Just Another Day at the Ranch
For research administrators, just coming to work can be an adventure. We never know what will happen during a work day, but we do face one constant challenge. The odds are good that we will be confronted with something new and different—something we have never done before. There is also a good chance that our latest challenge will have something to do with compliance. This issue is a case in point.

On page 6 you will find the first of two articles by David Brady and Caroline J. O’Neill. Both articles deal with the negotiation of sponsored agreements for work overseas, and they also present a case study so you can test your own knowledge. The number of compliance issues in international work is staggering. There are lists of terrorists to check, rules against illegal boycotts, export controls, foreign tax issues, and even rules about when you can (and cannot) bribe a foreign official! The Capital View Column by Carol Blum (page 5) gives us a second look at export controls and adds conflict of interest to the compliance mix as well.

So, how did three articles dealing with compliance issues turn into a cowboy herding cattle? There is a simple explanation. I was action editor on all three articles. When I had finished working on them, all I could think about was how the compliance issues we face seem to be getting out of control. And all of a sudden, I had this image of a cowboy, symbolically solving our problems by herding a bunch of unruly cattle into the corral. Each steer had a different brand, and each brand was one of those unruly compliance issues we all deal with every day. Our NCURA designer, Lisa Baehr, quickly took the idea and created the cover art for this issue.

So, when compliance issues seem to be getting the better of you, just think of this cover. Sometimes life as a research administrator truly is “Just Another Day at the Ranch.”

Bob Lowman
Co-editor
As we approach our 50th Annual Meeting this November in Washington, DC, and the kick-off to NCURA’s 50th Anniversary celebration, I am again struck by the dedication and hard work of those who volunteer their time and energy to NCURA’s continued success. It is truly inspirational to see the results of the many successful educational programs NCURA offers throughout the year, and this upcoming year will be no different.

The 2008 Board of Directors met for the first time on January 25-27 for a very productive meeting. As a result of activities approved by this Board and previous ones, and a lot of effort by our very dedicated volunteers, I wanted to let you know about some of our upcoming activities and events.

- **For the first time NCURA will host an Executive Summit which will precede the 50th Annual Meeting.**
  
  The goal of the Executive Summit is to bring together experienced senior level research administrators with those who come into the field at a high level and who will be responsible for managing sponsored programs as a component of their position (e.g., a faculty member becoming an Associate Dean or Vice President). The Summit is scheduled for Saturday, November 1, just before the 50th Annual Meeting Sunday Workshops. It will have a separate registration from the Annual Meeting, but a reduced Annual Meeting registration will be offered to those Executive Summit attendees who wish to stay over. Bob Kiloren, The Ohio State University, is Chair of the Senior Summit Program Committee. Look for more details on this exciting new offering in the coming months.

- **This summer, we will continue the very successful tradition of hosting NCURA’s Leadership Conference.**
  
  This conference will provide an opportunity for regional and national leadership to come together to discuss NCURA’s strategic plan and how to best implement it in the coming years.

- **This spring, NCURA will perform a second beta test of its newest traveling road show, Fundamentals of Departmental Research Administration.**
  
  As the name implies, this program is targeted toward departmental administrators. However, it breaks with the traditional lecture style of NCURA’s other road shows and centers around a more transactional, case study format. If the beta test is successful, this program will join NCURA’s other traveling programs: Fundamentals of Sponsored Project Administration; Sponsored Projects Administration Level II; Critical Issues in Research Administration; and, the Financial Research Administration Workshop.

- **There are several major upcoming conferences available to NCURA members** which provide amazing opportunities to advance your knowledge in the field of research administration. Financial Research Administration IX was held on February 24-26 in New Orleans, and chaired by Vivian Holmes, Harvard University and Tammy Raccio, Yale University. This summer will see Pre-Award Research Administration III on Hilton Head Island, SC, August 11-13, chaired by Jan Madole, University of Montana and Bo Bogdanski, Colorado State University. And don’t forget the great offerings available at your own Regional Meetings, which occur this spring between the last week in April and the middle of May.

- **NCURATV** is still one of our strongest offerings and this year’s programs are no exception. “Effective Proposal Development” aired on March 11, followed by “Complex Agreements” on June 10, and “Good Customer Service for Research Administrators: How to Support the Research Endeavor at Your Institution” on September 9.

- Denise Clark, University of Maryland-College Park; Ann Holmes, University of Maryland-College Park; Tim Reuter, Boston University, and their program committee have been working feverishly in planning **NCURA’s 50th Annual Meeting.** I’ve seen descriptions of many of the sessions and workshops currently in development and it’s going to be an incredibly strong program, with many new formats, as well as traditional formats.

These are very exciting times for NCURA and I feel privileged to be a part of this organization. Good luck to all of us this year and I look forward to seeing you at an upcoming NCURA event!

David Mayo serves as Director of Sponsored Research, California Institute of Technology.
Forty-nine Annual Meetings have been held on behalf of NCURA’s membership; each with its own success and in NCURA’s earlier years, done single-handedly by the Vice President. As the years have passed, the Annual Meeting has become increasingly complex due to the nature of our expanding membership (now over 7,000) and diverse constituency. This year’s 50th Annual Meeting Program Committee understands NCURA’s roots and is currently hard at work knowing they have been entrusted to produce the most memorable meeting in NCURA’s history. As one committee member stated, “When our members walk through the door, I want them to immediately have that “wow” feeling and understand that this meeting is different.”

The team of committee members has already begun making that difference a reality. Fresh new ideas have been crafted to incorporate more of the membership into the process and product of this meeting. Asking last year’s attendees, “What would you like to see this year?” has resulted in a number of new session topics and some tweaking in how sessions are delivered. For example, this year the popular Discussion Groups will add a series that will be designated as “tool box” discussion groups with a specific checklist, template, forms, etc., to take back to your institution and use immediately.

Knowing that NCURA’s regional meetings had some excellent presentations and that members can’t attend every regional meeting, the co-chairs consulted with the regional leadership and were rewarded with some excellent regional presentations which will appear in this year’s program as the “Best of the Regions” series.

WHY WE DO WHAT WE DO

With the number of innovations taking place at this year’s meeting, it didn’t take the co-chairs and their committee much time to determine a theme for the meeting. Discussing on innovation, research, science and, why we do what we do, resulted in what the committee believes is the ultimate in themes: NCURA’s 50th Annual Meeting: Celebrating the Science; Supporting the Scientist, a meeting that was meant just for you. NCURA’s 50th Annual Meeting, November 5 – 8, 2008. This one’s different.

And in between the past and the future, the 50th Annual Meeting Program Committee will keep your feet firmly planted in the present as everyone gathers on Tuesday morning to hear from that dynamic husband and wife political duo – James Carville and Mary Matalin as they predict how the National Presidential Election results will roll in as the day progresses. This will be the first of several reminders to be sure to obtain your absentee ballot and vote! Later that evening, you and your colleagues will have ample opportunity to stop by NCURA’s Election Central to keep track of the votes, in between visits to the Soul Source, the Chris Vadala Quartet and folk singer George Tuman.

In addition to the numerous opportunities to learn – through formal sessions, discussion groups, round tables and workshops – you’ll have a chance to see Saturday Night Live icon and immensely humorous political satirist, Darrell Hammond when he appears on Sunday evening after the opening banquet. And – yes, we heard you, and will welcome back 48th Annual Meeting entertainer (and video drop-by) Paul Mecurio as he headlines an “NCURA Gives Back” fund-raiser on Monday night for one of Washington, DC’s charities. Joining the Monday night line-up will be the Grateful Dead and a chance to have dinner with Hilton’s chef Andre Cote.

Throughout the coming editions of this publication you will find special topic pieces written by your colleagues, who have almost completed the program and are already adding finishing touches to a meeting that was meant just for you. NCURA’s 50th Annual Meeting, Celebrating the Science; Supporting the Scientist, November 5 – 8, 2008. This one’s different.
INSPECTORS GENERAL AND ACCOUNTABILITY IN AGENCY OPERATIONS

A call from the Office of the Inspector General at one of the Federal agencies is not likely to be the highlight of a research administrator’s day. But absent a whistleblower allegation of fraud against your institution, you may simply be one of a sample group of award recipients being used to test the performance of the agency. It’s not about you—at least at that moment.

The Inspector General (IGs) for Federal agencies and departments are appointed to conduct independent reviews of the performance of Federal agencies and departments. The Inspector General Act of 1978, as amended, directs the IGs to conduct audits, investigations and inspections with the goal of preventing and detecting waste, fraud and abuse. IGs at Cabinet-level departments and major agencies are nominated by the President for Senate confirmation. For smaller entities, the agency head appoints the IG. While IGs work under the general supervision of the agency head, the agency head cannot prevent an IG from conducting an audit or investigation. By statute, IGs have a dual and independent reporting relationship to the agency head and to the Congress. The results of an IG’s work are communicated through a variety of written reports such as audit, investigative, and inspection/evaluation reports, semiannual reports to the Congress; and, in some cases, direct correspondence to the agency head to report egregious and flagrant problems or abuses.

Absent outright fraud or egregious problems that place the public at risk, IG reports generally will include recommendations or findings for consideration by the agency. Many reports will include a comment or initial reaction by the agency head indicating agreement or disagreement with the IG’s findings. For the public and for regulated communities, these reports can signal a change in the agency’s procedures, e.g., collecting more or different data; guidance, e.g., refining definitions or describing “current thinking” short of changing policy or regulations; or proposing changes to the regulations.

Two recent reports—one from an IG and one the result of an IG report—are worth the attention of the extramural research community.

Commercial and Export Controls

The US Department of Commerce’s Deemed Export Advisory Committee (DEAC) sent its report to the Secretary of Commerce on December 20, 2007. The basic finding of the long-anticipated report entitled The Deemed Export Rule in the Era of Globalization is that too many technologies currently are subject to deemed export controls.

In this case, the Department of Commerce created the Deemed Export Advisory Committee to help it consider the most sensible and effective national security policy approach to take in light of the issues raised by the Commerce Department’s IG in a March 2004 report. The creation of the advisory committee in May 2006 delayed any changes in deemed export controls that might have been issued in response to the recommendations contained in the IG report. With the publication of the DEAC report, Commerce will consider regulatory changes.

