

Utah State University

DigitalCommons@USU

---

Faculty Senate & Faculty Senate Executive  
Committee

Faculty Senate

---

3-23-2009

## Faculty Senate Executive Committee Agenda, March 23, 2009

Utah State University

Follow this and additional works at: [https://digitalcommons.usu.edu/fs\\_fsexec](https://digitalcommons.usu.edu/fs_fsexec)

---

### Recommended Citation

Utah State University, "Faculty Senate Executive Committee Agenda, March 23, 2009" (2009). *Faculty Senate & Faculty Senate Executive Committee*. Paper 397.  
[https://digitalcommons.usu.edu/fs\\_fsexec/397](https://digitalcommons.usu.edu/fs_fsexec/397)

This Faculty Senate Executive Committee Agenda is brought to you for free and open access by the Faculty Senate at DigitalCommons@USU. It has been accepted for inclusion in Faculty Senate & Faculty Senate Executive Committee by an authorized administrator of DigitalCommons@USU. For more information, please contact [digitalcommons@usu.edu](mailto:digitalcommons@usu.edu).





## FACULTY SENATE EXECUTIVE COMMITTEE

March 23, 2009  
3:00 – 4:30 p.m.  
Champ Hall

### Agenda

---

- 3:00 Call to Order**  
Approval of Minutes February 17, 2009.....Mike Parent
- 3:05 University Business**.....Stan Albrecht, President  
Raymond Coward, Provost
- 3:35 Announcements**.....Mike Parent  
Next Brown Bag Lunch w/President & Provost, Thursday April 16, 2009  
Senate and Senate Committee Elections
- 3:40 Information Items**  
PRPC Annual Report.....Scott Cannon  
Honorary Degrees and Awards.....Sydney Peterson  
Policy changes associated with USU's Human Research Protection Program.....Russ Price
- 4:00 Old Business**  
PRPC Items..... Scott Cannon  
    • Section 406 Program Discontinuance, Financial Exigency and Financial Crisis – Level 2 changes  
FDDE Promotion Advisory Committee Code Change Section 405.6.2 and 405.8.2.....Ronda Callister
- 4:15 New Business**  
EPC Items.....Larry Smith
- 4:30 Adjournment**.....Mike Parent

**FACULTY SENATE EXECUTIVE COMMITTEE  
MINUTES  
FEBRUARY 17, 2009 3:00 P.M.  
HASS Conference Room Main 338**

---

**Present:** Mike Parent (Chair), Byron Burnham, Steve Burr, Maria Cordero, Renee Galligher, Jake Gunther, Jerry Goodspeed, Ed Heath, Kelly Kopp, John Kras, Glenn McEvoy, Flora Shrode, Vincent Wickwar, President Stan Albrecht (Ex-Officio), Provost Ray Coward (Ex-Officio), Marilyn Bloxham (Assistant)

---

Mike Parent called the meeting to order at 3:04 p.m.

**Approval of Minutes**

John Kras moved to approve the minutes of January 20, 2009. Motion was seconded by Byron Burnham and the motion passed unanimously.

**University Business**

President Albrecht informed the Executive Committee that the budget numbers were formally released by the legislature today. As was feared, there is an additional loss of \$171 million (3.5%) to the 2009 FY budget. The legislature has two options moving ahead. One is to bring the appropriations chairs back together and give them a third 2009 budget reduction, or second, they can try to backfill and cover this shortfall with other funds, including rainy day funds. It is unclear at this point which action they will decide to take. The hope is the cut can be covered with one time money and the University will not have to make additional cuts to the 2009 budget. The projected additional loss to the 2010 budget is \$320 million, which falls in the expected 15% budget cut range. Combined with the cuts that occurred in the legislative special session this amounts to a 19% budget reduction for 2010. There is hope that one time money may be used to backfill this budget reduction by additional bonding or possibly the national stimulus package.

Provost Coward updated the Committee on the search for VP of Student Services. The search committee has forwarded four names to the President and he will decide which of the candidates are brought in for a campus visit sometime after spring break. The candidates were all very high caliber and would bring some true diversity to the University. Steve Burr asked what campus units should tell search candidates about the budget and furlough situation. Provost Coward encouraged openness and honesty in describing the cuts that have taken place thus far and that we do not know what the next few fiscal years will bring.

**Announcements**

- The next Brown Bag Lunch with the President and Provost will be Monday, March 16, 2009.
- The next FSEC meeting is Monday, March 23, 2009 in Champ Hall
- Timetable for nominating the Senate President Elect. An announcement will be made in the March Senate meeting. Policy 402.10.3 states that nominations for Senate President Elect shall occur from the floor in the April Senate meeting.

**Information Items**

**FEC Course Evaluation Committee Update – Greg Podgorski.** The committee has investigated use of commercially available forms and found the significant issue may be cost. The estimated price tag for three of the most popular forms would be about \$50,000 per year versus the current cost of \$5,000 - \$6,000 per year. Craig Petersen surveyed our peer institutions and our in state sister institutions to see how they conducted evaluations. None of those surveyed used a standardized form and there is enormous variation in the processes.

The committee also looked at our existing evaluation form and Jameson Fargo of the Psychology Department ran an evaluation of its effectiveness. His findings indicated that our form does a good job of measuring and is internally consistent (reliable).

The committee proposed three options. First, do nothing and continue with the current evaluation as is. Second, trim the current form around the edges. Do not completely start from scratch, but reduce the length and options. Finally, build a new form with the expertise we have on campus.

