

CALIFORNIA STATE UNIVERSITY, STANISLAUS**ACADEMIC SENATE MINUTES**

March 27, 2001

PRESENT: Alvarez-Palma, Anderson, Buell, Byrd, Carroll, Christopher, Chu, Costa, Cross, Cruz, Dunbar, Farrar, Finley, Floyd, Gackowski, Hilpert, Keymer, Kimyai, Kohlhaas, MacDonald, Mayer M., Nagel, Oppenheim, Pandell, Peterson, Riedmann, Russ, Souza, Nemzer, Thompson, Yang, Zarling

PROXIES: Bowers (Curry), Campbell (Johnson), Durbin (Akwabi-Ameyaw), Souza (Clark)

ABSENT: Burroughs, Hernandez, Luo, Mayer J., Nelson, Olivant, Thomas

GUESTS: Blankinship, Cortes (student), Klein, Nagel (student), Hughes M.

Recording Secretary: Diana Saugstad

2/AS/01/FBAC--Shared Governance/Open Budgeting, APPROVED

5/AS/01/RSCAPC--Proposed Resolution to Update the Policy on Research with Human Subjects, FIRST READING

Next Academic Senate Meeting:

Tuesday, April 10, 2001
2:30-4:30 p.m., South Dining Room

Minutes submitted by:

Christine Hamlow Souza, Clerk

Speaker Pandell called the Academic Senate meeting to order at 2:35 PM. The agenda was approved as presented. The minutes of March 13, 2001 were approved with the following corrections: Page 5, paragraph 6, last sentence, change "the Academic Senate establish a separate committee or instruct FBAC to work with the Administration to resolve this" to "the Academic Senate establish a separate committee or instruct FBAC to expend interest funds only after consultation with the faculty." And page 5, 9th paragraph, second line, change "some" to "come."

REPORTS AND ANNOUNCEMENTS**a. Speaker/SEC (Pandell)**

Pandell yielded his time to President Hughes. President Hughes announced that tomorrow James Baker would arrive in Modesto. He will speak at 4 PM in Main Stage to students under the instruction of Professor Giventer. There will be a banquet at 7 PM.

On Thursday, CSUS will inaugurate the first Cesar Chavez holiday. There will be two speakers for this event. The first will be Cruz Bustamante, Lt. Governor, and the second will be Jose Montoya, Professor Emeritus and poet from CSU, Sacramento.

Deliberations on restructuring have been completed. We are now in the process of advertising for a Vice President of Student Affairs. As part of the restructuring, the Associate Vice President for Enrollment Management will report to the Provost/VPAA. This is designed to strengthen Academic Affairs. All candidates for the position of AVPEM will be sent information indicating the realignment. Currently, this position is under Student Affairs. Also to be realigned is the Human Resources Office. The staff side will report to the Vice President for Business and Finance. The faculty side will remain with the Associate Vice President of Academic Resources.

b. University Educational Policies Committee (Thompson)

Thompson distributed a written report:

UEPC will discuss the following topics on 3/29/01 from 1-4 PM

1. 120 units to Baccalaureate Degree (monitoring system)
2. WP and WPST issues. There are a lot of issues under WP and WPST
3. Program Review of Interdisciplinary Program Minors
4. BA in AG Studies
5. Staff support for governance committees

c. Faculty Affairs Committee (Anderson)

Anderson reported that by the next Senate meeting he would present an Administrative Review Policy. FAC is planning on addressing the issue of voting rights of non-tenure track faculty regarding curricular issues in the departments. Anderson requests departments forward any opinions on this matter to FAC.

d. Faculty Budget Advisory Committee (Oppenheim)

FBAC has unanimously accepted the report on Development and University Relations. Pandell sent the report to the President and Vice President Strong and asked for a response. This report will continue to be discussed in SEC.

e. Graduate Council (Dunbar)

Dunbar reported that Graduate Council passed a proposal to request fee waivers for graduate students who are teaching courses. The proposal was sent to FBAC. GC will again review after a response from FBAC.

f. Statewide Academic Senate (Hilpert/Thompson)

Hilpert reported on the March 15 and 16th meeting. Faculty Flow Task Force is looking at difficulty with recruitment. There is a Task Force on Workload Issues. A total of seven resolutions were passed by SWAS. Information is available on the SWAS web page: <http://www.calstate.edu/acsenate>.