In summary, the DEAC recommends that (1) the list of technologies subject to export controls should be drastically reduced; (2) the current deemed export regulations are overly complex and should be changed; and (3) the licensing process should be simplified and streamlined. The DEAC concludes that these barriers to transfer of knowledge to foreign nationals make the U.S. a less desirable partner in the global science and technology community. Erecting high walls around large segments of the nation’s science and engineering knowledge is not only impracticable but counterproductive both to U.S. commerce and national security. In coming to these conclusions and making these recommendations, the DEAC rejects one of the major IG recommendations, which called for tightening controls particularly on “use” technologies.

The Council on Governmental Relations (COGR) and Association of American Universities (AAU) are concerned with the 7-step Deemed Export Decision Process proposed in the DEAC report. It is not clear if the intent is to move through the process sequentially, as implied, or whether the question of the fundamental research threshold (Step 5) can be considered first and, in the case of university research, stop any further consideration. Other questions about the report’s recommendations include conducting a “loyalty assessment,” changing the definition of fundamental research, and the rejection of security classification as the primary means to protect research having national security implications. COGR and AAU anticipate submitting a formal reaction to the DEAC report that addresses all these issues. The loyalty assessment, in particular, raises concerns because of its serious policy and practical implications for universities and the Department going beyond the original recommendation of the IG to consider country of birth (as opposed to nationality).

NIH and Conflicts of Interest

The other recent noteworthy IG report comes from the Department of Health and Human Services (HHS). Its focus is on management by the National Institutes of Health of conflicts of interest in the extramural community. Released on January 17, 2008, the report focused on the number and nature of financial conflicts of interest reported to NIH and the extent to which NIH practiced effective oversight of those reported financial conflicts of interest.

The IG voiced concern that NIH (1) could not provide an accurate count of the financial conflicts of interest reports submitted by grantees during the period 2004-2006; (2) did not know the types of conflicts because the policy does not require detailed reporting of the nature of the conflicts; and (3) relies on the grantee’s assurance of compliance with the regulations, as stated in the policy. The IG recommended that the NIH institutes and centers—the recipients of grantee reports—be required to submit the reports...
What should you know when contemplating, developing, negotiating, and implementing a contract or subcontract with entities overseas?

University faculty and staff may engage in a variety of academic activities with foreign institutions or individuals that present new and significant opportunities for the U.S. university. Such activities will implicate various U.S. laws and raise certain practical issues. Violations of such laws may result in the assessment of criminal and civil penalties against a university or individual employees. Inattention to practical concerns may place the university at financial and reputational risk.

Legal Issues

Anti-Terrorism

Two principal laws make it a crime for a university (or you) to provide material support to a foreign organization engaged in terrorist activity. The Antiterrorism and Effective Death Penalty Act of 1996 and the USA Patriot Act.

Both the Office of Foreign Assets Control (OFAC) of the Department of Treasury and the Bureau of Industry and Security (BIS) of the Department of Commerce (Commerce) maintain lists of persons with whom many, if not all, transactions (including the provision of services or training) are prohibited. The most well known of these is OFAC’s list of “Specially Designated Nationals” (SDNs), generally considered the most comprehensive international list of suspected or known terrorists, or persons connected to terrorism.

However, the U.S. government maintains other lists that may need to be checked before engaging in international activities. It is sound practice to check the names of the university’s foreign counterparts, consultants, and vendors. Another sound practice is to check the names of any foreign persons who will be paid, trained, or who will receive other services under the agreement. The lists can be accessed at www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm. There are a number of commercially available software programs that enable university personnel to identify entities or individuals on these lists. If any name or entity appears on the SDN or any other list, you should stop the transaction or discussion immediately and review the relevant list and nature of the listing before proceeding.

Economic Sanctions

Economic sanctions maintained by the United States are generally known as “embargoes,” and prohibit most imports, exports, and transactions with certain countries absent a general or specific license from OFAC. A general license is a provision contained in the regulations authorizing a transaction that meets certain specifications. No license application is needed for a general license so long as the activity meets these requirements. A specific license, if needed, must be approved by OFAC and should be requested early, since a license approval (or denial) from OFAC can take months. The sanctions contain certain limited exceptions that are beneficial for universities such as for the exchange of information and informational materials and for publishing activities, but should be considered carefully to ensure they apply in a given situation.

Comprehensive embargoes are in place against Cuba, Iran and Sudan. These sanctions prohibit almost all exports to, imports from and transactions or dealings with these countries and persons or organizations in them. OFAC also administers “targeted sanctions,” or sanctions that target the precise nature of the threat to the U.S. and typically involve the blocking of assets and property of designated individuals or organizations. As of January 2008, targeted sanctions are in place against the Balkans, Belarus, Burma, Côte d’Ivoire, the Democratic Republic of Congo, Iraq, Former Liberian Regime of Charles Taylor, North Korea, Syria, and Zimbabwe. The sanctions programs against Syria and North Korea are more restrictive than just the blocking of property and assets and, as such, will likely require an OFAC license for university activities.

Consider the following hypothetical situation. After reading this article, test yourself. Turn to page 11 to see how David Brady and Caroline J. O’Neill would handle this hypothetical—but realistic—dilemma in international research contracting.

A private foreign non-governmental organization (“NGO”) and the Ministries of Health (MOHs) in Iran and Kuwait have a $2 million RFP out for research to be conducted in both countries on medical resident training techniques for identification and treatment of cholera. NGO/MOHs want the research to start in both countries in two months. Under the terms of the proposed agreement, your university’s faculty would travel to Iran and Kuwait frequently, and would take university-owned laptops with them.

During the discussions, your counterpart at the Kuwait institution asks whether your university is currently engaging in any similar research in Israel. He also mentions that Kuwait’s Minister of Health will be in your city next month. You think it would be a great idea for your university to host a dinner for the Minister of Health of Kuwait while she’s in town, to discuss the RFP in greater detail.
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**Export Controls**

Two laws separately maintained by the Departments of State and Commerce regulate the export and reexport of tangible items, software, and associated controlled technical data outside of the United States, and release of controlled source code and technology to foreign nations in the United States. These laws, the Arms Export Control Act, and the Export Administration Act are implemented by associated complex regulations: International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR). Exports of items controlled under these regulations may require your university to obtain export licenses or other government approvals. Export licenses take months to be reviewed and approved, and in the case of ITAR licenses, the university must first be registered with the State Department as an approved exporter before it can apply for a license (ITAR annual registration cost is substantial).

1. **Arms Export Control Act**
   
   International Traffic in Arms Regulations govern the export (even in the United States) and temporary import of defense articles and services listed on the United States Munitions List (see http://www.pmddtc.state.gov/consolidated_itarr.htm). The term defense article generally includes any item that is specifically developed or modified for a military use, and since 1999, also includes many space related items and technology (e.g., the Space Shuttle and associated components, parts, instrumentation are defense articles). Defense services include training and providing technical data for defense articles. Practically speaking, any foreign national needs an export license or other governmental approval to have access to a defense article.

2. **Export Administration Act**
   
   Export Administration Regulations govern certain exports, reexports, and activities related to dual use items on the Commerce Control List (see http://www.access.gpo.gov/bis/ear/ear_data.html). Practically speaking, more sophisticated technology will be controlled for export to more countries and their nationals. EAR control of the release of controlled technology or source code to foreign nationals even in the United States, which is “deemed” to be an export to that foreign national’s country of origin (a ‘deemed export’). Fundamental research (unrestricted basic or applied research) is generally not subject to these license requirements, which greatly reduces the need for universities to apply for licenses under EAR.

There are many other export controls that may affect international contracts, including: the Bureau of Alcohol, Tobacco, and Firearms (permanent import of defense articles listed on the U.S. Munitions Import List); the Nuclear Regulatory Commission (export of nuclear technology and technical data for nuclear power and special nuclear materials); and the Office of Patents and Trademarks (export determinations for patents, which affect the university’s ability to file for foreign patents).

**Anti-Boycott**

Two U.S. laws separately maintained by the Departments of Commerce and Treasury prohibit or penalize participation in, or cooperation with, foreign boycotts that the U.S. does not sanction. For practical purposes, “unsanctioned foreign boycotts” means the Arab boycott of Israel, which is the focus here. These laws are extremely complex, with some actions allowed (permissible and not reportable) by one set of laws and some prohibited and/or reportable under the other set. As a general rule, U.S. persons are prohibited from refusing to do business with or in a boycotted country and from furnishing certain information about activities or operations with that country. As of January 2008, the following countries require participation in an unsanctioned boycott:

- Kuwait
- Lebanon
- Libya
- Qatar
- Saudi Arabia
- Syria
- United Arab Emirates
- Republic of Yemen

Boycott requests can come in a variety of forms. They may appear in the terms of letters of credit, in the actual contract, or may be verbal questions. They generally take the form of the following:

- Request from a boycotting country to refuse to do business with a “blacklisted” firm or in Israel; or
- Request to refuse to employ or to otherwise discriminate against persons on the basis of race, religion, or national origin; or
- Request to furnish information relating to your operations or business relationships with Israel or boycotted companies. In this case, responding “yes, we do business in Israel and will continue to do so” may be a violation.
Certain boycott requests must be reported on Commerce Form BIS 621-P or 6051P. Treasury maintains laws within the Internal Revenue Code that deny certain tax benefits to persons who participate in or cooperate with an unsanctioned boycott and requires the reporting of requests to participate and the actual participation in a boycott. Treasury also requires that U.S. taxpayers with "operations in or related to" a boycotting country report those operations in their annual income tax return on Form 5713. It is important to remember that even if you determine that a boycott request is actually permissible and not prohibited, it may still be reportable.

Foreign Corrupt Practices Act
The Foreign Corrupt Practices Act's (FCPA) anti-bribery provisions apply to U.S. citizens, residents and entities and to persons acting on their behalf. The FCPA's anti-bribery provisions must be considered whenever a university employee plans to engage in an activity with a foreign government official, foreign political party or party official, or any candidate for foreign political office.

In short, the FCPA prohibits the offer, payment or promise to pay or give money, gifts, or anything of value to any employee, agent, or representative of a foreign government, or a public international organization, or any department, agency or instrumentality thereof, or any foreign political party or official thereof, or any candidate for foreign official or political party position, directly or indirectly, for the purpose of influencing any such person in his or her official capacity or to secure an improper advantage or to obtain or retain business.

