

FEDERAL GRANTS NEWS

for Colleges and Universities

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Please Note:

Watch for your June Grants Update with a new chapter on Electronic Research Administration.

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HHS OIG Will Not Issue Final Compliance Guidance for Research Grantees

The Department of Health and Human Services' (HHS) Office of Inspector General (OIG) has decided not to finalize its "Compliance Program Guidance for Recipients of PHS Research Awards" (70 Fed. Reg. 71312 (Nov. 28, 2005); see *Federal Grants News*, December 2005/January 2006). This welcome news came in a presentation by Geoff Grant, staff director of the Research Business Models (RBM) Subcommittee, at last month's Seattle meeting of the Federal Demonstration Partnership. The RBM is a subcommittee of the Committee on Science of the National Science and Technology Council (NSTC). (For more on the activities of the RBM, see p. 4.)

Grant told attendees that HHS has agreed, as has the Office of Management and Budget, that any research compliance guidance should be applicable across all federal research agencies, not just HHS' Public Health Service. Once NSTC and the Office of Science and Technology have approved this approach, RBM is expected to assume responsibility for drafting compliance program guidance for grantees.

Unlike the HHS draft guidance, the new guidance likely would not identify specific risk areas but, rather, would rely on the *OMB A-133 Compliance Supplement* as a useful source of information for audit risk. This year's supplement included a revised Part 5, the Research and Development Cluster, which flagged three risk areas for audit attention—cost sharing, compensation and related benefits, and time and effort reporting. (See *Federal Grants News*, May 2006.) These are similar to those flagged by the OIG's proposed guidance.

In addition, the RBM guidance is expected to clarify the voluntary nature of the general guidelines and will suggest "effective" practices instead of "best" practices. This perspective recognizes that institutions often differ in their approach to compliance, including how institutions coordinate their institutional and research compliance programs. (For more on activities of the RBM, see p. 4.) ✧

Commerce Withdraws Proposed Revisions To Export Control Regulations

The Department of Commerce's Bureau of Industry and Security (BIS) on May 31 officially withdrew its controversial advance notice of proposed rulemaking (ANPR) that would have revised certain provisions of the deemed export rules in the Export Administration Regulations (EAR). (See *Federal Grants News*, April 2005.) The revisions, if they had been approved, would have dramatically increased the number of licenses industry and academia would have been required to obtain before allowing foreign nationals access to certain technology.

One of the proposed revisions would have changed the interpretation of the word "use" in the regulations. The current interpretation requires the presence of six activities to trigger the need for a license; the proposal, which accommodated the Commerce Inspector General's (IG) reading of the regulations, would have triggered the license requirement if only one of the activities were present. According to the



withdrawal notice, organizations from all sectors, not just academia, expressed concern that the change in the definition of "use" would restrict the scope of fundamental research, and this would have a chilling effect on U.S. research efforts by all research entities.

After weighing the comments, BIS decided not to adopt the Commerce IG recommendation and, instead, has concluded that current BIS deemed export licensing policy is appropriate, and the existing definition of "use" "adequately reflects the underlying export controls policy rationale in the EAR."

Deemed Export Advisory Committee Formed

To address complex questions related to an "evolving" deemed export policy, Commerce announced on May 22 the creation of the Deemed Export Advisory Committee (DEAC). The new committee is tasked with determining whether the deemed export licensing policy of the United States most effectively protects national security while ensuring that the U.S. maintains its leadership in technology innovation. It will review the current policy and recommend any needed changes. Part of its review will include the Commerce IG's recommendations. BIS also will turn over all comments filed on the ANPR to the committee.

The DEAC will consist of not more than 12 members and have a balanced membership with representatives from industry and academia and other experts including national security and intelligence experts. The committee, which will meet at least quarterly, likely will take at least a year to make any recommendations to the secretary of Commerce. ♦

Heavy Admin Burdens Mean Less Time for Research, Survey Says

A long-anticipated feature of the last month's Federal Demonstration Partnership (FDP) meeting was the presentation of preliminary results of the "Faculty Burden Survey" conducted last fall by the FDP. Survey results revealed no "smoking gun"; rather, results show that faculty feel pressure from many sources.

