

**Professional Concerns Committee
Minutes for Sept 15, 2016**

**SU 109
3:15 pm**

Members in Attendance: K. McErlane, S. Alexander, K. Schwarz, K. Ankem, , K. Katkin, J. Farrar, S. Weiss, Y. Kim, A. Watkins, H. Ericksen, B. Buckley, M. Carrell, M. Torres A. Miller, K. Fuegen, S. Neely, J. Hammons, J. Gilbert, T. Bonner, B. Zembrodt, S. Finke, B. Zembrodt.

Members Not in Attendance: G. Newell, L. Wermelling, D. Dreese , K. Sander, B. Puente-Baldoceda

Guests: Provost Sue Ott Rowlands, Vice Provost for Graduate Education, Research and Outreach, Samantha Langley-Turnbaugh

- 1. Call to Order.** The meeting was called to order by Chair K. Katkin.
- 2. Adoption of Agenda.** K. McFarlane made a motion to adopt the agenda. M. Torres seconded the motion and it was adopted by acclamation.
- 3. Approval of Minutes from PCC Meeting of Sept 1, 2016.** A motion was made by K. Fuegen to approve the minutes. A. Miller seconded the motion. The minutes were approved by consensus.

4. Chair's Report.

The PCC hopes to welcome two guests at our next (Oct 6) PCC meeting. If all goes right, Kathleen Roberts will present a draft consensual relations policy to PCC. Samantha Langley will present a draft revised intellectual property policy. Votes will be taken at the meeting following each of these presentations. PCC will also presently take up several additional handbook revision issues, including whether RPT should be biennial rather than annual, and whether a different standard should continue to apply for RPT candidates seeking tenure in non-mandatory years.

Several issues were discussed in the most recent meeting of the Faculty Senate Executive Committee (EC). First, the EC discussed the relationship between General Education policies and the ordinary curricular process. The EC is considering whether to constitute the Gen Ed Committee as an small standing Committee of the Faculty Senate that generally would operate independently of the University Curriculum Committee (UCC), except that the larger and more representative UCC would need to approve any major restructuring of the Gen Ed curriculum.

Second, the EC discussed the faculty's role in the Board of Regents' evaluation of President Mearns' job performance. The faculty is represented on the Board of Regents by a faculty regent. This year, however, the Board delegated the primary task of evaluating President Mearns to a special committee with no faculty representation. (One emeritus professor--a former Faculty Regent—is a member of that special committee). Faculty Regent Boyce raised these concerns with the Board of Regents. He was told that the special committee this year will perform tasks that in previous years were performed by paid outside consultants. As in the past,

a report will be produced that will ultimately be evaluated and debated by the full Board of Regents, including the faculty regent. The Board therefore stated that the role of the faculty regent would be the same as in past years. It further stated that for a period of weeks, the workload of the special committee would be too heavy to be performed by a faculty member with ongoing job responsibilities.

The EC also began discussing the future of TEEC now that Prof. Ken Rhee has left NKU. Should TEEC promote faculty development in the areas of scholarship and service, as well as teaching? The EC also broached the question whether Faculty Senate should begin to weigh in formally on student policies, such as the Student Code of Conduct? These are long-term discussions that are only in their preliminary stages.

At the end of K. Katkin's report, several PCC Members expressed questions or concerns about the process for reporting student attendance during the first week of classes. K. Katkin asked all PCC members to email these questions to him, so that he could compile them and forward them to the Provost. The Provost offered to provide written answers which could be disseminated to faculty.

In addition, a faculty member asked the PCC to again take up the issue of building access, which the PCC took up last year. It appears that the concerns caused by the recent conversion to key-card access are being addressed satisfactorily, so that PCC need not take up this issue at present.

5. New Business

- Voting Item: **Human Subjects Research – Faculty Handbook Amendments** (2 attachments).

This item was approved without dissent. It will be sent to Faculty Senate for approval.

- Discussion Item: **Tenure During Phased Retirement – Faculty Handbook Amendments** (1 attachment).