The FCPA contains one exception — for routine governmental action (the "grease" payment) which permits facilitating or expediting payments to a foreign official, political party, or party official for the purpose of expediting or securing the performance of a routine governmental action, such as, for example, obtaining permits, licenses, or other official documents. There are also two affirmative defenses to the FCPA's anti-bribery provisions:

1. A payment that is lawful under the written laws and regulations of the foreign official's country.
2. A payment that is a reasonable and bona fide expenditure, such as travel and lodging expenses, directly related to either the promotion, explanation, or demonstration of a university's services or to the execution or performance of a specific contract.

The first defense is extremely difficult to satisfy, while the second defense applies more frequently. However, they are defenses (i.e., to an allegation of an FCPA violation) and, as such, should be considered carefully with your General Counsel's office before they are invoked.

Practical Issues
In addition to substantial legal compliance issues, various unique practical issues should be addressed by the university while developing an international contract. This exercise will likely involve individuals outside the sponsored programs office (e.g., research compliance), and probably outside of the research office (e.g., legal counsel, technology transfer, controller's office, fixed asset management, and international programs). Some high risk issues include:

Entity issues
International collaborations entail considerable legal risk (e.g., exports, sanctions, FCPA), financial risk (recovery of funds is more difficult and expensive in foreign litigation), and sometimes personnel risk (e.g., kidnap and ransom risk). If you intend to establish a long term presence in a foreign country (a “footprint” e.g., a joint campus or research facility), you may have to incorporate under the laws of that country. Before entering into an international contractual relationship, a university should ask itself if the collaboration contributes to the university's mission, and if so, is it worth the legal and financial risk.

Financial issues
Partner reliability should be considered to contain financial risk, and this determination will drive the choice of contract instrument (fixed price, cost reimbursable, other) and payment structure. Payment on acceptance of deliverables, fixed price agreements, and use of advanced payments are commonly expected by international partners. With the recent decline of the dollar, it may be necessary to include a clause that triggers a renegotiation of price/cost in the event of extreme fluctuations of currency. Finally, you may need to be prepared to negotiate payment terms in foreign currencies.

Intellectual property issues
Many foreign sponsors are used to dealing with universities as vendors, and assume they will own all research results. They are generally unfamiliar with the U.S. university position on retention of ownership of Intellectual Property (IP)—except a significant learning curve in the IP negotiation. Failing to obtain outright ownership, a foreign sponsor may expect joint ownership of all IP, whether or not it participated in the creation of the IP. If the university retains rights to the IP, foreign sponsors expect the university to pay its share of patent costs.

Accepting governance by foreign patent law has risks. Currently U.S. patent law vests ownership of IP with the inventor. Foreign patent laws may not have similar protections for the U.S. inventor.

Publishing before filing for a foreign patent may jeopardize that patent. U.S. patent law currently grants patent rights to the first person to invent; foreign patent laws grant patent rights to the first to file a patent application. If the agreement is subject to foreign patent laws, a U.S. inventor publishing before filing gives anyone reading the article the chance to be “first to file” in the foreign country. Note that Congress is considering significant changes to U.S. patent law that may bring the U.S. more in line with some foreign provisions.

Finally, whether or not U.S. government funds are used in the proposed international contract, university background IP may be encumbered if it was developed using federal funds. For example, the U.S. government almost always has an unlimited, non exclusive license to use federally funded university IP, and those rights cannot be given away to an international partner in an exclusive license. Further, under certain conditions, the U.S. government can use its “March in” rights to obtain and use any U.S. university developed intellectual property, regardless of who funded the development of the IP. Thus, any exclusive IP licenses to foreign partners will need to be conditioned as subject to the rights of the U.S. government.

Foreign Tax issues
Depending on how your contract is structured, the university may be liable for foreign taxes for, among others, university employee salaries when stationed in a foreign country, equipment import duties, and value added taxes on services provided in the foreign country.
Many universities include a reciprocal tax clause in international contracts making the foreign partner responsible for foreign tax liability, while retaining responsibility for U.S. taxes. This is not a foolproof solution. If unexpected foreign taxes arise and the university is liable for payment to the foreign government, the university may be in the unfortunate position of trying to recover these costs from the international partner. Better solutions are to (1) obtain a written tax exemption from the applicable foreign government agency, and (2) obtain advice of a foreign tax expert for the country of concern.

**Footprint Issues**

If you establish a “footprint” on foreign soil, additional issues must be addressed either in the contract, or by ancillary contractual agreements with the partner or local/regional/federal government(s) to address: lease terms and taxes, property and personal liability, physical and personnel security, facility and equipment ownership, and possible incorporation under the laws of another country.

**Special legal international contract issues**

Certain legal clauses are unique to international contracts and should be considered early in the contracting process. By addressing these issues early on, all parties to an agreement can be guided by the document in terms of their duties and obligations and can minimize the risk of disputes and undesired litigation. Some of those clauses may include:

**Federal Flow Down Terms and Conditions:**
Under federally funded agreements, many federal acquisition and other regulation terms must flow to and bind the international subcontractor (e.g., regulations implementing the Buy American Act, restricting foreign purchases under the contract, or the Victims of Trafficking and Violence Protection Act, prohibiting human trafficking, debt bondage, and other activities) See also Intellectual property issues.

**Immunity and Consent to Jurisdiction:**
Many entities with which your institution may contract may be government-owned and as such, may be entitled to sovereign immunity from enforcement or performance under a contract. Embassies may also be entitled to diplomatic immunity. Claims of immunity are hard to overcome and there are limited exceptions under the Foreign Sovereign Immunities Act. A university can protect itself by structuring payments required of the sovereign in advance of services and by including an express waiver of immunity clause in the contract which is intended for enforcement in the U.S. and which confers jurisdiction in U.S. courts in certain circumstances.

**Governing Law:**
Choice of the law that will govern a contract in the event of a dispute may also be a matter for negotiation with the other party or parties to your contract. Generally, a U.S. university will want to avoid subjecting itself to the uncertainty and cost of defending itself in a foreign jurisdiction. Ideally, the law of your institution’s jurisdiction will be selected, or New York or Delaware law, both of which are generally recognized as commercially developed and neutral. In some cases, you may agree to the law of a foreign jurisdiction, but that jurisdiction should not be of the country in which the parties are located. Decisions on choice of law clauses should be made in conjunction with the selection of a dispute resolution method, such as through courts, arbitration or mediation.

**Dispute Resolution and Arbitration:**
Assuming the parties cannot agree to dispute resolution in the courts of either party’s country, another option is to resolve disputes through binding arbitration. This is usually only advisable where the parties to the contract are also parties to the New York Convention on the Recognition and Enforcement of Arbitral Awards (1958), which requires courts in contracting states to recognize an agreement to arbitrate and to recognize and enforce awards made in other states. Ideally, an arbitration clause will identify the arbitration body that will hear it and its locale, which should be neutral to the parties; the rules that will govern the arbitration (e.g. American Arbitration Association, United Nations Commission on International Trade Law, International Chamber of Commerce, etc.); the number of arbitrators; the language of arbitration; and the law that will govern the arbitration, usually the law that governs the contract.

**Conflict of Language/Authoritative Version**
International contracts are frequently executed in two languages-English and the language of the international partner. Translation of contract terms cannot always be trusted to be identical in both languages. It is wise to include a contract clause stipulating that, in event of conflict, the English language version shall prevail.

In conclusion, the increasing globalization of research provides U.S. universities tremendous opportunities, but is not without unique, serious risks and complex problems. Establishing internal resources and developing interdepartmental relationships as well as retaining outside expert assistance to deal with these issues can speed up your international negotiations and prevent compliance or contractual problems down the road.

David Brady is the Director, Office of Export and Secure Research Compliance at Virginia Polytechnic Institute and State University; and formerly served as his university’s Industrial Research Contracts Officer. Caroline J. O’Neill is Assistant General Counsel for The George Washington University. Her contributions to this article are based on a presentation given with Amy Davine Kim, Patton Boggs LLP, at NCURA’s 2007 Annual Conference and an article co-published with Ms. Kim in Sponsored Research Administration, Update No. 6 (July 2007).
Editor's Note: One article won't make you an expert on international contracting, but after reading "Research with Entities Overseas," you ought to be able to identify several potential issues raised by their hypothetical funding opportunity in Kuwait and Iran (see the sidebar on page 8). Are you ready to test yourself? NCURA News asked David Brady and Caroline O’Neill to tell us what they would see as the most likely problems you would encounter if your institution decided to pursue this funding “opportunity.”

For such a short hypothetical situation (it’s only about 150 words), this one is long on potential problems. In fact, we are tempted to say the best response is to advise your faculty members to find another source of funding. But, assuming your faculty members wish to proceed and your institution is willing to try to make it work, the hypothetical scenario on page 8 raises the following issues.

**Anti-terrorism/SDN list:** U.S. law prohibits dealings of any kind with persons or entities on the SDN list, absent a license from OFAC. The university should run against the SDN list the names of the foreign institutions (including the name of the NGO; several NGOs appear on this list as well as governmental and other entities), their officers and directors, as well as the names of persons signing the contract and any non-U.S. persons receiving payment or services under the contract.

**OFAC sanctions:** The U.S. has imposed a comprehensive embargo on Iran, which would include the export of educational or research services to Iran or persons in Iran. Even negotiating with entities/persons in Iran would likely require a license. License applications take time to prepare and for OFAC to evaluate, making the two month window virtually impossible to meet. Make the contract contingent on being able to successfully obtain acceptable export and sanctions licenses needed to perform under the contract. Sometimes you may get the license, but the provisos (restrictions) are unworkable.

General licenses available under the sanctions (e.g. for the exchange of information or informational materials, for co-publishing and for certain transactions for humanitarian relief) are not applicable to the facts of this scenario, but should be considered when analyzing a given activity for license requirements. In addition, although travel to Iran and transactions ordinarily incident to travel (e.g. travel to/from Iran, payment for living expenses, acquisition of services for strictly personal use, etc.) are not generally restricted, restrictions will likely apply to the intended activity and should not be undertaken without prior written authorization from OFAC. For example, a U.S. institution would not be able to hire a researcher in Iran to assist with a project, absent prior written authorization from OFAC.

Finally, when setting up payment terms, be sure that the bank being used for payment is not sanctioned. Some Middle Eastern governments (but not Kuwait) use banks from sanctioned countries for payments to foreign vendors. If your bank receives a payment from a sanctioned entity, the transaction is stopped by your bank, and the transaction is reported to OFAC, but not to you.