There is a discussion going on in SWAS to consider the Ed.D in the CSU system.

The Constitutional Review Committee is looking at the configuration of the SWAS. There are ideas to move more like an assembly instead of a senate.

The SWAS strongly reaffirmed its support for redefining full-time graduate study from fifteen credit units of instruction per term to twelve units per term for the purpose of calculating the number of state funded full-time equivalent students (FTES) for the purpose of budgeting.

Resolution regarding the naming of mascots (linking to human groups) was not passed.

MacDonald asked about negotiating summer session salaries. Hilpert responded that there is no negotiated standard across all campuses. Bowers replied that we are planning to pay 1/30. But, CFA and the administration have not agreed yet, so this figure could change.

g. Foundation Board (Dunbar)

No report

h. Associated Students (Alvarez-Palma/Cross)

Cross reported that he just got back from Sacramento and lobbied student issues with the Legislature.

The Student Union referendum vote was only 5% of the student population. Christopher asked if ASI has a strategy to get more students to vote in campus elections. Cross responded that the Election Committee will look at this issue, but this past election, part of the problem was that there was only one issue to vote on.

Oppenheim stated that voting rates have always been low on this campus. A way to possibly get more turnout from students would be to send all students a ballot at home. Keymer stated that Student Affairs is looking at a web-based system to increase student participation.

i. Other

MacDonald raised the question of increased solicitation of faculty over the web, and questioned if vendors could get their name from the MASCOT system. Keymer stated that to the best of his knowledge, there is no way that a company could get the information from MASCOT. Keymer stated that he would follow up with the vendors to find out how they got the information.

ACTION ITEM

a. 2/AS/01/FBAC–Interest Account

The following resolution replaces the resolution presented at the last two Senate meetings:

RESOLVED, that effective April 1, 2001, the CSU Stanislaus administration will expend moneys that come from special accounts or special sources (e.g., the Interest Account, the Pepsi Fund, new income that might derive from future facilities such as the Faculty Development Center or a large athletic facility, or other non-state unrestricted funds) only after consultation with the faculty as represented by the Senate Executive Committee and/or the Faculty Budget Advisory Committee.

RATIONALE. California State University, Stanislaus, as part of the California State University, has committed itself to an administration of shared governance and open budgeting. Shared governance and

open budgeting assume close cooperation between the administration and the instructional faculty in all matters of policy and implementation affecting the University at large. As such, it is imperative that all funds be expended in accordance with the shared governance/open budgeting process.

Oppenheim asked if the vote on the interest account resolution could be by secret ballot. This request was accepted. Oppenheim reported that there were a number of questions regarding the Whereases in the previous resolution, so FBAC went to the resolved and the rationale format. Based on the last discussion, it was made clear to many that the issues are open budgeting and shared governance. Finally, since the administration states it adheres to shared governance, then this should pass easily.

President Hughes asked what the difference is from this and the process that was developed in 1994, which includes BPAC. Oppenheim stated that he doesn't see BPAC as an effective way to get information. FBAC has found numerous examples of money that was expended without faculty awareness and approval.

President Hughes asked what the real problems are. Oppenheim responded that FBAC has found that the Pepsi Fund and the Interest Account were spent without shared governance and faculty input. BPAC would have been a body to do this, but it was not done through them. There appears to be a difference between what we are saying about shared governance and what is really happening. BPAC is more administrative with minimal faculty representation. President Hughes clarified that the Pepsi Account is a Foundation account and there are faculty representatives on the Foundation Board. The President further stated that maybe the information is not being communicated well.

