governmental Relations (COGR)

Generally speaking, regulations provide us much less flexibility in implementing reasonable variations that might satisfy a policy but fail to meet the more precise standards in a rule.
What’s Ahead at the 43rd Annual Meeting?
by Denise Clark and Alice Tangredi-Hannon, Co-chairs

Wondering what new, innovative ideas this year’s creative and talented program committee has put in motion to peak your interest in attending the 43rd Annual Meeting, “One Step Ahead”? Our hardworking committee has put together a dynamite preliminary program that will appeal to each research administration constituency and is appropriate for both newcomers as well as senior members of NCURA. Sessions will attract participants with broad topic areas dedicated to costing, pre-award, post-award, compliance, national policy and regulatory initiatives, intellectual property and technology transfer, professional growth, sponsor news, and a variety of topical open forums.

Added to an already vibrant program are some exciting new twists to this year’s format.

Have you been thinking that it would be great to understand “the basics” of key research administration issues? Feeling a little overwhelmed and wondering if you missed the “essential concepts”? Need to “get a handle” on a certain subject matter? Then our new Primer Series is just for you. Featured in each concurrent session time slot, primers will provide the background knowledge and conceptual theory behind such topics as the Bayh-Dole Act, Proposal Preparation, Phases of Clinical Trials, How To Do a Short Form F&A Proposal, A-21 for the Departmental Administrator, FWA, and FastLane.

As always the focus of the NCURA Annual Meeting is the concurrent sessions. We will be offering approximately 70 concurrent sessions that will begin on Monday, November 13th and conclude on Wednesday, November 15th at noon. Sessions will run for an hour and a half time frame with presentations during the first hour and time set aside for questions and answers during the last half hour. The program committee is working on bringing you the most up to date information (which will be evolving from now to November) on current issues such as research misconduct, eRA developments, intellectual property and the internet, organizing multi-departmental efforts, effective presentations, managing multi-site clinical trials, making and administering subawards, GPRA & PRD-4, negotiating with industry, managing a small office and as always, agency updates. These cited are just a few of the many hot topics we’ll be bringing you in November.

The highlight of Sunday night’s banquet will be humor columnist for the Miami Herald, Dave Barry. In addition to his column, which appears in hundreds of newspapers, Barry has written number of what he calls “short but harmful” books including Dave Barry in Cyberspace, Dave Barry Slept Here: A Sort of History of the United States, and Dave Barry is from Mars AND Venus. Are you more the outgoing or inquisitive type that looks forward to that opportunity to participate in an interactive dialog with your colleagues? Do you have concerns to raise or experiences to share with your counterparts across the country? Do you relish in an atmosphere of Qs and As? Our Open Forums will offer you the surroundings you thrive in with topics such as human subjects, interactions with agency policy representatives, PUIs, HBCUs/MIs, departmental administrator issues, faculty research incentives, and communicating with other offices as well as topics for our senior members in pre-award, costing and post-award and compliance. These open forums are designed to provide an environment for a free flowing exchange among the participants and are slotted throughout the program.

Maybe you feel more comfortable in the small group setting and enjoy the roundtable, face to face, open discussion format. If so, then you will be thrilled with the return of the discussion group sessions. These groups allow participants the chance to “discuss” issues in a smaller, interactive, non-presentation style environment.

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Thanks to our program committee for their continued efforts in planning the annual meeting. Of course, special thanks go out to the National Office which plays such an integral role in the meeting logistics. Without their dedicated support, we would be lost!

Denise Clark is the Director, Office of Sponsored Programs at Cornell University and Alice Tangredi-Hannon serves as the Director, Office of Research Administration at Brown University.
The third in this year’s series of NCURA videoconferences was held on March 21. Bob Killoren, Assistant Vice President for Research at Penn State University, moderated the session called, “Divergent Views and Issues When Contracting with Industry.” The National Association of College and University Attorneys (NACUA) co-sponsored the videoconference with NCURA. Their representative, Kathy Irwin, Senior University Legal Counsel at the University of Wisconsin at Madison, did an outstanding job highlighting the legal ramifications of university-industry research collaborations.

Also joining the panel from the Business-Higher Education Forum was Mike Champness, author of the Forum’s soon-to-be-released report of the Research Collaboration Initiative, a study that examined in detail the industry-university interface on research and technology transfer. Mike’s perspective, derived from thousands of hours of research and interviews with both industry and university leaders, gave viewers a much deeper understanding of industry culture and the rationale businesses have for working with universities. Kim Moreland, Director of Grants and Contracts at the Fred Hutchinson Cancer Research Center, and Dick Seligman, Director of Sponsored Research at the California Institute of Technology, rounded out the panel, providing the viewpoints of universities and non-profit research organizations. These two past presidents of NCURA and experienced NCURA videoconference presenters shared real-life experiences of the trials and successes of contracting with industry, as well as regaling the audience with their wonderful analogies. Early reviews of program evaluations showed that workshop participants were very pleased with the course material and presentations by the panel. A well-received innovation of this videoconference was keeping the phone lines open during the whole show, encouraging live interaction with the audience at the 86 institutions nationally that received the satellite broadcast. It was clear from the thoughtful and at times humorous exchanges among the panelists that they greatly enjoyed working together. This easy camaraderie enhanced the learning experience and gave the audience a number of real-world nuggets of wisdom as take-home points to help them improve their contract negotiations and industry partnership-building initiatives. The show ended with Bob Killoren’s parody of the Godfather... “If you’d come to me before, you’d have a contract this very day.” Perhaps another line from the movie would also help contract negotiators: “Give ‘em an offer they can’t refuse!” Thanks and congratulations to all the panelists and participants that helped make the videoconference a great success.
NCURA’s second Financial Research Administration (FRA) Conference was an unqualified success. Held in Orlando, Florida on February 25-27, FRA II offered something for everyone involved in research administration and delivered on the conference theme, “Making Sense of Research Dollars.” The sunshine and warmth of Orlando was the perfect setting for FRA II. The glorious Florida weather provided a welcome respite for those of us suffering from winter doldrums and offered an excellent environment for networking and socialization. Most importantly, the success of FRA II was attributable to the extraordinary efforts of the Program Committee, who put together an excellent program with outstanding speakers, and the support of the NCURA staff, especially Marc Schiffman.