Perhaps most interestingly, respondents indicated on average that they spent only 58 percent of their research time actually conducting research; the rest was spent on research-related administrative tasks. Faculty rank or tenure did not have an impact on the amount of time spent on administration.

The survey, the first of its kind to focus on research, was undertaken to determine the extent of the administrative burden that faculty assume when they apply for and receive federal funds, and what impact that burden has on conducting research.

The questionnaire asked for information on faculty demographics, research involvement, and federal grant funding, including descriptive information, administrative tasks/burdens, administrative support available, and the perceived climate for funded research. Faculty surveyed were from 69 FDP institutions.

Grants Progress Report Is No. 1 Burden

Faculty were asked to rank 24 specific burdens—proposal writing was not included. Grant progress report submission ranked first as the most burdensome task, followed closely by personnel hiring and project revenue management. The next four were evenly clustered:

- ◆ Equipment and supply purchases
- ◆ Institutional Review Board (IRB) protocol approvals and training
- ◆ Training personnel and students
- ◆ Personnel evaluations

Surprisingly, effort certification did not show up as a burden.

The data were not analyzed with respect to the cause of the burden, i.e., whether the burden was the

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result of federal agency or institutional policies. Further analysis of the data, which will be conducted for the final report, may shed some light on the perceived source of the burdens.

Faculty Subgroups Show Variations

While grant progress reporting was unanimously rated as most burdensome, there are some interesting preliminary variations in the administrative burdens experienced by certain faculty subgroups. For example:

- ◆ Engineers frequently cited patent/copyright issues.
- ◆ Clinical faculty, health sciences, and psychology faculty cited IRB compliance requirements.
- ◆ Psychology, medical, and untenured faculty, under-represented minorities and women faculty, and faculty at private institutions named IRB protocols as a significant burden.

Compliance with the Health Insurance Portability and Accountability Act (HIPAA) was not rated as a top burden overall but was indicated as a “most burdensome” task for faculty at medical institutions and those who are health science and clinical faculty. All subgroups ranked hiring staff as one of the top burdens.

Low-Level Administrative Support Provided

With respect to assistance provided by institutions to lessen the administrative burden, faculty reported low levels of support across all administrative tasks. They reported the most assistance with financial management (including payroll, budget transfers, cost accounting issues, cost sharing agreements, and project revenue management), but the level of assistance still did not remove project revenue management from the list of top burdens.

Faculty reported they receive the least amount of assistance in the areas of conflict of interest monitoring, grant progress report submission, patent/copyright application, and intellectual property matters. While personnel evaluations ranked as the seventh most burdensome task, faculty reported this area as second in terms of the least amount of assistance.

Ninety-seven percent of the faculty reported that they believed something could be done to reduce their burden, and that, on average, they could devote four more hours a week to research if they had increased administrative assistance. Over 75 percent supported redirecting funds within their project budgets for administrative support.

Respondents' Profile Provides Context

The data analyzed were from 6,081 full-time faculty who were either principal investigators or co-

Agency Updates from the FDP

Several agencies provided updates on their activities at the recent meeting of the Federal Demonstration Partnership. Items of interest include the following:

National Science Foundation (NSF). NSF announced that the fourth version of its *Grants.gov Application Guide* will be released in June; watch for the announcement on www.nsf.gov/bfa/dias/policy/. The current version of its guide, dated January 2006, is available at www.nsf.gov/bfa/dias/policy/docs/grantsgovguide.pdf. Its FY06 Grants.gov implementation strategy is available at www.nsf.gov/bfa/dias/policy/docs/grantsgovadvisory06.pdf.

Army Research Office (ARO). The ARO announced that it will accept all applications through Grants.gov effective immediately. However, use of Grants.gov is optional, not mandatory.

National Institutes of Health (NIH). NIH announced that “a request for information” will be issued soon regarding the NIH Commons and access by the Signing Official to proposal review results.

investigators on federally funded projects in the 2004 academic year. The surveyed faculty carried academic ranks of professor, associate professor, and assistant professor. The majority of the respondents were from highly research-intensive institutions; 71 percent were from public institutions. Their fields of research covered the gamut of academia, including education, the physical sciences, engineering and mathematics, psychology or social sciences, agriculture, health sciences, and the biological/life sciences, the field of 35 percent of respondents.