Discussion among the Executive Committee focused on what the current evaluation numbers really mean, who uses the data collected and why, what we are trying to do with the evaluation, and is the cost of a national form really too high. Provost Coward stated that in relation to the amount of money the University expends on salaries the cost of a national form is nominal. Mike Parent suggested that the FEC invite Provost Coward and Byron Burnham to their next meeting to discuss these issues further.

**Research Council Report – Brent Miller** Jeff Broadbent presented the report for VP Miller. The report presented to the Executive Committee was an abbreviated version; the entire report will be posted on the web. <http://research.usu.edu/files/uploads/FY2008%20VPR%20Annual%20Report.pdf>

Provost Coward questioned the information on the dashboard regarding number of proposals submitted and number of grants awarded in the report. They will look into it and make any corrections to the dashboard if necessary.

John Kras moved to accept the report and place it on the consent agenda, second by Steve Burr. Motion carried.

**Budget and Faculty Welfare Committee Report – Vance Grange** Vance Grange was not in attendance to present the report.

John Kras moved to accept the report and place it on the consent agenda, second by Jerry Goodspeed, motion carried.

**Academic Freedom and Tenure Report** Mike Parent attended the last meeting of the committee. Diane Calloway-Graham, the committee chair, is on sabbatical. It was decided that for the remainder of the year there would be consecutive people assigned to deal with any grievance issues that may arise.

John Kras moved to accept the report and place it on the consent agenda, second by Glenn McEvoy, motion carried.

**ASUSU Tobacco Policy – Jeremy Jennings** At the request of President Albrecht, Jeremy Jennings presented the revised Tobacco Policy. Last year the student body passed a resolution supporting a total ban of tobacco products on campus. The policy was redirected to the administrative team for a more conservative approach. The revised policy has been presented to the CEA and PEA with overwhelming support. PEA expressed some concerns about the enforcement of the policy, but ASUSU has been assured enforcement will not be a problem.

John Kras moved to place this on the Faculty Senate agenda as an information item, second by Steve Burr. Motion carried.

**ASUSU Excused Absence Policy – Jeremy Jennings** Jeremy Jennings presented a revision to the excused absence policy which would allow absences for students who are interviewing for graduate school, professional school or internships and a second provision for a University Ambassador program which requires student trips for recruiting purposes.

President Albrecht would like input from the Faculty Senate before he acts on it. Ed Heath moved to include this as an information item on the Faculty Senate agenda, Renee Galligher second, motion carried.

## **Old Business**

**PRPC Items – Scott Cannon** FSEC reviewed a second reading section 407.1.2 changes, with an additional clarification made that suspension of the calendar may be made by the chair of the grievance committee. Provost Coward noted that not all committees have chairs and this could cause a conflict within 407.4. Dropping the words “by the chair” would again make it confusing and unclear.

Discussion continued and the options of crafting new wording and moving forward, or a complete redrafting were discussed. Mike Parent suggested that when it comes up as a second reading in the senate that these issues could be brought up and a substitute motion to maintain consistency within the code could be made.

The Code Review committee submitted Section 202 for review by PRPC. There are three mechanisms in place to make changes to the Faculty Code. The Review committee questioned if it could be narrowed to two mechanisms. PRPC was of the opinion to preserve the system as it is. There are several checks and balances in place to prevent abuse of the system. PRPC drafted wording for clarification to current policy and procedures. This item can go forward as a consent item. Section 202 as proposed to be amended will be posted on the Faculty Senate web site for review by the members of the Senate.

John Kras moved to include this as a consent agenda item, second by Jerry Goodspeed, motion carried.

## **New Business**

**EPC Items – Larry Smith** Larry Smith discussed three EPC items. Two of these items came out of the Academic Standards Committee. There is an issue with international students coming to Utah State for classes and struggling with the language. Utah State minimally acceptable undergraduate test scores are relatively low when compared with peer institutions. The Academic Standards Committee proposed and EPC passed the motion that the minimal undergraduate test scores be raised. It is felt that this will be a good thing for the students.

The second action is changing one of the requirements for the Associates of Science degree. Up until now the requirements have been that students take 60 credits, but not specified as to what course content it must be. New language was drafted to state that the requirement is the completion of 60 credits “of which 20 credits must be in the major requirements of an approved bachelor’s degree or at the 2000 level or above”. This language provides focus for the students and better use of their time as they pursue the Associate of Science degree.

The General Education Subcommittee has implemented a new process allowing for accommodations to be made for a small number of students each year that for various reasons cannot pass the QI or QL requirements due to a genuine disability.

John Kras moved to accept the EPC report as a consent agenda item, second by Jerry Goodspeed, motion carried.

**FDDE Code Change Proposal – Ronda Callister** Renee Galliher presented the proposal which is a follow up to a code change that Ronda initiated a few years ago. The proposal addresses a concern that faculty members felt they were very well supported in the transition from assistant professor to associate professor the support for advancing to full professor was less well defined. The code stipulates that committees are to be formed by the third year post tenure, but there was no requirement for them to meet. This proposed code change would require the promotion committee to be formed and have an informational meeting with the associate professor no later than 18 months post tenure and develop a plan for advancement to full professor.

Feedback is that candidates are requesting that committees be formed but are having a hard time getting them to meet. Discussion followed about the number of committees on which full professors are required to serve. While it is difficult to get committees to meet due to already heavy workloads, discussion and comments indicate the Executive committee feels this clearly is not the best solution to the problem. The question is really how best to support associate professors.

John Kras suggested the proposal go back to the FDDE Committee to try to find a better solution.