Oppenheim stated that there is still a need for more communication. There are large sums of money being allocated and various groups should be able to ask for some of this money. There is a need for more open budgeting and shared governance.

Russ stated that BPAC is a big committee and the discussion is very financially focused. Faculty are not given enough information to be able to discuss issues clearly. The real issue is how BPAC and FBAC are communicating. BPAC seems to be more administrative. The faculty that sit on this committee should have an accounting and financial background. The question that needs to be addressed is, what is the role of FBAC and how does it fit into BPAC.

Pandell agreed with Russ's remarks and added that it seems that some of the items that come to BPAC are already decided among people that are more involved in them.

Farrar recommended categories of expenditures should be listed for FBAC review.

President Hughes acknowledged that the open budgeting structure is in the working phase. Maybe BPAC should study this, she added. In the final analysis, the accountability of BPAC is a recommending body. Pandell stated that BPAC's schedule seems to have more meetings in the summer than during the school year. Bowers stated that there is probably no more meetings scheduled in the summer, but BPAC does meet during this time because that is when the campus gets the Governor's budget.

Christopher proposed adding "only after meaningful consultation with the faculty". Russ seconded. No objections. Accepted as a friendly amendment.

Secret Ballot conducted.

1 no

1 abstention

33 yes

Resolution passed.

FIRST READING ITEM

a. 5/AS/01/RSCAPC–Resolution to Update Policy on Research with Human Subjects

It was MS Campbell/Riedmann

Resolved: The Policy on Human Subjects Research (Appendix L in Faculty Handbook) will be amended to read as follows:

1. **BACKGROUND:** California State University, Stanislaus supports human subjects research that meets the highest professional, academic, and ethical standards. The University encourages innovative and productive research.

2. **POLICY STATEMENT:** Review of human subjects research is both an ethical obligation of the University and a risk management activity of University officials. A California State University, Stanislaus, Institutional Review Board for the Protection of Human Subjects in Research (IRB) conducts this review. This review and approval requirement applies to all research and data collection, regardless of funding source, the individual conducting the research, the purpose of the research, or the uses of the data.

2.1. All human subjects research conducted on University property or involving University students, faculty, or staff must be reviewed and approved by an IRB before any data collection.

2.2. All human subjects research conducted by students, faculty, or staff (*i.e.*, undergraduate research, student thesis, faculty research, or administrative data collection) must be reviewed and approved by the IRB prior to any data collection.

3. **IRB REVIEW and OVERSIGHT:** An IRB will review *proposed* research and will monitor *approved* research in accordance with the policies and procedures for human subjects research review (see *Approving and Monitoring Human Subjects Research at CSU Stanislaus: A Guide for Institutional Review Boards for the Protection of Human Subjects in Research*).

4. **COMPLIANCE:** Failure to comply with this policy may lead to legal and financial liabilities for the researcher, and may lead to formal charges of academic or scientific misconduct. These actions are covered under other University policies.

5. **RESPONSIBILITY:** In close cooperation with the *Office of Academic Affairs*; the *Office of Graduate Studies*; the *Research, Scholarship, & Creative Activities Policy Committee*; the *IRB*; and the *Office of the Provost*, the *Office of Research & Sponsored Programs* has lead coordinating and management responsibility for research with human subjects.

Rationale: California State University, Stanislaus is committed to supporting the research, scholarship, and creative activities of the faculty and staff. The University is also committed to supporting the research, scholarship, and creative activities of students. Some research activities involve the use of human subjects in research. Such research includes experimentation, surveying, interviewing, and other methods of collecting information from or about individuals. The University has a professional and ethical obligation to assure that humans participating in human subject research are treated in a manner consistent with the highest

possible legal, professional, and ethical standards.

