Colorado Conference Envisions Reducing the Stresses in Successful University/Industry Collaboration
by Cheryl-Lee Howard and James Severson

In the last Newsletter we announced an innovative summer conference designed to build and strengthen bridges to facilitate university/industry research partnerships. This conference, entitled “University/Industry Collaboration: Partners in the Research Enterprise” will be held in Keystone, Colorado, August 18–20, 2002. NCURA has partnered with the Business-Higher Education Forum (a partnership between the American Council on Education and the National Alliance of Business), NACUA and AUTM. The program committee* is now well into the development of what promises to be an even more exciting project than co-chairs Jim Severson and Cheryl Howard originally envisioned. Here’s a sketch of what will be offered:

On Sunday morning, August 18, two optional half-day workshops are offered—one on Conflict of Interest and the other geared to helping higher level policy makers understand the intricacies of negotiating sponsored agreements. Then after a brief welcome on Monday morning, the conference kicks off with a panel devoted to success with addresses from individuals who have made important University/Industry collaborations happen. An after-lunch Plenary, featuring panelists from a variety of university and industrial disciplines, will open the afternoon’s in-depth analysis of cultural issues and cultural differences. After each Monday session, conference participants will be charged with identifying factors and methods of accomplishing key activities based on facilitated discussions of plenary topics.

Tuesday’s focus will be on tools and specific issues, with an introductory plenary laying out the really difficult topics. A morning and afternoon of concurrent sessions and discussion groups will follow, dealing with issues such as start-ups and venture capitalists, intellectual property, financial considerations, research parks and incubators, and much more.

The culmination of this event will be the August 20 wrap-up session designed around the discovery of best practices developed by the meeting’s participants. Undoubtedly, the excitement engendered by this closing session will carry over into stimulating conversation in that evening’s closing reception. Further information and registration materials will be mailed in May, or you can access the NCURA website at www.ncura.edu to watch the program develop or to register online.

Cheryl-Lee Howard and Jim Severson are the Co-Chairs of the University/Industry Conference. Cheryl-Lee is a Past President of NCURA and serves as the Assistant Provost University Research Projects Administration for the Johns Hopkins University and Jim serves as the President, Cornell Research Foundation for Cornell University.
In February 2001, the Board of Directors revisited the strategic plan developed under the presidency of Mary Husemoller in 1997. The elements of that plan were completed over a three year period, so it was time to update the original version. Following two and a half days of review, discussion and refinement, a new version of the plan materialized. Reconciling differing viewpoints and ideas was no easy task, but a consensus was reached to finalize a strategic plan for the future state of NCURA. As a result, each Board over the next few years will implement portions of the plan and address mega-issues appropriate to the current needs of the organization.

Involvement of the membership is vital to the success of NCURA’s mission, and communication among stakeholders is key to determining the future of our organization. At each of the regional meetings, I shared a summary of the plan during my address to the membership. Since only a portion of our members was in attendance, I want to review the essential elements of the plan and appeal for continued dialogue throughout the year. We need your feedback.

This mission of NCURA is to serve its members and advance the field of research administration through professional development, sharing knowledge, and fostering a sense of community. The future state of NCURA as articulated by the Board is described below.

“NCURA will be globally recognized as the preeminent source of professional development, knowledge, and leadership for research administration.”

- NCURA is the most trusted and timely source of professional development, knowledge, and networking opportunities (the knowledge leader).
- NCURA attracts members in every research institution and sponsoring agency worldwide.
- NCURA is recognized for progressive and innovative philosophy and action.
- NCURA is actively sought out for partnerships by other related professional organizations.
- All NCURA members feel individually connected to NCURA.
- NCURA develops leaders in the field of research administration.
- As a result of NCURA’s activities, research administration is globally recognized and valued.

The Core Purpose of our organization is “to contribute to the success of individuals in research administration and advance the field through professional development, the sharing of knowledge, and by fostering community.”

At the heart of NCURA, the Core Values express the principles we adhere to in everything we do,

INTEGRITY, COMMITMENT TO EXCELLENCE, INCLUSION, AND COLLEGIALITY

The core of the strategic plan identifies ten mega-issues that NCURA must address over the next three to five years. Following much brainstorming and debate, the Board agreed to incorporate a slate of ten issues for selection as action items during each presidency. This year we determined to concentrate our efforts in the following areas:

1. Can NCURA maintain and further its success while there are other organizations competing for members’ time, talent and financial resources?
   If so, how?
2. Should NCURA’s primary focus remain on issues relating to university members? As NCURA grows, will membership categories change?
   a.) Should the Regular membership category be broadened to include representation from federal agencies and/or for-profit groups?
   If so, will NCURA lose its university identity?
   b.) Should NCURA become an organization for all in the field of research administration, e.g., National Council of Research Administrators?
3. How will we identify, develop and cultivate partnerships with other groups, both internally and externally?

One of the primary activities of the Board is strategic planning to support the mission of the organization. With greater input from an educated membership, this process can be very effective. We will continue to communicate to the membership our actions on the plan, and look forward to your input.

The complete presentation of the Envisioned Future shared at the regional meetings can be found on NCURA’s homepage.

F. John Case is Associate Vice Chancellor for Research, The University of North Carolina at Chapel Hill.

Call for Nominations...Call for Nominations...Call for Nominations...

The Nominating and Leadership Development Committee 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.

This year’s annual election will select a Vice President/President-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 three positions will begin on January 1, 2003. Please email nominations to: nominations@ncura.edu. All nominations and supporting materials from the nominees must be received electronically on or before June 3, 2002. Additional information on the positions and nomination process follows:

Vice President/President-elect: Eligibility includes all current regular NCURA members, who are creative, determined and enthusiastic, possess demonstrable leadership, communication and facilitation skills. Providing vision and direction while actively listening to other views and opinions is essential. 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. Self-nomination is also encouraged. All nominees must submit their vitae (no more than 3 pages) and a statement (150 words or less) including 1) why they wish to serve as NCURA’s Vice President/President-elect and 2) their goals and objectives for the organization.

At-large Board Member: Eligibility includes all current NCURA members who are willing and able to serve and are: creative, enthusiastic, effective communicators and facilitators. 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). Self-nomination is encouraged. Interested members are asked to submit their vitae (no more than 3 pages) and a statement (100 words or less) on why they wish to serve on NCURA’s Board.
ATTACKS ON BAYH-DOLE INTENSIFY
by Tony DeCrappeo

The Bayh-Dole Act of 1980 stands today as the bedrock for patenting and licensing agreements nationwide. I do not need to restate here the many benefits to the health and welfare of society, our economy and the advancement of science resulting from this one law – organizations like the Association of University Technology Managers do that very well. One point worth reiterating is that prior to 1980, the federal government had accumulated in its patent portfolio about 30,000 patents over a 30 year period of which only about 5% had been licensed, and an even smaller percentage found their way into commercial use. But oh, how times have changed. The latest AUTM survey reports that in FY 2000 universities helped form 364 spinoff companies, filed over 8500 patents and most importantly, executed 3600 licenses to move technology into the marketplace – in one year! Quite an American success story if there ever was one.

So why now are there voices in Congress and elsewhere calling for changes to Bayh-Dole? Two efforts, one in the House and one in the Senate, are cause for concern.

The American Bar Association (ABA) has forwarded draft legislation to the House Government Reform Committee Technology and Procurement Policy Subcommittee chaired by Representative Davis (R-VA) to permit greater waiver by agencies of government rights and contractor obligations. This provision may be incorporated in a comprehensive Services Acquisition Reform Act being prepared by Rep. Davis. The legislation addresses the alleged reluctance of many large commercial firms to perform R&D for the government because of the government license and march-in rights to intellectual property provided by the Bayh-Dole Act, and because under Bayh-Dole inventions must be patented and cannot be held as trade secrets. There is reason to be concerned about this ABA proposal, especially with its implied preference for trade secret protection and the lack of protection for university Bayh-Dole rights in flowdown situations involving government-supported industry agreements.

Other Congressional concerns about the Bayh-Dole Act have been expressed by Senator Wyden (D-OR) and Representative Markey (D-MA). While Senator Wyden continues to seek ways to return a share of royalty revenue to local taxpayer constituencies, Rep. Markey has requested a GAO study. This study will focus on whether the government is realizing the full benefit of its royalty-free license resulting from federally funded university inventions.

In addition to these activities in Congress, a recent Washington Post Op-Ed article seized on the “march-in” provision of the Bayh-Dole Act as a way for the Administration to force pharmaceutical companies to charge “reasonable” prices for drugs developed in whole or in part with federal funds. The authors argue that this provision was intended to allow the government to revoke a license granted under the Act if it is determined that the company is overcharging for drugs, and advocates for the government to use march-in rights to license drugs to more reasonable manufacturers.

Many knowledgeable readers of the Post article disagree with the author’s position, and the piece drew a quick response from none other than the authors of the Act, former Senators Birch Bayh and Robert Dole. They stated quite emphatically what the intent of the Act was, and it did not include providing the government such a price control measure. The Senators state that there is no reasonable pricing provision in the Act, and that was intentional; the purpose was to entice the private sector to seek public-private research collaborations to move products much more quickly to the marketplace.