The faculty discussed a draft proposal to extend tenure through the period of phased retirement. Concerns were raised about whether by extending their tenure, faculty members undergoing phased retirement would be obliged to perform full committee service loads. It was suggested that the draft language be amended to specify that faculty members will retain tenure until the end of their phased retirement, but will not be compelled to serve on RPT committees. The Provost said that this amendment would be acceptable. The Provost also said that the deadline for requesting phased retirement during the spring semester is January 15. K. Katkin said he would bring this item back to PCC as a voting item at the Oct 6 meeting.

- Discussion Item: **Tuition Waiver Benefit – Faculty Handbook Amendments** (1 attachment).

The Provost stated that the University is not in compliance with the language in the Faculty Handbook. She asked PCC to recommend a revision to the handbook language that would conform to the University's current policy. Questions were raised as to why the

university was out of compliance with the handbook. Several PCC Members noted that the Board of Regents approved the language in the current handbook, and questioned whether administrators were permitted to disregard that language. The Provost replied that financial exigencies invariably effect the level of benefits that the university is able to offer, and that the Board of Regents also approved the policies that are out of compliance with the handbook. After some discussion, K. Katkin suggested that if the university is unwilling to honor the level of tuition waiver benefits that have been approved by the Board of Regents and are specified in the handbook, then it would be better for the handbook to simply cross-reference the current policy, rather than to inaccurately promise benefits that will not be provided. To be current with changes in the policy, the handbook should link to the policy instead of duplicating the policy. K. Katkin will draft another version of the statement in the handbook, and will bring it back to the Oct 6 faculty meeting as a voting item.

- **Discussion Item: Graduate Faculty Designation – Faculty Handbook Amendments** (new language approved by the Graduate Council) (1 attachment).

At present, graduate faculty status designation is determined at the time of hire by the department chair. However, SACS requires a process for determining graduate faculty status annually. The attached document codifies such a process. It has been approved by Graduate Council. K. Katkin said that Graduate Council's item could be sent directly to Faculty Senate without PCC taking it up, unless PCC wanted to take it up. No PCC Member spoke in favor of taking up this item. Accordingly, Grad Council's recommendation will be forwarded directly to Faculty Senate for further action.

- **Discussion Item: NKU Seeks Gag Order** (1 attachment with hyperlinks).

At its Meeting of Sept 1, 2016, PCC briefly discussed recent news reports stating that NKU has filed a motion seeking a judicial gag order against a female NKU undergrad who was raped by a fellow NKU student. At that meeting, PCC resolved to study the matter further, with an eye towards bringing a faculty statement to Senate, if warranted. At the Sept 15 meeting, further discussion ensued. PCC discussed whether the University's decision to seek a gag order was inconsistent with the University's commitment to freedom of speech as set forth in the [NKU Values & Ethical Responsibilities Statement](#) and the NKU [Code of Student Rights and Responsibilities](#), its commitments to transparency and accountability as set forth in the "[Fuel The Flame](#)" document, and its policy prohibiting retaliation against Title IX complainants set forth in the same documents.

Most PCC Members agreed that a faculty statement should issue. Some PCC Members stated that PCC should hear the other side of the story—ideally from University Counsel—before issuing any statement. K. Katkin said he would invite University Counsel to address PCC on this issue at our next meeting. Further discussion concerned whether PCC should consider expanding the statement to address the University's overall response to sexual assaults committed by NKU students. K. Katkin opined that PCC is not well-suited to act as a fact-finding or investigative body. He stated that while PCC is fully capable of reading a public document that has been filed in open court and expressing a view on that document's

compatibility with NKU's stated values, it would be much more difficult for PCC to conduct the type of investigation that would enable us to reach conclusions about whether there is a "rape culture" on campus and whether the university is taking proper steps to combat it. However, K. Katkin said that there could be further discussion of this issue at the next meeting. K. Katkin said he would bring back this item as a voting item at the Oct 6 meeting.

6. Adjournment. The meeting was adjourned at 5pm.

Respectfully submitted,
Belle Zembrodt

HUMAN SUBJECTS RESEARCH

NKU FACULTY HANDBOOK -- PROPOSED AMENDMENTS

Page 94, #5

Replace the sentence:

The investigator must be satisfied that the explanation has been understood and consent in writing obtained without duress or deception.

With:

The investigator must be satisfied that the explanation has been understood and obtain consent in writing, unless documentation of informed consent has been waived, without duress or deception.