FRA II offered more than 30 sessions on a wide range of financially-oriented topics of interest to pre and post-award administrators, departmental administrators, and financial managers. A total of fifty-nine people participated in the conference as speakers, moderators or program committee members. A key factor in the success of FRA II was the substantial contributions of representatives from Federal agencies including the Office of Management and Budget (Gilbert Tran), the National Institutes of Health (Joellen Harper, Diane Charauhas, Gary Thompson and J. Wayne Berry), the National Science Foundation (Robert Hardy and Richard Noll), the Office of Naval Research (Charles Paolletti and Deborah Rafi) and the Department of Health and Human Services (Robert Klein).

FRA II offered two pre-conference half-day workshops covering the fundamentals of research administration and a variety of concurrent sessions that provided timely updates and new perspectives on topics such as cost sharing, effort reporting, cost accounting standards and the financial management of grants. Informative sessions on topics ranging from the financial management of clinical trials to the implementation of enterprise-wide financial systems provided attendees with valuable insights gained from the real-life experiences of several institutions.

New for FRA II was a series of very popular discussion sessions. These small group breakout sessions enabled attendees to delve deeper into topics introduced in the concurrent sessions, to gain helpful, hands-on instruction in topics such as developing proposal budgets, auditing sponsored programs and effective financial reporting, and provided opportunities to meet face-to-face with Federal agency representatives.

Compliance was a major theme of FRA II from the conference opening plenary session by Win Ann Schumi (“University of Minnesota: A Compliance Program Beyond Exceptional”) to the session on the Responsible Conduct of Research presented by Gary Thompson of the NIH. Updates were given on several Federal initiatives such as the streamlining and simplification of Grants processing activities (i.e. Public Law 106 107), the revision of OMB Circulars and the Rand Report on F&A costs. A highlight of FRA II was the plenary session on the Presidential Review Directive-4 (PRD), a Federal panel discussion moderated by Richard Seligman of the California Institute of Technology.

No report on the results of a Financial conference would be complete without a discussion of the “bottom line.” A primary purpose of the FRA conferences is to attract new members to NCURA, especially those from the financial community. By this measure, FRA II was a great success. The official tally showed 539 conference attendees. More importantly, 369 of the attendees were not current members of NCURA and 93 of these elected to join, or reinstate their membership, as part of the conference registration. Preliminary feedback from the conference evaluations was very positive. It is apparent that the FRA conferences are fulfilling an important need for the research community. Based on the success and momentum of FRA I and FRA II, it will be “all systems go” for FRA III. Watch your NCURA newsletter for future announcements.

Pat Fitzgerald was the chair of FRAII and serves as the Director of Cost Analysis, Massachusetts Institute of Technology.
During this past year we have seen NASA's continuing efforts in seeking information and ideas as to how to improve the NASA/University relationship. A recent NCURA Newsletter article (July/August 2000 by Julie Norris; http://www.ncura.edu/orginfo/newsletters/newjuly.pdf) provided background on several NASA initiatives. This article will update you on those initiatives and introduce a couple of newer topics. Some of the information provided is good news but, at the time this article is written, a couple of critical issues remain unresolved.

The NASA Grant and Cooperative Agreement Handbook has been issued in its final version. This handbook, which is NASA’s implementation of OMB Circular A-110, incorporates many of the changes the university community requested and is a vast improvement from the previous issue. A hyperlink to the Handbook is located at the end of this article.

In addition, a draft NASA Guidebook for Proposers Responding to NASA Research Announcements (NRA) was issued last December. This guidebook describes the policies and procedures of the Broad Agency Announcement used by NASA, known as the NRA. Its appendices include a description of how NRA proposals are reviewed, selected and funded. This draft proposal guidebook is lengthy and comprehensive - approximately half of the 54-page guide consists of five appendices. It covers requirements for proposal submissions regardless of whether the resulting funding instrument is a grant or contract. The guide provides direction for the PI/researcher, and there are several references that emphasize the need to for the PI to connect and work with the institution’s sponsored programs office.

