



1-17-1980

January 17, 1980

University of North Dakota

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MINUTES OF THE UNIVERSITY SENATE MEETING

January 17, 1980

1.

The January meeting of the University Senate was held at 4: 15 p.m. on Thursday, January 17, 1980, in room 7, Gamble Hall. Richard Hill presided.

2.

The following members of the Senate were present:

Clifford, Thomas	Hampsten, Elizabeth	Lee, Randy
Basuray, Tom	Hampsten, Richard	Lewis, Robert
Bott, Alexander	Hedahl, Beulah	McElroy, Jacquelyn
Bryan, William A.	Hess, Carla	Naismith, Shirley
Bzoch, Ronald	Hill, Richard	Omdahl, Lloyd
Christensen, Bonniejean	Johnson, A. W.	Perrone, Vito
Chute, Edward	Kelley, Frank	Peterson, Fred
Clark, Alice	Kemper, Gene A.	Phillips, Monte
Curry, Mabel	Kemper, Robert W.	Schubert George
Dando, William	Kolstoe, Ralph H.	Uherka, David
Dawes, Kenneth	Korbach, Robert	Voeller, Diane
Dixon, John	Langemo, E. Mark	Wilborn, Graciela
Geiger, Jonathan	Larson, Omer	Wrenn, William
Glassheim, Patricia		

The following members of the Senate were absent:

Bender, Myron	Hart, Kathi	Rehwaladt, Karen
Carlson, Todd	Hogan, Wayne	Rogers, John
Criswell, Robyn	Johnson, Tom	Rowe, Clair
Dahl, Ivan J. K.	Jorgenson, Don	Schilson, Elizabeth
Dinger, Randy	Krejci, Mark	Seabloom, Robert
Dobesh, Larry	Liffrig, Mike	Skogley, Gerald
Driscoll, Nadine	Murray, Stanley N.	Staudohar, Peter
Fletcher, Alan	Nelson, Conny	Tomasek, Henry
Gallant, Ruth	Oberpriller, John	Warner, Edward
Hamerlik, Gerald	O'Kelly, Bernard	Wedul, Dean
	Peterson, Russell	Zinser, Elisabeth

3.

Ms. Clark moved that the minutes of the December meeting be approved as distributed. The motion was seconded, voted upon and carried.

4.

Mr. Hill asked for a suspension of the rules to allow Ms. Glassheim to add an item to the agenda. There being no objection, Ms. Glassheim presented the following:

INTRODUCTION:

The University has received a generous gift from a magnanimous benefactor. It is incumbent upon the faculty of the University to express its appreciation to Mr. W. Kenneth Hyslop. It is further incumbent upon the faculty, especially in view of the great size of the benefaction, that it express its views about appropriate uses of the gift. The following motions are offered for that purpose:

MOTIONS:

1. It is moved that the Chairman of the Senate write a letter of appreciation to Mr. Hyslop in the name of all the faculty of the University for his most generous gift.
2. It is also moved that a special ad hoc committee be appointed by the Chairman of the Senate in consultation with the President of the University to write, and present to the University of North Dakota Foundation a proposal for the use of the income from the gift. It is recommended that some of the income be used for the establishment of an appropriate number of endowed chairs to be named in honor of Mr. Hyslop. It is the express intent of this resolution that a sufficient number of chairs with sufficient income be established at the University of North Dakota to bring to Mr. Hyslop's alma mater scholar-teachers of national and international reputation so that the students and the faculty might have the continuing benefit of at least one truly great mind in each major division of the University.

She stated that the first motion was for action at this meeting and requested that the second motion be placed on the Senate agenda for the February meeting. The first motion was seconded, voted upon and carried.

5.

Mr. Paul Kolstoe, past Chairman of the Student Policy Committee, presented the report of that committee. Mr. Schubert moved acceptance of the report. The motion was seconded, voted upon and carried. (See attachment #1.)

6.

Ms. Carol Hill, Chairperson of the Academic Policy Committee, presented the report of that committee. Mr. Dixon moved acceptance of the report. The motion was seconded, voted upon and carried. (See attachment #2.)