**Export Controls:** Where possible, condition your contract to ensure that all parties are aware of, and comply with, applicable U.S. export laws. Cholera (vibrio cholerae), though not a select biological agent, is a pathogen controlled for export to all countries, as may be the equipment needed to conduct the research (e.g., glove boxes, biological safety cabinets, personnel protective clothing). Temporarily taking equipment to foreign countries (including laptop computers and associated encrypted software, PDAs, cell phones, and portable data storage devices) is an EAR-regulated export, authorized to most countries under an export license exception allowing tools of trade to be hand carried, or transported in baggage for less than a year. However, the tools of trade license exception is not available for travel to Iran, and licenses from both OFAC and Commerce would be required to carry any Commerce Control List equipment, software, or materials needed in the research to Iran.

**FCPA:** The FCPA generally prohibits the giving of anything of value to a foreign government official to obtain or retain business. Given that the Minister of Health of Kuwait is likely a foreign government official and that that MOH will fund the contract in part, the DOJ may consider the university’s hosting a dinner for her; or even offering to host a dinner; to be a violation of the FCPA. You should discuss the issue of hosting the dinner with your General Counsel’s office before proposing it to your counterpart.

**Anti-Boycott:** The question from your Kuwaiti counterpart concerning your university’s research in Israel may or may not be a boycott-related request. The most advisable course is not to answer; but rather to ask why your counterpart wants to know. If he says it is because his brother is involved in similar research in Israel and you may know each other; it is likely not boycott-related and you can answer; However, if he asks because he says his institution in Kuwait is not allowed to enter into contracts with U.S. institutions that conduct research in Israel, you should not answer his question, and your institution may need to report the receipt of a boycott request to Commerce and Treasury. Furthermore, since Kuwait participates in an unsanctioned boycott, your institution would need to report the research in Kuwait as “operations” in a boycotting country on its annual tax return.

**Entity Issues:** This is a large solicitation ($2M), which could involve many personnel in Kuwait and Iran. Is the NGO capable of managing projects of this size? There is considerable personnel risk related to the research, e.g., exposure to infectious diseases, and travel to Iran, (see the U.S. State Department’s travel warning). The U.S. Government has no legal presence there to assist university personnel with an emergency. Given the considerable risks to this collaboration, be certain that management understands the risks up front, and that the research is consistent with the university’s mission.

**Intellectual Property Issues:** NGOs often want to own or have exclusive rights to any results of sponsored research. In infectious disease research, frequently both human subjects’ data and medical protocols can have considerable value, so allocation of these rights should be considered carefully.

Foreign Tax Issues: Paying taxes on $2M is a lot of potential tax liability. Depending on the duration of the contract, and how the contract is structured, foreign employee taxes and value added tax liability, physical and personnel security, and facility and equipment ownership. In the Iranian case, these transactions should be addressed in any OFAC license, as anything provided by the Iranian government is potentially an OFAC regulated transaction—receiving services of value. Finally, depending on the extent of the research, approval of the university’s Institutional Review Board (human subjects research), and compliance with any applicable Kuwaiti and Iranian restrictions (including any cultural restrictions on the research) may be required.

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**Analyzing the Hypothetical Scenario:**

**What Problems Do the Authors Anticipate?**

By David Brady & Caroline J. O’Neill

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February/March 2008 11
“Play so that you may be serious.”
- Anacharsis

The NCURA Leadership Development Institute (LDI) Class of 2007 will continue the LDI alumni tradition of authoring the Leadership Tips articles for the NCURA newsletter. Last year’s LDI 2006 class successfully presented Kouzes and Posner’s five practices of exemplary leadership and “modeled the way” for the 2007 class to share leadership insights that can be used in our research administration profession.

As we embark on a new year with a fresh perspective and make resolutions to ourselves and to others, we decided to focus our first Leadership Tips article on the concept of Replenishment. Barbara Mackoff and Gary Wenet’s book “The Inner Work of Leaders: Leadership as a Habit of Mind” discusses the importance of leaders’ inner lives and cultivating the ability to recognize how our “habits of the mind” transform our natural personality traits. These habits form one’s leadership style; therefore, if we recognize the connection between and importance of personal habits and leadership, we can become more skilled and successful leaders.

Mackoff and Wenet defines the five habits of mind as:

<table>
<thead>
<tr>
<th>Habit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reflection</td>
<td>The capacity to examine and appraise one’s own behavior and impact on others.</td>
</tr>
<tr>
<td>Framework</td>
<td>The creation of an optimistic narrative that helps to interpret negative events in a way that encourages resilience and proper response.</td>
</tr>
<tr>
<td>Attunement</td>
<td>The practice of setting aside assumptions, reversing roles and learning from every person in the organization.</td>
</tr>
<tr>
<td>Conviction</td>
<td>The ability to trust, value, speak, and act from one’s own experience.</td>
</tr>
<tr>
<td>Replenishment</td>
<td>The act of restoring perspective and renewing resources through finding and indulging in counterpoint activities that are dramatically different from one’s normal routine.</td>
</tr>
</tbody>
</table>

The 2007 LDI class realized that leaders in research administration do not often seek replenishment, which is an extremely important aspect of leadership. During our leadership studies, we regularly noted that a significant limitation on leadership success could be attributed to low reserves of emotional energy. Most people recognize the practical importance of patience, active listening, and looking beyond the immediate problems of the day. The difficulty comes in accomplishing these higher order tasks when we are so hurried and harried by our daily grind that we lack the mental and emotional energy to practice leadership behaviors we know are appropriate. Because we lack this reserve of positive energy, we sometimes fail to make allowances for the stress-related behavior of our colleagues, to rise above the fray in a heated meeting, or to lead calmly and efficiently under time pressure.

From a leadership standpoint, these failures are a significant issue. A leader’s goals must go beyond merely getting through the trials of the moment. Ultimately, leaders are expected to seek, create, and move their staff toward a larger vision or mission. When a leader becomes overly stressed or tired, she or he may lose the motivation and ability to work toward these larger goals. Instead, the leader becomes reactive, narrowly focused, and short-sighted – precisely the opposite of what is needed. In short, the leader stops leading! When this happens, the tendency is to blame the circumstances and to lose sight of the crucially important roles that leaders play in creating long-term success. The best place to short-circuit this vicious cycle is right at the beginning by regularly replenishing inner reserves of patience, perspective, and energy so that leadership roles are more often met with vigor and enthusiasm.

Replenishment: Inner Self

Mackoff and Wenet recognize that replenishment is found through “counterpoint activities that are entirely separate from our jobs.” These separate activities should inspire our inner selves, whether it is in the form of regular exercise, adequate sleep, additional academic study, spiritual renewal, or fun hobbies. Leaders who replenish their inner selves regularly develop a more balanced perspective on life and a more practical sense of self. They more readily recognize what circumstances drain their energy reserves and are able to replenish themselves proactively versus reactively, thus preventing the physical abuse or negative addictions we might force on our bodies.

The counterpoint activities that we engage in can also provide additional sources of meaning and satisfaction in our lives – so that our work life does not have to bear this burden. The more areas of interest we have, the more likely we will be to see progress in at least one of the activities we engage in. Challenges and setbacks at work do not have to define all our productive efforts if we find success and meaning in other areas of our lives.
Indeed, the success we find in these other areas can give us the energy we need to confront and overcome challenges at the office.

Restoring our inner perspective and healthy sense of self increases our leadership integrity, confidence, willingness to strategize and take risks, and readiness to assume additional leadership roles and responsibilities.

Replenishment: Interpersonal Relationships

In addition to finding sources of replenishment within our inner selves, leaders often find restoration in their interpersonal relationships. Spending time with friends and family members, becoming involved in a church, or building a professional network outside of your primary institution can be essential counterpoint activities for leaders. In addition, inspiration can come from various role models who reassure us, foster a positive attitude in us, or provide assistance and encouragement. Our LDI class found that one of the greatest benefits of the LDI program was not only the leadership skills and knowledge gained throughout the year; but the relationships we developed with our advisors and colleagues. Leaders who recognize the importance of interpersonal relationships often deepen their communication skills, increase their mutual respect for their colleagues, and manage more capably and effectively.

Replenishment: External Giving

The final area of replenishment can be found in external giving to society, such as volunteering in an organization or becoming actively involved in your community. Volunteering in service to others is a defining characteristic of NCURA and is strongly correlated with health and happiness. Volunteering generates satisfaction and energy, which translates into more effective leadership when you return to your day job. Leaders who unselfishly give of themselves to the cause of others are more able to keep their day-to-day concerns in perspective and to work productively on higher order tasks. Such leaders find time to advance the mission of their organization, rather than simply conduct its business.

As leaders we need to take the knowledge gained from the past, use the “habits of the mind” formed from past circumstances, and continuously look honestly within ourselves to become better leaders. The field of research administration continues to become more complex, and leaders in research administration are constantly facing tough challenges and stressful situations. Success in this environment comes from innovation and adaptation by well-led teams — not by repeating the same processes more often. Our institutions cannot support the continual expansion of resources that approach would require. We need to understand that our leadership skills are crucial to the success of our teams and institutions. These roles and responsibilities must not take a back seat to short-term problem solving. It is more important than ever that leaders maintain the energy level needed to make leadership their key responsibility. We must remember the importance of replenishment!

As you begin a new year with a fresh perspective, we challenge you to make a commitment to yourself to replenish your energy sources — and you can start this process in small ways. Remember — your institution will not shut down if you walk away from your desk and take a stroll during your lunch hour!

Riddick Smiley and Denise Moody are alumnae of the Leadership Development Institute, Class of 2007. Riddick Smiley serves as a Grant and Contract Officer, East Carolina University. Denise Moody serves as Assistant Director of Grants and Contracts, Princeton University. We would also like to acknowledge the contributions of the entire 2007 LDI class in developing ideas for and editing this article.

If you have ever wondered how to go about having a colleague review your sponsored program operation, NCURA’s latest program may be just what you are looking for. As you read this article, the NCURA Peer Review Program is formally launched!

The program is designed to be a powerful tool for enhancing the sponsored programs operation. Confidential peer reviews are conducted by a team of nationally recognized research administrators who thoroughly review the operation using National Standards that represent the core and vital functions for offices of sponsored programs. To maintain consistency in reviewing and reporting, each Peer Reviewer undergoes NCURA training.

Institutions requesting a Peer Review will receive, upon completion of the evaluation, a confidential report that provides valuable feedback addressing program strengths and areas for improvement. This feedback assists the sponsored programs office in providing quality services, minimizing risk, and promoting a positive culture for research administration.