Proposers responding to NRAs will require the PI to electronically submit a cover page/project summary and summary budget into SYSEYFUS, NASA's database for the management of the peer review process, and printed copies of those documents will be required to accompany the hard copy of the proposal. NASA strongly contends that having PI's enter information into SYSEYFUS is just standardizing a practice that has been in place by many programs for years. Some NRAs will require the PI to electronically submit a notice of intent. Paper copies, signed by the institution’s authorized official, are required for all proposals.

NASA is now reviewing comments submitted by universities on the Guidebook. NASA expects to issue a final version of the Guidebook before the end of this summer.

General Spence (Sam) Armstrong, Special Assistant to NASA Administrator Dan Goldin, has been leading NASA's outreach to universities in an effort to enhance the agency’s relationship with academic communities. One of Armstrong’s methods has been to arrange several NASA/University Cyber-Conferences. One “attends” these cyber-conferences by registering on NASA's website, downloading special interlinking software, and then logging on at the appointed day and time. Two cyber-conferences have already occurred. The first, held on October 19, 2000, discussed increased opportunities for funding in 2001 and beyond. The second, “Focus on Procurement”, was held on March 20, 2001. The “audience” could participate by submitting questions in advance or during the broadcast. The next cyber-conference will be on the topics of International Traffic in Arms Regulations (ITAR), Information Technology (IT) Security and Publication Review Clauses. It is scheduled for June 28, 2001.

ITAR, IT Security and Publication Review Clauses should be items of concern to all NASA recipients. Each constitutes a potential threat to the academic freedom of our researchers. For example, institutions doing any type of satellite research are faced with ITAR issues even if clauses specifically referencing these regulations are not in the contract. Because satellites and related technologies are now on the munitions list of State Department controlled technologies, these export regulations must be reviewed before any research results in these areas may be exported. Exporting limitations include restrictions against the use of non-citizens on research projects and even having conversations with non-citizens on our campuses in the absence of obtaining an export license. NASA’s implementation of ITAR related clauses and the conservative approach by the NASA Centers has left the use of the exclusion of fundamental research by universities from export regulations in question.

General Armstrong and others at NASA recognize the major problems these issues present to universities and that the current regulations are an impediment to space science programs at NASA as well as universities. He is working, on behalf of NASA, with the State Department on a clarification of the application of ITAR to fundamental research. The university community hopes to have the exclusions under ITAR work similarly to the exemption for fundamental research under the Export Administration Regulations of the Department of Commerce. A clarification is expected to be issued soon, which many hope will remove university based space science research programs from this state of limbo.

Other potential problems stem from another NASA clause, 1852.204-76, Security for Unclassified Information, also known as the IT Security clause. This provision causes university computer systems used in NASA funded projects to be treated as though they were actually NASA systems. As a result, the clause necessarily imposes NASA security plans and clearances for university personnel and, therefore, restricts access and participation of non-citizen students and faculty in all or part of the funded research project. Like the application of ITAR, these regulations impose requirements similar to those that would be in place if a university chose to conduct classified research.

At least a short-term remedy for this problem has been found. The NASA Assistant Administrator for Procurement has issued a notice to the NASA Centers, which states further implementation of 1852.204-76 in contracts with universities is suspended for 90 days or until June 23, 2001. During this time, those working under contracts that have this clause incorporated have the opportunity to have the applicability of this clause suspended. During this 90-day period, NASA's General Armstrong will put a process in place that provides for university participation in the clarification of the applicability of this clause.

And last, for now, some NASA Contracting Officers are attempting to incorporate the “NASA Scientific and Technical Document Availability Authorization” (DAA) procedures in university awards. This clause would require prior approval for the publication of research articles, a process that conflicts with existing policy of most institutions of higher education. Many within the academic research community believe strongly that this policy should not be imposed on universities. They argue that DAA is meant for documents developed by NASA and, at the very least, conflicts with the 1985 National Security Directive 189 (still in force) which established the principle that, except by statute, no other means than the classification process is to be used to restrict university publications from our federally funded basic and applied research projects.

Remember the next scheduled NASA/University Cyber-Conference is June 28, 2001. Look for a notice from NASA on the details or check the NASA webcast website, https://webcasts.hq.nasa.gov/grants/welcome.htm. This website is a good bookmark as it also has related links to:

• NASA Grant and Cooperative Agreement Handbook
• Unsolicited Proposal Guide
• Draft NRA Proposers Guide
• NASA Annual Procurement Report for Fiscal Year 2000

Erica Kropp serves as the Director, Office of Research Administration and Advancement at the University of Maryland College Park.
REGION II
Mid-Atlantic

As your recently elected representative to the Board of Directors, I would like to summarize the important discussions that occurred at the Board's winter meeting, held February 17-19, 2001.

The meeting was chaired by NCURA President, Regina White, who had prepared a full agenda for the Board's attention. On the topic of ongoing NCURA initiatives, it was noted that the ERA conference being held in Orlando in late February was completely subscribed, with nearly 500 registrants, exceeding all expectations. The ERA VI conference will be held in Portland, Oregon in August. The various videoconferences have proven successful and the theme of "compliance" is being considered for the 2001-02 series.

The Board discussed a change in the reserve policy to establish a funded reserve from which the President would have limited access to fund special Board initiatives or unanticipated expenses which were not originally budgeted for that particular year. The Board approved this change.

