



UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)  
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GEORGE BLUMENTHAL  
Chair, Academic Council

**RE: Reconsideration of the Resolution on Research Funding Sources**

Dear George,

At its November 9 meeting, UCPB devoted substantial time to a review of the UCORP/Council Resolution on Research Funding Sources as well as the underlying UCORP Report of July 9, 2004 entitled "Problematic Restrictive Clauses in Contracts, Grants and Gifts for Research." We also took note of correspondence from UC faculty who are critical of those documents and UCORP's response to the critics.

We have concluded that neither the resolution nor the 2004 report upon which its conclusions are based should be sent back in their present form to the divisions or state-wide committees for consideration. Instead, we recommend that both documents be returned to UCORP where certain critical issues can be addressed and clarified through a deliberative process that will permit all interested faculty to be heard, in addition to the UCORP members and the selective administrative leaders and consultants who participated in shaping the 2004 report. At that hearing, faculty members may offer for UCORP's consideration appropriate written evidence, including relevant academic literature and government documents that relate to the funding of academic research in this country and abroad.

UCORP has done a splendid job describing and cataloging the many external restrictions that UC faculty currently face as well as those that pose future threats to their investigative autonomy. Some restrictions, such as those rooted in health and safety concerns, are generally benign and advance the public interest. Others, notably those arising from the post-9/11 anti-terrorism crusade, merit strong condemnation and active resistance by the university community.

The report and resolution, however, did not focus exclusively on these external restrictions. Had they done so, UCPB would have joined the chorus of approval. Whether promoted by the Inspector General of the Commerce Department or the Legacy Foundation, we reject sponsor restrictions that attempt to dictate how research will be done, who will do it, or that seek to limit an investigator's future funding opportunities. Such external "strings" are inherently a violation of academic freedom.

But as former chair of UCORP Janis Ingham so cogently expressed it in her March 16, 2004 letter to Vice Chancellors for Research: “Academic freedom questions are complex. Just as strings limit freedom, barring a faculty member from accepting strings in grants and contracts can be a limitation on the freedom to effectively carry out research of his or her choice.” Such complexity we find lacking in both the report and resolution, where both documents conflate external restrictions with those arising from internal sources within the university and fail to distinguish there between those that are potentially coercive from those that are inherently voluntary and an expression of academic freedom.

UCORP acknowledges that individual faculty have an undoubted right to decline grants from specific sources for any reason whatsoever, but UCORP does not similarly acknowledge that a group of researchers housed in a department, program or division may also voluntarily decline grants from specific sources. Principles of academic freedom apply in both situations and we know of no university policy or regulation that forbids such collective, voluntary actions. The UC Energy Institute based at Berkeley has such a voluntary policy that restricts research funding from utilities, although industry money as well as money from industry critics helps to defray the expense of UCEI’s annual conference. UCORP needs to affirm the legitimacy of such voluntary funding source restrictions, both for individuals and groups of faculty.

A different situation arises, of course, when the internal source restrictions are not wholly voluntary, but become a source of dispute among faculty within a department, ORU, center, program or division. UCORP’s report and resolution claim that individual academic freedom will in all such cases trump internal restrictions upon a particular funding source. However often or loudly one invokes “academic freedom” as the dominate principle, it cannot overcome our doubt that there might be legitimate exceptions to the rule that individual academic freedom must always prevail over the collective interests of an academic unit.

Like UCORP, we reject restrictions rooted in political, ideological or moral beliefs or restrictions wielded as a device to remove a troublesome colleague, but cases may arise where the funding source has a well-documented public record of intentional disregard for the basic integrity of the research enterprise, including the suppression or manipulation of research results or the research process itself solely for commercial advantage. The reputation and welfare of an entire academic unit and its researchers may be at stake in such a situation and must be weighed carefully against individual claims of academic freedom. Such cases will be rare, one hopes, but UCORP has not suggested a process through which the faculty and administration can address such situations that may violate the university’s historic commitment to objective, open and disinterested inquiry while at the same time guaranteeing the rights of individual researchers. What criteria, for example, should enter into making this balancing decision? UCORP needs to address these issues.

Finally, throughout its report, UCORP consistently invokes UC “existing policies and principles” as the foundation of its conclusions, but nowhere are these policies and principles clearly defined with reference to the APM, the PPM or the Standing Orders of the Regents. A complete inventory and text of the relevant sections bearing upon research contracts and grants would be very helpful, particularly since those academic units that have made the decision to eschew certain sources of funding did so after investigating current university policy and maintain that their actions were consistent with those current policies.

Respectfully submitted,

Michael E. Parrish  
Chair, UCPB

cc: UCPB  
Executive Director Bertero-Barcelo