7.

In the absence of Ms. Hedahl, Bonniejean Christensen presented the Report of the Academic Standards Committee. (See attachment #3.) A question was asked regarding how many appeals were considered last year and the number of approvals and denials. Ms. Naismith said the information could be tabulated

1857

and available for the next Senate meeting. No action will be taken on the report until the February meeting.

8.

Mr. Hill reported that the Senate Executive Committee will refer the question of faculty promotion procedure to the Academic Policy Committee. The Executive Committee invites faculty counsel and recommendations which could be included in the information referred. Mr. Hill said that no procedural change is contemplated in the current year.

9.

Mr. Thomas Akers, Chairman of the Committee on University Policy for Use of Human Subjects, presented the final report of that committee. Mr. Akers requested that the Senate accept the policy statement and establish an Institutional Review Board. Mr. Kolstoe moved acceptance of the report and Mr. Bzoch seconded the motion. Discussion followed. Mr. Kolstoe moved to amend by changing the second paragraph under II. Policy to read:

"To insure adequate protection and discharge the responsibility of the institution, no research, development or related activity involving human subjects may be undertaken unless such activity meets University Review Process requirements."

Mr. Omdahl seconded the motion to amend and further discussion followed. Mr. Dando called for the question. The amendment was voted upon and defeated. Ms. Clark moved to amend by approving the policy with the stipulation that it be reviewed by the Senate at the end of one year. The motion to amend was seconded, voted upon and carried. (See attachment #4.)

10.

Mr. Clifford reported that the State Board of Higher Education will meet on campus on February 14 and 15 and that time will be reserved to meet with faculty. If faculty members have ideas or suggestions in regard to this meeting, they should contact Richard Hill.

Mr. Perrone stated that the proposed general graduation requirements would be presented to the Senate at the next meeting. However, the attachment will not be ready for distribution with the agenda and therefore members may not have sufficient time to consider the proposal and take action at the February 7 Senate meeting. If no action is taken at that meeting, a special meeting would be required on February 14 so that any change in requirements could be printed in the 1980-82 University Catalog.

11.

Mr. Johnson moved that the meeting adjourn. The motion was seconded, voted upon and carried and the meeting adjourned at 5:00 p.m.

Shirley Naismith
Secretary

STUDENT POLICY COMMITTEE
ANNUAL REPORT
1978-1979

The Student Policy Committee (SPC) met weekly during the year. SPC is comprised of ten members: five students, four faculty, and the Vice President for Student Affairs. Members of the Committee at some time during 78-79 were:

Students: Paul Kolstoe (Chairperson), Erick Crail, Randy Eide (resigned), Jim Haerter (resigned), Matt Rutherford (resigned), Stacy Frier, and Luke Maher.

Faculty: Toby Howell (81), Ernie Norman (80), Karen Oby (resigned), Scott Stradley (82), and Pat Warcup (80)

One of the functions of SPC is recognizing student organizations by approving constitutions and constitutional modifications. The following groups met with SPC and had their constitutions/amendments approved: Dakota Drifters, Association of Trial Lawyers, Backgammon Club, UND Grand Squares, Conflict Simulation Unlimited, Youth Association for Retarded Citizens, Student Aviation Management Association, UND Indian Association, Wittenberg Chapel Activities Organization, Newman Center Activities Association, Young Life Leaders of UND, Ad Club, American Institute of Biological Sciences

The Committee continued to feel that a University Governance Study was necessary and sees the need for this study in many aspects of its work. An initial proposal for this group was held up pending completion of work on the new University Senate constitution. This constitution has now been approved.

As in the year past, the majority of the Committee's effort for the year was expended on the Code of Student Life. The Code outlines the rights and responsibilities and expected levels of conduct of citizens in the University community. Its purpose is to prevent abuse of the rights of others and to maintain an atmosphere in the University community appropriate for an institution of higher education. The Code received final approval by University Senate at the February '79 meeting.

