



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM
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JOHN OAKLEY
CHAIR, ACADEMIC COUNCIL

Re: UCAF position on Regents' proposal to ban UC Faculty from accepting research funds from tobacco companies to support studies on the effects of tobacco use

Dear John,

The University Committee on Academic Freedom (UCAF) has reviewed The Regents' Proposed RE-89 – Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry. UCAF voted to oppose RE-89, as discussed below, by a vote of eight to zero with one abstention.

Adoption of RE-89 would establish a precedent that could adversely affect the faculty as a whole and undermine the function of the University to contribute to the advancement of knowledge. The University of California Academic Freedom Policy (APM 010) adopted July 30, 2003, clearly addresses the relationship between academic freedom and the professional autonomy of the professoriate by declaring:

Academic Freedom requires that teaching and scholarship be assessed by reference to the professional standards that sustain the University's pursuit and achievement of knowledge. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body. The competence of the faculty to apply these standards of assessment is recognized in the Standing Orders of The Regents, which establish a system of shared governance between the Administration and the Academic Senate.

Under APM 010, only the faculty have the competence and right to make judgments about the quality of research conducted at the University of California. Ultimately, concerns about inappropriate influences in research are fully and adequately addressed in the Faculty Code of Conduct (APM 015), which cites two specific obligations of faculty relevant to the potential problems The Regents want to eliminate through RE-89. The first is faculty members' "Primary responsibility to their subject to seek and to state the truth as they see it." The second is their obligation to "practice intellectual honesty."

(A). Banning the funding of research by a particular industry based on the effects of its products will establish a dangerous precedent. Such a ban will likely encourage additional proposals, either from within The Board of Regents or from external sources, to restrict other sources of funds. It is possible to imagine similar bans being proposed on funding from other specific industries and corporations, based on political, moral, health, or other considerations.

For example, the wine industry is closely connected to the University of California. Well known wine producers have contributed millions of dollars to support viticulture and enology research at UC Davis, including wine marketing. The Gallo Clinic at UC San Francisco studies alcoholism and is supported by the winemaking family of the same name. Yet alcoholism is the third highest preventable cause of death in the United States and a significant societal problem. It contributes to numerous medical and social ills, including cirrhosis of the liver, pancreatitis, domestic violence, and automobile accidents. Some religious groups ban the consumption of alcohol, yet these groups are represented in California by tax paying citizens. Does the University's relationship with the wine industry through its research and marketing studies contribute to alcoholism? Can the results of alcoholism research, conducted by an institution that receives millions of dollars in support from the wine industry be believed?

Mars Candy Company has funded the research of at least 20 UC faculty members investigating the nutritional benefits of cocoa flavanols and other compounds found in the cocoa bean. Mars has endowed a Chair in Developmental Nutrition, a science officer of Mars Candy has held a Visiting Professorship at UC, and UC faculty have been hired by Mars. The connections between Mars Candy Company and the University of California are therefore deeply entwined. Meanwhile obesity in the United States is at epidemic proportions and is a significant cause of Type 2 diabetes and cardiac disease. The director of the Integrity in Science project at the Center for Science in the Public Interest has been quoted as saying that such studies on cocoa and chocolate are a "strangely misplaced sense of priorities." Should the study of cocoa chemistry by University of California faculty be curtailed by banning corporate support from candy companies for such studies? How do The Regents justify banning one corporate sponsor but not another?

Stem cell research may offer the opportunity to develop cures for presently incurable diseases and injury. However, opposition to the use of embryonic stem cells is well established in some sectors of the federal government, in right to life organizations, and among others who object to the harvesting of these cells from excess, frozen human embryos. Researchers on several UC campuses stand to obtain a considerable amount of funding support for the study of stem cells, and the knowledge that will accrue to society from these studies may well prove invaluable. Would The Regents entertain a prohibition on the acceptance of funds to conduct stem cell research because it is offensive to those opposed to the destruction of human embryos to obtain the cells?

(B). From a practical point of view, the proposal to ban "tobacco company money" in University research will be difficult to police. The largest tobacco company in the United States is Altria, formerly known as Philip Morris. Altria also owns Kraft Foods, which includes Maxwell House, Milka, Nabisco, Oreo, Oscar Meyer, Philadelphia cream cheese, Post Cereal, Birdseye, Louis Rich, and the Miller Brewing Company. Recently, the Altria Board of Directors voted to divide Kraft Foods into a separate company. However each stockholder of Altria will be given 0.695 shares of Kraft Foods for every share of Altria they own. Under these circumstances, the Kraft

Board of Directors will likely consist of many of the same people on the Altria Board, because the voting shares for electing Kraft Foods Board members will be heavily vested in the hands of the current Altria Board. If Kraft Foods offers to fund research on the use of tobacco and its effects, RE-89 will not be applicable. Yet the vested interests of Kraft Foods may well be affected by the association with Altria through mutual board members. Who will decide what is or is not “tobacco money”— the Internal Revenue Service, the stockholders, or Wall Street?

In short, prohibiting faculty from receiving funds from a particular industry is not in the interest of academic freedom. It sets a dangerous precedent that once established, has no limits. Such policies represent a threat to the academic freedom of the faculty and the mission of the University to discover the truth and advance societal knowledge.

If The Regents wish to protect the integrity of the University without interfering in the academic freedom of its faculty, they should instead promote the adoption of contractual agreements with corporations that forbid any role by corporate personnel in the design and/or execution of experiments, analysis of data, writing of paper(s) and choice of publishing or not publishing the findings of the study. If a corporation refuses such requirements, then their motives for using the University’s name are suspect, and neither The Regents nor the faculty should wish to deal with them. It is the obligation of each faculty member to help protect the reputation of the University and the Faculty as a whole by not allowing their work to be distorted or co-opted by outside entities. It is also the obligation of The Regents to protect the integrity of the University by protecting the academic freedom rights of faculty. In doing so however, The Regents must not abuse academic freedom themselves or compromise the mission of the University.

Sincerely,



Jerold Theis
Chair, UCAF

Paul Amar (UCSB)
Ronald Amundson (UCB)
Chris Connery (UCSC)
Albert Lin (UCD)
Janice Plastino (UCI)
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cc: Director Bertero-Barceló