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Office of the Academic Senate
SANTA CRUZ DIVISION
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April 12, 2007

John Oakley, Chair
Academic Council

RE: System-wide Review of The Regents' Proposed RE-89- Adoption of Policy Restricting University Acceptance of Funding From the Tobacco Industry

Dear John,

Consistent with our long-standing practices, the UC Santa Cruz Division asked its committees to provide guidance on a matter of consultation. Our Senate Executive Committee (SEC) instructed me to report to you the opinions of our committees. We received recommendations from three committees: Committee on Academic Freedom (CAF), Committee on Planning and Budget (CPB) and Committee on Research (COR). All three committees recommend that the Regents do not adopt RE-89. Two of the committees requested their recommendations be communicated *verbatim* to the system-wide Academic Council. I am therefore attaching the letters from all three committees.

As you can see, the committees at UCSC consulted the letter from Regent Moores and the letter you sent to him in reply, with the answer to his questions as devised by the 5-person special committee.

I hope that it is not inappropriate for me to add two personal comments. First, while I personally would support RE 89 as proposed, I must and shall follow the will of my Division; thus, I must and shall faithfully to represent them at Council and in Assembly. Second, even though I sympathize with the sentiment that the tobacco case represents a unique situation, I am persuaded by my colleagues who oppose RE 89 that the Regents have thus far failed to articulate what it is that makes tobacco a unique case.

Sincerely,

A handwritten signature in black ink, appearing to read "Faye J. Crosby". The signature is fluid and cursive.

Faye J. Crosby, Chair
Academic Senate
Santa Cruz Division

Attached: Letter from Committee on Academic Freedom (CAF); Letter from Committee on Planning and Budget (CPB) ; letter from Committee on 'Research (COR).

April 6, 2007

Faye Crosby, Chair
Academic Senate

RE: The Regents' Proposed RE-89 – Adoption of a Policy Restricting University Acceptance of Funding From the Tobacco Industry

Dear Faye;

The Committee on Planning and Budget recommends in the strongest possible terms that the Regents do not adopt RE-89. Implementation of this resolution would violate long-standing, fundamental principles that govern the conduct of research at the University of California. Passing this resolution would set an unacceptable precedent that would be antithetical to the UC research mission.

CPB requests that our recommendation be communicated *verbatim* to the system-wide Academic Council and the Academic Assembly.

Sincerely,



Susan Gillman, Chair
Committee on Planning and Budget

Cc: Committee on Academic Freedom
Committee on Research
VC Research Bruce Margon

April 10, 2007

Faye Crosby, Chair
Academic Senate

RE: The Regents' Proposed RE-89 – Adoption of a Policy Restricting University Acceptance of Funding From the Tobacco Industry

Dear Faye;

The Committee on Academic Freedom (CAF), after careful and considered review of the relevant documents and position papers, recommends in the strongest possible terms that the Regents do not adopt RE-89, which would seriously compromise APM 010's guarantee of "freedom of inquiry and research." We wish to underscore the following points:

- There is no demonstrable need for restrictions on funding sources in order to guarantee findings independent of those sources. The banning of research funds from a particular source sets a dangerous precedent.
- Current policies governing the conduct of research at UC provide sufficient safeguards against abuses derived from sources of funding. See, for example, the University Committee of Research Policy 2004 report on *Problematic Restrictive Clauses in Contracts, Grants, and Gifts for Research*, adopted by the Academic Council, or the May 2005 *Statement of Ethical Values*, adopted by the Regents. These, and other documents and policies, including the Faculty Code of Conduct, allow for sufficient university oversight and provide clear and coherent delineations of researchers' responsibilities within a context of academic freedom and shared governance.
- Faculty PIs may indirectly receive research funding on smoking and tobacco use generated by tobacco taxes and disseminated by the state. In addition, the complex structure of corporate tobacco can make it difficult to discern what is tobacco money and what isn't. Policing this ban would be difficult and cumbersome.

The UCSC CAF concludes that the principles of academic freedom will be best served by ending this and all future attempts to ban funding from specific sources.