UNIVERSITY OF NORTH DAKOTA
ACADEMIC POLICIES COMMITTEE
1979 ANNUAL REPORT

The elective members on the APC serve on an academic year basis. During the calendar year 1979 the APC members included:

Academic Year 1977-78	Academic Year 1978-79
James Harrell.....Physics	Toby Anderson.....Student
Carol Hill.....Nursing	Carol Hill (Chm.&Rec.).....Nursing
Greg Hoistad.....Student	Greg Keim.....Student
Keith Loven.....Student	Edward O'Reilly.....Chem.
Ronald Pynn.....P.Sci.	John Reid.....Geology
Sheldon Schmidt.(Chm.&Rec.).CTL	Michael Thomas.....Student
John Strobel.....Student	John Whitcomb.....Math
V.P. Conny Nelson.....Ex Officio	V.P. Conny Nelson.....Ex Officio

Six meetings were called during the 1979 calendar year and six agenda items considered; one was sent to University Senate with recommendations for action, two were completed without requiring a recommendation to Senate, and three were continued as committee agenda items for 1980.

Considerations Completed with Recommendations to Senate

Re: Minimum G.P.A. requirements for enrollment in Student Teaching

APC Recommendation to Senate: that the following policy change be accepted and included in the University's Undergraduate Bulletin:

Students seeking to enter student teaching in secondary education must, as a minimum, possess a grade point average of 2.25 overall and 2.40 in the teaching major. Individual departments may establish higher standards for their majors. Departments may file an appeal to the Dean, CTL, and a committee made up of one student and two faculty members selected by the Center Forum on behalf of students who fall below the minimal grade point average.

Senate Action: (Senate Minutes, May 1979) The policy was approved by the Senate.

Considerations Completed without Recommendations to Senate

Re: Transfer credit policy

At the request of Dean Schubert, Dean University College, APC appointed an Ad Hoc committee to review and make more explicit the policies regarding

the acceptance/non-acceptance of credits of transfer students from area vocational/technical schools and junior colleges. The Ad Hoc committee recommended no change in the existing policy but the policy needs to be more carefully explained to prospective transfer students and to administrators and advisers at colleges in the area. APC has accepted the report of the Ad Hoc committee.

Re: Review of S/U grading system.

The Ad Hoc committee revising the S/U grading system reported to APC that no evidence of abuse of the S/U grading system appears to exist. No further study is planned at this time.

Agenda Continuing into the 1980 Calendar Year

Re: Review of drop/add policies.

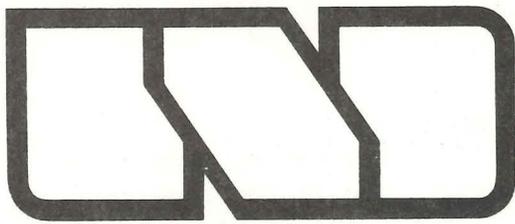
The Ad Hoc committee has not completed its task. However there are several other groups looking into this area as well.

Re: Review of last day to change from credit to audit grading.

This concern was forwarded to APC by the Administrative Procedures Committee. The committee met with Shirley Naismith, Director of Admissions and Records, for explanation of the concern. Because the dates for drop/add are under study by another committee, APC decided it is premature to initiate a review at this time.

Re: Class size policy.

At the request of Vice President Conny Nelson the APC is just beginning a study of current policies governing class size.



memorandum

TO: University Senate
FROM: Beulah Hedahl, Chairperson
RE: Annual Committee Report to Senate

DATE: January 4, 1980

The Student Academic Standards Committee, an appeals board, meets upon demand to review the applications for readmission for students who have been suspended due to unsatisfactory scholarship and applications for forgiveness of grades for purposes of graduation for students who have maintained superior academic achievement for at least two semesters after being readmitted following a minimum two year period of non-enrollment at an educational institution.

Because of the confidential nature of the information about the students, the committee keeps no written minutes other than a statement about the action taken with respect to each student.

The committee meets as need arises, usually about five times each semester and twice during the summer session. Meetings are scheduled toward the end of the semester and prior to or during the first week of the next semester.