Sixty-four percent of respondents indicated they had no official administrative duties; 12 percent were center directors; 5 percent were chairs; 2 percent were associate deans; and 17 percent indicated they had other types of administrative responsibilities. Full professors were the largest group of respondents—54 percent; 24 percent were associate professors; and 22 percent were assistant professors. Eighty nine percent were either tenured or in a tenure-track position.

Written Comments Have Consistent Themes

Some consistent themes emerged in “anecdotal discussion,” the written comments included with the survey responses:

- ◆ Researchers report spending a great deal of time writing long proposals for short-term, low-level funding they believe

ORI to Revise Model Policy

The Office of Research Integrity (ORI) has announced that it will publish its revised model policy for responding to allegations of research misconduct for public comment this summer. The revised policy will offer a model that institutions can use to implement the revised Public Health Service Policies on Research Misconduct (42 CFR Part 93). In its June 2006 newsletter, the ORI also stated that after the final policy is published, it will begin to review institutional policies for compliance with the new regulation. (To read the ORI newsletter, visit <http://ori.hhs.gov>.)

has little chance of being awarded and noted the significant burden of university regulations.

- ◆ IRB, Institutional Animal Care and Use Committee (IACUC), and HIPAA regulations are crippling research.
- ◆ The system is not designed to handle multi-site studies efficiently.
- ◆ Faculty expressed concern about the idea of allowing direct cost dollars to cover administrative support.
- ◆ Faculty accounting regulations also were listed in many of the comments.

Final Results Expected This Fall

Dr. Robert Decker of Northwestern University, who coordinated the massive effort, reported that with over 250 pages of "anecdotal discussion" to analyze, as well as further analysis of the data, there is much more to be learned from the survey. Full results and analyses will be published this fall. ✧

RBM Subcommittee Continues Research-Related Activities

In addition to relaying the news that the HHS OIG compliance guidance will not be issued as final (see story, p. 1), Geoff Grant, staff director of the Research Business Models (RBM) Subcommittee of the Committee on Science of the National Science and Technology Council (NSTC), updated attendees at the May meeting of the Federal Demonstration Partnership (FDP) on other RBM activities. The RBM has been instrumental in proposing changes to the federal grants management process, some of which are in concert with the Pub. L. 106-107 work groups charged with streamlining the government grants process.

Interim Technical Progress Reports. The draft governmentwide interim technical progress report format is expected to be published for comment this month. The format is expected to be that of the NSF FastLane progress report. In addition to the basic description of the scientific progress of the project, the report template will include features that funding agencies may elect to incorporate into their agency-specific requirements, such as a description of the training of students/postdoctoral fellows.

Multiple PIs. Final federalwide guidance will be issued this month for federal agencies on recognizing multiple principal investigators on projects.

FDP Terms and Conditions. The long-awaited expansion of the FDP terms and conditions, now renamed Research Terms and Conditions, also should be published for comment in June. The use of the current FDP terms and conditions will be expanded to allow federal agencies that participate in the FDP to use the same terms and conditions when providing funding to non-FDP institutions. The expanded use of the Research Terms and Conditions will allow non-FDP grantee agencies, at their discretion, to use the FDP terms in a broader way. The expansion is expected to simplify both grants and subagreement administration for universities and colleges.

Subrecipient Monitoring. Watch for a proposal in August for streamlined subrecipient monitoring, as required by OMB Circular A-133. The proposal should simplify subrecipient monitoring requirements involving two organizations, when both are existing large federal awardees.

Interagency, Interdisciplinary Programs. The subcommittee also is seeking ways to promote and enhance new interagency, interdisciplinary initiatives and programs.

One of the tools under consideration is posting to the RBM Web site several case studies of existing collaborative programs, including examples of funding for "big" and "small" science. These case studies would include key elements of the program intended to aid federal agencies in promoting and developing additional collaborative programs. The case studies also will include model agreements to help grantee institutions facilitate negotiations and start-up.

RBM hopes to disseminate information on the strategic and operational issues of interagency, interdisciplinary programs in order to resolve policy and other barriers and to support the government's position on these initiatives.

For information on the background, composition, and goals of the RBM, visit <http://rbm.nih.gov>. ✧