I believe part of the reason for the attacks is that the Bayh-Dole Act is a victim of its own success. It only takes one or two blockbuster inventions with accompanying royalty streams to give a false impression of how the process works most of the time. And it’s no secret that public opinion can sway lawmakers’ attitudes on potentially volatile issues such as this one. It’s easy to imagine a company working in a highly charged research area such as HIV/AIDS or breast cancer, for example, trying to invoke march-in with lots of accompanying publicity and emotional pleas.

What the university community needs to continue to do is clearly articulate the value of Bayh-Dole Act. Among the points that should be made are that it provides the framework for the dissemination of federally-funded research results in proactive and publicly available ways, and for universities to interact with industry so as to assure proper management of federally supported intellectual property. It also enables a proper balance between the openness of academic research while providing for the commercialization of results through university-industry partnerships. Another point often overlooked is the training aspect of Bayh-Dole; it has created a large number of professional technology transfer managers who facilitate the spectrum of university-industry relationships. The culture of competitiveness fostered by Bayh-Dole has incentivized innovations resulting in job creation and economic growth. The current Bayh-Dole Act structure is largely responsible for U.S. preeminence in technology transfers, tampering with that structure threatens to undermine the entire system.

What the university community needs to continue to do is clearly articulate the value of Bayh-Dole Act.

Tony DeCrappeo serves as the Associate Director for the Council on Governmental Relations (COGR).
Fine Tuning Human Research Protection

by Robert P. Lowman

There have been no revolutionary developments in human subject research protection since the first of the year, but several developments are noteworthy and promise to improve the protection of human subjects significantly. Headlining the news is the release of final accreditation criteria by the Association for the Accreditation of Human Research Protection Programs (AAHRPP, pronounced A-Harp). Accreditation seems clearly the future of human subject research protection, but the standards set by AAHRPP will not be easy for many programs to reach. The standards define “best practices,” not minimally acceptable practices, and many programs will undoubtedly fall short of full accreditation the first time they are evaluated. On the other hand, there is plenty of motivation to achieve accreditation. At a recent meeting of the Council on Governmental Relations, Dr. Greg Koski, Director of the Federal Office for Human Research Protection (OHRP), said it was “inconceivable” to him that any accredited program would be shut down by the federal government for violations of human subject regulations. Those present debated his meaning: will accreditation itself provide some measure of protection from federal sanctions, or will accredited programs—by definition—be so good that they would never fall short enough of federal standards to warrant sanctions. Either way, accreditation would seem to be a desirable step for all concerned.

In other news, the long-awaited, revised Federalwide Assurance (FWA) forms (i.e., the Terms of Assurance and IRB Registration Form) were released on March 21. The FWA was originally hyped to the research community as a simplified form of assurance that would make everyone’s life easier. The product fell well short of the promise. Gone was the Single Project Assurance (SPA), which quickly and easily allowed institutions without an IRB to file an assurance and rely on the review of an IRB at another institution for a single project. The SPA took one set of signatures on a single form to complete all necessary arrangements. Using an FWA, the same transaction took twice the paperwork—an FWA to assure compliance and document permission to use an IRB from another institution, and a second agreement to limit the liability of the IRB to a single project or set of projects. Larger research institutions that are frequently asked to “loan” their IRBs to others found the FWA process cumbersome, and many refused to file the new assurances. Institutions advocated modifying the FWA so that institutions loaning their IRBs to others could specify the limits of their liability easily in the FWA agreement. The new version of the FWA solves this problem in an interesting way. Any institution can file an FWA listing any IRB it wishes, and the FWA does not require a signature from the institution providing the IRB. However, OHRP warns that the institution filing the FWA must have a signed agreement available for inspection, documenting permission from the institution providing the IRB. Thus, the institution providing the IRB need only sign one agreement specifying the conditions under which their IRB is available for “loan.”

From time to time, stories emerge of what is sometimes called “IRB Shopping,” that is, seeking a second review by a second IRB when a project is disapproved by an IRB the first time, or when an IRB requires substantial protocol modifications that the investigator does not wish to make. The Food and Drug Administration (FDA) is seeking comments on whether to require sponsors and investigators to inform IRBs of any prior reviews. Presumably, if an investigator or clinical research sponsor has to tell an IRB that the project has previously been disapproved, the incentive to shop around for a favorable IRB review will disappear. Comments to the FDA are due by June 4.

OHRP has recently updated its guidance for investigators who propose to use human embryonic stem cells in their research. Published March 20, this new guidance is a revision of an OHRP document initially published on November 16, 2001. While human subject research using stem cells is still quite uncommon and likely to be controversial, this is an instance of the federal regulatory system being proactive. Readers are reminded that by Presidential Executive Order, it is not legal to use human embryonic stem cells in federally funded research unless the cells are from one of the cell lines approved by the President. Many scientists question whether any of the Presidentially approved cell lines can ethically be used in human subjects because of the use of non-human materials in the derivation of most, if not all, of the approved lines.

Finally, Public Responsibility in Medicine and Research (PRIM&R) has released Investigator 101, a CD-ROM that can be used in training on the ethical use of human subjects in research. The program is state-of-the-art, and PRIM&R is making it available to any institution that has an FWA or a Multiple Project Assurance (MPA) with the federal government. In order to receive a copy, an institution must sign a straight-forward licensing agreement with PRIM&R. For further information, contact Ms. Rebecca Leroux at PRIM&R at (617) 423-4112 or rebecca.leroux@PRIM&R.org. Processing will take four to six weeks.

Robert P. Lowman serves as the Associate Vice Chancellor for Research, The University of North Carolina at Chapel Hill.

Casey Appointed RMR Editor

by Richard Keogh

James J. Casey, Jr., Director of Sponsored Programs at Bradley University and Project Manager of Bradley’s Center for Agribusiness and Agrotechnologies, has been appointed the new editor of NCURA’s Research Management Review (RMR). An NCURA member since 1995, Jim previously worked with Bob Killoren, RMR’s outgoing editor, in the publication of recently submitted RMR articles. The RMR can be accessed electronically through the NCURA Newsroom (http://www.ncura.edu/newsroom/default.htm).

Prior to becoming Director of Sponsored Programs at Bradley, Jim worked in research administration at Northwestern University and Marquette University. He has considerable background as a writer, having published numerous articles in refereed journals, including an article on “The Legal Dimensions of Research Administration” in the RMR (Winter, 1998). Jim currently serves on NCURA’s Region IV Publications Committee and also on NCURA’s Professional Development Committee, where he is leading a Committee subgroup examining the role and format of NCURA’s chief publications, including the RMR.

Jim is an attorney by training and is licensed to practice law in Wisconsin. He earned his J.D. from the University of Dayton School of Law, where he was a member of the law school’s scholarly journal, The University of Dayton Law Review. He also holds an M.A. in International Affairs from Marquette University and an M.P.A. in Urban Administration from the University of Dayton.

Jim is enthusiastic about his new editorial role (following in the footsteps of Bob Killoren’s excellent work!), and encourages the submission of new RMR articles from the membership or feedback relative to any aspect of the RMR. Jim can be contacted by e-mail at jcasey@bradley.edu. Congratulations, Jim!

Dick Keogh is the Chair of the Professional Development Committee, Co-Editor of the NCURA Newsletter and serves as the Director, Office of Research and Grants Administration for Rhode Island College.
March 19, NCURA presented the third live satellite conference in the 2001-02 series, “From a Culture of Compliance to a Culture of Concern.” The session, which was hosted by Bob Killoren and Dick Seligman, focused on the topic of compliance education—who needs to be “trained,” in what areas training is needed, and what are the best ways to go about building a training program.

This videoconference was presented in cooperation with the National Association of College and University Attorneys (NACUA). Panelists included Mark Righter, a member of NACUA and an attorney who represents Penn State; Greg Koski, Director of the Office for Human Research Protections; Chris Pascal, Director of the Office of Research Integrity; Mark Brenner, Vice Chancellor for Research and Graduate Education, Indiana University-Purdue University Indianapolis; and Kim Moreland, Director of Grant and Contract Administration at the Fred Hutchinson Cancer Research Center.

Mark Righter began the conference by presenting the “Five Critical Steps of Compliance”, what does a grantee institution need to do in order to demonstrate that it is taking its compliance responsibilities seriously. Education and training were seen as very important elements in an overall compliance program. Greg Koski and Chris Pascal, both high-ranking federal compliance officials, contributed discussions of the importance of compliance education in their respective areas of concern, human subject protection and research integrity. Both agreed that the goal is for participants in the research enterprise to do the right and proper things, not because someone may be watching over them, but because they know what the right things are and want to do things that way.

Regina White, Director of OPERA at the National Institutes of Health, and a Past President of NCURA, made a brief appearance as a member of the studio audience for the conference. She provided some very timely information on a recent NIH initiative to provide infrastructure support for human subject protection at institutions with significant involvement in clinical research.

Mark Brenner presented information on the “RCR” (Responsible Conduct of Research) program that he has been developing at Indiana University-Purdue University Indianapolis (IUPUI). Mark approaches this task from a long history as a faculty member and academic administrator at two major research universities. He made it very clear that any training/education program that hopes to involve faculty and senior research staff must be planned with significant input from the faculty and needs to have the strong support of the senior management of the institution.