The program began as an idea of NCURA past president, Steve Hansen, Associate Provost for Research and Dean of the Graduate School at Southern Illinois University at Edwardsville, who in 2005 took it to then President Jerry Fife, Associate Vice Chancellor for Research Finance at Vanderbilt University. Jerry placed Steve’s idea on the Board’s agenda and they, in turn, approved a feasibility study. After a year-long study, the Board approved the concept and gave the green light to begin implementing the program. A special task force conducted the initial study and continued on to develop the National Standards and design the program. Task force members were: Steve Hansen, Chair; Bob Andresen, University of Wisconsin-Madison; Jean Feldman, NSF; Kallie Firestone, MIT; Geoff Grant, Partners in Health; Kathleen Larmett, NCURA; Peggy Lowry, Oregon State University, Emeritus; Kim Moreland, University of Wisconsin-Madison; and Dick Seligman, California Institute of Technology. The Peer Review program has conducted their first office review as a beta test, completed a call for Reviewers with their selection and approval by the Board of Directors and conducted training for the Peer Reviewers.

As we go to press, a team of NCURA Peer Reviewers is preparing to travel to their first official review and the program has received inquiries from numerous institutions. For more information on the NCURA Peer Review Program, please go to the NCURA web site http://www.ncura.edu/content/peer%5Fto%5Fpeer%5Freview/ or email peerreview@ncura.edu.
Greetings, Region I:

Planning for the 2008 Regional Spring Meeting is well under way. Chair Francois Lemire, Worcester Polytechnic Institute and Co-Chairs Pat Fitzgerald, Harvard University, and Sara Clabby, Northeastern University, along with the program committee are hard at work planning a fantastic meeting for us! Our regional meeting will be at the Ocean Edge Resort in Brewster, Cape Cod, May 4-7, 2008 (correction from the last Newsletter). Please mark your calendars now and check the Region I homepage for further updates.

We recently finished two very popular RADG sessions on December 11 and November 29. A special Region I thank you goes out to all the panelists. The RADG meetings continue to be a great way to stay on top of current issues in research administration in addition to serving as a networking opportunity within our region. The dates for the next three RADG meetings are:

- Thursday, February 21
- Wednesday, April 30
- Thursday, June 26

The topics and panelists will be announced soon.

Region I hosted its fourth one day “Fundamentals of Research Administration” at Yale University on January 10, which was a huge success. A special thanks to the three instructors, Gary Smith, Mass General Hospital; Patrick Fitzgerald, Harvard University; and Tammy Raccio, Yale University, as well as the Facilitator, Nancy Kendrick, Yale University. Our thanks also needs to go to the folks at Yale University for providing such a great venue for this event.

By the time you read this article, I am excited to announce that Region I will have a new web site: Ncuraregion1.org. The link from the NCURA national web site will direct you to our new site. Thanks to Steve Dowdy and Noelle Donahue for their assistance in making this happen.

Please join me in welcoming our newly elected officers whose terms began January 1, 2008:

- Treasurer: Bethanne Giehl, University of Massachusetts Medical School
- Chair Elect: Francois Lemire, Worcester Polytechnic Institute
- Regionally-elected Board Member: Barbara Siegel, Consultant

I look forward to working with them during my term as Chair and thank them for volunteering for such key positions in our region.

Lastly, please join me in thanking outgoing Chair Gary Smith from Mass General Hospital. Gary is the last of the two year term Chairs and served the Region with great dedication, commitment and distinction. But not to worry, Gary will be staying on for a one year term as Immediate Past Chair.

Please make sure you take advantage of the great training opportunities Region I offers: RADG, Fundamentals and the Regional Spring Meeting. I look forward to meeting everyone at these outstanding events!

Tom Egan is Chair of Region I and serves as the Assistant Director, Massachusetts Institute of Technology.

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REGION II  ▶ Mid-Atlantic

www.ncuraregionii.org

Region II is now in full swing on preparations for our Spring Meeting, to be held at the Pittsburgh Hilton Hotel, April 27-29, 2008. The Program Committee, co-chaired by Joe Sullivan, Carnegie Mellon University and Greg Slack, Clarkson University, has done an excellent job of planning an exciting and informative program. The theme of this year’s meeting is “Bridging the Gaps between Government, Industry, and Universities.” The program will focus on how we can further develop our relationships with partners in government and industry. Once again, we will offer a “core knowledge” workshop, as we’ve pledged to do at all Regional meetings. This is certain to be an information-packed meeting, and thanks to the Program Committee, it is also shaping up to be a very enjoyable one. The Committee has planned an optional trip to a Pirates baseball game for Sunday afternoon (April 27) and a dinner cruise for Monday evening (April 28). Please plan to join us at this meeting for excellent professional development programming and networking opportunities and some great “unwinding” activities. Check out our Spring Meeting web page for a preliminary program, registration forms, and hotel reservation information -- http://ncuraregionii.org/springmeeting.html.

You’ve already received an e-blast about the recent election, but I am very pleased to share with you, once again, the election results. Alexandra (Alex) McKeown is our Chair-Elect, Jeanne Galvin-Clarke our Treasurer-Elect, and Diane Shaw our Secretary. Alex serves as Associate Dean for Research Administration at the Johns Hopkins Bloomberg School of Public Health. Jeanne is Manager, Internal Training and Grant Administration, Office of Research and Development, University of Maryland, Baltimore.
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Regional Corner

Diane is Assistant Coordinator, Contracts and Grants, The Pennsylvania State University. She just completed a two-year term as Secretary, having filled a vacancy. Please welcome her back for this two-year elected term and join me in welcoming Alex and Jeanne to their new positions, as well as Brenda Kavanaugh as Treasurer, after having served as Treasurer-Elect last year. All of the officers have already served the Region in many capacities, including as presenters and committee members. I am very much looking forward to working with them during the coming year. Many thanks to all of the officer candidates for their ready willingness to serve the Region.

As Chair-Elect, Alex serves as volunteer coordinator for the Region, chairing the Volunteer Committee. There are many rewarding volunteer opportunities available, and we encourage you to consider participating in some capacity, either in support of the annual spring and national meetings or of the Region in general, including filling one of the openings on the Volunteer Committee. Not all volunteer opportunities involve big time commitments, but all are equally valuable and important to the Region. There really is no such thing as a small contribution. Members interested in volunteering should contact Alex at amckeown@jhsph.edu for more information on opportunities. Volunteering really does benefit the volunteer as much as it does the Region; for those of you who have been meaning to become more involved, I can tell you from experience that you won’t regret taking the leap.

Last, but certainly not least, I’d like to take this opportunity to thank the Region’s officers who have just completed their terms. Ruth Tallman, Lehigh University, has just completed her term as Chair and Helena Moynahan, University of Maryland, has just completed her term as Treasurer. Both of these officers have worked tirelessly for the Region, serving it extremely well. They are truly the proverbial “tough act to follow.” We new officers sincerely appreciate their contributions, and only hope we can follow in their esteemed footsteps.

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Mary Louise Healy is Chair of Region II and serves as Director, Office of University Research Services at Towson University.

Election Results

The results are in and congratulations are in order to our newly elected officers, Jill Tinch, University of Miami, who will start her tenure as Chair-Elect following our Spring meeting. Bruxanne Hein, Coastal Carolina University, who will serve as Secretary, and Cindy Hope, University of Alabama, who will serve as Treasurer-Elect, both started their tenure in January. We appreciate the participation of the Region III members who voted in the election and want to express our sincere gratitude for all of the candidates who volunteered to serve the Region. We would like to take this opportunity to thank our members of the Nominating and Elections Committee, Rick Smiley, Michelle Powell, and the NCURA staff for all of their help and guidance during the process.

New to the Region? New to research?

Are you a new research administrator, looking for a way to plug-in, and network with colleagues from other institutions? NCURA is your answer. There is no better way to learn about the research arena than from a friend and/or mentor. Join today!

Lori Brown and Rebecca Puig are Region III’s Newsletter Team. Lori serves as the Proposal Specialist, University of Central Florida and Rebecca serves as Director of Research Resources, Office of Research, University of South Florida.

Region III Spring Meeting

It will soon be spring and we are looking forward to seeing everyone at the Wild Dunes Resort, Isle of Palms, SC, for the Region III 2008 Spring Meeting: "Riding the Waves of Compliance." Information on the meeting (including lodging, registration, and the program) can be found on our website at: http://www.ncuraregioniii.com/meeting08.htm. Volunteers will be needed to assist with the registration desk, audio-visual support, and the hospitality suite. If you are interested in volunteering for one of these opportunities, please contact Alexia Lewis, Region III Volunteer Coordinator (alexia.lewis@unf.edu).

Region IV is heading to Kansas City, May 4-7, 2008 for our regional Spring Meeting. The theme is “New Discoveries and New Solutions” and there is nothing like the venue of Kansas City to make this meeting perfect for professional development and networking with colleagues.

The conference hotel is in the heart of Kansas City at the Kansas City Marriott Country Club Plaza. The hotel overlooks the plaza, which is the center of Kansas City’s dining, shopping and cultural scene.

The Program Co-chairs this year are Christa Johnson, Southern Illinois University-Edwardsville and Jaynee Tolle, University of Cincinnati. They, along with the program committee, are putting together the final touches to the meeting.

Professionals responsible for pre-award, post-award, research compliance, biomedical research, ERA and more will find what they need in a host of half day workshops, concurrent sessions and discussion groups.

Our plenary speaker, Greg Hawley, Arabia Steamboat Museum, will give a first hand account of the discovery and excavation of the Steamboat Arabia which sunk in the Missouri River in 1856. The Arabia’s location remained a mystery until November 1988. Jerry Mackey, and brothers Bob, David, and Greg Hawley, used an old river map to find and recover the vessel that was buried in a field on a Kansas farm.

For more conference information and updates visit the Region IV website at http://www.ncuraregioniv.com/
It is time for nominations! We will be presenting regional recognition awards in May. Please recommend a deserving colleague for the following:

- Distinguished Service Award
- Kevin Reed Outstanding Professional Award
- Travel Award to the Spring Meeting

Region IV is also looking for leaders. You can serve your colleagues as a member of the Board of Directors. Take a look at the following positions to see the best match for your talents. More detailed descriptions and a list of Nominating Committee Members are on our website.