The federal government, the California government, and professional societies concerned with the use of human subjects in research have established standards and regulations governing the use of human subjects in research. Failure to comply with these standards places the University, the faculty, and students at financial and legal risk. The University has an obligation to protect subjects in human research, and to protect faculty, staff, and students from personal and financial risks that may be incurred in the conduct of human subjects research.

Unfortunately, ethical, legal, procedural, and professional standards change from time to time and need to be adopted immediately to minimize risk to subjects, researchers, and the University. (References to these standards are found in the Belmont Report, the Nuremberg Code, the Code of Federal Regulations, advisories from the Department of Health and Human Services, and from *Public Responsively in Medicine and Research* and the *Applied Research Ethics National Association*.)

Campbell reviewed the proposed resolution and stated the reasons for a revised policy are as follows:

1. We need a policy that is consistent with current law so that the university and its' researchers are protected from liability and the potential loss of all federal funding.
2. There needs to consistency with what is written and what is done so that if the university is audited, we will be protected.

Farrar asked if this is a master guideline for the system or us. Campbell responded that this is for our campus, but all of the campuses must have a policy. Farrar asked if legal council has reviewed this. Blankinship stated no.

Zarling stated that this document doesn't get into specifics. The specifics must be somewhere else. We need a finer definition of what is being covered by this resolution. Blankinship stated that the wording in the definition is from the federal government. The IRB is a risk management group. Zarling stated he wonders who the IRB is protecting. Zarling is unsure when he hands out a survey that is not authorized, what will happen. Riedmann asked about the monitoring of research. How can you monitor research? Campbell responded that it has to do with how the IRB is informed of the research and when it is completed. Federal auditors may check the files in the Office of Research and Grants.

Hilpert asked about the wording in 2.1. and 2.2, "an IRB" and "the IRB". He asked if there is a difference? Campbell stated that the "the" should be changed to "an". If specific guidelines are followed, there can be more than one IRB committee.

Thompson asked about how this fits into assessment? It is unclear when something has to go to the IRB. Further, is the Italics new language? Campbell stated that this is a replacement policy for the original 17-page document.

Nagel asked how the IRB is formed and how people become members. He also asked about the ethical standards that are being used in reviewing the research by the IRB. Blankinship gave a background on IRB membership. The ethical standards are spelled out in the federal codes.

Bowers stated that there is research being conducted out of the Chancellor's office and he wonders how this relates to this research. Blankinship stated that all research coming from the Chancellor's office should be reviewed and approved by the IRB before being administered. Keymer stated that it would be helpful if there were levels of work that need to be reviewed defined and those that don't need reviewed. Blankinship stated that there are two types of review. Those that do not require monitoring by the IRB and those that do; however, determining the status of a project is vested with the IRB, not the researcher.

Keymer stated that the old policy was too long and if this proposed policy is the meat of the big document, then it would be a good thing.

Mayer suggested that the research would be old by the time the IRB reviews it.

Blankinship advised that you don't have to go through the IRB, but if something goes wrong, you're on your own. The campus will not protect you.

Zarling suggested clarifying number 4 as to when legal and financial liabilities for the research will occur if you do not go to the IRB.

Keymer stated that when you have students sign waivers, that does not absolve the university of risk.

Riedmann agreed number 4 should be clarified. It sounds like a threat. She also asked if the monitoring of research was in the old document and suggested adding "may monitor" under 3. Blankinship replied that under the revised federal oversight process, the new office is planning to monitor campuses every three years. IRBs are suppose to randomly select approved research and audit research that has been conducted. There have been successful lawsuits where universities did not take their audits seriously.

Dunbar asked about changing the wording in number 4, "leaves the researcher open to legal and financial responsibility."

Hilpert asked whether the termination of federal funds is a consequence of unapproved research being conducted. Blankinship stated that usually when federal funds are terminated, it's a problem with the IRB monitoring and oversight.

Adjournment 3:53 PM