The culmination of the conference was provided by Kim Moreland who presented the first view of the “Compendium of Compliance Education Programs.” Kim and her colleagues at the Fred Hutchinson Cancer Research Center did an outstanding job of pulling together information on existing compliance education programs in the following areas: administration of sponsored programs; fiscal administration; use of human subjects; responsible conduct of research; and other compliance programs. Clearly, there is no dearth of compliance education curriculum materials that have been developed in recent times. Anyone who is thinking of developing training in the compliance area will benefit greatly from the information that Kim and her colleagues have compiled. The “Compendium” was made available to participants in the videoconference. The hope is that it will be maintained and distributed by NCURA.

The March 19 conference varied somewhat from the previous format of NCURA video conferences in that it focused on a series of conversations between the panelists and moderators, rather than on a series of more formal presentations. Extremely positive feedback has been received.

The final show in the 2001-02 series takes place on May 14 and will address “The True Cost of Compliance and Why We Must Invest.”

Stay tuned….

Richard Seligman served as a Moderator for the March Video Conference, is a Past President of NCURA and serves as the Senior Director, Sponsored Research for the California Institute of Technology.
An Administrator’s Guide to Communicating with Faculty Members

by Suzanne Polmar

In a recent article in the Chronicle of Higher Education, retired Provost Milton Greenberg offered administrators his observations and guidance on how faculty think. The article’s sound advice brought to mind the advice of another retired administrator - the pseudonymous Josef Martin. Both of these experienced administrators share their wisdom in a curmudgeonly, but nonetheless humorous, manner. Although there is no way I can capture the humor, I will attempt to share with you their wisdom.

Let me start by mentioning that even though some of my best friends are faculty members and even though I once was one myself, I don’t begin to understand how they think. On the other hand, I have to communicate with them on an almost daily basis, as do most of you, hence the focus of this column.

Professor Greenberg points out that faculty have a religiously held belief “that they are not employees. They are professionals, autonomous, beholden only to the standards of their particular learned discipline ....” Research administrators also know that one of the creeds of that religion is the grant is given to me, the funds are mine and the exorbitant indirect costs paying your salary are a tax on my hard earned money.

I’m sure I am not alone in fielding a request from a faculty member worded in the following manner:

Dear Sue,

Thanks for informing me of the notice of grant award from XYZ agency. As you can see, the approved budget is far less than I requested. If the University takes its full indirect costs from this tiny sum, I will be unable to fully support the post-doctoral fellow. I am therefore requesting that you waive the indirect costs on this small grant. I note that this should create no hardship for the university since I already have two federal grants that pay the full federal indirect cost rate.

Sincerely,

Les Welloff

Or perhaps you have received a note, such as the one below, responding to a third notice requesting an overdue technical report in which you had the audacity to copy not only to the faculty member’s department chairperson, but to the Dean of the school as well:

Dear Dr. Polmar,

I received yet another notice from your office about a technical report due on my grant ABC 1234 from the DXX. Please be aware that my technical officer and I are in constant contact, we see each other at all the scientific meetings in the field and he continues to fund my research; there is no need for any further reports. I have much better things to do than waste my time writing reports. Furthermore I am sure that Dean Jones has no interest in receiving any correspondence about such trivial matters.

Professor Wellfunded

Then again you may have been chastised for the actions of your staff as in the following:

March 15, 2002

Dear Dr. Polmar,

As you can plainly see from the draft financial report I have attached to this note, I have $10,000 remaining in the grant ABC1234. I have authorized the expenditure of these funds for the summer salary of my colleague Dr. Smith, whose own grants didn’t have enough money to pay for summer salary last year. Your staff stubbornly refuse to permit this expenditure putting forward such lame excuses as the fact that the grant ended last December, and that Dr. Smith was never mentioned in the grant, works in a totally unrelated field and did not indicate any effort on this grant on the activity report she certified in September. Please correct this situation immediately.

Professor BMOC

So when you are on the receiving end of such a communication, usually these days by e-mail (and often with a copy sent to the Dean, VP of Research or even the President of the University) and you think about responding, what should you do?

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It seems like every day we get the chance to talk to someone at another institution about a potential collaboration, on-going issue or perhaps a unique situation that may require special handling by the research administrators at both schools. A frequent result of these daily contacts is the empathy each administrator feels for the other’s dilemma.

This mutual understanding we have for each other’s situation has led us to consider different ways administrators communicate with each other. We thought we would pick the best collaborative practices we have observed over the past several years that might serve as guidelines for our professional daily contact.

Please remember these are the best practices we have observed. Your list may be different or more inclusive, or our list may not fit your own style or business system. A list of generally accepted standards of professional courtesy within Research Administration might become a useful topic of further discussion at national and regional meetings. So, we would be happy to receive your feedback, either personally by e-mail or through the Newsletter.

Now for the disclaimer. We’ve limited our list of best practices to interactions between central administration people. That’s so we can start a discussion of professional standards for our membership but still keep this article to a reasonable length. Perhaps in the future, we’ll get an opportunity to expand the list. Here’s our top nine.

1. **Let ‘em know what’s going on**
   We really like it when our counterparts give us a reasonably quick return call, usually within twenty-four hours, or e-mail after our first attempted contact. Even something as quick as “I can’t get to it until next week” gives us the warm feeling that something is going to take place. For long-term issues and problems, some sort of periodic notification that we haven’t been forgotten is appreciated.

2. **Gone fishin’**
   Most of us have the automatic phone message, “She’s not available right now, please leave a message.” Although irritating at times, it’s nice to know you’ve at least contacted someone. We don’t mind when we hear a message that says “I’m on vacation and won’t be back for two weeks.” At least we know we haven’t been ignored and learn when we can try again. The best practice we’ve encountered is where the “canned” message is changed indicating when someone is out of the office for the day or longer. A message like “I’ll be back tomorrow—if you need immediate assistance contact Jane Smith” tells us when to expect a response or offers us an alternative when the issue is a high priority. (Don’t forget to check if your alternative contact is actually available and has not gone fishin’, too).

3. **We can’t find the fax**
   It’s a good idea to give your fellow administrator a call or e-mail after you’ve faxed or sent something via overnight mail. How many times have we thought the fax arrived, only to have someone a week later say “I never got it!” I think the best practice is to notify someone of a pending fax or overnight mail. That alerts the party to be on the lookout, so if the delivery service gets stuck in the snow, we know enough to ask for a tracking number. When we die and go to heaven, we’re going to find all those lost faxes.

4. **Negotiate it early**
   Sometimes we have a pretty good idea that an award is about to arrive. If that award has a subaward, we think the best practice is to start the subaward negotiation immediately, without waiting for the prime award. Why not contact your counterpart and share the “boilerplate” terms and conditions to make sure the wording is mutually acceptable? We’ve even had fully negotiated contracts mailed to us for signature before the actual award had been received from the prime. The administrator on the other end simply told us that their institution wouldn’t sign the final product until the award actually showed up. There is always the possibility that something could change, but the ease of an early contract far exceeds the risk of doing a little extra work. Wouldn’t it nice to get a subcontract on the same day the award is made? So think “early is better” because, in most cases, it is.

5. **Greener pastures**
   When a PI tells you they are leaving your institution, one of the first things to do is to look at how many active awards and pending proposals they have with your institution. As a best practice, we believe the next step is to contact your counterpart at the “lucky” institution who will be the recipient of the PI’s award transfers. This best practice allows the new institution to prepare for the transfer of the PI and the award. They may want to contact the PI to see if any new proposals are going to be submitted prior to transfer. The new organization can contact the awarding agency if an award is on the horizon. This enables the agency to make a pending award to the new organization, instead of having to make all the changes later. Don’t you think the PI will have a good first impression of your office if you contact him or her before they arrive on campus?

6. **Who’s who in the Sponsored Research Office?**
   Many administrators like to use the web to find information not only about your University but also your Sponsored Projects Office. We’ve found the best practice is to develop a “fact sheet” that is easily found on your web site. We suggest that your “fact sheet” should have personnel contact information about your office, including name, phone, fax, and e-mail, as well as the specific areas of responsibility. You may want to include your negotiated F&A agreement, tax ID, authorized official or other information you consider relevant. Developing this “fact sheet” not only assists other administrators, but also saves making unnecessary contacts (freeing you up for more pressing work!).

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REGION I
New England

With the Spring Meeting behind us, regional activity is winding down in anticipation of summer's arrival. The Spring Meeting in Newport was a great success. Hats off to the program committee for their efforts in pulling together a wonderful meeting.

For the last several years, Region I has recognized exceptional contributions to the region through the Merit Award. Based on the recommendation of the Advisory Committee, Region I honored Dick Keogh from Rhode Island College. Most in the region are aware of Dick’s activities on behalf of NCURA. He served as Chair of Region I as well as a member of the Region I Advisory Committee. He has served on several occasions as a member of the Board of Directors for the national organization. Dick has also served as Co-Chair of the NCURA Annual Program Committee. He currently serves as Co-Editor of the NCURA Newsletter and Chair of the PDC. Dick has also participated in numerous sessions and workshops at both the regional and national level, and has written countless articles for the Newsletter and other publications. Dick’s influence in this organization goes well beyond his service on committees. He has always taken the time to encourage others to become active in NCURA and he has served as a mentor to many of us. Congratulations to Dick for this well deserved honor.