Nominations are open for the following leadership positions:

- Chair Elect
- Treasurer Elect
- Regional Board Members (2)
- Regionally Elected Member to the National Board

There are a variety of opportunities in the region, if you are interested please contact our Volunteer Coordinator, Gigi Beaird at gbeaird@niu.edu for more information.

Your participation in any capacity will not only help maintain Region IV’s premier NCURA status but also give you access to other individuals in our industry. It is a small world and even smaller when you get involved with NCURA. We learn from one another and come to realize that we are not alone in this wonderful world of research administration.

Hope to see you all in Kansas City!

Sara Streich is Chair of Region IV and serves as the Associate Director of the Lurie Comprehensive Cancer Center of Northwestern University.

REGION V  Southwestern
www.ncuraregionv.com

Our Spring Meeting plans are being finalized now. The meeting will be held in Oklahoma City at the Renaissance Hotel, May 4-7, 2008. The theme for the meeting is “Weathering the Storm: Strategies for Research Administrators.” Kay Ellis along with her program committee is finalizing the program. You can go to the Region V website (http://www.ncuraregionv.com/) and look at the information for the Spring meeting. If you are interested in being a moderator or volunteering for other duties for this meeting, please contact Joanne Palmer at jpalmer@txstate.edu.

Hotel reservations are now being accepted. Please go to the Region V webpage and click on the meeting link (http://www.ncuraregionv.com/spring-meeting08.htm) on the left hand side of the home page.

Region V recently completed its strategic plan for the next few years. Specifically, there were two folks very involved in getting this done: Gary Carter and Dr. Charles Patterson, both of Baylor University – A HUGE thank you to you both for your dedication and countless hours spent getting our plan completed.

I would like to thank Scott Davis, University of Oklahoma Health Science Center and Beth Cammarn, The University of Texas Medical Branch - Galveston for their services on the Executive Committee for the past two years as at large representatives, Jan Madole, Region V-elected member to the National Board of Directors and Dr. Charles Patterson, Region V Volunteer Coordinator.

The Executive Committee would like to welcome Ty Lane, University of Texas-Austin and Brett Henry, Texas A&M to the committee as at large representatives; Joanne Palmer, Texas State, Volunteer Coordinator; and, Matt Berry, University of Oklahoma Norman Campus, as our Region V-elected member to the National Board of Directors. We would also like to congratulate and thank the following Region V members serving in the capacities noted: Susan Sedwick, University of Texas-Austin, elected member NCURA National Board of Directors; Debbie Newton, The University of Tulsa, NCURA Nominating & Leadership Development Committee; Marianne Woods, University of Texas at San Antonio and Jane Youngers, University of Texas Health Science Center at San Antonio, NCURA 50th Annual Meeting Program Committee; and, Mario Medina, University of Texas at San Antonio, NCURA National Financial Management Committee. We look forward to working with all of you. We would also like to welcome Marianne Woods back after a few years outside the region.

A fond farewell to Jan Fox, Texas Christian University (retired), Jan Madole, Oklahoma State (transferred to University of Montana) and Dr. Charles Patterson, Baylor (transferred to Georgia Southern). Congratulations to Anne Sherman who was named Director of Contracts and Grants at The University of Houston main campus; and to Kay Ellis who was named Assistant Director for Sponsored Programs – Export Control Officer at University of Texas-Austin. Please let me know of other personnel changes at we10@txstate.edu.

Region V elections are coming up (two at large members, Treasurer and Chair Elect) and I encourage all of you to take a few minutes to consider nominations for these positions. More information will be forthcoming from Jason Pogue (jason.pogue@okstate.edu). PLEASE cast your votes! I would like to see a big turn out this year for nominations and votes!

Nominations are being accepted for travel scholarships and distinguished service awards for the next spring meeting. Tena Smith (OU) will be heading the awards committee. Please check the Region V website for more information. Self nominations for the travel awards are encouraged.

Wishing each of you a happy and prosperous 2008!

W Scott Erwin, Sr is the Chair of Region V and serves as Director of Sponsored Programs at Texas State University – San Marcos.

REGION VI  Western
www.ogrd.wsu.edu/r6ncura

They’re impossible to miss. They’re posted on walls, doors, bulletin boards and windows. They’re everywhere – Spring Break posters. So as I was walking across the beautiful UC Riverside campus, I had to ask myself, “Where am I going to spend my Spring Break?”. Then, I saw it, the most elaborate Spring Break poster that I’ve ever seen. It proclaimed, “Portland – The Ultimate Destination for Research Administrators”. Just as I was writing down the number for room reservations, the alarm clock by my bed went off and it was time.
Regional Corner

to get up and start another invigorating day in the world of Research Administration.

At least part of my dream will come true on April 27–30 in Portland, Oregon, when Regions VI and VII hold their Spring Meeting. The theme of this year’s meeting will be “Trailblazers in Research Administration” and the program committee has been hard at work developing a variety of interesting workshops, concurrent sessions and discussion groups. Please visit the Regional Meeting website at http://www.ogrd.wsu.edu/r6ncura/regional_meetings.asp to view the short and long versions of the program. If you are interested in volunteering to help out at the meeting, please feel free to sign up using our on-line form located at this same site. Also, please don’t forget to make your room reservations at the Portland Hilton and Executive Towers by calling 503-226-1611 or 1-800-HILTONS or by making an on-line reservation at www.hilton.com. If you call to make your reservation, please note that it is essential that you provide the Hilton with our group code (NCURA) to secure our group rate. When making your reservation on-line, please use group code NCU.

Since this is my first Regional Corner article, I want to thank those volunteers who will help make 2008 a great year for our region. The 2008 Regional Advisory Committee members are: Samantha Westcott, California Institute of Technology; Cora Diaz, University of California, Santa Barbara; Georgette Sakamoto, University of Hawaii; Julie Guggino, Central Washington University; Anne Hannigan, Stanford University; Sue Abeles, University of California, Los Angeles; Victoria Jensen, California State University-East Bay; Vincent Oragwam, California State University, Bakersfield; Rosemary Madnick, Charles R. Drew University of Medicine & Science; Kimberlie Small, Washington State University; and Bruce Morgan, University of California, Riverside.

In addition to the Advisory Committee, the chairs of our ad-hoc and standing committees will also play an important role in achieving our goals this year: We are fortunate to have Ann Pollack, University of California, Los Angeles, as chair of the Awards Committee and Pat Hawk, Oregon State University, as chair of the Nominating Committee. Also, I would be remiss in my duties if I did not thank Georgette Sakamoto, University of Hawaii and Sherylle Mills Englander, University of California, Santa Barbara, for their extraordinary efforts as last year’s Chair and Secretary/Treasurer.

Late last year, the Advisory Committee approved the Region VI Strategic Plan. The goals enumerated in the plan include:

- providing high-quality, comprehensive education and professional development programs to the membership;
- increasing regional membership and providing new and existing members with a variety of options to actively connect with the region in ways that meet their needs and the needs of their institutions;
- increasing the modes and frequency of communications; and
- ensuring sufficient financial resources and infrastructure to meet regional goals and respond to the needs of the region and its membership.

To learn more about the Strategic Plan, please visit the Region VI web site at: http://www.ogrd.wsu.edu/r6ncura/. As part of our efforts to lay the groundwork for implementing the Strategic Plan, we are continuing our work related to the by-law amendment process. The proposed changes to our by-laws will bring our region in line with the national by-laws and provide greater flexibility in establishing the committees necessary to achieve our strategic goals.

I look forward to seeing all of you and our Region VII colleagues this Spring in Portland.

Bruce Morgan is Chair of Region VI and serves as Assistant Vice Chancellor for Research, University of California, Riverside.

- REGION VII - Rocky Mountain

I hope you’re planning to attend the joint Region VI/VII Spring Meeting at the Portland, Oregon Hilton and Executive Towers, April 27-30, 2008 (http://www.ogrd.wsu.edu/r6ncura/meetings.asp). We have a dynamite program planned and I'm really excited about the workshops and sessions that have been developed (thanks again to everyone who submitted ideas or volunteered for the meeting). Our theme is Trailblazers in Research Administration, and of course, everybody knows we are all unparalleled on fast breaking proposals and masters of the three-point shot! Program, registration and hotel information for our meeting are posted on the Region VII website at http://ncuraregionvii.unm.edu/. Be sure to take advantage of the Early Bird registration discounts!

One of the important goals we set last spring was to revise our bylaws to create a new position of Chair Elect, in part to align our bylaws more closely with those of other regions, and also because this change will provide one-year for the Chair Elect to learn more about the roles and responsibilities of the Chair before assuming that position the following year. I'm pleased to congratulate Dianne Horrocks, Idaho State University, who was elected as the first Chair Elect (2008) for Region VII, and to thank everyone who participated in the election. Dianne will automatically rise to the position of Chair in 2009. Other new officers whose terms began in January are Kate Green, University of New Mexico (Secretary/Treasurer) and Karen Henry, Boise State University (member at large). I’d like to say a very special thanks and appreciation to Deb Murphy, Arizona State University (member at large) for coordinating our elections and balloting. There will be many other opportunities to participate in regional and national activities, and if you’d like to get involved, please let me or another officer know of your interest. Additionally, you will shortly receive an interest survey which Jackie Hinton, University of Utah, Regional Volunteer Coordinator, has developed to find out where and how our members want to be involved. We'll report the results in an upcoming Regional Corner.

See you in Portland!

Winnie Ennenga is the Chair of Region VII and serves as Director of Grant and Contract Services, Northern Arizona University.
Huron’s Higher Education professionals help research institutions navigate the ambiguity surrounding effort reporting. Recognizing the role of technology in addressing this challenge, our Higher Education professionals collaborated with a top research institution to develop Huron’s **Effort Certification and Reporting Technology (ECRT)** according to three guiding principles:

- Ensure the solution is simple for an end-user to quickly and easily complete the certification task;
- Ensure the solution fosters a simplified and standardized approach to effort reporting; and
- Ensure the solution optimizes institutional compliance.

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- Effort certification, cost sharing management, commitment management, and labor transfer functionality in a single solution at a single price
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- Involvement in the ECRT Knowledge Community and participation in our annual user group meeting
- Huron’s commitment to our clients and continual product enhancement

See what more than 20 top research institutions who have purchased ECRT already know. Visit us at www.huronconsultinggroup.com/ECRT or call Greg Bedell at (312) 880-3010.
COMPLIANCE
A wide range of topics and programs are included under the research compliance umbrella, and it seems that research compliance programs are constantly expanding to cover new requirements. The following are two recent updates in the area of research compliance.