Work on the "NCURA Neighborhoods" initiative is progressing, and Kathleen Larmett, NCURA's Executive Director, requested approval for a new position within the National Office to coordinate these activities. The Board approved this request for a 15-month period, to be reconsidered at the end of that time.

The Nominations and Leadership Development Committee is looking into ways to recognize NCURA members for contributions to the organization. The Committee feels, and the Board concurred, that there should be other mechanisms, beyond the Outstanding Research Administrator Award, for honoring members' contributions and involvement in NCURA. The N&LDC hopes to present options to the Board at the June meeting.

A discussion of the location and format for future Annual Meetings was held, led by Kathy Larmett. Based on a favorable proposal from the Washington Hilton and Towers, the Board approved the extension of our contract until 2007. A task-force will be established to consider possible changes to the meeting format after 2003 (we are locked into the present format until then).

The Board spent a portion of its time discussing NCURA's Strategic Plan, with an eye toward setting long-term goals (10-30 years hence). One goal was to strengthen NCURA's international "reach". In conjunction with this exercise the Board discussed whether NCURA's mission statement accurately reflects the current state of the organization. That discussion will continue.

President-elect John Case attended the Region II meeting in Hershey, PA in April, and expanded on these and other matters of interest.

Jan Anderson serves on the Board of Directors and is the Director, Sponsored Research Funding, Office of Research & Project Administration at Princeton University.

REGION IV
Mid-America

The Program Committee did a great job as it prepared for the Spring Meeting which was held Saturday, April 28-Tuesday, May 1, 2001, in Minneapolis, where sessions focused on critical issues in research administration such as human research subjects protection, clinical trials research agreements, training to meet regulatory compliance regulations, and financial oversight.

Thanks to support from the national organization, the Nominating Committee's election process allows Region IV members to vote electronically for the position of chair-elect and treasurer of the Region IV Board of Directors and for the region's elected member to the National NCURA Board of Directors.

The Communications Committee recently announced the redesign of the Region IV Web site (http://www.udmercy.edu/ncura4/). The Committee invites NCURA members—from all regions—to submit material appropriate for the new Professional Development pages of our Web site. Contact information: Dola Haessig (haessigd@missouri.edu) or Deborah Vetter (dvetter@unmc.edu).

The Awards Committee, which oversees the region's award programs, announced this year's award recipients at the April 30 business meeting. This is one opportunity that we have to recognize the contributions of our members.
Supporting, encouraging, or promoting the professional development of our members is the common thread that links Region IV's committees. We're committed to helping you meet the daily challenges in the field of research administration.

Deborah Vetter serves in the Sponsored Programs Administration Office at the University of Nebraska Medical Center.

**REGION V**

**Southwestern**

Region V is pleased to present its new regional committee members. The asterisk denotes the committee chair.

**Nominating Committee:**
- *Greg Foxworth (Texas A&M University)
- M arianne Woods (University of Texas-Arlington)
- *Mary Stager (University of Texas Medical Branch-Galveston)
- Jan Madole (Oklahoma State University)
- Scott Davis (Oklahoma University Health Sciences Center)

**Membership/Hospitality Committee:**
- *TBA Secretary
- JoAnn Howeth (University of Oklahoma), Interim Chair
- Mattie Thomas (University of Texas M.D. Anderson Cancer Center)
- Judy Cook (Baylor College of Medicine)

**Awards Committee:**
- *Laura Wade (University of Texas Medical Branch-Galveston)
- Jan Fox (Texas Christian University)
- Alyson McCarty (University of Oklahoma)

**Travel Scholarship Committee:**
- *Laura Wade (University of Texas Medical Branch-Galveston)
- Reata Busby (University of North Texas)
- Carole Pyle (University of Oklahoma)

**Publications and Communications Committee:**
- *Kathleen Harris (Texas Tech University)
- Tena Smith (University of Oklahoma)
- David Wright (University of Texas Medical Branch-Galveston)
- Kathleen Cook (University of Texas Health Science Center-Houston School of Public Health)

**Finance Committee:**
- *Lisa Thompson (University of Tulsa)
- Debbie Newton (University of Tulsa)
- John Randall (Baylor College of Medicine)
- Michael M athisen (University of Texas Southwestern Medical Center at Dallas)

M any thanks to all of you for your volunteer efforts on behalf of Region V!

As another item of interest... Region V now has a website, compliments of David Wright (University of Texas Medical Branch-Galveston) and the Web Committee! It is accessible from the NCURA national website (www.ncura.edu) or by accessing it directly, http://research.utmb.edu/ncura/. The newly formed Publications and Communications Committee will be updating and adding to the website. If you have any great ideas regarding information that you would like to see on the website, please contact Kathleen H arris, committee chair, at rekk@TTACS.TTU.EDU or David Wright, webmaster, at dcwright@utmb.edu.

Region V anxiously awaited our Spring meeting which was held in Oklahoma City from April 29 through May 2. Sondra Ferstl, Vice Chair of Region V, and her program committee put together a very strong program, complete with fun things to do in Oklahoma City including an outing to see the Oklahoma Redhawks play another AAA baseball rival on Sunday afternoon. At Tuesday's business meeting, we learned the results of elections for Vice Chair, Secretary, Region V Member of the Board of Directors, and three Region V Executive Committee members.