I would also like to take this opportunity to congratulate two Region I members on a well-earned retirement after many years in research administration. Jim Grayson, Beth-Israel Deaconess Medical Center and John Kavanaugh, Dartmouth College, have both announced plans to retire. On behalf of the region, I would like to thank them both for their commitment, dedication and assistance in helping us through the years.

Wishing everyone a safe and happy summer!

Louise Griffin serves as the Region I Chair and is the Managing Director, Research Foundation for the University of Massachusetts, Lowell.

REGION II
Mid-Atlantic

As we go to press, the elections for newly created offices of Chair-Elect and Secretary of Region II have been finalized. Janet Simons, University of Maryland, Baltimore will serve as our Chair-Elect and Cheryl Williams, University of Rochester will serve as our Secretary. Not only are we fortunate to have such excellent leaders on our team, but we are also fortunate to have had such a terrific slate of candidates. Many, many thanks to all the candidates for volunteering to serve our members!

By the time you read this column, the new officers will have been presented to the membership at our Regional Meeting in Ithaca, New York. Thanks to all the wonderful presenters and most of all to the Program Committee, headed by Charlie Kaars and Anne Geronimo, for their excellent program. And you can mark your calendars right now for our next meeting, which will take place in New York City from April 13-15, 2003. The Program Committee is already forming, so if you have ideas for sessions, themes or you’d like to help out, please contact Anne Geronimo at ageronimo@gradschool.umd.edu.

We will also be holding elections over the summer for our next Chair-Elect, Treasurer and member of the Board of Directors. These officers will begin their term in January, 2003. If you would like to nominate someone, including yourself, please contact me at bettyregion2@aol.com, and let me know. I will pass your name to the Nominating Committee.

We are very sad to report the following news, which was sent to us by Garry Sanders. Ms. Joanne Casabella of the Office of Sponsored Programs at the University at Albany passed away in early April. She delighted in her work with faculty, and was recently awarded the University’s Excellence in Professional Service Award. She was an outstanding colleague and a good friend. She will be sorely missed.

Betty Farbman serves as the Region II Chair and is the Director, Office of Grants and Sponsored Research for St. John’s University.

REGION III
Southeast

Results of the recent Region III election are now in. The Chair-Elect is Sue Keehn of the University of Arkansas at Little Rock. Sue will chair the Program Committee and assume office at the end of the regional meeting. The new Secretary/Treasurer is Dawn Boatman of the University of North Florida. Dawn will take over her new duties on January 1, 2003. Tommy Coggins was elected Region III representative to the NCURA Board of Directors. Congratulations to all and thank you for your unselfish contributions to a great organization! To all members, please get involved in your regional activities. We need your expertise and your assistance. If you are interested in volunteering, contact one of the regional officers or committee chairs via the Region III website http://www.orga.cofc.edu/ncura3/ncura3.html.

Electronic voting for the meeting site for the Region III Spring 2004 has just ended. The Site Selection Committee, chaired by Mary Watson of Valdosta State University, will announce the results at the San Antonio meeting.

Plan ahead for the Region III meeting at Sandestin, FL in May 2003. We will be one of the first groups to use a brand new hotel and meeting facility, with nearby opportunities for golf and tennis. You’ll also want to explore a large shopping village and the marina. Further details will be announced soon.

After polling members regarding their interest, Dave Battey, Chair of the Region III ERA committee, has provided a News/Discussion Forum for Region III members. You can access the forum on the Region III website, http://www.orga.cofc.edu/ncura3/ncura3.html. This is a great way to get information on new regulations, cost share policies, F&A headaches, and all of those other issues we encounter daily. Questions, comments, suggestions…post it here and see how others are addressing the same issues.

Rosemary H. Ruff serves as the Associate Director, Office of Review and Compliance at Auburn University.
Among the highlights of the Region V and III meeting in San Antonio was the presentation of Region V’s Distinguished Service Award during the Bar-B-Q dinner Tuesday evening, May 7. This year’s recipient is Dr. Marianne Rinaldo Woods, Assistant Vice President for Research and Director of Grants and Contract Services at the University of Texas at Arlington. Marianne has served on several regional committees: the Executive Committee; the Nominating Committee; the Awards Committee (chair); the Bylaws Committee (chair); the Quinten Mathews Awards Committee; and the Regional Meeting Planning Committee. Nationally in NCURA Marianne has also been very active: Deputy Chair, Workshops, National Program Committee; Chair, Task Force on Institutional Profiles; Task Force on Database Membership Profile; Task Force on Research Collaboration Initiative; Business and Higher Education Forum; Strategic Systems Planning Initiative; Minority Participation Task Group; National Membership Committee; Region V Representative; Executive Committee; and as Faculty, Fundamentals in Research Administration. Marianne has a firm grasp of all areas of research administration and often participates in charting the course for future policy-making. Congratulations to her from all of us in Region V!

The Quentin S. Mathews Travel Scholarships have been awarded this year to the following individuals who are new to research administration and will be attending their first regional meeting: Kathy Alwell-Wardsa, Sponsored Programs Specialist, University of Texas Medical Branch-Galveston; Kasie Nichols, Sponsored Program Administrator, University of Oklahoma Health Sciences Center; and Laura Leal Rosales, Senior Grants & Contracts Administrator, Texas A&M University – Corpus Christi. A note of appreciation to Susan Krause and her committee for selecting such qualified individuals from a strong pool of applicants. By the time this report appears, Region V will have elected a new vice-chair/chair-elect, a new treasurer, and three members-at-large of the Executive Committee. Thanks to Mary Catherine Spijkerman, chair of the Nominating Committee, and her committee members for identifying such an outstanding slate of candidates for election to these posts. At the conclusion of the regional meeting in San Antonio, Jo/An Howeth, Assistant Director of Compliance Operations, University of Oklahoma will become Chair of Region V.

Sondra Fersit is concluding her term as Chair of Region V and is Associate Dean for Research, Texas Woman’s University.

The Aloha spirit is still going strong from the Region VI/VII Joint Spring Meeting. The meeting had a record attendance of 210, with roughly 80% of those coming from Region VI institutions. Congratulations go out to Judy Fredenberg (University of Montana) and Region VII for their work in shaping the program. However, double kudos have to go out to Cecé Manoochehri (California Institute of Technology). Not only did Cecé do a great job in managing the registration desk, Cecé arranged for both of our guest speakers; both speakers were fantastic! Dr. Fred Chaffee, Director of the California Association for Research in Astronomy and the Keck Telescope Observatory, kicked off the meeting with a fabulous presentation describing the world’s largest optical and infrared telescopes. Dr. Donald Swanson, Scientist-in-charge of the U.S. Geological Survey’s Hawaii Volcano Observatory, presented a fascinating lecture and slide show on Hawaii’s volcano activity. Both of these presentations were wonderful reminders of how we research administrators support scientific missions.

Although the program didn’t have compliance as a “theme”, there were many presentations on this important and timely issue. Dr. Christine Boesz, Inspector General of the National Science Foundation (NSF), and Thomas Cooley, NSF’s Chief Financial Officer, gave an excellent presentation on compliance from the Federal perspective. Dick Seligman (California Institute of Technology) and Kim Moreland (Fred Hutchinson Cancer Research Center), fresh from the March NCURA videoconference, continued their conversation on compliance. There were also excellent updates from NIH and NSF, and just too many outstanding sessions to mention here. All I can say is “You should have been there.”

Perhaps the most entertaining presentation was before Tuesday’s dinner. In honor of Dick Seligman’s upcoming birthday (the BIG 6-0), Kim Moreland presented Dick Seligman’s life in Research Administration, which actually started during Dick’s childhood. Be sure to ask him about his two dogs—FastLane and Modular. To top off this presentation, Dick (also known as “Dr. Dude” at Cal. Tech) was treated to a hula and lei presentation by none other than NCURA’s President John Case and Meetings Manager Marc Schiffman (these two were quick studies from Sunday night’s luau and hula show).

Continued on page 15
“HIPAA Hypos for Research”

by Fred J. Berg

The one-year countdown to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy implementation has begun. To get ready, here are some hypothetical questions for research personnel about the new HIPAA requirements (see how many new regulatory terms you can spot):

- What provisions are needed for a research Authorization for disclosure of Protected Health Information (PHI)?
- May research data containing PHI be shared with collaborators in the same Covered Entity?
- What if data needed for a patent application is contained within a Transaction Code Set?

These are only a few of the terms and concepts that biomedical faculty and staff must come to understand and implement under the new federal HIPAA regulations. On March 27, 2002, the Department of Health and Human Services issued proposed revisions to the privacy regulations under HIPAA, which is only one set of three new rule regimes to govern the handling of personal health information. Of the other two sets of regulations, only the electronic data interchange rules have been finalized, while the security standards are still being debated, some seven years after HIPAA became federal law.

Biomedical researchers have experience “anonymizing” or de-identifying human subject health information. The new privacy protections that will go into effect on April 13, 2003 govern not only the soliciting of personal health data, but also maintaining and transmitting such data for analysis. The revised regulations proposed on March 27, 2002 simplified many procedures including those specifically applicable to research authorizations and waivers. Assuming these changes become effective (after the regulations are finalized), many institutions are commencing plans to develop policies and procedures, educate faculty and staff, and prepare guidance and advisories to assist colleagues and co-workers.