**Classroom Racial/Cultural Discrimination Issues – Mike Parent** Mike Parent introduced Christina Mason who has worked on the Classroom Racial/Cultural Discrimination report with members of the FSEC. Christina expressed concerns about who will be teaching the subject in Connections and the Teaching Academy. John Kras assured her that the text and outside reading all deal with diversity issues and students participate in several reverse role activities. The deeper issues are helping students realize the different perspectives of students from all backgrounds.

Mike Parent asked if Provost Coward would accept the report and be willing to make this process happen. Provost Coward accepted the report and thanked them for the time and effort that has gone into this issue. It is felt that taking the five steps outlined in the report would be a giant step forward for diversity issues on campus.

## **Adjournment**

Mike Parent asked for a motion to adjourn the meeting. The meeting adjourned at 5:01 p.m.



## PRPC Annual Report to the Faculty Senate Executive Committee

15-Mar-09

Scott Cannon, chair

CHARGE: The Professional Responsibilities and Procedures Committee advises the Faculty Senate regarding revision and implementation of policy, and the composition and revision of the Faculty Handbook.

### Committee Members

Scott Cannon (10) Chair, Science

[David Hole \(09\) Agriculture](#)

David Paper (10) Business

Susan Turner (10) Ed & Human Services

John Engler (10) HASS

[Robert Schmidt \(09\) Natural Resources](#)

[Bob Parson \(11\) Libraries](#)

[Margie Memmott \(11\) Extension](#)

Brett Shelton (09) Senate

James Evans (09) Senate

Paul Wheeler (09) Engineering

### Meetings

12-Mar-08

9-Apr-08

10-Sep-08

8-Oct-08

12-Nov-08

10-Dec-08

14-Jan-09

11-Feb-09

### Completed Actions

#### Code section

#### date

#### disposition

407.1.2, 407.6, version G

Mar, 2009

passed by Senate

*Simplification of the Academic Due Process calendar and clarification of the calendar suspension policy*

202

Feb, 2009

passed by Senate

*Review and editing of suggested policy changes proposed by the Ad-Hoc Code Review Committee*

402.11.1, 402,12.6

Dec, 2009

passed by Senate

*Discontinuation of the Distance and Electronic Education Subcommittee*

405.7.2, version B

Sep, 2008

passed by Senate

*Tenure Process: The inclusion of a list of potential reviewers that a candidate does not want contacted.*

403.3.3, 407.6.2

Sep, 2008

passed by Senate

*LGBT Inclusive Policy Change (FDDE Committee): PRPC was charged to draft language, as proposed by the FDDE*

407.6.2

Sep, 2008

passed by Senate

*Scheduling Grievances and Sanctions. Modification of grievance and sanction timelines.*

### Actions under consideration 406

Under PRPC consideration

*Review and editing of suggested policy changes proposed by the Ad-Hoc Code Review Committee*

**REPORT OF THE  
HONORARY DEGREE AND AWARDS COMMITTEE**  
to the  
Faculty Senate  
April 6, 2009

*The information contained in this document is CONFIDENTIAL and for review by the Faculty Senate only.  
It is not to be disseminated to any person outside of the Faculty Senate.*

**COMMITTEE MEMBERS**

Paul D. Parkinson, Chair (Board of Trustees and Alumni Council President)  
Scott R. Watterson (Board of Trustees)  
Suzanne Pierce-Moore (Board of Trustees)  
Scott Deberard (Faculty)  
Douglas Jackson-Smith (Faculty)  
Wayne Wurtsbaugh (Faculty)  
MerLynn Pitcher (Alumni Council)  
Grady Brimley (ASUSU President)  
Laurens Smith (Provost's Office)  
Sydney Peterson (President's Office)

**PURPOSE**

The Honorary Degrees and Awards Screening Committee's major responsibilities are to implement procedures to solicit and encourage an adequate number of qualified nominations; to review all nominations for Honorary Degrees and Commencement Speaker Awards; and to forward nominations and recommendations to the Board of Trustees for their final selection and approval.

**COMMITTEE ACTIONS**

**Honorary Degree Recipients 2009**

The Honorary Degree and Awards Screening Committee recommended five candidates for honorary degrees to be presented at Spring Commencement 2009. The Board of Trustees has approved the following five candidates:

**Robert F. Bennett**

Reelected to a third term in the United States Senate in 2004, Senator Bob Bennett continues to serve the citizens of Utah with distinction. As counsel to Republican Leader Mitch McConnell, Senator Bennett retains his seat on the Republican leadership team where he advises the leader on legislative strategy and policy priorities. As a senior member of the Senate Banking Committee, and a member of the distinguished Joint Economic Committee, the Utah Senator is at the center of national economic policy discussions. From his seat on the powerful Senate Appropriations Committee, where he is the ranking member of the Subcommittee on Agriculture, Bennett works to balance fiscal discipline in government while also representing the needs of Utah in the distribution of federal funds. The Utah Republican also serves as the ranking Republican member on the Senate Rules Committee. Named an "Emerging Leader in a Post-September 11 Senate" by Congressional Quarterly Magazine, Bennett has received numerous awards for his contributions in the U.S. Senate. Prior to his election to the Senate in 1992, Bennett earned distinction in entrepreneurial and government activities. For his success as chief executive officer of the Franklin International Institute Bennett was named Inc. Magazine's "Entrepreneur of the Year" for the Rocky Mountain region. His Washington, D.C., experience includes service as chief congressional liaison at the U.S. Department of Transportation.