Congratulations to the following individuals who are recipients of the Quinten S. Mathers Travel Scholarship, which provides $500 travel reimbursement to their institution to offset travel expenses to the Spring meeting:
- Rena “Niki” Clarke, University of North Texas Health Science Center
- Vicki Fusco, University of Tulsa
- Ron Rogers, University of Texas Medical Branch-Galveston

This scholarship was very competitive and we are pleased to have the opportunity to make these awards this year.

Susan Krause is Immediate Past Chair of Region V and Director, Program Development, Texas Children's Cancer Center and Hematology Service/Baylor College of Medicine.

**REGION VI**

**Western**

The results of our special election are in. Pat Hawk, University of Oregon, is the region's new Chair-elect. She will automatically succeed Dan Nordquist, Washington State University, as Chair in January 2002. One of Pat's first assignments as Chair-elect is to make the arrangements for next year's joint region VI-VII meeting in Hawaii.

Congratulations Pat and Best of Luck! Assisting Pat on the site selection committee is Georgette Sakumoto, University of Hawaii and Jim Brett, California State University, Long Beach – thanks for the help!

This year's joint region VI-VII meeting was hosted by region VII in beautiful Santa Fe, New Mexico, April 16th-18th. We had an outstanding program with six workshops and eighteen sessions. John M Caffee, Test Group Director and Project Leader at Los Alamos National Laboratory was our keynote speaker. He gave us a very “enlightening” talk on “High Explosives: Chemistry and Physics in an Instant.”

We had over 170 people register for the meeting.

Our NCURA President, Regina H. White, University of Vermont, joined us for very stimulating luncheon session to discuss plans and priorities at the national level. Two former NCURA Presidents, Kim M oreland, Fred Hutchinson Cancer Research Center and Steve Hansen, Southern Illinois University at Edwardsville, lead a session on “Leadership in a Time of Change.”

In addition we were very pleased to be able to honor another former NCURA President, Mary B. Husemoller, University of Nevada. Mary is retiring this year after many years of service to our two regions, as well as to the general profession of research administration. Best of Luck, Mary! Remember, you will always be welcome at our meetings.

Two first time attendees received travel awards and were introduced at our business meeting. Our travel award winners were Carol A. Brodie, Sponsored Programs Administrator, Office of Sponsored Programs, University of the Pacific and Leesa Brown, Academic Grants Officer, Seattle University. We hope they will be able to join us for many of our future meetings.

Continued on page 11
Confidentiality agreements or non-disclosure agreements ("NDA(s)") are used to transfer information from a sponsor or a licensee to a university or a researcher. NDAs require the receiver of confidential information to undertake certain responsibilities and make promises to protect the information from disclosure to other parties or individuals. NDAs are found within sponsored research or license agreements, as attachments to these agreements, or as stand-alone agreements. In many respects, NDAs are considered standard and routine and are perhaps the easiest agreement to process through your university or they are the easiest part of a research contract to negotiate.

Regardless the form the NDA takes, NDAs require more than a cursory glance before signing. They require an understanding of: (a) the research or technology that is being exchanged; (b) the reasons for the confidential treatment of the information; (c) the risks for those signing the agreement; (d) the process and responsibilities a university or a laboratory or an individual is willing to assume and implement to protect the confidential information; (e) who will have access to the information; and, (f) the proper “escape” clauses. These are a few of the issues to consider before signing what is thought to be a standard NDA. A recent review of a one-page NDA illustrates that simple, routine NDAs may not exist. Of course, if the disclosing party is willing to sign your institution’s standard NDA that provides your institution with broad protection with little responsibility when it accepts confidential information you will have little to worry about. The following is a discussion of issues found in this seemingly simple one-page NDA.

PERMITTED USES:
Often a NDA will state the permitted uses of the confidential information. It is typical that one of the uses a university will have is that the confidential information can be used “for internal research purposes.” Does “internal research purposes” mean research with a corporate sponsor or use on a project sponsored by the federal government or on a project sponsored by any other third party? Do two parties, the sponsor of the research and the discloser of the confidential information, expect to have the same or similar rights in the research results? Can they have the same rights? Even if a sponsor does not gain or expect rights to the confidential information, does the disclosing party want to have its information used for the purpose of benefiting a third party? In order to eliminate any confusion of the meaning of “internal research” it is better to define exactly what that means for the individual or program that will have access to the confidential information.

STANDARDS FOR CONFIDENTIALITY:
Almost always a NDA will state what standards the recipient of the confidential information must use to protect the disclosed information. A typical NDA clause will require “the same degree of care that a reasonable person would use to prevent the unauthorized use, dissemination or publication of the confidential information as the Recipient uses to protect its own confidential information.” Unlike what many of us would like to believe, a university does have its own confidential business information for which standards or processes are used to protect its confidential nature. If this clause is accepted what standard does your institution use to protect its own confidential information and are these the same standards and processes that would work for your institution’s research programs? Probably not. If this clause is modified by adding “of like nature” at the end of the clause, the risks may be similar. There are some research programs at our universities that are organized with clear processes and have someone who will control or approve the access and use of any confidential information. However, there are many programs or individual researchers that have no processes or controls to accept confidential information. When considering whether this modification is acceptable to your institution, what standards or processes are expected to be used? What is the highest level of protection that some of your research programs use to access or accept confidential information? Would these work for all programs that have access to confidential information? If your institution is willing to use reasonable standards to protect confidential information, that is what the agreement should state. Defining by example what reasonable standards means may heighten the standard beyond reasonable and beyond what an institution may be willing or able to use for a particular project.