A good starting point for many institutions will be to review selected biomedical research studies and examine them for how activities related to the project intersect with protected health information or PHI. For example, research contracts should be reviewed to ensure that any parties who may receive PHI in connection with a study handle the PHI in accordance with the federal requirements. A “business associate” or “data use” agreement restricting access to the PHI may be needed. Perhaps fortuitously, the revised regulation contains a sample business associate agreement, which may be consulted. Investigators should review recruitment and screening procedures, as some patients may, under HIPAA, limit use of information about their health conditions and diseases, which may be a current clinical research interest for particular investigators. Under the new regulations, clinical protocols will need to discuss how privacy will be protected in obtaining and storing health information, and IRB members will need to make assessments about privacy protections and risks when reviewing protocols.

Most significantly, the proposed revised regulation reduced the requirements an IRB must use to waive the need to obtain a written disclosure authorization, especially for pilot and studies preparatory to research.

The revised regulations propose a single format for all PHI authorizations. Moreover, if the revised regulations are adopted, an informed consent for human subject research can incorporate appropriate research authorizations needed for a particular project. Both of these proposed revisions should simplify the process for all teaching hospitals and clinics engaged in human subject research.

A research authorization must contain several elements, including a complete description of the protected information to be used or disclosed, along with a recitation of how such information will handled. In addition, the persons, agencies or companies, or class of persons, who may use the disclosure need to be identified. For treatment related studies, the authorization also must make clear that PHI will be used and disclosed for treatment, payment and operations (TPO).

In most studies, it will be necessary for the authorization to state that information used or disclosed to third parties may be subject to further use or disclosure, such as an FDA investigation that may remove the information from HIPAA’s protection.

Participants need to be informed specifically that their PHI will not be used for facilities directories, family or next-of-kin notification purposes, or for some public health or epidemiological purposes. It should be noted that the HIPAA regulations are subject to pre-emption, meaning that a stricter state law or other standard or legal requirement (such as a subpoena or court order) will take priority over HIPAA’s protections.

An acknowledgement is needed that the participant may revoke the authorization, or that the institution’s privacy policy should be consulted for the procedures of revocation or modification. In addition, a date or event must be given specifying when the information will no longer be used. (The proposed revision states that the “end of the research study” may be the event.) The authorization must be binding and signed by the participant, or as appears in some informed consent templates, by a representative whose capacity is identified.

If a participant revokes authorization, it should be noted that the proposed revision allows continued limited use of the subject’s PHI in order to maintain the integrity of the project. Thus, the PHI may be used to document the participant’s withdrawal.
The proposed regulations permit some research to proceed without authorization. These include some chart studies, data collected for diseases and tissue-related registries, and “health services” research such as state-mandated statistical collections. The final regulations should be reviewed to determine whether a study might proceed without notification to the IRB or a request to proceed without authorization. In such cases, the regulations specify that any use or re-use of PHI data will require IRB review of a protocol and approval to proceed without written authorization.

Pilot studies known as “case finding” require notification to the IRB under the proposed regulations. Investigators will need to become familiar with the concept within the HIPAA privacy regulations referred to as the “minimum necessary” use of PHI. Essentially, an evaluation needs to be made to determine if the proposed use of PHI is limited sufficiently to protect privacy, while at the same time providing the investigator with sufficient permission to use the PHI-related data for the research study. The proposed regulations permit some PHI-related data to be used for research within the investigator’s home institution (sometimes referred to in the regulations as a “covered entity”). In most cases where the IRB has approved the study to proceed without authorization, the protocol may specify that the PHI will be disclosed to third-parties—outside the home institution—who have a need to know, provided that identifiers have been properly masked or destroyed.

Perhaps anticipating the need to permit clinical research development to continue, the proposed regulations define a “safe harbor” for investigators to use in “de-identifying” data. In these situations, specific elements of PHI (such as names and addresses) must be deleted, while limited geographic indicators, such as partial zip codes, and ages expressed in days and months, may be transmitted. In a limited number of situations, a data use agreement must be established between the investigator’s institution and the recipient of the de-identified data.

Several legal and related regulatory issues are presented by the new regulations. For example, the requirements and procedures for investigators to obtain medical data held by third parties in a timely fashion in order to complete adverse event reports are not addressed in the proposed regulations. Further guidance may be forthcoming from federal agencies such as the National Institutes of Health and Food & Drug Administration. Investigators should pay close attention to practice and specialty literature for analysis and discussion of HIPAA issues related to their research interests.

Each institution needs to review its research operations and determine the most efficient manner to proceed. For example, we at Cornell are considering HIPAA modules for our clinical investigators education program. Training for IRB members may be needed, unless an institution is opting to have the HIPAA-related issues handled by a privacy board. Forms development, which is a time-consuming process for most institutions, should be commenced, and a phase-in period should be considered to assure orderly adoption by April 13, 2003.

While privacy issues have always been part of the ethical considerations in human subject research, the new privacy concepts presented by HIPAA will need to be reviewed in all aspects of biomedical research and related issues. Timely planning will ensure compliance by the 2003 effective date.

The foregoing is not provided as legal advice, and researchers and their support staff should necessarily consult with their respective institutional legal and other advisors.

Fred J. Berg is the Associate University Counsel, Weill Medical College, Cornell University.

The Advanced Technology Program: Reform with a Purpose

Some positive news with respect to Bayh-Dole is found in a recent report published by the Department of Commerce, “The Advanced Technology Program: Reform with a Purpose”. Under the current regulations governing the Advanced Technology Program (ATP), universities are disadvantaged in that:

1) They are not allowed to act as the prime recipients, and
2) Bayh-Dole does not apply and industry recipients of ATP awards have no obligation to vest title to University-developed intellectual property in accordance with U.S. Patent Law. Not only has this created a disincentive for universities to participate in the ATP, some schools will not even consider partnering with industry to compete for this funding.

The report calls for numerous reforms to the ATP. Among these recommended reforms are two that universities should embrace:

- Recognize the significant value of the resources that institutions of higher education offer by allowing universities to lead ATP joint ventures; and
- Offer universities increased incentive to participate in developing commercially relevant technologies by allowing them to negotiate with joint venture partners over the rights to hold the intellectual property that results from research.

NCURA members will be pleased and proud to note that the report specifically cites NCURA, along with SRA and AUTM, as a reflection of the increased growth and expertise in the contracting and research management professionals in universities that are necessary to oversee programs such as the ATP. The full report can be accessed at www.atp.nist.gov/atp/secy_rept/contents.htm.
Compliance with NSF Cost-Sharing Requirements

by Frank Zuraf

In the March and September 2001 Semi-annual Reports to the Congress, the National Science Foundation (NSF) Inspector General (IG) noted that recurring internal control weaknesses in accounting for and reporting on cost-sharing continue to be one of the NSF’s top ten management challenges. This point was repeated and reemphasized by the NSF’s Deputy IG for Audit during a panel discussion at the February 2002 meeting of the Council on Government Relations. The NSF IG noted that it has planned additional audits for the next fiscal year to continue to monitor awardee’s ability to meet cost-sharing requirements. In this article we will briefly discuss the NSF’s basic requirements for mandatory, committed cost sharing, the recurring findings by the IG at colleges and universities, and the steps we might take as research administrators to ensure compliance with the cost-sharing requirements of the NSF.

Cost-Sharing Requirements

The NSF requires that each grantee share in the cost of research projects resulting from unsolicited proposals, i.e. a proposal not contained in an NSF Program Solicitation. This requirement is actually contained in the NSF Appropriations Act and the awardee’s contribution towards the cost of the project is intended to “...reflect the mutuality of interest of the grantee or contractor and the Government in the research.” With regard to the amount of mandatory cost-sharing to be provided, except where a specific amount is included in the award, the requirement can be met in one of two ways: (1) the institution can contribute a minimum of 1% on each project funded, or (2) it can contribute a minimum of 1% on the aggregate amount of all projects. The institution decides which method to use to meet mandatory cost-sharing requirements and need not notify NSF of its choice or obtain NSF approval.

In addition to the amount of cost-sharing to be contributed, the following key requirements related to cost-sharing are contained in Office of Management and Budget (OMB) Circular A-110, Subpart C.23, and the NSF Grants Policy Manual:

- Contributions to cost-sharing must be necessary and reasonable for the proper and efficient accomplishment of program objectives.
- Contributions for cost-sharing may be made from any non-Federal source of funding (you can’t use other Federal awards) and they can be counted only once.
- Contributions can be in the form of direct or indirect (Facilities and Administrative (F&A)) costs. Such costs must be allowable in accordance with cost principles in OMB Circular A-21 and sponsor requirements.
- When direct costs are contributed or cost shared, the NSF Grants Policy Manual states that “any indirect costs related to that item may not be charged to the project”. These indirect costs may be considered part of the cost share. In addition, A-110 provides that indirect (F&A) costs can be contributed by reducing the amount of indirect (F&A) costs normally recovered under the award.

Unrecovered F&A costs normally may be included as cost-sharing only with prior approval of the awarding agency, and the NSF Grants Policy Manual specifically lists a reduced claim for indirect costs as an allowable method for providing contributions (NSF Grants Policy Manual 333.5).