Present membership:

Faculty: Bonniejean Christensen
Jacquelyn Grinde
Beulah Hedahl
Francis Howell
Earl Mason
William Wrenn

Students: Brian McGauley
David Stinson

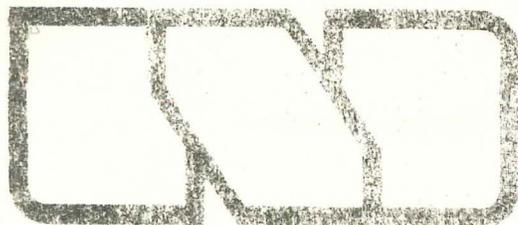
FINAL REPORT
OF
COMMITTEE ON
UNIVERSITY POLICY FOR
USE OF HUMAN SUBJECTS

Chairperson: T.K. Akers, Physiology
W. Cornatzer, Biochemistry
E. Norman, Socialwork
H. Randall, ReHab Hospital
B. Ring, Philosophy
E. Schilson, Counseling &
Guidance
E. Weis, Surgery

Ex Officio: E. Freise, ORPD

TABLE OF CONTENTS

	Page
Memorandum of Transmittal	1
UND Policy and Principles on the use of Human Subjects	2
List of Documents used	6



memorandum



TO: Chairman, University Senate

DATE: December 27, 1979

FROM: Committee on University Policy for Use of Human Subjects

RE: Final Report

Attached please find the final recommendations for the UND Policy and Principles on the Use of Human Subjects.

Our Committee was appointed by the University Senate in May of 1978, with the charge to develop a Policy on the Use of Human Subjects at the University of North Dakota.

The Committee met twelve times. We developed a Draft Proposal which was circulated to all teaching and research Departments of the University in September, 1978. We received nineteen written responses and conducted oral interviews with seven faculty members. From these responses and interviews as well as reviewing the documents cited in the appendix, we developed the Final Draft of the Policy.

We the Committee submit the following Policy for consideration of adoption by the University of North Dakota.

T.K. Akers
Committee Chairman

smb

UND POLICY AND PRINCIPLES ON THE USE OF HUMAN SUBJECTS

I. General Principles

Research which involves the use of human subjects is clearly necessary if we are to improve our knowledge of our own species. Such research may lead to both many practical benefits for our society at large and for the health, happiness, and general welfare of individual members of that society. Nonetheless, it must be recognized that such research may be conducted in ways or employed for reasons which are morally indefensible, or may result in harm to the human subjects involved. University sponsorship of research using human subjects, therefore, raises a number of sensitive and delicate questions regarding the legal and moral responsibilities of this university and of the persons engaged in such research under the university aegis. The matter is further complicated because such research opens the possibility of a clash between some of the most sacred and traditional principles of academic scholarship and even more venerable traditions in both religion and ethics guiding relations between human beings. The record of this century unfortunately provides us with all too many examples of morally repugnant abuses, both in the form of unwarranted and unjustifiable limitations on freedom of research and of dehumanizing or brutal treatment of the subjects upon whom such research was performed. These examples do not permit us to believe that researchers, or institutions which sponsor research, can treat the subject lightly or thoughtlessly. Indeed, it seems the problem is likely to grow rather than diminish in years to come. This statement of general principles is intended to serve as a constant reminder of criteria against which projects that involve the use of human subjects should be measured:

1. Every human being has a right to be viewed as an end, rather than simply as a means to some other end; and every human being has a duty to be guided by this principle in his or her dealings with other human beings. A corollary of this principle, which is familiar to most of the religions of the world, is that we should treat others as we would wish to be treated ourselves.
2. Any increase in the store of human knowledge is, in itself, a good thing and for that reason any human activity which increases the store of human knowledge without violating the first principle above is a morally justifiable activity.
3. Since we can never fully foresee the future it is important for researchers to err, if at all, on the side of caution when considering possible detrimental consequences to human subjects. It is also important for subjects involved in such research to be aware that even in the most responsible research there may be an unpredictable and unavoidable element of risk.
4. Where research involves the use of human subjects it must be carried on with the consent of the subjects, and that consent must be informed rather than merely pro forma. This requirement may pose particular problems. Sometimes the subject may be physically or mentally incapable of giving informed consent. In such cases consent must be obtained from an agent morally and legally empowered to grant the consent, but then the researcher must be especially careful to be sure that paramount value continues to be given to the welfare of the subject rather than to the interests of the researcher. At other times the nature of the experimental design must take into account the