The U.S. Department of State updated the Voluntary Disclosure section of the International Traffic in Arms Regulations (22 CFR 127). The final rule, including background information, is published in 72 Federal Register 70777 (December 13, 2007). The rule now imposes a 60-calendar day deadline after initial notification to submit a full disclosure. The rule also clarifies what identifying information should be provided and who should sign the disclosure.

The U.S. Department of Defense, General Services Administration, and the National Aeronautics and Space Administration have amended the Federal Acquisitions Regulations (FAR) to require all federal contractors to have a written code of business ethics and conduct, and to display the appropriate Federal agency Office of Inspector General Fraud Hotline posters. The amendment also requires that businesses receiving contracts greater than $5,000,000 and having a performance period longer than 120 days have a business ethics and conduct training program and an internal controls system unless the entire scope of work will be conducted outside the U.S. The final rule, including background information, specific requirements and exceptions, is published in 72 Federal Register 65873 (November 23, 2007).

Please visit the Compliance Neighborhood website for useful links on a wide range of compliance topics. The Compliance Neighborhood listserv is also a great place to ask questions and exchange ideas on compliance related issues impacting colleges and universities.

Kelly Hochstetler is a member of the Compliance Neighborhood Committee and serves as Senior Research Compliance Officer, University of Alaska, Fairbanks.

DEPARTMENTAL
Now that we’ve recouped from the National Meeting end of fall semester, December proposal deadlines and the holidays (whew!) we’re getting back down to business. I know in our institution, we’re anxiously awaiting our fall effort certification forms and are looking forward to upcoming NSF, NIH and IMLS proposal deadlines.

To help us plan, tune in frequently to the NCURA website and the Department Administration pages. The most up to date information on events, web chats and other news will be there. The website is being constantly updated to make it more useful and appealing. Pay particular attention to the schedules for the upcoming regional meetings and plan on attending.

NEWS for DRA’s – NSF’s Fastlane is stopping the use of Social Security Numbers. Check out the 12/12/07 advisory at: www.fastlane.nsf.gov/fastlane.jsp. This is important for those of you who assist your PI’s in setting up proposals in Fastlane.

Also new from NSF, effective January 5, 2008, proposers are required to register in the Central Contractor Registration (CCR) prior to proposal submission. To register in the CCR, go to http://www.ccr.gov.

Stephen Block is a member of the Departmental Administration Neighborhood Committee and serves as Assistant Dean for Administration, School of Information Studies, Syracuse University.

eRA
Here are a few highlights of what’s new in eRA for 2008:

NIH announced new requirements for all NIH-funded clinical trials, to conform to recently enacted federal legislation concerning ClinicalTrials.gov. All proposals submitted to NIH (both competing and non-competing) for applicable clinical trials must now include information in the Human Subjects Section of the Research Plan verifying that the trial has been registered at ClinicalTrials.gov. NIH has released a helpful FAQ, including details on which trials are subject to this guidance; see http://grants.nih.gov/grants/policy/hs/faqs_aps_clinical_trials.htm. The complete FAQ and links to the source documents.

The Department of Energy will be transitioning over to a new procurement system called STRIPES during fiscal 2008/09. During the transition, DOE will be using FedConnect as a communications portal for its potential and actual contractor and financial assistance recipient communities beginning March 2008 instead of the current system (ILPS). Registration is required (https://www.fedconnect.net/FedConnect/ ) and this system will be used by other federal agencies that currently utilize ILPS. Altum, Inc. has acquired proposalCENTRAL® from Research and Management Systems, Inc. (RAMS). The new website for proposalCENTRAL is https://proposalcentral.altum.com, be sure to update your “favorites.”

For further information, please visit the eRA Neighborhood website and take a moment to subscribe to our listserv to receive the latest eRA news.

Rebecca Pug is the Chair of the eRA Neighborhood Committee and serves as Director, Research Resources, University of South Florida.

FRA
The Office of the Inspector General has published the NSF and HHS 2008 audit work plans. Some of the hot topics appear to be salaries and wages with particular emphasis on university administrative and clerical salaries, compliance with OMB A-21 cost principles, accounting for controlled substances, contracting procedures, post award monitoring, conflict of interest, and the A-133 audit. Visit the FRA Neighborhood overview page for those and other pertinent links.

Get ready for change - the Office of Management and Budget is replacing four existing financial reporting forms with a single consolidated report, the Federal Financial Report (FFR). On December 7, 2007, in the Federal Register, OMB published the proposed format for the FFR and request for final comments, which federal agencies will use to determine data elements that award recipients must use to report on the financial status of...
Virtual Communities of Professional Interest

www.ncura.edu/members/Neighborhoods

grants and cooperative agreements. Federal agencies have until September 30, 2008 to transition to the new form. Link to the notice from the neighborhood.

We invite you to visit the neighborhood to check out the new website format and timely news links. While you’re there, sign up for the listserv and dialogue with your peers over financial and post-award topics of interest.

Peg Vigiotto is Chair FRA Neighborhood Committee and serves as Associate Vice Provost, Office of Research, Drexel University.

PRE-AWARD

Have you been searching for an informative website that addresses all of your pre-award needs? Do you spend countless hours searching the web for examples of Pre-Award related forms or documents? Well, the Pre-Award Neighborhood Committee’s website is an excellent pre-award research tool designed just for you!

Considering the reality that research administration is a multi-faceted, ever evolving profession, the Pre-Award Neighborhood Committee is enhancing our website to provide information that should prove useful in meeting your pre-award needs. The website is currently being enhanced to include the following:

- “Boilerplates” or templates for agreements such as service agreements and non-disclosure agreements.
- Subaward Forms
- FAR Checklist
- Generic Job Descriptions

So, don’t worry about re-inventing the wheel, just wheel over to the Pre-Award Neighborhood website for examples of forms, agreements and other valuable information.

Wanda Ford is a member of the Pre-Award Neighborhood Committee and serves as the Director, Sponsored Programs, Florida A&M University.

MILESTONES

On January 7, 2008, KIM PACHETTI became Associate Director for Research Administration in the Office of the Vice Provost at Tufts University. She formerly served as the Director of Sponsored Programs at Canisius College. Good luck in your new position, Kim!

On January 14, 2008, SHOLA EWULO became Director, Office of Sponsored Research Administration at West Texas A&M University in Canyon, TX. Shola had previously served as the Financial Administrator, Center of Excellence for Nanotechnology/Nanomanufacturing at the University of Massachusetts Lowell. Congratulations on your new position, Shola!

CONGRATULATIONS ON YOUR RETIREMENT!

MARY ELLEN SHERIDAN retired from the University of Chicago and JOYCE FRIEDMAN retired from University of California-San Francisco. Thank you both for your many years of service to NCURA. Best of luck to both of you!

CONGRATULATIONS!
2008 Call for Officer and Board Nominations

Vice-President/President-elect
At-Large Members of the Board of Directors

by Judy Fredenberg

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 for these important positions:

- Vice-President/President-elect
- Two At-Large Members of the Board of Directors

NCURA provides many opportunities to volunteer with our professional organization. By expanding your involvement, you will be afforded a wealth of enriching experiences. Being active and involved in NCURA can be as simple as considering whom to nominate for these positions, and then making that nomination. In addition, if you are interested in these positions and would like to submit your name for consideration, we are waiting to hear from you.

Terms of these positions will begin on January 1, 2009. Please email nominations to: nominations@ncura.edu.

All nominations and supporting materials from the nominees must be received electronically on or before May 23, 2008.

For a detailed description of the current responsibilities of these positions, please visit: http://www.ncura.edu/content/volunteer/opportunities/

2008 NCURA Awards: Nominations Being Accepted

Recognizing the contributions of our colleagues is one of the highest honors we can bestow. Additionally, nurturing diversity expands the energy and creativity of our membership and builds a stronger volunteer organization. Now is the time to acknowledge an extraordinary mentor, collaborator, or friend, and identify a candidate for the minority travel award. The awards below encourage you to go to your computer and nominate your colleagues for any of the three awards to be given each year at the annual meeting and/or to apply for a minority travel award to the annual meeting. Do it now!

Outstanding Achievement in Research Administration
This award is given annually to an individual who has made a significant contribution to the profession of research administration.
Deadline for nominations: May 30, 2008

Distinguished Service Award
This award is given to up to five individuals who have made significant contributions to NCURA.
Deadline for nominations: May 30, 2008

Joseph Carrabino Award
This award is given to a federal employee who has made a significant contribution to research administration, either through a singular innovation or by a lifetime of service.
Deadline for nominations: May 30, 2008

Catherine Core Minority Travel Award
This program supports travel to the NCURA Annual Meeting for up to four individuals from under-represented groups who would not otherwise be able to attend this conference.
Deadline for applications: May 30, 2008

For more information on these awards, please visit http://www.ncura.edu/content/volunteer/awards/index.php

Judy Fredenberg is the Chair of the Nominating and Leadership Development Committee and serves as the Executive Director of Federal Relations, University of Montana.

NCURA’s LDI program is designed to nurture and grow the future leaders of the organization.

BENEFITS OF PARTICIPATING IN THE LDI
LDI participants will be engaged in assignments throughout the year to develop and hone leadership skills that can benefit both personal and professional endeavors. In addition, those in the program will become part of a network of fellow members that will similarly be committed to NCURA in the years following LDI. To ensure connection to NCURA and a full understanding of the organization, a senior member of the organization will support each participant in the role of Advisor.

Application and information can be found at http://www.ncura.edu/content/educational_programs/online/ldi/ldi2009.pdf
The deadline for complete applications is June 6, 2008.

If you would like more information on NCURA’s Leadership Development Institute contact Kathleen Larmett at larmett@ncura.edu or 202-466-3894.
they receive to the NIH Office of Extramural Research (OER) for posting to an OER database to ensure an accurate count of the reports received by the agency. To address NIH's management of financial conflicts of interest, the IG recommends greater oversight by NIH. This would be accomplished by amending the regulations to require grantees to submit more detailed reports on the nature of the conflict, the individuals involved and how the conflict is being managed, reduced or eliminated by the institution.