- The grantee is required to maintain records of all costs claimed as cost-sharing. Such records are subject to audit.
- If in-kind contributions are used to meet cost-sharing requirements, you must maintain support for the valuation of the item(s) contributed. Such valuation should be determined in accordance with provisions of Circular A-110 and the applicable Cost Principles (e.g., OMB Circular A-21 for educational institutions).
- Unless specifically required by the grant, no reporting is required to NSF to demonstrate that cost-sharing requirements have been met. However, for cost-sharing commitments of $500,000 or more, an authorized organizational representative is required to certify this amount on an annual basis. The certification can be included as part of the annual progress and final project reports.
- Circular A-110 also contains additional guidance related to volunteer services and donated land, equipment, and other assets.

With regard to those institutions covered by the Federal Demonstration Partnership (FDP), an analysis of the FDP terms and conditions related to cost-sharing indicate only one area where the requirements in A-110 differ. The FDP requirements related to unrecovered indirect costs do not include prior approval by the awarding agency. Otherwise, the remaining requirements of Circular A-110 apply to all FDP institutions.


IG Findings on Cost-Sharing

In its September 2001 Semi-annual Report to Congress, the NSF IG presents what it calls “common cost-sharing problems” identified during seven audits it had recently completed. Six of these audits were performed at universities or university foundations and revealed the following conditions:

- At two of the six entities the accounting systems did not adequately identify those costs intended for cost-sharing purposes.
- In several cases the contributions made did not meet the allowability tests of Circular A-21. For example, in one case the university could not provide time and effort reports to support faculty release time.
- At five of the six universities, annual cost-sharing certifications required for commitments of $500,000 or more were not submitted and/or certifications were based on budgeted rather than actual amounts.
- At two of the six entities, problems were noted with support for in-kind contributions.
- Finally, at three entities, NSF awards were not included in the Federal research and development cluster of awards and, therefore, were not part of the universe of Federal dollars subject to the annual financial and compliance audit performed under OMB Circular A-133.
The NSF concluded that as a result of the above problems, it could not always ensure that institutions were meeting cost-sharing obligations, did not know the exact amount of cost-sharing provided, and could not rely on the A-133 audits to provide assurance that cost-sharing requirements are being met. The NSF also believes these problems undermine their ability to oversee an award and, to the extent failure to cost-share results in overpayments on certain awards, reduces their capacity to fund other awards.

**What Can Research Administrators Do to Help Ensure Compliance?**

An analysis of the NSF Summary of Findings from the IG’s Report indicates that the principal cause for cost-sharing problems is the unfamiliarity of key institutional staff with the NSF and OMB requirements for cost-sharing. In some cases it was noted that individuals who did not have the expertise, nor the time, were given the responsibility for monitoring this area. Another consistent theme in the NSF summaries is the need for universities to improve policies and procedures related to monitoring, tracking and accounting for its cost-sharing obligation.

In order to ensure that key staff are familiar with cost-sharing requirements, we believe the single most important step that research administrators can take is to help educate those at our campuses involved in administering NSF grants regarding such requirements. One approach that might be helpful would be to identify the specific problem areas identified by the NSF IG, e.g. inadequate accounting systems, lack of supporting documentation, and missing certifications, and then to disseminate to university managers reminders of their responsibilities in these areas and provide training for these requirements. In addition to a program of education, administrators should also review their policies and procedures to ensure they are comprehensive, up-to-date, and easy to use.

In order to determine whether universities, in fact, have a compliance problem in the area of mandatory, committed cost-sharing, institutions might also involve their Internal Audit or Risk Assessment units in performing reviews of selected Federal awards. In addition to identifying potential problem areas and ensuring compliance, the emphasis of such reviews should be focused on determining whether institutions have comprehensive, up-to-date and easy to follow policies and procedures in this area.

As noted by the IG, the NSF plans to continue to monitor this area with an aggressive program of audits in the coming year. Research universities can become proactive partners with the NSF in this effort to help ensure that cost-sharing requirements are met. We can do so by providing managers with the information they need to ensure compliance, by improving policies and procedures, and by undertaking our own reviews to identify if, and where, problems may exist and what needs to be done to correct them. In this way, we in the research university community can help to continue to provide NSF management with the assurances they need that we are serious about meeting our cost-sharing obligations on their awards.

Frank Zuraf is Vice President, Internal Audit and Management Advisory Services, Research Foundation of SUNY.

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**An Administrator’s Guide to Communicating with Faculty Members continued from page 6**

Professor Greenberg warns that “while administrators may not think of faculty as the enemy camp, the perception is not mutual. Perceived enemies promote paranoia, so administrative officers have to be extra, extra, extra careful about what they say”. The flip side of this equation is that an administrator trying to enforce university policy or federal regulation would be well advised to develop an alligator hide or invest in a Kevlar vest.

Remember that anything that can be misunderstood (and almost anything can and will be) and anything that can arouse ire (and almost anything can and will) is handled more effectively, with more good fellowship and good will if you first make a personal approach. A telephone call or face-to-face meeting goes a long way toward dispelling ill will. You can follow-up the conversation with a memo for the record, or to specify expectations, future actions, etc. In fact, if the matter is especially complicated or the particular faculty member has a propensity for imputing more to your words than you intend, a follow-up is probably essential.

However, if you are tempted to reply in writing, the advice of Josef Martin is important whether the response is by e-mail or in more traditional format:

✔ Throw the first draft away.
✔ Respond to the manifest, not to an interpretation of it.
✔ Criticize the action if need be, but not the actor.
✔ And finally, if the only thing a response achieves is blowing off steam, don’t! To which I would add – beware of the “Reply All” button.

In spite of their advanced degrees and scholarly knowledge of topics (which may seem like extreme esoterica to you) and your many attempts to inform and educate (but of course never to train), faculty may in fact be quite ignorant of basic rules imposed by the federal government with respect to the management of grants.

Pause before jumping to the conclusion about the motives behind a communication or letter of complaint, and to quote Martin, “never attribute to malice what can be explained by incompetence”.


Suzanne Polmar serves as Director, Grant & Contract Administration for Yale University.

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*FRA Corner*
NIH’S PROPOSED STATEMENT ON DATA SHARING
by Ann Hammersla

On March 1, 2002, NIH issued a draft statement on sharing research data. (NOT-OD-02-035). By developing a statement on data sharing, NIH will be requiring, effective January 2003, that all NIH grant, cooperative agreement, and contract applicants describe their plans for data sharing or the reasons why data sharing is not possible. These proposed proposal requirements reflect NIH’s policies (NIH Grant Policy Statement, Part II, Subpart A) on the Availability of Research Results and include NIH’s patent policies and incorporate NIH’s 1999 guidelines for sharing biomedical research resources. NIH’s draft statement is included on its web site with “Frequently Asked Questions on Data Sharing” and with a link to NIH’s “Data Sharing Workbook.” (The web sites are identified below.) Both of these documents provide information on protecting the privacy of human subjects and the importance of making final research data widely available through publications and websites, and sharing sensitive data through access data centers or data enclaves.

Through NIH’s policy statements and existing guidelines, NIH expects and supports the timely release and sharing of final research data from NIH-supported studies for use by other researchers. NIH has defined “final research data” in its draft of “Frequently Asked Questions on Data Sharing” as the “recorded factual material commonly accepted in the scientific community as necessary to validate research findings.” NIH also states that “final research data do not include laboratory notebooks, partial data sets, preliminary analyses, drafts of scientific papers, plans for future research, peer review reports, communications with colleagues, or physical objects, such as gels or laboratory specimens.”

NIH’s reasons for the sharing of data are to reinforce open scientific inquiry, encourage diversity of analysis and opinion, promote new research, and make possible the testing of new or alternative hypotheses and methods of analysis. Unique data, defined by the NIH as “data that cannot be readily replicated” should generally be shared to avoid the duplication of expensive data collection activities. NIH states that it will be able to support more investigators than it could if similar data had to be collected de novo by each applicant.

NIH in its “Draft Sharing Workbook” states that its encouragement and requirements to share and publish final research data is not inconsistent with its expectation that research, development and application of the data will lead to products and knowledge that will benefit the public. NIH acknowledges Bayh-Dole rights of its grantees and their requirements to elect and retain title to subject inventions developed with Federal funding. NIH states its intent that its proposed data policy statement will not discourage, impede, or prohibit the development of commercial products from Federally funded research.

However, a careful balance between legally protecting inventions with the wide dissemination of research data should be developed by grantees to assure commercialization as well as wide access to the data.

The draft statement, workbook and frequently asked questions on the NIH Data Sharing Information page can be found at: http://grants1.nih.gov/grants/policy/data_sharing/index.htm

The deadline for comment on the NIH’s proposed policy is June 1, 2002 and can be sent to the: Office of Extramural Research, 1 Center Drive, MSC 0152, Building 1, Room 150, Bethesda, MD 20817 or by email to dder@nih.gov. Following NIH’s consideration of the public comments it receives, the new policy will be announced on August 1, 2002 with a proposed effective date of January 1, 2003.