### **Marc C. Bingham**

Marc Bingham is a graduate of Utah State University with a degree in wildlife management. In 1971 he founded and became the chief executive officer of PDC (Phone Directories Company), one of the most successful independent publishers in the yellow page industry. Prior to beginning PDC, he worked for the Bureau of Land Management in Price. Marc and his wife, Debbie, donated \$15 million to Utah State University's Uintah Basin campus to fund construction of an Entrepreneurship and Energy Research Center. The gift is the largest private gift in USU's history. The building will become a state-of-the-art, high-tech educational facility to train students in business, entrepreneurship, accounting, engineering, water management, natural resources, environmental policy and other programs. The new Entrepreneurship and Energy Research Center will help Utah, the region and the nation develop energy resources more efficiently by enabling teams of professionals from key disciplines to work together with government, business and community partners to create synergistic solutions and to foster entrepreneurship.

### **Huey D. Johnson**

Huey Johnson, a 1966 Utah State University graduate in Natural Resources, is an environmentalist and practical visionary, widely recognized for his pioneering work as a conservationist and environmental policymaker. He is the founder and president of the Resource Renewal Institute (RRI), an incubator for transformational ideas that challenge the piecemeal way natural resources are managed in favor of long-term, comprehensive policies that will guarantee the health of the planet and a high quality of life for future generations. He is a leading voice for Green Plans, integrated environmental strategies that are a proven and effective approach to protecting and sustaining the environment. Mr. Johnson served as president of The Nature Conservancy, and was its Western Regional Director for nine years. From 1976 until 1982, Mr. Johnson served as Secretary of Resources for the State of California. During his tenure he established conservation programs that doubled salmon populations, strengthened forestry regulations, preserved millions of acres of California wilderness, and protected more than 1,200 miles of wild rivers. Mr. Johnson is active in environmental affairs worldwide, serving on boards, advising political leaders, writing, and lecturing. He is the author of *Green Plans: Greenprint for Sustainability* (University of Nebraska Press, 1995). The book, now in its third printing, is part of environmental planning curricula at a number of universities. Mr. Johnson has received numerous awards including the President's Award for Sustainable Development in 1996 and the Sasakawa Prize, awarded by the United Nations in 2001 to honor Mr. Johnson's outstanding contributions to the environment.

### **Bonnie D. Parkin**

Bonnie Parkin was the fourteenth general president of the Relief Society of The Church of Jesus Christ of Latter-day Saints (LDS Church) from 2002 to 2007. Parkin was also a member of the general presidency of the church's Young Women organization from 1994 to 1997. She graduated from Utah State University in 1962. As general Relief Society president not only did she represent over 5 million LDS women in 165 countries, but she reached out to literally thousands of non-LDS women and families. Examples of this include her partnership with organizations such as the United Nations, the World Health Organization and the American Red Cross to vaccinate children against measles in Mozambique and Ethiopia, her efforts to help those devastated by Hurricane Katrina, and her program to teach a group of Iraqi women how to care for and serve each other. She has focused much of her energy on preparing and nurturing young women. Her efforts to help women and serve families in need have taken her throughout the world, from South America to Asia, Europe and Africa.

### **Bertrand D. Tanner**

Bertrand Tanner received his M.S. in Biometeorology from USU in 1975. He joined Campbell Scientific Inc., and rose to a position of Vice President. This company is internationally known for measurement systems used widely in environmental sciences, industry, and agriculture. He has been personally responsible for developing some unique sensors and measurement systems which are now indispensable in many areas of science, environmental monitoring and advanced agricultural technology. Areas which

use this technology include: monitoring the carbon budget of the Earth; studies and monitoring of air quality; determining efficient water use and pest control in agriculture; monitoring water quality, climate science and climate change. Mr. Tanner is a rare individual who not only rose to distinction in his profession, but also surpassed the academic standards defining a traditional doctorate degree. Mr. Tanner was diagnosed with cancer in late May 2008, and passed away in September 2008, much faster than expected. The process of nominating him for an honorary degree began well before this occurred. He will receive the award posthumously.

### ***Commencement Speaker 2009***

The Board of Trustees has approved Senator Robert F. Bennett as the Commencement Speaker for Spring 2009 (see short bio above). Additional names have been submitted for Commencement Speaker for Spring 2010.

### **ITEM FOR ACTION**

**RE: Amendment of USU Policy #307, “Conflicts of Interest”**

Concomitant with the efforts to accredit USU’s Human Research Protection Program (HRPP), the USU Office of Compliance Assistance requests an administrative amendment of the existing Conflicts of Interest Policy to meet specific requirements of the accrediting body.

### **EXECUTIVE SUMMARY**

One of the standards for accreditation of the HRPP, established by the Association for the Accreditation of Human Research Protection Programs (AAHRPP), requires that:

“The Organization has and follows written policies and procedures to identify, manage, and minimize individual conflicts of interest of investigators. *The Organization works with the IRB regarding conflicts of interest, when appropriate.*” (emphasis added).

Based on this standard, AAHRPP has recommended additional language be added to the procedures section of the existing policy as follows:

“When a disclosed conflict of interest involves human research, the Conflict of Interest Committee shall review the conflict prior to USU’s Institutional Review Board (IRB) review, and provide a timely report to the IRB indicating the Committee’s action concerning the conflict and its management. The IRB shall have final authority to decide whether the conflicting interests and their proposed management will allow the human research to be approved.”

This language is in keeping with USU’s intent to coordinate COI administration with HRPP activities, and places no additional burden on the research community.

### **RECOMMENDATION**

The President and Vice President for Research recommend that the Board of Trustees approve the requested administrative change to USU Policy #307, “Conflicts of Interest.”

