



Governmental Relations: An Arranged Marriage

Virginia Chapter
Society of Research Administrators
Fall Meeting, December 2005
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Council on Governmental Relations
(COGR)




Council on Governmental Relations (COGR)

- Established 1948 by NACUBO
- Washington Office 1960
- Incorporated 1993
- Research Institution Membership Association
 - \$15 Million Annual Federal Research \$\$\$
 - Graduate Education at PhD Level



COGR Mission

- Source of Information
 - Analysis, e.g., Cost of Compliance
 - Educational & Planning Tools, e.g., Conflicts of Interest, Effective Management Practices
- Policy Advocate
 - Comments, e.g., Export Controls
 - SF 424 R&R



COGR Operations

- Board: 18 + Members; chosen on nominations from institutions
- Three Standing Committees: Costing; Contracts and IP; Research Compliance and Administration
- Ad Hoc Committees and Working Groups
- Permanent Staff: 5 members

COGR Services



- Membership Meetings
 - 3X in Washington DC
- Information:
 - Meeting Agenda & Reports
 - E-List Updates
 - Studies & Reports
 - Web Site
- Agency Contact

Information



- Effective Management Practices
 - Principles (Paper)
 - Practices & Indicators (Web)
- Conflict of Interest
 - Recognizing Individual Conflicts (Paper)
 - Developing Institutional COI Policies (Web)

Current Issues



- HHS/NIH SF 424 R&R Implementation
 - Timetable
 - Mandatory vs. Voluntary
 - Computing-Platform Support
 - Test or Demonstration RFI

Current Issues



- HHS OIG Compliance Guidance
 - US Sentencing Commission Guidelines
 - COGR Effective Practices
 - Risk Areas
 - Time & Effort
 - Allocating Costs
 - Other Support

Federal Sentencing Guidelines, Chapter 8



- Why?
 - Culpability Score: Determines the Fine
 - Conditions of Probation: Court-Ordered
- What? An organization shall: [§8B2.1.(a)(1) & (2)]
 - Exercises due diligence to prevent and detect criminal conduct; and
 - Otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance within the law.

Federal Sentencing Guidelines, Chapter 8



- "Reasonably designed, implemented, and enforced to be generally effective"
- Failure DOES NOT MEAN the program is ineffective
- Effective Program Design Factors:
 - Industry practice or standards set by "applicable governmental regulation"
 - Size of the Organization
 - Similar Misconduct

Program Elements Sentencing Guidelines HHS OIG

- (1) Establish standards and procedures
- (2) A. Governing authority is knowledgeable; High-level personnel assigned over-all responsibility; & Day-to-day operation officer reports to higher-level
- (3) Reasonable effort to avoid assigning authority to individuals who engage in illegal activities
- (1) Written Code of Conduct and Policies and Procedures
- (2) Designate an Officer and committee reporting to head of organization
- (3) Education & Training for affected employees

Program Elements Sentencing Guidelines HHS OIG

- (4) Communicate the program to all members of the organization by training and dissemination of information
- (5) Monitor, audit, and evaluate periodically. And Provide system for anonymous or confidential reporting
- (6) Promote and enforce program consistently
- (7) Respond to criminal conduct and take steps to prevent similar conduct
- (4) Effective Lines of communication including process to receive complaints and protect anonymity
- (5) Clear definition of roles and responsibilities
- (6) Audits and Risk Evaluation
- (7) Enforce with appropriate discipline
- (8) Policies for investigations of non-compliance

HHS OIG Risk Areas



- Time & Effort
 - Time Keeping System (J.10 examples) negates flexibility
 - Effort on applications ignores adjustment at awards
- Allocation of Costs
 - Contrary to A-21 allowance for proportional
- Other Sources of Support