Additional resources for data sharing are listed at the end of the NIH’s proposed “Data Sharing Workbook” and can be found at the following locations:


Ann Hammersla is Associate Intellectual Property Counsel, Massachusetts Institute of Technology.
**BEST PRACTICES: PROFESSIONAL COURTESY continued from page 7**

7 **Get involved, it’s your profession**

   The only way we know of being considered professional is to be professional. One of our best practices is to join NCURA and attend national and regional meetings. Here are some tips for when you’re there. Network by sitting at meals or attending sessions with people you’ve never met. This may put you out of your comfort zone, but this sort of networking makes you more willing to contact your counterparts in other offices when you get back to work. While you are at the meetings, volunteer and look for opportunities to get involved. Whether speaking, monitoring, or just working behind the scenes, you’ll be surprised at the number of contacts you’ll make, with these people becoming professional friends. It’s amazing how many times you will contact people you’ve met earlier at these meetings.

8 **“Why” is not a four-letter word**

   When negotiating a contract, it’s rare when the other side doesn’t recommend some changes. Make sure that you know the reason behind your position when you are negotiating a term or recommending a change to another administrator. Practice until you are capable of clearly conveying that reason to the other party. In this case, I find the best practice is to know your contract, know your rules, and know what you can and cannot accept. Asking “why” to an expert at your institution or telling the other person you have to get more details is perfectly acceptable. You’ll find the additional time you spend with the “why” will save you time in the long run.

9 **Reach out and touch someone**

   Suppose you receive a call from a principal investigator who mentions that in the proposal they’re submitting there will be a subaward. Here, the best practice is to immediately contact the sponsored project administrator at the corresponding institution. In most instances, you’ll find this is the first notification they have received about this pending proposal. After the shock has worn off, inform them of your requirements or, if they are the prime, ask for theirs. That way both of you can get started and, hopefully, mitigate some of the last minute rushes that seem to be common in our profession.

   **We’ve given you our list of “9”**

   **Best Practices for Professional Communication among Research Administrators and since we know that lists usually come in “10’s,”**

   we want you to provide the tenth to us.

   Please e-mail us with your suggestions.

   Who knows, if we get enough “10’s”

   we’ll post them in a follow-up article.

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Vincent “Bo” Bogdanski serves as a faculty member on the NCURA/UNCF Fundamentals Workshop, and is the Associate Director, Office of Sponsored Programs, University of Utah; Robert Turner is the Manager, Grants and Contracts, Office of Sponsored Programs, University of Utah; and Jacqui Barnard is a Grants and Contracts Officer, Office of Sponsored Programs, University of Utah.

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**REGION VI Western (continued)**

Vincent Oragwam (California State University, Bakersfield) and his Nominating Committee are hard at work. They will be presenting a slate of nominees for Chair-Elect, Secretary-Treasurer-Elect and Regional Representative to the National Board. Those elections will be held this summer.

On a sad note, Barry Dorfman (California State University, Los Angeles) passed away the morning of March 29. Barry was a member of Region VI since 1996, and was serving on both the Regional Advisory Committee and the Nominating Committee. Barry came to us from the faculty ranks, and as Gene Stein said, “hit the ground running” when joining NCURA. We will all miss Barry’s enthusiasm, willingness to help as well as his sense of humor and wonderful smile.

**Pat Hawk is the Chair of Region VI and serves as a Sponsored Projects Administrator, Office of Research Services Administration for University of Oregon.**

**REGION VII Rocky Mountain**

Over 200 participants attended the Region VI/VII Spring Meeting in Kona, Hawaii, April 15-17. Held in such a site, any meeting would be good; however, with a strong program, knowledgeable speakers, and numerous opportunities for collegial interaction, the meeting was a roaring success, much like the ever-present sound of the surf!

Looking ahead to this summer, keep an eye out for the call for nominations through which we will elect three new individuals to the positions of Chair, Member-At-Large, and Regional Representative to the Board. Serving in a regional leadership position is a terrific way to learn more about NCURA, while experiencing numerous opportunities to meet colleagues across the nation. Remember that self-nominations are appropriate and welcome.

Also announced this summer will be the call for our regional travel award. This award provides assistance to an individual who has never before attended a national meeting to do so this coming November. Stay tuned.

For more information about these or other regional issues, don’t hesitate to contact me at 406-243-6670. See you in the fall!

**Judy L. Fredenberg is Chair of Region VII and Director of Federal Relations, Office of the Vice President for Research & Development, University of Montana.**
Neighborhoods Announce THIS WEEK in the Neighborhoods

And

ILS (Interactive Learning Series) on Spring Break

Every Tuesday the Neighborhoods offer electronic highlights for the week in a new online news bulletin, THIS WEEK in the Neighborhoods. Accessible from the NCURA homepage (http://www.ncura.edu/), THIS WEEK chronicles the latest information, materials, and events in research administration. Visit the Neighborhoods today and see what's happening THIS WEEK!

The Interactive Learning Series (ILS) has concluded for the spring, following the April 9 Washington Update session, and will resume in June, following the Regional Meetings and NCURA's Video Conference Series on May 14, 2002. For more information and to read ILS transcripts, visit the ILS Archive at http://www.ncura.edu/members/neighborhoods/ils.asp.

A Call for Volunteers is open for all six NCURA Neighborhoods! Details are available at http://www.ncura.edu/newsroom/enews/enews-0209.htm. The Call for Volunteers was scheduled to close April 30, 2002. For more information, contact Joshua Lessin at lessin@ncura.edu. Phone: 202-466-3894.

MILESTONES

John Case Assumes New Role as UNC Associate Vice Chancellor of Research

John Case, NCURA President, has been promoted to Associate Vice Chancellor of Research at the University of North Carolina at Chapel Hill as a result of a restructuring of contract and grant administration at UNC. As stated in a recent memo released from the office of Tony G. Waldrop, Vice Chancellor for Research and Graduate Studies at UNC, “in his two years at Carolina, John has already made significant and needed changes in the Office of Contracts and Grants to help streamline activities related to research administration. To reflect his new responsibilities, John is being promoted to Associate Vice Chancellor for Research...” The restructuring at UNC reflects a merger to create a new office of both pre- and post-award administration. All of us at NCURA are delighted at this news, and wish John all the best in his new position. Congratulations, John!

Former NCURA President Steve Erickson has been appointed Boston College’s new Director of Compliance and Intellectual Property Management. John Carfora, previously Associate Director of Grants and Contracts at Dartmouth College, where John also served as Chair of Dartmouth’s Compliance Assurance Advisory Council, is Boston College’s new Director of the Office for Sponsored Programs.

More exciting news from UNC, Scott Blackwood has been promoted to Acting Senior Director, Office of Sponsored Research, University of North Carolina at Chapel Hill.

Jill Frazier Tincher, NCURA e-News Editor also has a new position, as the Director, Sponsored Programs Training Office for the University of Miami. Congratulations Jill!
Each video conference is approximately 3 hours long and includes the handout/supplemental material created for the video conference.

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☐ Making the Right Moves in Handling Research Misconduct Allegations - $200.00
Topics include: Understanding and Applying the New Federal Definition of Research Misconduct, Receiving and Assessing Allegations, Preparing for the Preliminary Inquiry, Gathering the Evidence, Managing the Inquiry Process, Managing Investigation Outcomes, Good Practices and Lessons Learned
Speakers include: Alicia Dustira, ORI; Caroline Elemendorf, ORI; CK Gunsalus, University of Illinois at Urbana-Champaign; Chris Hansen, University of California, Irvine; Stephen Hansen, Southern Illinois University - Edwardsville; Chris Pascal, ORI; Alan Price, ORI; Robert Rich, Emory University; Ada Sue Selwitz, University of Kentucky; David Wright, Michigan State University

☐ Intellectual Property Issues for the Research Administrator - $200.00
The program will focus on intellectual property issues that research administrators face on a regular basis such as identifying and assessing the significance of key issues and some alternative solutions along with covering the consequences that can occur for the anticipated technology and for the institution.
Faculty for the program include both NCURA and AUTM members such as, Ann Hammersla, Associate Vice Chancellor for Research at the University of Illinois Urbana-Champaign; Mary Ellen Sheridan, Assistant Vice President for Research Administration, University of Chicago; and James Severson, President, Cornell Research Foundation, Cornell University and, Electronic Research Administration President AUTM.

☐ Divergent Views and Issues When Contracting with Industry - $200.00
This program will highlight the divergent views and issues associated with industrial contracting. Perspectives of the university administrator, the university attorney and the company sponsor will be incorporated as we look to understand cultural differences. Bob and his faculty will examine some of the “hot button” issues that plague university-industry contract negotiations: restrictions on publication, intellectual property rights, full reimbursement of indirect costs. Mutually acceptable, ethical, and honorable solutions for these issues will be discussed.
Faculty: Robert Killoren, Assistant Vice President for Research at the Pennsylvania State University; Kim Moreland, Director, Grant and Contract Administration, Fred Hutchinson Cancer Research Center; Richard Seligman, Director, Sponsored Research, California Institute of Technology and Mike Champus, Project Director of the Research Collaboration Initiative of the Business-Higher Education Forum.

☐ Compliance Issues Impacting Financial Research Administration - $200.00
This videoconference will explore the requirements for compliance; both the tangible documentation and the “spirit” of complying with these requirements. The broadcast will focus on those aspects that primarily affect research administrators in departmental business offices and central post-award units. Our panelists will discuss strategies that may be employed to enhance compliance, the potential consequences for failure to comply, and will provide their perspectives in meeting the intent of complying with the agency requirements.
Faculty: Jerry Fife, Director of Grant and Contract Accounting at Vanderbilt University; Elizabeth Mora, Director of Sponsored Research Operations at Harvard University; Frank Zuraf, Vice President, Internal Audit at the Research Foundation of SUNY and Barbara Walsh, Manager, PricewaterhouseCoopers.