**RESOLUTION**  
**UTAH STATE UNIVERSITY**  
**BOARD OF TRUSTEES**

WHEREAS, Utah State University has applied for accreditation of its Human Research Protection Program by the Association for the Accreditation of Human Research Protection Programs (hereinafter, AAHRPP); and

WHEREAS, AAHRPP requires that “the Organization works with the IRB regarding conflicts of interest, when appropriate,” and has suggested specific appropriate language modifications to the existing USU Policy #307, “Conflicts of Interest;” that will ensure appropriate coordination; and

WHEREAS, it is USU’s intent to strengthen its policies and procedures in managing conflicts of interest and also in protecting human participants in USU research:

NOW, THEREFORE, BE IT RESOLVED, that the Utah State University Board of Trustees hereby approves the proposal from the Office of Compliance Assistance to amend Policy #307, “Conflicts of Interest,” as presented.



## **POLICY MANUAL**

### **GENERAL**

---

**Number 307**

**Subject: Conflicts of Interest**

**Date of Origin: January 24, 1997**

**Effective Date of Last Revision: January 24, 2003**

---

#### **307.1 INTRODUCTION AND DEFINITIONS**

For the purposes of this policy, a conflict of interest exists when a University employee owes a professional obligation to the University, which is or can be compromised by the pursuit of outside interests. Types of conflicts of interest that may exist include:

- Financial conflict - for example, an employee has a financial interest in a company that is funding research in his/her lab.
- Conflict of commitment - for example, an employee has committed more than 100% effort to a range of projects.
- Conflict of allegiance - for example, an employee's personal interests may create a bias in his/her discharge of University duties.

The purposes of this policy are to:

- (1) Enhance the integrity of institutional research;
- (2) Enhance the quality of the institution's educational program;
- (3) Enhance the viability of the institution's outreach mission, especially as it relates to information diffusion and technology development and commercialization;
- (4) Prevent a conflict of interest from harming the University and/or the employee.

## **307.2 POLICY**

University employees shall not realize personal gain in any form which improperly influences the conduct of their University duties. They shall not knowingly use University property, funds, position, or power for personal or political gain, nor engage in any financial or personal activity which may disadvantage the University. They shall report in writing all reasonably foreseeable conflicts.

This policy does not intend to deny any employee opportunities available to all other citizens of the state to acquire private economic or other interests so long as this does not interfere with the full and faithful discharge of his/her University duties or disadvantage the University in any manner. Conflicts of interest are not necessarily unwarranted, unethical or illegal, nor are they always avoidable. Rather, it is the failure to disclose conflicts or potential conflicts to appropriate authorities; to comply with approved conflict management plans; to continue to engage in a conflict after disapproval by appropriate authorities; or to further conduct oneself in a manner that unethically hurts, hinders, or disadvantages the University that must be avoided. Potential conflicts of interest must be disclosed and managed as per policy.

### **References:**

- Utah Code 67-16-1 et. seq. , "Utah Public Officers and Employees' Ethics Act"
- Title 42 of the Code of Federal Regulations, Part 50.601 et.seq., "Subpart F-- Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding Is Sought." <http://ori.dhhs.gov/html/policies/fedreg42cfr50.asp>
- National Science Foundation Grant Policy Manual (95-26) Section 510, "Conflict of Interest Policies" [http://www.nsf.gov/pubs/2002/nsf02151/gpm02\\_151.pdf](http://www.nsf.gov/pubs/2002/nsf02151/gpm02_151.pdf)
- USU Policy 403.3.3(2) Academic Freedom and Professional Responsibility, Standards of Conduct
- USU Policy 327 Intellectual Property and Creative Works

## **307.3 PROCEDURES**

### **3.1 Internal Disclosure of Conflicts of Interest**

All conflicts of interest shall be disclosed to an employee's line supervisor through:

- (1) Annually disclosing that an employee does or does not have a conflict of interest.
- (2) Event-driven disclosures made upon proposing or conducting work that will create a conflict of interest, disclosing the nature of the conflict and the expected duration of the conflict.

### **3.2 Managing Conflicts of Interest**

Every conflict of interest shall be appropriately managed by the University according to a conflict management plan to be prepared by the employee and the employee's immediate

supervisor, and/or a University compliance officer if available, and approved by the immediate supervisor (if not involved in preparation of the management plan), the dean or vice president (as appropriate), the Conflicts of Interest Committee, and the Provost or an authorized designee of the Provost. Management plans shall be appropriate to the conflict of interest, and may employ management approaches including the following:

(1) Avoidance.

(2) Public Disclosure. This approach should be used, for example, where human subjects will be involved in research conducted by an investigator who has a financial interest in the company sponsoring the research (or licensing a technology in which the investigator has a financial interest). In such cases, the informed consent form (as administered through the Institutional Review Board) shall disclose the financial interest to the participants, and any publication of study results shall disclose such financial interest.

(3) Balance. Diverse interest groups (including non-University third parties) are included in oversight of the project.

(4) Mediation. Such mediation may include oversight by the immediate supervisor, the dean or vice president (as appropriate), or a committee appointed by the immediate supervisor. In no case shall an investigator have direct financial oversight of a project sponsored by an organization in which he/she has a financial interest, nor shall any employee under the direct control of the investigator have financial oversight.

(5) Abstention. The investigator does not participate in the project as a University employee, but acts only in his/her role in the sponsoring organization.

(6) Divestiture. The employee removes the conflict by forfeiting his/her interest in the sponsoring organization/licensee. In such cases, the employee permanently or for a specified period of time shall not resume a financial interest in the sponsoring organization or receive other forms of compensation from the company.

(7) Prohibition. The employee permanently withdraws from the secondary interests.

(8) No action required.