Sincerely,

Chris Connery, Chair
Committee on Academic Freedom

Cc: Committee on Planning and Budget and Research
VC Research Bruce Margon

MEMORANDUM

DATE: 23 March 2007

TO: Faye Crosby, Chair of the Academic Senate
Members of the UCSC Senate Executive Committee

CC: Bruce Margon, Vice Chancellor for Research

FROM: 2006-07 Committee on Research

RE: UCSC COR position on RE89

The 2006-07 Committee on Research (COR) is writing to comment on RE89, a proposal to ban funding associated with the Tobacco industry from the University of California. The COR has discussed this issue at length, this year and during previous years, and has reviewed the draft letter from the Ad-Hoc UC-wide Academic Council (AC) committee to System Senate Chair John Oakley (dated 3/12/07), responding to the questions raised by Regent Moores with regard to the implications of RE89. On the basis of numerous discussions and considerable deliberation, the UCSC COR makes a recommendation and a request:

- (1) The UCSC COR makes the strongest possible recommendation that the regents do not adopt RE89. Implementation of this resolution would violate fundamental, long-standing principles that govern the conduct of research within the University of California. Implementation of such a ban would be antithetical to the UC research mission and would be damaging to UC's standing as a world-class research institution.
- (2) The UCSC COR requests that this document be communicated *verbatim* and in its entirety to the System-wide AC and Academic Assembly (AA).

We note that the first of four primary UCSC COR charges listed in the UCSC Division bylaws includes a mandate to: "...[inform] the Division concerning issues pertaining to the research mission at UCSC and the University of California, such as campus budgetary needs for the support of research and the support of research infrastructure; *policy and strategy regarding the pursuit and acceptance of such support*; promotion and coordination of multidisciplinary research and collaborative work among faculty; and *policies governing acceptance of extramural funding.*" (emphasis added)

Given this mandate, the COR considers its recommendation concerning RE89 to represent the UCSC research enterprise and the interests of faculty, researchers, students, and administrators across the campus. In addition, the UCSC COR sincerely hopes that the regents and the System-wide AC and AA will end attempts to secure a ban on funding from any specific funding source, such as the kind described in RE89.

The following information relevant to Agenda Item VII.6 may be accessed on the Senate's website at the URLs here listed and linked:

1. [January 23, 2007 letter of Regent Moores to Chair Oakley](#)
2. [March 19, 2007 letter of Chair Oakley to Regent Moores](#), including the response of the Academic Council's working group.
3. February 14, 2007 Notice of Meeting of the Assembly of the Academic Senate
[Notice of Meeting \(agenda\)](#)
4. October 11, 2006 Notice of Meeting of the Assembly of the Academic Senate
[Notice of Meeting \(agenda\)](#)
5. [The Academic Senate's Resolutions on the Research-Funding Issue](#), memo from the Assembly to President Dynes (10/06)
6. May 11, 2005 Notice of Meeting of the Assembly of the Academic Senate
[Notice of Meeting \(agenda\)](#)
7. [Research Funding Sources, Assembly Resolution, memo to the President \(05/05\)](#)
8. [Restriction on Research Funding Sources, Academic Council's Resolution on \(7/04\)](#)
9. The following documents were submitted by Assembly Members as relevant to Agenda Item VII. 6. : Regents' Request for Senate Action Regarding RE-89's Proposed Restriction of Research Funding from the Tobacco Industry (page 35).
 - A. Submitted by Professor Stanton A. Glantz, UCSF
 - [Chronological list of actual policies on tobacco funding at other Universities](#)
 - [Professor Stan Glantz's presentation to The Regents \(January 07\)](#)
 - B. Submitted by Professor Henry Powell, Division Chair, UCSD
 - [April 5, 2007, email to Assembly Members. "Appeal to UC Academic Assembly for Fair Consideration Regarding Action Item RE89 on Tobacco Funding," from James E. Enstrom, Ph.D., M.P.H., UCLA](#)