WARRANTY CLAUSES:
A warranty clause is also often found in a NDA. Most universities will not agree to warrant anything, however the following statement may tempt your institution to consider whether a warranty clause in a NDA is one that your institution should sign. A typical warranty clause will state “Recipient warrants that it will protect the disclosed confidential information in accordance with the terms of this Agreement.” On the surface this clause may seem harmless if you have narrowed the standards to which the confidential information will be protected. A warranty is a guarantee, an insurance policy, that if something happens the warranting party agrees to compensate and make the owner of the confidential information whole. The NDA is a contract between two parties. If there is a breach of any of the terms of the contract, the non-defaulting party has the right to sue the defaulting party on the contract. However, if an additional protection of a warrant is given, the causes of action have now increased to breach of the warrant as well as breach of the contract and any resulting actions, conversations, or damages may increase because of the breach of the warrant.
INTELLECTUAL PROPERTY TERMS:
In some ways NDAs have some of the same issues that are found in a material transfer agreement. Who owns what is created with the use of the confidential information? If the NDA doesn’t address this issue then intellectual property laws will determine. Often, however, a NDA agreement is quite clear in stating who will own any technology that results from the use of the confidential information. If the NDA or clause is part of a contract, are the terms of the non-disclosure requirements consistent with other intellectual property terms in the contract? Often, they are not. Negotiating your standard intellectual property terms in a research agreement may not require lengthy negotiations. Sometimes the reason for this is that the non-disclosure requirements in the agreement or license will be in conflict with your intellectual property terms. Granting the discloser of confidential information broad intellectual property rights may not be consistent with your policies or consistent with the expectations of the sponsor who is funding the research.

ESCAPE CLAUSES:
Escape clauses are very important in a NDA. These clauses provide a party with an escape from the terms of the NDA if the confidential information is disclosed through no fault of the institution or the recipient of the confidential information. Generally there are five parts to the escape clause that will provide protection to either party if confidential information becomes known to a third party. Typically this clause will state:

Neither party will have any obligation to the other hereunder with respect to any information that (1) is generally available to the public as of the date of this Agreement or thereafter becomes generally available to the public other than through such party’s fault (underlined for emphasis); (2) is already known by the receiving party or is in the receiving party’s possession; (3) is independently received from a third party having a right to disclose the information; (4) is independently developed by it, or (5) is disclosed pursuant to governmental or judicial order. Each of these 5 parts provide an institution with protection and all are important to have in any NDA.

SIGNATURE AND RESPONSIBILITY:
Who signs a NDA at your institution? Does your institution require the recipient of the confidential information to sign the agreement that your institution signs or do the individual recipients of the confidential information sign the NDA without the institution signing the agreement? Does your institution require students to sign a NDA? Answers to all of these questions will assist in determining who has the responsibility to keep the disclosed information confidential and who has the responsibility for any damages if there is an inadvertent disclosure of the confidential information. If you require students to sign the agreements before they receive the confidential information, are they 18? If they aren’t, and there are many of our students who may not be 18, many state laws prohibit contracting by someone under the state’s legal age limit. If a student or a researcher is required to enter into the NDA between themselves and the discloser of the information, has the institution represented that the NDA is acceptable to the institution? If so, the university has assumed, in addition to the responsibilities found in employment laws, some if not all of the risks and responsibilities of keeping the information confidential because it has represented that the agreement can and should be signed. This is particularly true if the student or the researcher is required to sign the NDA to continue their research. The institution may be seen as negotiating on behalf of the student or the researcher and an institution may not have the legal authority to do so. What is acceptable for an institution may not be acceptable to the recipient of the confidential information. When an institution requires the student or the researcher to sign the same NDA that the university and the discloser of the information will sign, it is considered by many experts to place personal liability on the student and researcher. Without considering who should take responsibility for the requirements of a NDA, your institution or students or researchers may be assuming more responsibility and liability than what they need to.

ACCEPTANCE OF CONFIDENTIAL INFORMATION:
What happens when the confidential information arrives at your university? Does the university or the researcher receive and accept the confidential information? Does your institution have a process to inform the recipient of the confidential information of what obligations they have to keep the information confidential? Does this process require an acknowledgement by the recipient of the information that they agree to the institution’s process and are willing to follow it? At a minimum, the receiver of the confidential information needs to understand what their responsibilities are to protect the transfer of information. Written notice to the recipient of the information setting forth the NDA requirements to protect the confidential information is recommended.

These are several of the standard or typical issues in a NDA. Of course, before proceeding to negotiate a NDA, like any other agreement, understanding what the confidential information is and it how it will be used in a research program are the first items that must be known before considering whether the proposed NDA is appropriate for your institution’s signature. Unless the discloser of the confidential information is willing to sign your institution’s standard NDA, there is no standard NDA and each requires a careful review and usually modifications before an institution can or should endorse it.

Ann Hammersla serves on the NCURA Board of Directors and is the Assistant Intellectual Property Counsel in the Office of Intellectual Property Counsel, Massachusetts Institute of Technology.