Page 96, Section C

Replace all of Section C with:

C. Research that involves human subjects but does not need approval from the Institutional Review Board

In pursuit with CFR 46.101, federal guidelines state that only the IRB can determine the status of a proposed study. Because of this mandate, all potential research studies involving human participants or identifiable records must be submitted to the IRB for review before being started.

One narrowly defined study type is recognized as an exception to this policy. IRB review and approval is not needed for:

1. Studies in undergraduate classes or graduate seminars that involve human participants and are:
 - a. conducted solely for instructional purposes, and
 - b. not intended to contribute to general knowledge.

When a study is designed to provide a learning experience for students and when the instructor and student investigator(s) have no plan, intention, desire, or hope to publish, present, or report the findings of this study in any off-campus setting (e.g., journal, report, conference, other off-campus outlet, etc.), the activity will not be considered to be research, and will not require IRB review.

In this instance, faculty instructors are wholly responsible for classroom projects conducted by students in their classes, and for ensuring that these student projects treat human participants ethically.

Page 97, paragraph 1

Replace paragraph 1 (The principal investigator should provide the board with...), with:

The Principal Investigator should provide the board with a protocol for each new research project involving human subjects. In addition, all supporting documents should be included, such as: questionnaires, signed letters of participation and agreement by institutions participating with Northern Kentucky University, personal interview statements, and debriefing procedures. In accordance with board guidelines, a single copy should be submitted to the IRB Administrator for review. Please note, grant proposals for external support should not be used as the protocol because they are often too long and frequently do not address the concerns of the board.

Page 97, Section F, 1st sentence

Replace this sentence:

All protocols are screened for completeness by the board chair prior to the conduct of a formal review.

With:

All protocols are screened for completeness during IRB Pre-Review by the IRB Administrator prior to the conduct of a formal review.

Page 99, Section G

Replace Section G with:

G. Actions by the Institutional Review Board

In pursuit with 45 CFR 46, after review and discussion of the protocol, the board will take one of the following actions:

1. Classify the Submission as Not Research: This includes quality improvement projects taking place in the classroom with no intention to present or publish collected data.
2. Approve the Research as Exempt: Exempt studies are those that involve no danger to the subjects. This includes procedures such as standard classroom activities or interviews on non-threatening topics. Projects that do not involve changes in the ordinary risks of daily life or in recognized occupational risks are also considered no-risk. Written informed consent is required in exempt IRB studies. No need for IRB oversight unless changes are made to the protocol.
3. Approve the Research as Expedited: The research may involve some risk to the subjects, but is not unreasonable. The potential benefits of the research outweigh the risks, and risk-management procedures have been taken to minimize the risks. This approval requires oversight by the IRB and annual continuations must be submitted if the study will continue past the one year approval date.
4. Full Board Review Approval: A Full Board Review approval requires quorum approval of the IRB. The board may request the investigator to be present to discuss the research proposal. This may occur when the IRB finds the research to have more than minimal risks and as defined by federal regulations, the elements, procedures or interventions require additional provisions or safeguards.

5. Disapprove the Research: The board is of the opinion that the potential benefits of the research do not outweigh the risks to the subjects. Some modifications or clarifications might be requested of the PI in all types of research. The modifications required by the board may include such items as revising the consent form to explain the procedures more clearly, restricting use of a certain procedure, or requiring use of specified safeguards necessary for the protection of human subjects.

Page 100, Section K

2nd Sentence, replace this sentence:

Such forms must be retained by the investigator (or faculty advisor) for a minimum of three (3) years after termination of the project.

With:

Such forms must be retained by the investigator (or faculty advisory) for a minimum of six (6) years after termination of the project. If the records are part of a misconduct investigation, all records must be retained for a minimum of seven (7) years after the termination of the project.

Page 101, paragraph 2, sentence 1

Replace this sentence:

These records shall be maintained for at least three (3) years after completion of the research and shall be available to authorized member of the Department of Health and Human Services at reasonable times and in a reasonable manner.

With:

These records must be retained by the investigator (or faculty advisory) for a minimum of six (6) years after termination of the project. If the records are part of a misconduct investigation, all records must be retained for a minimum of seven (7) years after the termination of the project.

The records must be available to authorized members of the Department of Health and Human Services at reasonable times and in a reasonable manner.