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Contracts & Grants Office

The office of the Vice President for Research seeks an individual to manage all phases of contract and grant administration including review of solicitations, proposal preparation and review, contract negotiation, award administration, and contract closeout; administer office budgets; participate in setting and interpreting policy pertaining to contract administration activities; and supervise staff. Requires bachelor's degree (master's preferred) in a business-related field; minimum of eight years of experience in university/non-profit administration of federal research contracts and/or grants, although other related experience is also of interest; effective oral, written, and interpersonal communication skills; sound fiscal and time management skills, attention to detail, ability to set priorities; ability to work flexibly with a wide variety of programs and funding agencies; and well-developed computer skills. See http://personnel.usu.edu (1-103) for full description.

Send letter of application, resume, and names/numbers of three references to:
Wynn R. Walker
Utah State University
4105 Old Main Hill
Logan, UT 84322-4105
fax (435) 797-1248
email wynnwalk@cc.usu.edu.

Review begins June 1, 2002; open until filled. AA/EOE.

VICE PRESIDENT, RESEARCH
Beth Israel Deaconess Medical Center (BIDMC)
Boston, MA

THE POSITION: BIDMC, one of the top hospital recipients of NIH funding in the country and an affiliate of Harvard University's School of Medicine, seeks a Vice President for Research. S/he will report to the Chief Academic Officer and collaborate closely with the Chief Operations Officer and other BIDMC Vice Presidents on operational issues affecting the Research, Education and Clinical missions of the Medical Center.

The Vice President will manage the $140M research enterprise with a $6.6M operating budget and oversee staff of the Office of Sponsored Programs, Research and Academic Affairs Core Facilities, and the Institutional Review Board.

The Vice President is responsible for strategic planning and the management of day-to-day research operations. S/he must envision and implement administrative and management systems that enhance the medical center’s research goals, provide high quality service to its research constituents, and keep pace with a growing and ambitious research enterprise that enjoys an excellent national reputation.

QUALIFICATIONS: This position requires a seasoned research administrator with proven experience managing a large, complex research enterprise, preferably in an academic medical center or an independent research institute. The ideal candidate will have excellent leadership skills and a good understanding of basic science and clinical research. A master's degree in business administration, healthcare administration or a related field is required.

INTERESTED CANDIDATES: Direct inquiries to Denise Gaffney, Vice President, or Nancy Mundel, Senior Consultant, Isaacson Miller, 334 Boylston St., Suite 500, Boston, MA 02116-3805, telephone: 617.262.6500, fax: 617.262.6509, Emails: nmundel @imsearch.com.

Beth Israel Deaconess is an equal opportunity employer that values the strength diversity brings to the workplace.
UNIVERSITY OF UTAH
DIRECTOR,
OFFICE OF SPONSORED PROJECTS

POSITION SUMMARY: Reports to the Vice President for Research. Responsible for submission, award and administration of all projects funded by external sources. Responsibility encompasses all administrative pre-award and non-fiscal facets of a research university and the day-to-day operation of the office. Advises the VP of any changes in university or funding agency policies affecting research activities. Is the authorized representative to sign all applications, awards, contracts and other routine documents. Has authority to make hire/fire/salary decisions for staff, take disciplinary actions, and determine the allocation of funds for the office. Assists in formulating new policies or changes in existing ones that impact sponsored project activities.

QUALIFICATIONS: A bachelor’s degree in accounting, business administration or related field and eight years of increasingly responsible experience in an office for research, sponsored projects or equivalency required. A master’s degree and experience at the assistant or associate director’s level preferred. Must have demonstrated human relations and communication skills. A commitment to provide excellent customer service is required. Must be computer literate and committed to the concept of a paperless office by utilizing electronic submission of proposals, applications and other documents.

PROBLEM SOLVING: Is responsible for the final resolution of problems within OSP. Must ensure awards are properly channeled through the office so that significant indirect cost dollars and intellectual property are not lost. Must stay current with project activity and maintain communication with university departments and federal agencies.

DIMENSIONS: Responsible for the submission of proposals and applications exceeding 2200/year resulting in approximately 1300 awards with a value of $260 million.

CONTACT: Human Resources www.med.utah.edu/hr Job #WH 11253.

We are currently seeking a Chief Operating Officer (COO) to direct, coordinate and manage the day-to-day operations of finance, accounting, grants and contracts, human resources, management information systems and purchasing. The COO will participate in the formulation and execution of the nonprofit corporation's vision and strategy, including business growth plans and financial management policies, create and maintain efficient and effective support services, while providing a strong infrastructure for strategic cost/benefit opportunities, and serve as the primary link between the professional and administrative sides of the nonprofit corporation, developing procedures and controls to promote clear and effective internal communication. The COO works closely with the CEO and Board of Directors in order to optimize operational effectiveness and strategic position.

Qualified candidates will possess an MBA degree or equivalent, with at least five years experience in senior level management. Five years experience in a nonprofit medical research or university institutional environment would be an asset. Direct experience in four or more of the relevant areas of responsibilities is required. Must be meticulous and possess excellent time-management, communication, technical competency, decision-making and presentation skills; gather all pertinent information/resources, evaluate alternatives, make decisions and implement plans that provide for maximum overall results. Must be able to interact effectively with clients and all levels of employees to attain and exceed organizational goals and objectives with respect to the organization’s future growth plans.

NCIRE offers a generous compensation and benefits package. Qualified candidates should fax their resume and cover letter, referencing Job# 041902JN-COO, to (415) 750-9358 or Email: ncirejobs@med.va.gov

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For information about NCIRE or other employment opportunities, please visit our website: www.ncire.org
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We are currently seeking an experienced Chief Financial Officer (CFO) who will be a key member of the senior management team. The CFO oversees all financial management, control and reporting of a 501(c)(3) nonprofit corporation. The CFO will provide the CEO and Executive team with the development and implementation of financial strategies that will support the organization’s mission, goals, and objectives, including proactive financial options that will enhance fiscal strength; and provide leadership and make sound decisions regarding significant issues. Our CFO will be a highly effective leader who can work closely with the CEO, COO, Board of Directors, principal investigators, auditors, financial and investment institutions, and benefit providers.

Qualified candidates will possess Bachelor’s degree in Accounting or Finance from an accredited college or university and a CPA certification. A minimum of 10 years relevant experience is required. Experience in working with federal, state and local funding terms and conditions, including knowledge of federal grant indirect cost allocation processes, and federal cost accounting standards. Superior organizational, analytical, and mentoring skills, along with the ability to work with cross-functional teams an asset.

NCIRE offers an excellent salary with a great benefits package. Qualified candidates should forward their resume and cover letter, referencing Job# 032702JN-CFO, to (415) 750-9358 or Email: james.farmer@med.va.gov

NCIRE is proud to be an Equal Opportunity Employer.

For more information about NCIRE, or for information on our other employment opportunities, please visit our website: www.ncire.org
The National Council of University Research Administrators (NCURA), founded in 1959, is an organization of individuals with professional interest in problems and policies relating to the administration of research, education and training activities at colleges and universities.

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The NCURA Newsletter accepts advertisements for products and services pertinent to university research administration. In addition, display advertisements (including those for position openings) only will be published. The minimum rate is $400. For additional information, please contact the NCURA office at:

• Phone: (202) 466-3894
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UNIVERSITY OF REDLANDS

Director, Redlands Institute

The University of Redlands seeks an experienced research developer, research project manager, and administrator to direct the Redlands Institute for Environmental Design, Policy, and Management. The Institute is currently staffed by fifteen professionals and functions as the University’s principal unit for interdisciplinary and collaborative research.

The Director will be responsible for planning and management within the Institute, increasing the external funding base of the Institute, coordinating the work of project managers, generating new initiatives and programs consistent with the Institute’s mission, and communicating the purpose of the Institute both within the University and the external community. It is expected that the successful candidate will raise 50% of her or his salary from grants and contracts.

Necessary qualifications include a Ph.D. and at least three years of leadership experience in academic research administration. Applicants also must possess an outstanding record of accomplishment in securing applied research opportunities and be familiar with environmental research opportunities and techniques, including GIS and GIS-facilitated research. In addition to possessing demonstrable skills in financial and organizational management, applicants must be prepared to manage multi-investigator research programs in ways that enhance the basic teaching mission of the University. It is preferred that the Director will teach one course per year in the Environmental Studies Program. The appointment is for 3 years and is renewable. Salary is competitive and commensurate with experience.

Located in an ethnically and culturally diverse region midway between Los Angeles and Palm Springs, the University of Redlands is a private, selective, liberal arts university. The University provides innovative undergraduate and graduate degree programs for approximately 2,000 students in the residential College of Arts and Sciences and 2,000 adult learners in the professional Schools of Business and Education. All programs emphasize a commitment to liberal education.

The University of Redlands is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion, age, nondisqualifying disability, sex, sexual orientation, veteran status, marital status, or national or ethnic origin.

Applications and inquiries should be directed to
Dr. Lamont C. Hempel
Search Committee
Director, Environmental Studies Program
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For an online brochure and to register, go to http://www.ncura.edu/meetings/univindconf/