In a letter responding to the IG report and attached to the report as published, NIH Director Elias Zerhouni agreed with the findings and supported two of the recommendations: providing greater oversight through targeted site visits and expanded informational outreach; and the need for accurate counting to be achieved through a new web-based reporting system for NIH staff that will help track reports received by each Institute and Center.

NIH did not agree with the recommendation to change the regulations to require more detailed reports from grantee institutions concerning financial conflicts of interest. In his response, Zerhouni argues that the authority for managing financial conflicts of interest resides in and should remain with the grantee institution. The grantee institution has the authority and responsibility to monitor and enforce regulatory requirements with its employees.

Like all such IG reports, this report, including the recommendation for regulatory change, was submitted to HHS Secretary Michael Leavitt. Whether or not a change in the regulations occurs, the report and NIH's implementation of a pilot program to assess institutional compliance with the NIH requirements is a strong indication that institutional compliance with Federal financial conflicts of interest policies is and will receive significant attention in the coming year.

Announced on October 25, 2007, NIH has begun selecting institutions for reviews of compliance with the conflicts of interest regulations—or Objectivity in Research. These reviews will be similar in focus to the Targeted Site Reviews conducted by NIH in 2006. Selected institutions have received requests for institutional policies and related documents. In addition to policy and related documents, NIH requests information on how the institution managed “any instances of investigator non-compliance” as related to NIH applications or awards.

NIH’s request for information on the management of investigator non-compliance is interesting, particularly in light of an October 2007 letter from the US House Committee on Energy and Commerce requesting the National Cancer Institute (NCI) to secure and evaluate the financial disclosures for the principal investigators and, if appropriate, members of the Data Safety Monitoring Board (DSMB) participating in the National Lung Screening Trial sponsored by NCI. The Committee asks NCI to analyze and summarize its analysis of the information and respond to a series of questions focused on the role of investigators as expert witnesses and the potential for conflicts in relationships with the tobacco industry.

The reports and evaluations performed by the IGs can hold sway with the Federal agencies. The IGs will often follow-up to see if agencies have done what they said they would do in their responses to IG reports. Sometimes, the IG will recognize that additional phases or steps are necessary to understand and assess fully whether an agency is meeting its obligations under the law or under its own regulations. The HHS IG’s Work Plan for the coming year includes a continuation of the assessment of NIH’s oversight of financial conflicts of interest in the extramural community. The next logical step in such an assessment could include site visits or surveying the extramural community directly.

The role of the IGs, in general, is to “to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, [Federal] programs and operations.” While occasionally concerns have been raised about the lack of checks and balances over the IGs, it’s important to recognize that this independent audit and evaluation plays an important role in ensuring good stewardship of Federal funds—our tax dollars. The reports issued by the IGs can be a reminder to research organizations of their roles in meeting agency obligations for good stewardship.

Carol Blum is Director, Research Compliance and Administration, Council on
COMPLEX AGREEMENTS

We are hearing more and more the term translational research – how research results are translated into products or public use. Getting research results from the bench to the public can take several paths and involve several types of agreements outside of the initial supporting research award. These may include non-disclosure agreements, teaming agreements, material transfer agreements, clinical trial agreements, and license agreements with start-up companies. The negotiation and management of these agreements usually involves some unique challenges for research administrators. This program will focus on these agreements and areas of risk, accounting issues, institutional and individual conflict of interest, protection of human subjects, effort certification for investigators, publications, and the special challenges you face in administering all these issues in collaborations with multiple parties and a multi-site clinical trial program. Whether you are involved as the prime institution or as the subawardee we all need to understand and work through the wide range of issues.

The faculty for this program are seasoned pros who will share their experiences in successfully managing these unique and often challenging agreements.

MODERATOR: Geoff Grant, Vice President, Research Administration, Partners Healthcare
FACULTY: Barbara Cole, Associate Vice President, Research Administration, Boston University; Michele Codd, Assistant Director, Institute for Software Integration, Vanderbilt University; Todd Guttman, Associate Vice President for Research, Office of Research Compliance, The Ohio State University; Erica Kropp, Director, Research Administration & Advancement, University of Maryland Center for Environmental Science

GOOD CUSTOMER SERVICE FOR RESEARCH ADMINISTRATORS: HOW TO SUPPORT THE RESEARCH ENDEAVOR AT YOUR INSTITUTION

With new demands emerging from sponsors, faculty and institutional management on a daily basis, how do Research Administrators define Good Customer Service?

Our panel of experts will examine who is the Customer and what constitutes Good Customer Service. They will look at the roles of the Central Sponsored Programs office and the role of the Departmental Administrator. The faculty will explore the elements of customer service that works both ways between central and departmental research administrators, and how this relationship is critical to good service to the ultimate customer: the PI. They will discuss approaches as to how to communicate to your customers in a way that lets them know that you are both working toward a common goal.

Some of the elements of customer service that will be covered are:
- Speed
- Accuracy
- Transparency
- Politeness
- Compliance

The Sponsor as the Customer will also be examined as good communication is critical to insuring that this customer is best served - while keeping your researchers content.

MODERATOR: Kim Moreland, Associate Vice Chancellor for Research Administration, University of Wisconsin - Madison
FACULTY: David Richardson, Assistant Vice President for Research and Director, Office of Sponsored Programs, Pennsylvania State University; Cynthia White, Director, Sponsored Programs, Belmont University; Stephen Hansen, Associate Provost for Research and Dean, Graduate School, Southern Illinois University at Edwardsville
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*Live Via Satellite or on DVD*

**Registration Form**

The cost of the full series (all four workshops) is $2,950 per campus. To purchase an individual session the cost is $975.00 per campus. All Broadcast Workshops will be aired from 11:30 am – 3:30 pm, Eastern Time. NCURA will transmit a test signal one hour (10:30 – 11:30 am, Eastern Time) prior to air time!

**Live**: Those institutions that choose the live program will receive the handout information and satellite coordinates to receive the show live on their campus, and a license to tape the shows for future on-campus training.

**DVD**: Those that select the DVD option will receive a link to the broadcast schedule and reference material guide when they receive their DVD copy of the program.

**Who Should Subscribe?**

Any institution which has training needs, whether they be immediate training through participation in the live broadcast or future needs through the use of a taped broadcast, will benefit from this series.

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**CANCELLATIONS**: Notification of cancellation must be received in writing no later than 14 business days prior to each telecast and are subject to a $75 cancellation fee. Cancellations received after the deadline will not be refunded. You must receive confirmation from NCURA to receive a refund.
Cold Spring Harbor Laboratory
Senior Grants Administrator
Office of Sponsored Programs

Cold Spring Harbor Laboratory (CSHL) is a private, non-profit research and education institution dedicated to leading the exploration of cancer, neuroscience and plant biology. CSHL is home to an NCI designated Cancer Center, a world renowned meetings and courses program, and the Watson School for Biological Sciences. After more than a century of groundbreaking discoveries, CSHL is preparing to lead the next era of biomedical breakthroughs by expanding its research capacity on the picturesque North Shore of Long Island, New York.

CSHL seeks an experienced grants administrator for the Office of Sponsored Programs (OSP). OSP actively promotes the research and education mission of CSHL by facilitating and managing sponsored funding in collaboration with CSHL Investigators, the Director of Research, and other CSHL Departments.

The Senior Grants Administrator serves as a key member of the OSP management team. The Administrator will coordinate and manage sponsored research activities including accounting, and compliance with sponsor requirements, and will ensure that institutional policies, laws and regulations are proactively addressed and followed. The Administrator will be a lead resource for negotiating and acceptance of awards and interpreting and implementing sponsored program requirements. The Administrator will train and foster the professional development of OSP staff and research administrators.

Qualifications:
A minimum of 5 years of relevant experience in a higher education, financial, or research administration environment is required. An advanced degree in business, finance, or accounting is preferred. A bachelor's degree is required. Demonstrated knowledge and application of federal regulations for research administration are required. Outstanding leadership and managerial experience are essential. Strong interpersonal skills and the ability to interface with institutional faculty and administrators are necessary. Solid knowledge of PC-based computing applications in the networked computing environment, including Microsoft Office, email, and financial database applications are essential. Knowledge of Lawson Business Systems software is a plus. Salary is commensurate with experience.

Pleased forward a resume and cover letter with salary requirements by April 11, 2008 to:
Dr. Walter Goldschmidts, Executive Director, Office of Sponsored Programs
Email: goldschm@cshl.edu Fax: 516-367-8877
Cold Spring Harbor Laboratory, Office of Sponsored Programs
One Bungtown Road, Cold Spring Harbor, NY 11724

Visit our web site: www.cshl.edu | E/O/E M/F/D/V
WE INVITE YOU TO JOIN US IN HILTON HEAD, SOUTH CAROLINA FOR OUR THIRD ANNUAL PRE-AWARD RESEARCH ADMINISTRATION CONFERENCE!

Connect with your peers over 2 1/2 days of education, networking opportunities, and outstanding sessions, all designed for the pre-award research administrator.

In order to maximize your time at this meeting, we are offering an increased number of sessions, workshops, and senior-level seminars. We have also increased the types of tracks, and will be including a Federal track at this year’s conference. We are also excited to execute “short take” sessions, which will give you a vast amount of information in a more concise format.

Arrive early or stay late! Relax on the legendary sandy white beaches, enjoy the spectacular golf courses, dine at the many exquisite restaurants, or head to the plethora of world class shops. Hilton Head offers something for everyone.

We look forward to seeing you this summer!

Co-Chairs:
Vincent A. Bogdanski, Assistant Director of Sponsored Programs, Colorado State University
Jan L. Madole, Director of Research and Sponsored Programs, University of Montana

Contracts/Compliance Track:
Terry A. May, Michigan State University
Margaret F. Pyle, University of South Alabama

Departmental Track:
Lajauna Guillory, Georgia Institute of Technology
Lisa Laatsch, University of Arizona, Arizona Research Laboratories

eRA Track:
Elsa Everling, SunGard Higher Education
John Massa, University of Iowa

Federal Track:
Diane Barrett, University of Wisconsin-Madison
Melinda Nelson, Chief GMO, NIAMS, NIH

PUI Track:
Frances Jeffries, Wheaton College
Charles E. Patterson, Georgia Southern University

Senior Level Track:
Jilda D. Garton, Georgia Institute of Technology
Anne S. Geronimo, University of Maryland College Park

Workshop/Senior Level Seminar Coordinators:
Erica H. Kropp, University of Maryland Center for Environmental Science
Janet B. Simons, University of Maryland Baltimore

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