Regional Corner (continued from page 9)

Finally, remember that next year we will meet in Hawaii. It’s not too soon to begin your planning so that you can attend that meeting. Aloha!

Terry Manns is Region VI Secretary-Treasurer and Director, Research and Sponsored Projects, California State University, Sacramento.

REGION VII
Rocky Mountain

This spring Region VII will have co-hosted the Regional Meeting in Santa Fe, New Mexico with Region VI. The Regional Travel Award went to Jack Long, Sponsored Programs Administrator Senior from the University of Arizona. As regards upcoming events, we want to encourage our members to consider participating in the ERA VI in Portland, Oregon on August 16 - 18, 2001.

On a lighter note, the Georgetown/Arkansas game in the first round action of the NCAA tournament was held at Boise State. There was a significant delay in the game because the computerized buzzer (the one that signifies time-outs, end of the half/game, etc.) malfunctioned and had to be disengaged. Region VII’s own, Larry Irvin was one of the official scorers and had the honour of operating the “air-horn manual buzzer”, captured on national TV. Hat’s off to Larry!!

Denise Wallen is Chair of Region VII and Special Assistant to the Vice Provost for Research, Office of Research Services, University of New Mexico.

REGION III
IS ON HIATUS!
NCURA is Invited to Mexico
Continued from cover

non-governmental research support organizations, and universities and colleges from throughout the region. Speakers addressed issues of research support, research administration, ethics, the scientific method, training graduate students, and the disparities between the north and south of Mexico with respect to funding, extent of graduate education and economic development.

The establishment of the Asociacion is the culmination of a feasibility project whose goal was to develop a model for supporting research and higher education, which is acknowledged to be an important factor in the economic development of the region. President Vicente Fox’s “Plan Puebla-Panama” contains specific encouragement for southeastern Mexico, Central America and the Caribbean to vigorously explore the potential for basic and applied research that exists within their universities and colleges, and to propose incentives and mechanisms to promote research that will benefit the region.

Kathy’s address “The Importance of a Professional Society for Research Administrators”, and mine “Research Administration in United States Universities: An Overview” were invited by our hosts to give a perspective on the research administration profession, and to describe the role of university research administrators in the U.S.A. The questions and discussions that followed our presentations were lively and informative for all of us, as we learned about the distinct challenges of our respective environments, as well as the common hurdles faced by university administrators everywhere!

How privileged we were to participate, and how impressed with the level of discourse among university, government and private organizations on the challenges facing the region of southern Mexico, Central America and the Caribbean. Each presentation and discussion focused on what each sector brings to the common goal of encouraging basic and applied research among students and faculty. Enthusiasm for this ambitious new enterprise grew through the two day meeting, and culminated in the closing ceremony when the Rector of the University of Quintana Roo declared the session adjourned and champagne glasses were raised in a toast to the Asociacion de Administradores de la Investigacion Universitaria de Mexico, Centroamérica y El Caribe.

Felicitaciones, Amigos!

Regina H. White is the NCURA President and serves as the Director, Office of Sponsored Programs at the University of Vermont.

Call for Nominations
Continued from cover

This year’s annual election will select a Vice President/President Elect, Secretary, Treasurer-Elect and 2 at-large members of the Board of Directors. For a detailed description of the current responsibilities of these positions, please view: http://www.ncura.edu/orginfo/descriptions.htm. Terms of these four positions will begin on January 1, 2002. Please email nominations to: nominating@ncura.edu. All nominations and supporting materials from the nominees must be received electronically on or before June 1, 2001. Additional information on the positions and nomination process follows:

Vice President/President Elect: All current regular NCURA members who are creative, determined and enthusiastic, and who possess demonstrable leadership, communication and facilitation skills are eligible. Applicants must be capable of providing vision and direction while actively listening to other views and opinions. The Vice President/President Elect serves a total of three years: the first as the Vice President/President Elect, the second as President, and a final year as the Immediate Past President. Two methods of nomination are possible: an individual may self-nominate by providing their vitae and a brief statement (no more than 3 pages) indicating why they wish to serve as Vice President/President Elect and outlining their goals and objectives for the organization. Alternatively, another person may nominate an NCURA member for this position and the N&LDC will contact the nominee to determine interest and obtain the vitae and statement.

Secretary: All current regular NCURA members who are creative, determined and enthusiastic, and possess strong communication skills are eligible. Key responsibilities include participating as a member of the Executive Committee of the Board (the Officers) and working to facilitate the communication strategies of the organization. The Secretary serves a total of two years. An individual may self-nominate by providing their vitae and a brief statement (no more than 2 pages) indicating why they wish to serve as Secretary and outlining their goals and objectives for the organization. Alternatively, another person may nominate an NCURA member for this position and the N&LDC will contact the nominee to determine interest and obtain the vitae and statement.

Treasurer-elect: All current regular NCURA members are eligible. A background in financial management as outlined in the job description is very helpful in performing the duties of this position. The Treasurer-elect will work in consort with NCURA’s Treasurer for a one-year acclimation period (beginning January 1, 2002) before taking the office of Treasurer on January 1, 2003. This is a three-year commitment (Treasurer-elect 1 year; Treasurer 2 years). The Treasurer shall be the chief financial officer of the Council, responsible for coordinating the budget process, the investment of funds, the development of fiscal policies and plans. An individual may self-nominate by providing their vitae and a brief statement (no more than 2 pages) indicating why they wish to serve as Treasurer and outlining their goals and objectives for the organization. Alternatively, another person may nominate an NCURA member for this position and the N&LDC will contact the nominee to determine interest and obtain the vitae and statement.

