

CAMPAIGN TO DEFEND ACADEMIC INTEGRITY

Tobacco Industry-Funded Research and the University of California

Proposal to the UC Board of Regents
April 2006

THE CAMPAIGN TO DEFEND ACADEMIC INTEGRITY

The Campaign to Defend Academic Integrity is a collaborative movement by University of California community members advocating for the adoption of research policies which protect the reputation and integrity of UC. The Campaign recognizes the danger in accepting tobacco funding for scientific research, therefore, we are asking the UC Regents to adopt a policy to neither solicit nor accept any new funding from the tobacco industry whether in the form of grants, contracts, or gifts.

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ACADEMIC COUNCIL RESOLUTION ON RESTRICTIONS ON RESEARCH SOURCES

On March 31, 2005, the Academic Council adopted the “Resolution on Restrictions on Research Funding Sources”. The Resolution was adopted by the UC Assembly of the Academic Senate in May 2005. The Resolution, originally submitted to the Academic Council by the University Committee on Research Policy (UCORP) in July 2004, addresses the issue of individual academic units adopting policies which would deny faculty members from accepting research funding from a particular source.

The discussion on restrictions on research funding sources began in July 2004 after the UCORP report entitled “Problematic Restrictive Clauses in Contracts, Grants and Gifts for Research” was given to the Academic Council for endorsement. At that time, the Council endorsed the report, however, withdrew their endorsement after faculty members expressed concerns of the content of the resolution and the need for members of the Academic Senate to have their views heard. The UCORP report which addressed internal and external strings or regulations placed on research was sent out for general review by the systemwide Senate Standing Committees and the Divisions in November 2004.

After a two year debate, the Academic Council took the opinion that academic units do not have the authority to prevent a faculty member from accepting external funding based on the source. Instead, the Council recognized the UC Board of Regents as the only body with the authority to set a research policy which would deny funding from an external source, in this case, tobacco companies.

Academic Council Resolution on Restrictions on Research Funding Sources
Submitted by the University Committee on Research Policy
Adopted by the Academic Council July 21, 2004
Revised by the Academic Council March 31, 2005

Preamble: This resolution states that no unit of the University, whether by faculty vote or administrative decision, has the authority to prevent a faculty member from accepting external research funding based solely on the source of the research funds. The authority to set such research policy rests with the UC Board of Regents. Nothing in this resolution would prevent individual faculty members from voluntarily eschewing a particular source of research funding. Agencies of the Academic Senate may, through their divisions, propose that the statewide Academic Senate request, through the President, that the Board of Regents adopt a policy to refuse funding from a particular source.

Whereas, Only the UC Board of Regents has the plenary authority to establish policies on the acceptance of research funding; and

Whereas, Agencies of the Academic Senate may, through their divisions, propose that the statewide Academic Senate request, through the President, that the Board of Regents adopt a policy to refuse funding from a particular source; and

Whereas, No Committee, Faculty, or Division of the Academic Senate of the University of California has the plenary authority either to set aside the principles of academic freedom or to establish policies on the acceptance of research funding; and

Whereas, Freedom of inquiry is a fundamental principle of the University of California; and

Whereas, The University of California faculty code of conduct requires that “[Professors] respect and defend the free inquiry of associates”; and

Whereas, The University of California policy on academic freedom requires that scholarship be judged solely by reference to professional standards, and that researchers “must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion”; and

Whereas, The University of California has existing policies that encourage the highest ethical standards in the conduct of research, require disclosure of conflicts of interest, guarantee the freedom of publication, and prevent misuse of the University’s name; and

Whereas, Restrictions on accepting research funding from particular sources on the basis of moral or political judgments about the fund source or the propriety of the research, or because of speculations about how the research results might be used, interfere with an individual faculty member’s freedom to define and carry out a research program; now, therefore, be it

Resolved, That the principles of academic freedom and the policies of the University of California require that individual faculty members be free to accept or refuse research support from any source, consistent with their individual judgment and conscience and with University policy. Therefore, ~~no a unit of the University should be directed (by faculty vote or administrative decision) to~~ may not refuse to process, accept, or administer a research award based on the source of the funds; ~~and no special encumbrances should be placed on~~ nor may such a unit encumber a faculty member's ability to solicit or accept awards based on the source of the funds, except as directed by the UC Board of Regents.

CAMPAIGN TO DEFEND ACADEMIC INTEGRITY POSITION AND JUSTIFICATION

POSITION

We are asking the UC Board of Regents to adopt a policy to neither solicit nor accept any new funding from the tobacco industry whether in the form of grants, contracts, or gifts.

JUSTIFICATION

UC Board of Regents have divested from tobacco holdings.

In 2001, the Committee on Investments adopted a policy to exclude securities of companies manufacturing tobacco products from index funds and to continue existing exclusion from actively managed funds. President Richard Atkinson recommended the action to the Board of Regents in recognition of an unusual combination of financial, legal, and health-related issues¹.

UC academic units have taken a stand to distance themselves from tobacco funding.

Faculty from seven academic units on four University of California campuses have adopted policies to decline funding from the tobacco industry in order to protect the integrity of their academic mission. The policies were motivated by concerns that the industry funds academic research to manipulate the scientific process and “create controversy” about smoking and disease. Supporters of such policies argued that continued cooperation with the tobacco industry violates the university’s fundamental mission of promoting the discovery and dissemination of the truth².