tendency of subjects to try to please the researcher and, therefore, involve concealment of some aspects of the research. In such cases, however, the subject has a right to understand the general nature of the research and to be as fully informed as possible about any hazards which may be foreseen as a result of participation in the research. In all cases the subject must be aware of the possibility of unforeseeable hazards. The researcher is always obligated to be sure that the subject or the subject's legal agent actually understands what the statement of consent means.

5. It is a cardinal principle in the academic community that its members must be free to pursue their intellectual interests unfettered by constraints arbitrarily imposed by outside agencies or by established orthodoxies. This freedom, however, is not unlimited and it carries with it certain attendant obligations. It presupposes acceptance of the ethical and scholarly canons of the academic discipline to which the individual scholar or researcher belongs. It assumes that research projects are the product of mature and thoughtful deliberation on the part of the researcher. It assumes that research is conducted in the search for truth. It therefore assumes that the fruits of research will be shared with the academic community at large and will be subject to testing and validation by that community. These considerations have particular force when research involves the use of human subjects since they help insure that such research will not be undertaken merely on a personal whim or to satisfy the particular interests of a fund granting agency or institution. More importantly, they assure that any abuse of human subjects will be subject to the critical scrutiny of academic peers, both within a particular discipline and within the academic community at large.

6. The University of North Dakota has, like other institutions of higher education, the charge to preserve, disseminate, and expand the store of human knowledge. For this reason members of the university community have a right and a duty to invoke the aegis of the University in their conduct of these tasks. Conversely the University has the right and the duty to see that those who use the University's facilities or invoke the University's sponsorship (by identifying themselves as members of the University community) in turn conform to duly and properly adopted codes and regulations. In particular this means that when human subjects are used in connection with the teaching or research functions of this University that use must conform to the general principles and the specific regulations adopted by the University governing such matters.

7. Because the use of human subjects involves such basic ethical issues and demands the highest standards of responsible scholarship, the University has a special obligation to see that members of its community are well informed on this subject and are involved in continuing discussion of relevant problems and issues. This means that the University has an obligation to see that those who conduct research under its aegis are familiar with the University's own regulations and such general statements of principle as those embraced in the Declarations of Helsinki and the various statements of ethical practices promulgated by the various professional societies and the Federal, State, and local government. It also means that in every department and division of the University appropriate attention should be given to this topic as an integral part of the course of instruction. Lastly, it should mean that in selecting outside lecturers or presentations care should be taken to see that continuing attention is paid to the need to provide ample opportunity for

informed and challenging discussion of the many considerations which must be kept in mind if the utilization of human subjects is to conform to our best ethical and academic insights.

8. The University has an obligation to see that appropriate review boards or agencies are established to evaluate proposals for projects involving the use of human subjects. The University also has an obligation to establish a University appeals committee representing the academic community at large to which complaints can be brought.

II. Policy

It is the policy of the University of North Dakota to protect the rights and welfare of those individuals who are involved as human subjects in biomedical or behavioral research, development or related activities which are conducted or supervised by faculty, staff, students, or other University-affiliated personnel when such individuals are conducting the research projects or activities as members of the University community.

To insure adequate protection and discharge the responsibility of the institution, no research, development or related activity involving human subjects may be undertaken unless and until the University Review Process has taken place and the proposed activity has been approved.

This policy applies to all biomedical or behavioral research, development or related activities or projects involving human subjects and carried out or conducted by individuals affiliated with or sponsored by the University of North Dakota. Projects or activities which do not provide the required safeguards to the rights and welfare of the subjects shall not be performed at UND facilities or under UND auspices.