### **3.3 University Oversight of Conflicts of Interest**

A Conflicts of Interest Committee shall be appointed by the University President to oversee the implementation of this policy. The Committee shall consist of the Provost or an authorized designee of the Provost (Committee Chair); representatives from the Office of the Vice President for Research, the Institutional Review Board, the Faculty Senate, the Office of Technology Management and Commercialization; a member external to the University; and any others deemed appropriate. The University compliance officer shall

serve as an ex-officio member of the Committee. The Committee shall meet on a regular basis to review all disclosed conflicts of interest, shall review for approval all conflict of interest management plans, and shall monitor all active plans on a regular basis.

When a disclosed conflict of interest involves human research, the Conflict of Interest Committee shall review the conflict prior to USU's Institutional Review Board (IRB) review, and provide a timely report to the IRB, indicating the Committee's action concerning the conflict and its management. The IRB shall have final authority to decide whether the conflicting interests and their proposed management will allow the human research to be approved.



**ITEM FOR ACTION**

**RE: Amendment of USU Policy #308, "Human Participant in Research"**

Concomitant with the efforts to accredit USU's Human Research Protection Program (HRPP), the USU Office of Compliance Assistance requests administrative amendments of the existing Human Participants in Research Policy to meet specific requirements of the accrediting body.

**EXECUTIVE SUMMARY**

Standards for accreditation of the HRPP, established by the Association for the Accreditation of Human Research Protection Programs (AAHRPP), and interaction with AAHRPP personnel have identified administrative changes within nine sections to strengthen USU's primary policy guiding research with human participants. Among these, administrative changes to the following sections are recommended, (as included in Attachment A):

- Section 3 (line 31), indicating that no official of the university can approve research that has been prohibited by the IRB;
- Section 4.3(3), specifying in more detail informed consent requirements imposed by existing regulations;
- Section 4.5, specifying additional records to be retained by the IRB;
- Section 4.8, providing guidance on steps to be taken when evaluating allegations of non-compliance;
- Section 4.11, providing additional guidance on reporting of unanticipated problems
- Section 6, adding specific prohibitions on certain recruiting practices.

All proposed changes are consistent with current USU practice, and will more effectively communicate USU's expectations with regard to human research protection procedures at USU.

**RECOMMENDATION**

The President and Vice President for Research recommend that the Board of Trustees approve the requested administrative change to USU Policy #308, "Human Participants in Research."

**RESOLUTION**  
**UTAH STATE UNIVERSITY**  
**BOARD OF TRUSTEES**

WHEREAS, Utah State University has applied for accreditation of its Human Research Protection Program by the Association for the Accreditation of Human Research Protection Programs (hereinafter, AAHRPP); and

WHEREAS, AAHRPP has suggested specific appropriate language modifications to the existing USU Policy #308, "Human Participants in Research;" that more clearly delineate USU expectations with regard to some aspects of the conduct of human research; and

WHEREAS, it is USU's intent to strengthen its policies and procedures in protecting human participants in USU research:

NOW, THEREFORE, BE IT RESOLVED, that the Utah State University Board of Trustees hereby approves the proposal from the Office of Compliance Assistance to amend Policy #308, "Human Participants in Research," as presented.

## ATTACHMENT A

### LISTING OF SPECIFIC MODIFICATIONS TO POLICY #308, "HUMAN PARTICIPANTS IN RESEARCH"

#### Key:

Normal text: Indicates existing language to be retained

~~Strikethrough text~~: Indicates language to be removed

Highlighted text: Indicates language to be added

#### SECTION 2

...The requirement for IRB review and approval applies to all Human Research involving USU Investigators or Human Participants in all locations, whether funded or not, and whether conducted by faculty, students or other employees... No such study shall begin before it has been approved by the IRB. No other official of the university may approve human research that has not been approved by the IRB.

#### SECTION 3.1

Principles that IRB members consider during their reviews are set forth in the *IRB Protocol Review Standards* document (available at: <http://www.usu.edu/research/irb/forms/IRB%20Protocol%20Review%20Standards%203-19-03.pdf>) *Review Checklist* document (available at: <http://irb.usu.edu/htm/guidelines>) current at the time of application.

#### SECTION 3.2.2

If the IRB administrator finds that a protocol involves no more than Minimal Risk, expedited review may be conducted by the IRB administrator and a limited number of experienced board members with who possess expertise in the Research activity being conducted.

#### SECTION 3.3.3

Informed Consent Form – This document must conform to the requirements of the IRB Standard operating Procedures...and be approved for use in the study by the IRB. It contains the following elements as required under 45 CFR 46.116: ...

A description of reasonably foreseeable risks or discomforts

A description of reasonably foreseeable benefits to participants and others ...

...Contact information for:

Answers to pertinent questions about the research

Answers to pertinent questions about the research participants' rights

Reporting of research related injuries or harms

The research team (if not provided above) for questions concerns or complaints

Someone independent of the research team for problems, concerns, questions, information or input.

A statement explaining that participation is voluntary and that there is no penalty for withdrawal or loss of benefit to which the participant was entitled if the participant withdraws or refuses to participate.

When appropriate:

The consequences of a participant's decision to withdraw from the research

An approximate number of participants involved in the study.

### SECTION 3.6.2

The IRB shall retain for at least three years (or for protocols which are cancelled without participant enrollment, for at least a three-year period after cancellation) the following records in accordance with 45 CFR 45 Section 115:

Minutes of IRB meetings

Protocols

Scientific evaluations

DHHS-approved sample consent documents and protocols, when they exist.

