

research to insure that it was in compliance with the state law. "Since the word was passed, many more research proposals are being submitted to our institutional review board," Smith said. "Previously, these requirements may have been taken lightly, but teachers have had their consciousness quickly raised."

At SUNYA itself, all university-connected research involving human subjects, "sponsored and unsponsored," will henceforth be approved by the university-wide committee, officials said. To facilitate and monitor compliance, the university also appointed a Human Subjects Research Officer, Gino Danese.

According to one instructor, the university has been weathering a number of crises recently, and it is hoped that these actions will mitigate whatever penalty the health department may impose that would affect its research. (The school recently lost academic accreditation for its doctoral programs in chemistry, history, and English.)

The specific federal and state regulations that the university has admitted violating were enacted in 1974 and 1975, respectively. Officials at NIH say that this is the first incident they are aware of in which a research institution has promised to abide by the laws in effect regarding experiments with human subjects, and then not complied with those laws. Specifically, SUNYA provided assurances to NIH and the state health department in July and December 1975 that the risks of experiments would be explained to participants, that proper consents would be obtained, and that all research involving the use of human subjects "conducted at or sponsored by this university"—meaning both federally and nonfederally funded research—would be reviewed by a university-wide Committee on Investigations Involving Human Subjects.

Assurances of compliance are explicitly required by NIH under a provision of the National Health Research Act of 1974 that applies to every institution receiving research grants from NIH or other agencies of the Public Health Service. However, provisions included in other legislation governing HEW regarding review procedures for experiments on humans refer specifically and only to activities supported by grants and contracts from HEW—leading to what HEW officials admit may have been an initial ambiguity about the relevance of the review requirement to research that it does not fund. SUNYA, in its initial response to the NIH inquiry about the psychology experiments, said that

it had misunderstood the requirements.

Chalkley, who monitors compliance with the regulations for NIH, said however that "we've been extremely tight on this issue. In 1974, all institutions that previously had sent us general assurances of compliance with the rules were told that the assurances would have to be renegotiated based on the new [1974] law." He also pointed out that SUNYA had promised to follow the new guidelines in its only response to this instruction, even using the exact phrasing of the new law in its promise. In a letter to Louis Salkever at SUNYA, Chalkley said, "The identity . . . [of the promise] with the language of the National Research Act leaves little doubt that SUNYA was aware of this provision and of the necessity for compliance." (HEW assumes control over research that it does not fund under a "foot-in-the-door" concept, according to Chalkley. "If a university has a contract for any purpose with the federal government, then it is generally subject to federal government policies, whether the policy is affirmative action in hiring or human subjects research review.") Both Kilbourne and Tedeschi maintain that the university never informed them of the research review requirements.

Additional assurances are required by the law in New York State. Ironically, the state law does not apply to human research that is subject to, and in compliance with federal government regulations; the effect of SUNYA's violation of federal rules was to make it subject not only to identical provisions in the state law, but to additional requirements that exist *only* in the state law. These include the necessity of obtaining voluntary, informed consent in writing from research participants, obtaining certification by the human research review committee that the researchers conducting the experiments are qualified and competent, and obtaining the permission of the state commissioner of health for every experiment involving minors.

"What the incident at SUNYA demonstrates," says Herdmann, "is that a substantial group of scientific researchers is unaware of society's interest in and concern for human research. These rules are not meant to be treated only as trivial paper exercises, and the problem is that when they are, there is a real chance of bureaucrats entering the university to do the monitoring—whether it be recombinant DNA research or research on human beings. That would be a mistake, but it's a mistake that can happen if scientists cannot regulate themselves."

—R. JEFFREY SMITH

APPOINTMENTS

Aaron Wildavsky, dean, Graduate School of Public Policy, University of California, Berkeley, to president, Russell Sage Foundation. . . . **Raymond P. Mariella**, dean, Graduate School, Loyola University, to executive director, American Chemical Society. . . . **R. Bruce McMillan**, archeologist and assistant director, Illinois State Museum, to director of the museum. . . . **Charles C. Edwards**, former U.S. Assistant Secretary of Health, Education, and Welfare, to president, Scripps Clinic and Research Foundation. . . . **Robert E. Cooke**, vice-chancellor for health sciences, University of Wisconsin, to president, Medical College of Pennsylvania. . . . **Neal A. Vanselow**, dean, College of Medicine, University of Arizona, to chancellor, University of Nebraska Medical Center, Omaha. . . . **Henry O. Hooper**, chairman of physics and astronomy, University of Maine, Orono, to dean of the Graduate School at the university. . . . **George Keulks**, professor of chemistry, University of Wisconsin, Milwaukee, to graduate dean at the university. . . . **William H. Matchett**, chairman of botany, Washington State University, to dean, Graduate School, New Mexico State University, Las Cruces. . . . **A. R. Schrank**, zoologist and acting dean, College of Natural Sciences, University of Texas, Austin, to dean of the college. . . . **Ellis H. Dill**, chairman of aeronautics and astronautics, University of Washington, to dean, College of Engineering, Rutgers University. . . . **Carter L. Marshall**, chairman of community medicine, Morehouse College, to director, office of primary health care, New Jersey Medical School, College of Medicine and Dentistry of New Jersey. . . . **O. P. Bahl**, director, cell and molecular biology division, State University of New York, Buffalo, to chairman of biological sciences at the university. . . . **Samuel Krimm**, professor of physics, University of Michigan, also to chairman, biophysics research division, Institute of Science and Technology at the university. . . . **Friedrich Deinhardt**, professor of microbiology, Rush University, to chair of hygiene and medical microbiology, Ludwig-Maximilians University, Munich. . . . **Oscar M. Reinmuth**, professor of neurology, University of Miami, to chairman of neurology, University of Pittsburgh School of Medicine. . . . **Howard Brenner**, professor of chemical engineering, University of Rochester, to chairman of chemical engineering at the university.