At Large Board Member: All current NCURA members who are willing and able to serve and are creative, enthusiastic, effective communicators and facilitators are eligible. They must be able to share their ideas along with balancing the viewpoints of other board members for the betterment of NCURA and the research profession. At-Large Board Members will be expected to be available to attend all meetings of the Board (2 to 3 times per year). An individual may self-nominate by providing their vitae and a brief statement (no more than 2 pages) indicating why they wish to serve on the Board and outlining their goals and objectives for the organization. Alternatively, another person may nominate an NCURA member for this position and the N&LDC will contact the nominee to determine interest and obtain the vitae and statement.
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North Dakota State University
Assistant Vice President for Sponsored Programs Administration

North Dakota State University invites applications and nominations for the position of Assistant Vice President for Sponsored Programs Administration (SPA), who reports to the Vice President for Research, Creative Activities, and Technology Transfer. This individual is responsible for the Office of SPA, an evolving organization which plays a major role in managing NDSU’s expanding sponsored programs funding for research, instruction, and outreach.

The responsibilities of the Assistant VP include: 1) negotiate, approve, and manage all pre-award and post-award activities associated with SPA; 2) manage intellectual property and technology transfer issues; 3) ensure compliance with the policies and procedures of the university, state, federal, and other sponsors; 4) manage indirect cost policy and recoveries associated with sponsored programs; 5) assist faculty in competing for external funding opportunities; and 6) provide leadership for development of SPA procedures and goals. A complete position description and qualifications are available at http://www.ndsu.edu/ndsujobs/nonbroadbanded/index.shtml.

The review of applications and nominations will begin 11 May 2001 and continue until the position is filled. Position available 1 July 2001. Applicants should send a current curriculum vitae, a cover letter specifically addressing qualifications and responsibilities, and the names, titles, addresses, telephone numbers and e-mail addresses of at least three references to: Alan R. White, Dean, College of Science and Mathematics, North Dakota State University, Fargo, ND 58105-5517. NDSU is an equal opportunity institution.
RESEARCH GRANTS / BUSINESS MANAGERS

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The University of Chicago
Biological Sciences Division
Director of Research Services
Chicago, Illinois

Witt/Kieffer has been retained by The University of Chicago to recruit a progressive Director of Research Services for the Biological Sciences Division (BSD). The University of Chicago is committed to advancing the BSD and the University of Chicago Hospitals and Health System as the preeminent leader in research, education and clinical services.

The BSD, which includes the Pritzker School of Medicine, is the largest academic unit of The University of Chicago and consistently ranks among the top twenty-five academic medical centers in total NIH Awards. The BSD, with approximately 750 full time faculty, includes thirteen clinical academic departments, seven basic science departments, twelve multidisciplinary academic committees, four research institutes and fifteen research centers. The BSD is involved in all aspects of biological sciences research and teaching.

The Director of Research Services will have primary accountability for the smooth and effective management of the Office of Research Services for the BSD. Reporting to the Director are the associate directors of grant and contract management, research funding, regulatory compliance, and aspects of the Clinical Trials Office. He/she will report to the Associate Dean for Basic Research but work closely with the Associate Dean for Clinical Research regarding all matters of human subjects research, and will be a member of the Dean’s senior management team. The position will be responsible for ensuring a faculty-focused, integrated research infrastructure that will support the expansion of BSD research activity, provide excellent service to divisional faculty and ensure compliance with Federal, State and other regulatory requirements. The Director will work closely with the University’s Vice President for Research Administration, ensuring open and direct communication concerning the research enterprise of the BSD.

The ideal candidate will have at least ten years of recent progressively responsible management and supervisory experience related specifically to Research Administration, Research Operations and Regulatory Compliance. Demonstrable experience with federal and non-federal policy, excellent written and oral skills, and an MA or MS degree are required. Candidates may send resumes in confidence to the address below, e-mail preferred.

Jay Cuenca or Karen Otto
Witt/Kieffer, Ford, Hadelman & Lloyd
2015 Spring Road, Suite 510, Oak Brook, IL 60523
jayc@wittkieffer.com or kareno@wittkieffer.com
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*Questions? Please feel free to contact the NCURA Office at (202) 466-3894 or info@ncura.edu*
NCURA 2001 Calendar of Education and Events

May 15, 2001

June 18-20, 2001
Fundamentals of Sponsored Project Administration Workshop
St. Louis, MO

August 16-18, 2001
ERA VI Conference
Portland, OR

August 22-24
Fundamentals of Sponsored Project Administration Workshop
Portland, OR

September 24-26, 2001
Fundamentals of Sponsored Project Administration Workshop
New Orleans, LA

November 11, 2001
Workshop 2001
Washington, DC

November 12-14, 2001
43rd Annual Meeting
Washington, DC

NEWSLETTER DEADLINES
July/August 2001 Issue
Submission of Articles: July 6, 2001
Space Reservation for Ads: July 6, 2001
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Questions?

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