Reports of injuries to participants

Records of continuing review activities, including Continuing Review Status Reports submitted to the investigator

Other progress reports submitted by investigators

Statements of significant new findings provided to participants

For initial and continuing review of research by expedited procedure:

The specific permissible category

A description of action taken by the reviewer

Any findings required under regulations

For exemption determinations, the specific category of exemption

Unless documented in the IRB minutes, determinations required by the regulations and protocol-specific findings supporting those determinations for:

Waiver or alteration of the consent process

Research involving pregnant women, fetuses and neonates

Research involving prisoners

Research involving children

For each protocol's initial and continuing review, the frequency for the next continuing review.

Copies of all correspondence between the IRB and Investigators

A list of IRB members (to be maintained continuously)

The Standard Operating Procedures of the IRB (to be maintained continuously)

#### SECTION 3.9

Allegations and findings of non-compliance. Non-compliance, for the purposes of this policy, shall be the failure to follow the regulations or the requirements and determinations of the IRB. Incidents of non-compliance shall be handled by the IRB unless the nature or duration of non-compliance indicates the need for institutional intervention.

Non-compliant activities may be identified through IRB oversight, self-reporting, or reporting from employees, Human Participants or others. Allegations of non-compliance may be presented to the IRB administrator, the Federal Compliance Manager at the OCA, USU's Internal Audit Services (IAS) either through the hotline or with a representative of IAS, or to University Counsel. Reports of allegations should be made to the chair of the IRB, and any report of non-compliant behavior involving Research under the oversight of the IRB shall be reported to the IRB chair at the earliest opportunity....

The IRB Chair shall determine whether non-compliance is serious or continuing. Upon making a finding of non-compliance that is neither serious nor continuing, the IRB Chair shall take steps to correct the non-compliant behavior with the investigator....

...In conjunction with USU's Responsible Institutional Official (RIO) and others, the OCA receives and processes allegations of misconduct and non-compliance arising from Research activities of the university, and facilitates any associated inquiries and investigations. Information about and contacts for the OCA are available at: [http://www.usu.edu/aia/academic/c\\_overview.cfm](http://www.usu.edu/aia/academic/c_overview.cfm). Following investigation by the OCA, serious or continuing non-compliance is reviewed by the convened IRB. The Federal Compliance Manager, an ex officio member of the IRB, presents the findings of the investigation. All members of the IRB receive a copy of the initial application, the protocol, information describing the non-compliance, and the results of the OCA investigation. The IRB may consider actions including

Suspension of the research  
Termination of the research, and

Notification of current participants when such information may relate to a participant's willingness to continue to take part on the research

Increasing frequency of continuing review.

#### SECTION 3.10

~~Adverse events and~~ **Unanticipated problems.** Investigators shall follow the procedures contained in the IRB Standard Operating Procedures, **Chapter 9.j** ~~and IRB Handbook~~ whenever an ~~adverse event or another~~ unanticipated problem arises having to do with risks to Human Participants or others. The P.I. shall have responsibility for identifying and reporting unanticipated risks **as set forth in SOPs, Chapter 4.f**, submitting information to the chair of the IRB in sufficient detail for the chair to draft the report as required in 3.12, below, and otherwise as required by the SOPs. If the ~~adverse event or~~ unanticipated risk is life-threatening, emergency services shall be summoned and all reasonable steps shall be taken to ensure the safety and well-being of the Participants or any others affected. ...

#### SECTION 3.12

Reports of unanticipated problems **involving risks to participants or others**, terminations, suspensions and serious or continuing non-compliance shall be submitted to federal agencies in compliance with applicable regulations. **The IO shall ensure that all required reporting is completed within 15 business days....**

The ~~e~~**IRB** Chair shall submit the draft report in a timely manner to the OCA and the RIO for review. The RIO shall have responsibility for final approval and signature of the report, and for its submission to the appropriate agency. **Copies of the reports shall be distributed to the IRB, OHRP when the research is covered by DHHS regulations, and other federal agencies when research is overseen by those agencies and such agencies require reporting separate from that to OHRP....**

#### SECTION 3.14 (New Section)

**Recruitment prohibitions.** The following activities shall not be permitted:

**Payments to professionals in exchange for referrals of potential participants ("finder's fees"),**

**Payments designed to accelerate recruitment that are tied to the rate of timing of enrollment (bonus payments).**

## Proposed Code Change

### 405.6 TENURE, PROMOTION AND REVIEW: GENERAL PROCEDURES

#### 6.2 Advisory Committees

.....

(2) Promotion advisory committee.

When a faculty member without tenure is to be considered for promotion, the tenure advisory committee shall also serve as a promotion advisory committee. The term of this committee shall expire when the faculty member is awarded tenure.

Following tenure, if a faculty member so desires, he/she may request in writing to the department head or supervisor that a promotion advisory committee be formed and meet with the faculty member. The promotion advisory committee will be formed and hold the informational meeting outlined in Policy 405.8.2(1) by December 1st no later than one and a half years following tenure. This shall be done by the department head in consultation with the faculty member and the director (where applicable), dean or vice president, and vice provost. -within 30 days of receipt of the written request. The promotion advisory committee must be formed by February 15<sup>th</sup> of the third year following tenure and it is recommended that the informational meeting outlined in Policy 405.8.2(1) above be held at this time.

If the promotion advisory committee meets for the first time in the fifth year post tenure, this committee would also perform the functions of the post-tenure review committee. If this committee has met prior to the fifth year This committee or a three member subcommittee may form the post-tenure review committee and carry out the Quinquennial Review of Tenured Faculty (Policy 405.12.2).