The Academic Council declined to make a recommendation on this issue, specifically stating that a decision to decline tobacco industry funding (or any funding based on the source) should only be made by the Regents.

As a result of the Academic Council’s resolution, academic units no longer have the freedom to adopt policies that could potentially resolve any conflicts between the tobacco industry’s manipulation of science and the mission of their academic unit. Without the ability to adopt their own policies, Schools/Programs and other academic units are forced to allow activities that could conflict with their mission.

Since the Senate and the Administration both have said that this is a Regental decision, we ask that the Board of Regents adopt a policy of not accepting money from the tobacco industry for any purpose. Such a policy would in no way prevent faculty and students from advocating pro-tobacco positions or speakers appearing on campus to advocate such a position. By the Regents adopting a no-tobacco-money policy, it would be clear that these positions were being adopted based on specific evidence of manipulation of the scientific process that bears on protecting UC’s research mission from outside influence. This policy would not be based on moral and/or political judgments or for financial reasons.

¹ Meeting Minutes - The Regents of the University of California Meeting as a Committee of the Whole. January 17, 2001. <http://www.universityofcalifornia.edu/regents/minutes/2001/cwam1701.pdf>

² Glantz, S. Tobacco Money at the University of California. American Journal of Respiratory and Critical Care Medicine, 2005, Vol. 171.

Campaign to Defend Academic Integrity
Proposed Resolution
March 2006

WHEREAS “The distinctive mission of the University is to serve society as a center of higher learning, providing long-term societal benefits through transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge. That obligation, more specifically, includes undergraduate education, graduate and professional education, research, and other kinds of public service, which are shaped and bounded by the central pervasive mission of discovering and advancing knowledge.” (<http://www.universityofcalifornia.edu/aboutuc/missionstatement.html>); and

WHEREAS, since at least 1954, the tobacco industry has engaged in a systematic strategy of using the funding of research in universities as a way to slow the transmission and discovery of new knowledge as a way to “create controversy” about the effects of smoking and secondhand smoke; and

WHEREAS, scholars, led by faculty at the University of California, have used 40 million pages of previously secret tobacco industry documents to explain and expose this systematic manipulation and distortion of the scientific process; and

WHEREAS, the tobacco industry’s previous entities that were used to finance academic research—the Council for Tobacco Research and the Center for Indoor Air Research—were dissolved in 1998 by the State Attorneys General, including the Attorney General of California, through the Master Settlement Agreement, under allegations of fraud; and

WHEREAS, despite this action, at least some of these agencies have been reconstituted under the individual tobacco companies; and

WHEREAS, there is evidence, based on research conducted at the University of California, that past practices of using funding of academic researchers in order to slow public and professional understanding of the dangers of smoking and secondhand smoke continues after 1998; and

WHEREAS, based on this understanding, faculty and administrations at major universities throughout the United States and the world have made the decision to eschew funding from the tobacco industry; and

WHEREAS, based on this understanding, faculty from seven academic units on four University of California campuses, have adopted policies to decline funding from the tobacco industry in order to protect the integrity of their academic mission; and

WHEREAS, the Council of the Academic Senate, after extensive consultation with its Systemwide Committees and the Senate Divisions on the campuses, ruled that it was inappropriate for individual academic units to make such policies because “the authority to set such policy rests with the UC Board of Regents”; and

WHEREAS, the Regents have divested their investments in the tobacco industry in part due to recognition that the tobacco industry's behavior is inconsistent with the fundamental mission of the University;

THEREFORE, BE IT RESOLVED THAT, effective (DATE), the University of California will neither solicit nor accept any new funding from the tobacco industry, whether in the form of grants, contracts, or gifts.

Nothing in this resolution shall be construed as limiting in any way the academic freedom of faculty, students, and staff to express their views on issues related to tobacco and the tobacco industry as specified under current University policy as embodied in APM 010.

The definition of "tobacco industry" for purposes of implementing this policy includes the companies used by the Regents in the implementation of the policy of not investing in the tobacco industry as well as foundations and other organizations that are substantially controlled by those companies.

(Currently funded projects may be completed, but not renewed beyond the currently approved award period.)

AMERICAN UNIVERSITIES WITH TOBACCO RESEARCH FUNDING POLICIES

As of December, 2004, 18 universities in the US had schools, departments, or centers that do not accept tobacco industry funding for research. The 18 universities include 24 academic units³.

14 Schools of Public Health

- University of Arizona
- University of California, Berkeley
- Columbia University
- Harvard University
- Johns Hopkins University
- University of Iowa
- Loma Linda University
- Louisiana State University
- University of Medicine and Dentistry of New Jersey
- University of North Carolina
- Ohio State University
- University of Puerto Rico
- University of South Carolina
- University of Washington

3 Schools of Medicine

- Emory University
- Harvard University
- Johns Hopkins University

1 School of Nursing

- University of California, Los Angeles

2 Departments within Schools of Medicine

- Department of Family and Preventative Medicine, University of California, San Diego
- Department of Medicine, University of California, San Francisco

3 Comprehensive Cancer Centers

- University of California, San Diego
- University of California, San Francisco
- Ohio State University

1 Research Institute

- Institute for Health Policy Studies, University of California, San Francisco

³ <http://scorates.berkeley.edu/~jmm716/reports.html>