



UNIVERSITY SENATE
Student Affairs Committee
Report on Policies on Participation in Blood Drives

- I. The Charge: S-0802 **Policies on Participation in Blood Drives**: Determine if the US Food and Drug Administration's practice and policy of barring blood donations by men who have sex with men is a discriminatory practice that violates Rutgers' nondiscrimination policies. If the discriminatory practice does violate, explore and propose options by which Rutgers' administration may address the discrimination and policy violation, up to and including an outright ban on blood drives. Consult with Melodee Lasky, Executive Director of Rutgers-NB Health Services, and Francesca Maresca, Senior Health Education Specialist, on this issue. Respond to Senate Executive Committee by December 2009.

Links pertaining to this charge are as follows:

Blood Donations from Men Who Have Sex with Other Men Questions and Answers:

<http://www.fda.gov/BiologicsBloodVaccines/BloodBloodProducts/QuestionsaboutBlood/ucm108186.htm>

A Guide to The Blood Center of New Jersey Donor Requirements:

http://www.bloodnj.org/PDF_Stuff/donorrequirements.pdf

Rutgers University Nondiscrimination Policy:

<http://polcomp.rutgers.edu/nonpol.shtml>

- II. The Student Affairs Committee of the Rutgers University Senate was charged with evaluating the current policy of the US Food and Drug Administration (FDA), which prohibits men who have had sex with men from donating blood, as it relates to the Rutgers University non-discrimination policy. This charge stemmed from concerns raised by then-Senator Jonathan Becker, who stated "San Jose State University has banned on-campus blood drives because of an FDA policy that violates the school's equal protection policy. I would like to request the Senate to determine if the FDA's practice of barring donations by men who have sex with men is a discriminatory practice that violates the equal protection policies of Rutgers University. If the discriminatory practice does violate, then I'd like the Senate to explore and propose options for the Rutgers Administration, up to and including an outright ban on blood drives. The injured parties here are men who have sex with men, who unaware of the policy, are publicly humiliated and socially ostracized by the FDA's policies."
- III. The committee explored this charge for the better part of the previous senate/academic year, seeking input from professionals from across the University. The committee either met or corresponded with representatives from Rutgers Health Services and Office of General Counsel, as well the University Blood Drive Committee.
- IV. The committee met first with Ms. Dorothy Kozlowski, a Nurse Practitioner and former director of the Willets Health Center on the Douglas Campus. It was, however, because of her position as chairwoman of the Rutgers University Blood Drive Committee that the Student Affairs Committee contacted Ms. Kozlowski. Through the meeting with Ms. Kozlowski, the committee learned that the Rutgers University Blood Drive Committee, in its current form, was established by then-Vice President

for Student Affairs Emmet Dennis, following the events of September 11th, when hundreds of students sought to participate in, or organize, blood drives. The Blood Drive Committee currently serves only in an advisory role for blood drives occurring on the New Brunswick/Piscataway campus, and then only when asked by the organizer(s). At the time of this writing, the Blood Drive Committee does not have a website, nor could any contact information be found regarding the committee on the Rutgers website.

The Student Affairs Committee discussed with Ms. Kozlowski various options for improving blood drives across the University. Ms. Kozlowski supported promoting the Blood Drive Committee as a “clearinghouse of information for blood drives,” and also expressed a need for the committee to be more visible in the university. Ms. Kozlowski also supported expanding the Blood Drive Committee to encompass all three campuses.

V. The Student Affairs Committee consulted Dr. Melodee Lasky, the Executive Director of Rutgers University Health Services New Brunswick, via email. Dr. Lasky indicated that the US Food and Drug Administration's practice and policy of barring blood donations by men who have sex with men is based on the fact that this group has the largest number of blood donors who screen positive for HIV/AIDS. Dr. Lasky further said that the major blood banks in the United States reviewed and affirmed the policy on banning men who have had sex with men from donating blood, within the past five years. Dr. Lasky noted that men who have had sex with men accounts for only a small percentage of persons who are prohibited from donating blood for reasons beyond their current health. Other groups that are excluded from blood donation because of risk of transmitting illness to the recipient or risk of negative health effects for the donor include: immigrants from, or visitors to, certain countries; people who have had blood transfusion in the past 12 months; persons who take certain medications for acne; and donors weighing less than 120 pounds.