The promotion advisory committee shall be composed of at least five faculty members who have tenure and higher rank than does the faculty member. The department head or supervisor shall appoint a chair other than him/herself. Normally, two academic unit members of higher rank who have served on the candidate's tenure advisory committee shall be appointed to the promotion advisory committee, and at least one member shall be chosen from outside the academic unit. If there are fewer than four faculty members in the academic unit with higher rank than the candidate, the department head or supervisor shall, in consultation with the director (where applicable), dean or vice president, complete the membership of the committee with faculty of related academic units. Department heads and supervisors of the candidate shall not serve on promotion advisory committees, and no committee member may be a department head or supervisor of any other member of the committee. The appointing authority for each committee shall fill vacancies on the committee as they occur. In consultation with the faculty member and the director (where applicable), dean or vice president, the department head or supervisor may replace members of the promotion advisory committee. The candidate may request removal of committee members subject to the approval of the department head or supervisor and the director (where applicable), dean or vice president.

When a department head or supervisor is being considered for promotion, the director (where applicable), the appropriate dean or vice president, shall appoint the promotion advisory committee; when a director (where applicable), dean or vice president is being considered, the Provost shall appoint the promotion advisory committee. ~~When a faculty member with tenure wishes to be considered for promotion, at the request of the candidate for promotion, the department head or supervisor shall, by February 15 of the spring semester six months prior to that consideration, convene the promotion advisory committee to meet with the candidate.~~

**Comment [R1]:** This sentence is completely redundant with a sentence in in 405..8.2(1)

## **405.8 PROCEDURES SPECIFIC TO THE PROMOTION PROCESS**

### **8.2 Faculty with Tenure**

The promotion advisory committee shall meet upon request of the faculty member to consider a recommendation for promotion.

The department head or supervisor, director (where applicable), dean or vice president, Provost, or President may propose promotion. Such a proposal shall be referred to the promotion advisory committee for consideration and all procedures of Policy 405.8.3 shall be followed.

#### **(1) Meetings of the promotion advisory committee.**

When the promotion advisory committee, formed by the department head or supervisor in consultation with the faculty member, meets for the first time, the purpose of this meeting, similar to the first tenure meeting, will be to ensure that an appropriate role statement is in place and to provide information to the faculty member about promotion to full professor. This information could include historical information about the records of the last several department members promoted to full professor or information about the committee's understanding of what is necessary for promotion to full professor. All promotion advisory committee members shall participate interactively in all committee meetings, either physically or by voice conferencing, at the appointed date and time. Ombudspersons must be present in person, with the exception of meetings for field-based Extension faculty, when they may participate by voice conferencing. Subsequent to this first meeting, the faculty member may request additional meetings with the promotion advisory committee if desired.

When the faculty member is ready to be considered for promotion to full professor, the promotion advisory committee shall meet upon request of the faculty member to consider a recommendation for promotion to full professor the following fall. This initial meeting shall take place by February 15, six months before the faculty member submits materials for consideration and review.

#### **(2) Report of the promotion advisory committee**



After the meeting with the faculty member for the first time, the ~~newly reconstituted promotion~~ advisory committee shall write a letter in which they report on the guidance given to the faculty member. The primary purpose of this report is not to evaluate the faculty member but to inform the department head of the information and guidance provided to the faculty member about promotion to full professor. Department heads, supervisors, deans or vice presidents, or vice provosts may not use this letter as an evaluation of a faculty member's progress toward full professor unless the faculty member explicitly requests that the meeting be evaluative and chooses to provide a curriculum vita to the committee. Copies of the report signed by the committee members shall be provided to the faculty member, the department head or supervisor, and the director (where applicable), the dean or vice president, and the vice provost. ~~If this meeting occurs in the fifth year, the letter should cover both the requirements of post-tenure review and the summary of the guidance given to the faculty member as outlined above.~~

**Comment [R2]:** The promotion advisory committee is not reconstituted, it has just been formed.

## Report from the Educational Policies Committee March 5, 2009

The Educational Policies Committee met on March 5, 2009. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page<sup>1</sup> and are available for review by the members of the Faculty Senate and other interested parties.

During the March 5<sup>th</sup> meeting of the Educational Policies Committee, the following discussions were held and key actions were taken.

1. Approval of the report from the Curriculum Subcommittee which included the following notable actions (Curriculum Subcommittee minutes<sup>2</sup>):
  - The Curriculum Subcommittee approved 44 requests for course actions (see minutes<sup>2</sup>).
  - The request from the Department of Mechanical and Aerospace Engineering to offer a Master of Science graduate degree in Aerospace Engineering was approved.
  - The request from the Department of Economics and Finance to offer a Minor in Quantitative Finance was approved.
2. There was no February meeting of the Academic Standards Subcommittee to report on.
3. Approval of the report of the February General Education Subcommittee. Of note:
  - The General Education Subcommittee is evaluating five year student performance data on the Computer Information Literacy (CIL) Exam in preparation for a discussion on the disposition of the CIL at their March meeting.
  - In response to a request by the Commissioner's Office of Higher Education to consider the AAC & U Liberal Education and America's Promise (LEAP) Essential Learning Outcomes, it was agreed that Utah State University's Citizen Scholar Objectives were consistent with the LEAP objectives. However, two modifications were made to USU's Citizen Scholar Objectives:
    3. recognize different ways of thinking, creating, expressing, and communicating through a variety of media **including: written, oral, visual, musical, and kinesthetic communication;**
    5. **ethical reasoning including the ability to work effectively and responsively, both collaboratively and individually, in all facets of their lives.**

1. <http://www.usu.edu/fsenate/EPC/2008-2009/Minutes/Mar52009epcminutes.pdf>

2. <http://www.usu.edu/fsenate/EPC/curriculum/2008-2009/Minutes/Mar52009ccminutes.pdf>