In-Class Exercise – Debate

Preparation

1. Review the assigned Caulfield and Murdoch article.
2. Review the 2018 Common Rule section on Broad Consent – 45 C.F.R. 46.116(d) and relevant provision cross-referenced in the broad consent section https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=83cd09e1c0f5c6937cd9d7513160fc3f&pitd=20180719&n=pt45.1.46&r=PART&ty=HTML#se45.1.46_1116
3. Meet with your small group before class to discuss below and prepare for an in-class debate.

Debate

• During class on 2/26 you will be assigned to one of two small groups. Each group will be assigned to take on an opposing position on the appropriateness of a policy permitting broad consent for the secondary research use of identifiable private information or identifiable biospecimens (“the policy”).

• During class on 3/4 you will be asked to either defend or argue against the policy (i.e., team-debate the issue). In doing so, it may be helpful to imagine that you are a group of legislators making your side’s case on the floor of congress. “Broad” consent is often distinguished from “specific” consent, and also sometimes from “open-ended” or “blanket” consent. Strong argument will briefly address the strengths or weaknesses of these (or other) potential alternatives.

Format/details (total debate time – 40 mins)

1. Each team should develop a 5 minute opening argument for your position. Assign a member of your team to present the opening argument in class. Try to articulate 2-3 of the most important reasons to support your position, and anticipate 1-2 reasons why the other side’s position is not likely to be adequate.
2. After each team presents their opening arguments, a different member of each team will be given no more than 5 minutes each for rebuttal – a spontaneous response to the other side’s stated argument. Please decide/assign your team’s respondent in advance.
3. After this, both sides will have an opportunity for ~10 mins of further unstructured discussion/debate.
4. Finally, the third member of each team will be given no more than 5 minutes each to close their teams’ argument, reflecting on what was raised.

Please do not use PowerPoint slides. You may wish to prepare/use notes.