VI. The Student Affairs Committee, also through e-mail, consulted Mr. Beckman Rich, Associate General Counsel to the University. Mr. Rich prefaced his comments by noting that his statements were not an official view of Rutgers University, but instead represented his own legal counsel on the issue. Mr. Rich stated that the US Food and Drug Administration's practice and policy of barring blood donations by men who have sex with men is *not* a discriminatory practice that violates Rutgers' nondiscrimination policies. He said that the FDA policy is based on extensive research, and, although the FDA policy has been challenged multiple times in the past thirty years, it has continually been found to be nondiscriminatory.

The topic of blood drives had been reviewed before by the University, however, Mr. Rich did not provide any specifics on that matter. He did, however, indicate, that Rutgers participated in a study conducted by the Centers for Disease Control, in which a sampling of student's blood was compared to the national average for rate of HIV/AIDS infection, and Rutgers was found to be on par with the national average.

VII. **FINDINGS OF THE STUDENT AFFAIRS COMMITTEE:** Based on considerable, extended discussion and review of available, pertinent materials and interviews in this matter, the Student Affairs Committee of the University Senate finds the US Food and Drug Administration's practice and policy of barring blood donations by men who have sex with men is **NOT** a discriminatory practice that violates Rutgers' nondiscrimination policies. The committee sees **no need to ban blood drives** from occurring at Rutgers, and acknowledges that great benefit which a large university such as Rutgers can have on the dangerously low levels of blood currently available in this country.

VIII. **RECOMMENDATIONS:** The Student Affairs Committee, also recognizing the sensitive nature of being denied the right to donate blood, expanded the scope of this charge to include the following

recommendations to the University Administration, which this committee would like to see implemented as soon as possible.

All blood drives occurring on property owned and/or operated by Rutgers, the State University of New Jersey, either temporarily or permanently::

- a. Shall be registered with the Rutgers University Blood Drive Committee (BDC). Information about this committee shall be made available through local campus health centers and/or student affairs offices.
 - i. It is suggested that the BDC's membership be expanded to include one student, one student affairs staff member, and one health services staff member from each of the three regional campuses.
 - ii. It is further suggested that the committee chairperson maintain regular contact with the blood bank(s) serving each campus, to ensure that they are aware of the relevant Rutgers policies, and also to ensure that any concerns are addressed.
- b. Shall provide the most-current information of qualifications, restrictions, or other criteria related to donating blood:
 - i. at all Health Centers, for review during regular operating hours;
 - ii. on all advertising media for blood drives, which must include the following notice: *"Notice: Blood Donation is Subject to Meeting Certain Eligibility Criteria. For more information go to (link shall vary by blood bank). "*; and
 - iii. in addition to the notice on all media, a copy of the same requirements shall be posted conspicuously outside of the location of the blood drive while the drive is occurring.
- c. Shall be prohibited from providing any incentives only to persons who actually donate blood. Any and all incentives shall be made available to all persons who attend the blood drive, regardless if they successfully donate, choose not to donate, or are denied the right to donate.
 - i. Rutgers University, and/or the organizations hosting blood drives, however, will still be entitled to receive incentives offered by blood banks in recognition of holding the actual drive

Members of the 2009-10 Student Affairs Committee

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Wild, Kevin, Co-Chair
Blimling, Gregory
Bodnar, Raymond
Bumby, Richard
Davidson, Harriet
Diamond, Elin
Farag, Mena
Ghetia, Ravi
Guo, Li
He, Yuanqing
James, Sybil
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Violette, Nancy

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Yeagle, Philip