III. Definitions

A human subject will be defined as any human being who participates as a subject in a biomedical or behavioral research, development, or related project which is planned, conducted, supervised, or aided by an individual under the auspices of the University of North Dakota.

A subject will be considered to be at risk when the individual may be exposed to the possibility of injury, including physical, psychological, or social injury as a consequence of participation as a subject in any biomedical or behavioral research, development, or related activity which departs from the application of those established and accepted methods necessary to meet the subject's needs, or which increases the ordinary risks of daily life, including the recognized risks inherent in a chosen occupation or field of service.

Institutional review means a review process conducted in accord with University policy and principles and relevant Federal, State, or local policies concerning use of human subjects and will include, but is not limited to:

1. Determining whether a given biomedical or behavioral research, development, or related activity involves human beings who can be considered to be subjects,

2. Determining if the human subjects will be placed at risk in the proposed activity,
3. Deciding if the rights and welfare of the subjects involved in the activity are adequately protected,
4. Assuring that appropriate methods for obtaining informed consent are provided,
5. Examining whether the sum of the benefits to the subject and the knowledge to be gained for the benefit of mankind in general sufficiently outweigh the risks to permit the subject to accept the risks, and
6. Providing for continuing communication with the project director by establishing periodic review dates and by forwarding decisions and recommendations resulting from the review process to the project director.

To assure proper institutional review by a committee of sufficient numbers with broad balanced scientific and scholarly competence, an Institutional Review Board, whose members will be drawn from a number of the major disciplines and schools of the University as well as from the community served by the University, will be established by the University of North Dakota.

Informed consent means the knowing documented consent of an individual or his legally authorized representative so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion to participate in a bio-medical or behavioral research, development, or related activity in which the subject may be at risk. In each case the subject will first be informed in clear simple language of the rights possessed by all subjects, whatever the research, and then in a clearly demarcated second portion, the subject will be informed of the purpose, risks, and, where applicable, benefits and alternatives for the subject. Documentations of informed consent will conform with applicable Federal and State regulations and laws.

DOCUMENTS USED

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3. The Institutional Guide to DHEW Policy on Protection of Human Subjects, USDHEW, Dec. 1, 1971.
4. Federal Register DHEW, July 21, 1978, Part V
 Nov. 3, 1978, Part IV
 Nov. 16, 1978, Part IV
 Nov. 17, 1978, Part II
 Nov. 30, 1978, Part III
 Aug. 14, 1979, Part II
 Aug. 14, 1979, Part III
5. Committee on Governmental Relations on "DHEW/FDA Institutional Review Board Regulations", Oct., 30, 1979.
6. Nuernberg Code from "Trails of War Criminals before the Nuernberg Military Tribunals, Vol. II", pp. 181-184.
7. American Psychological Association, Inc., "Ethical Principles in the Conduct of Research with Human Participants", Dec., 1972.
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8. American Anthropological Association, "Professional Ethics", Sept., 1973.
9. National Association of Social Workers, Inc., "Code of Ethics", Oct., 1960, Amended April, 1967.
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11. Northwestern University, "Statement of Compliance with DHEW Regulations on Protection of Human Subjects".
12. The American National Red Cross, "Assurance of Compliance with DHEW Regulations on Protection of Human Subjects", July, 1975.
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15. News and Comment, "Electroshock Experiment at Albany Violates Ethics Guidelines", Science 198: 383-386, Oct., 1977.
16. Notes, "Senate Approves a Permanent Ethics Commission", Science 201: 138, July, 1978.

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22. Association of American Medical Colleges Memo # 79-1 DHEW Requirement for Modification of Informed Consent Statements Concerning Compensation for Injuries Incurred in Research, Jan., 1979.
23. American Society for Clinical Pharmacology and Therapeutics Letter Medical Schools Alerting New DHEW Regulations, Jan., 1979.
24. Univ. Miami Letter to Phychologist on Problem with Human Subjects Review Committees, March, 1979.